

# CITY OF BLOOMINGTON



November 17, 2022 @ 5:30 p.m.  
City Hall, 401 N. Morton Street  
Common Council Chamber, Room #115

<https://bloomington.zoom.us/j/84077138539?pwd=c0NaU1loVTY2YW9lOEttbG11ZlJ0QT09>

Meeting ID: 840 7713 8539

Passcode: 239578

**CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS (Hybrid Meeting)**

**City Hall, 401 N. Morton Street  
Common Council Chambers, Room #115**

**November 17, 2022 at 5:30 p.m.**

**❖Virtual Meeting:**

<https://bloomington.zoom.us/j/84077138539?pwd=c0NaU1loVTY2YW9lOEtG11ZlJ0QT09>

Meeting ID: 840 7713 8539

Passcode: 239578

**Petition Map:** <https://arcg.is/1y08TWO>

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**ROLL CALL**

**APPROVAL OF MINUTES:** July 21, 2022

**PETITIONS CONTINUED TO:** December 22, 2022

AA-17-22     **Joe Kemp Construction, LLC & Blackwell Construction, Inc.**  
Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr.  
Request: Administrative Appeal of the Notice of Violation (NOV) issued  
March 25, 2022.  
Case Manager: Jackie Scanlan

CU/V-22-22   **Mark Figg**  
2304 N. Martha St.  
Request: Conditional use approval for a 'dwelling, duplex' and a variance from  
rear yard setback standards in the Residential Medium Lot (R2) zoning district.  
Case Manager: Karina Pazos

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**PETITIONS:**

V-46-22     **Chris Brand**  
2311 S. Rogers St.  
Request: Variance from vehicle parking location standards to allow a front yard  
drive and parking within the front building setback in the Residential Medium Lot  
(R2) zoning district.  
Case Manager: Gabriel Holbrow

**\*\*Next Meeting: November 17, 2022**

*Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call [812-349-3429](tel:812-349-3429) or e-mail [human.rights@bloomington.in.gov](mailto:human.rights@bloomington.in.gov).*

- CU-47-22      **Daniel Medford**  
2408 E. 7<sup>th</sup> St.  
Request: Conditional use approval for a 'dwelling, duplex' in the Residential Small Lot (R3) zoning district.  
Case Manager: Karina Pazos
- V-48-22      **Caritas, LLC (Adam Jackson)**  
1420 W. Kirkwood Ave.  
Request: Variance from architectural standards to allow the construction of a new multifamily residence in the Residential High-Density Multifamily (RH) zoning district.  
Case Manager: Eric Greulich
- AA-49-22      **Thomas Ritman (Gilliatte Contractors)**  
3216 E. 3<sup>rd</sup> St.  
Request: Administrative Appeal of the Notice of Violation (NOV) issued June 29, 2022.  
Case Manager: Liz Carter

**\*\*Next Meeting: November 17, 2022**

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**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT****CASE #: V-46-22  
DATE: November 17, 2022****Location: 2311 South Rogers Street**

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**PETITIONER:** Lance Weidner  
2004 West That Road  
Bloomington, IN**CONSULTANT:** Chris Brand  
419 Summer Lake Drive  
Bedford, IN

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**REQUEST:** Variance from the vehicle parking location standards to allow a front yard drive and parking within the front building setback in the Residential Medium Lot (R2) zoning district.

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**REPORT:** The property is located on the east side of South Rogers Street in the Broadview neighborhood. The property is zoned Residential Medium Lot (R2) and is currently a vacant lot without any structures. Surrounding properties are also zoned R2 and contain detached single-family dwellings.

The property formerly contained a single-family detached dwelling which was demolished in 2015. The property is currently vacant, but there is an existing drive cut and driveway apron on Rogers Street for a former front yard drive that served the former house.

In September 2022, the property received a building permit and certificate of zoning compliance (CZC) to construct a new detached single-family dwelling on the property. As required by the UDO in section 20.04.060(i)(2)(B)ii, and as noted on the CZC, in the R2 district “in cases where the side or rear setback area is accessible via an improved alley, no front yard drive or parking shall be permitted.” The rear (east) lot line of the property abuts a public alley with access from West Coolidge Drive. The CZC further noted that if a parking area accessing the alley is constructed, the existing drive cut and driveway apron on Rogers Street must be removed and a new curb must be constructed on Rogers Street.

The petitioner is requesting a variance to allow the existing drive cut to remain and to allow a parking area in the front yard. The size and dimensions of the proposed front parking area are compliant with the standards of the UDO that apply to properties without alley access.

The existing alley is improved with gravel and currently provides access to parking areas for 2305 South Rogers Street, 2306 South Madison Street, and 2310 South Madison Street.

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**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

**20.06.080(b)(3)(E)(i)(1) Standards for Granting Variances from Development Standards:** Pursuant to Indiana Code 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a variance from the development standards of this UDO if, after a public hearing, it makes findings of fact in writing, that:

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

**PROPOSED FINDING:** Approval of the variance to allow the existing drive cut and parking area to remain will not be injurious to the public health, safety, morals, and general welfare of the community. Most of the other properties along South Rogers Street in the Broadview neighborhood have driveways directly on Rogers Street. Although eliminating this existing driveway could provide some benefits to the safety and general welfare of the community by limited the potential vehicular and pedestrian conflict points and potential crash points on this busy neighborhood connector road, allowing the existing driveway to remain would not be injurious to the safety of the corridor in its current condition.

- (2) The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and*

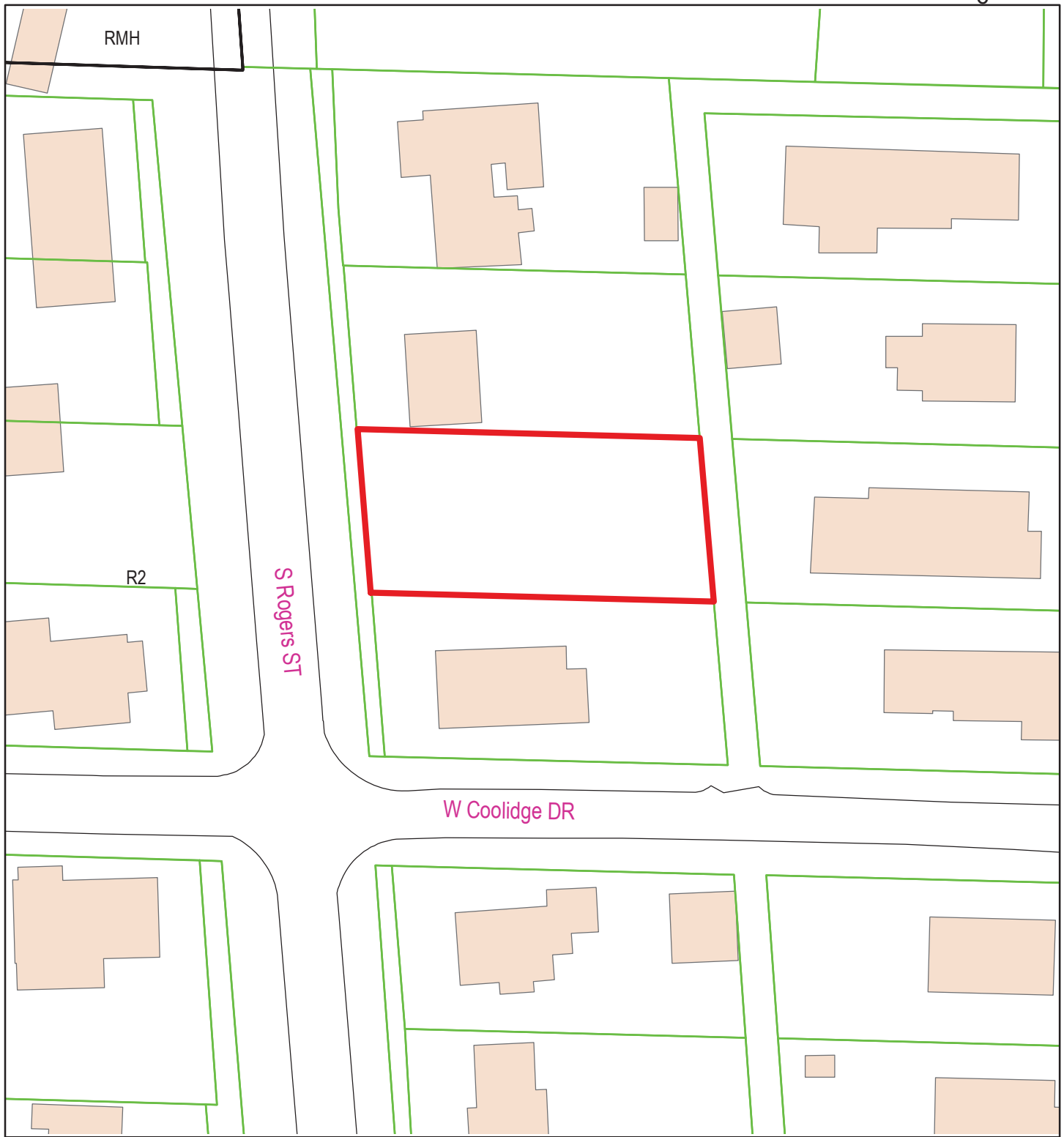
**PROPOSED FINDING:** Approval of the variance will not result in substantial adverse impacts to the use and value of surrounding properties. The proposed driveway and parking area are compliant with the standards of the UDO that apply to properties without alley access and no issues have been raised with the existing driveway.

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

**PROPOSED FINDING:** No practical difficulty is found in the use of the property. Although the presence of the existing drive cut and the requirement to reconstruct the curb add costs to the redevelopment of the property beyond what the petitioner expected, the presence of the improved alley requires vehicular access from the back, as it would for any other property in this situation. While most properties in the Broadview neighborhood derive vehicular access directly from a platted road, at this location, three of the surrounding developed properties use the alley on the east side of the petition site for vehicular access. There is nothing peculiar about the petition site nor is there an impediment at the petition site that would make use of the alley practically difficult.

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**RECOMMENDATION:** Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-46-22 and deny the requested variance.



# 2311 South Rogers Street

City of Bloomington  
Planning & Transportation

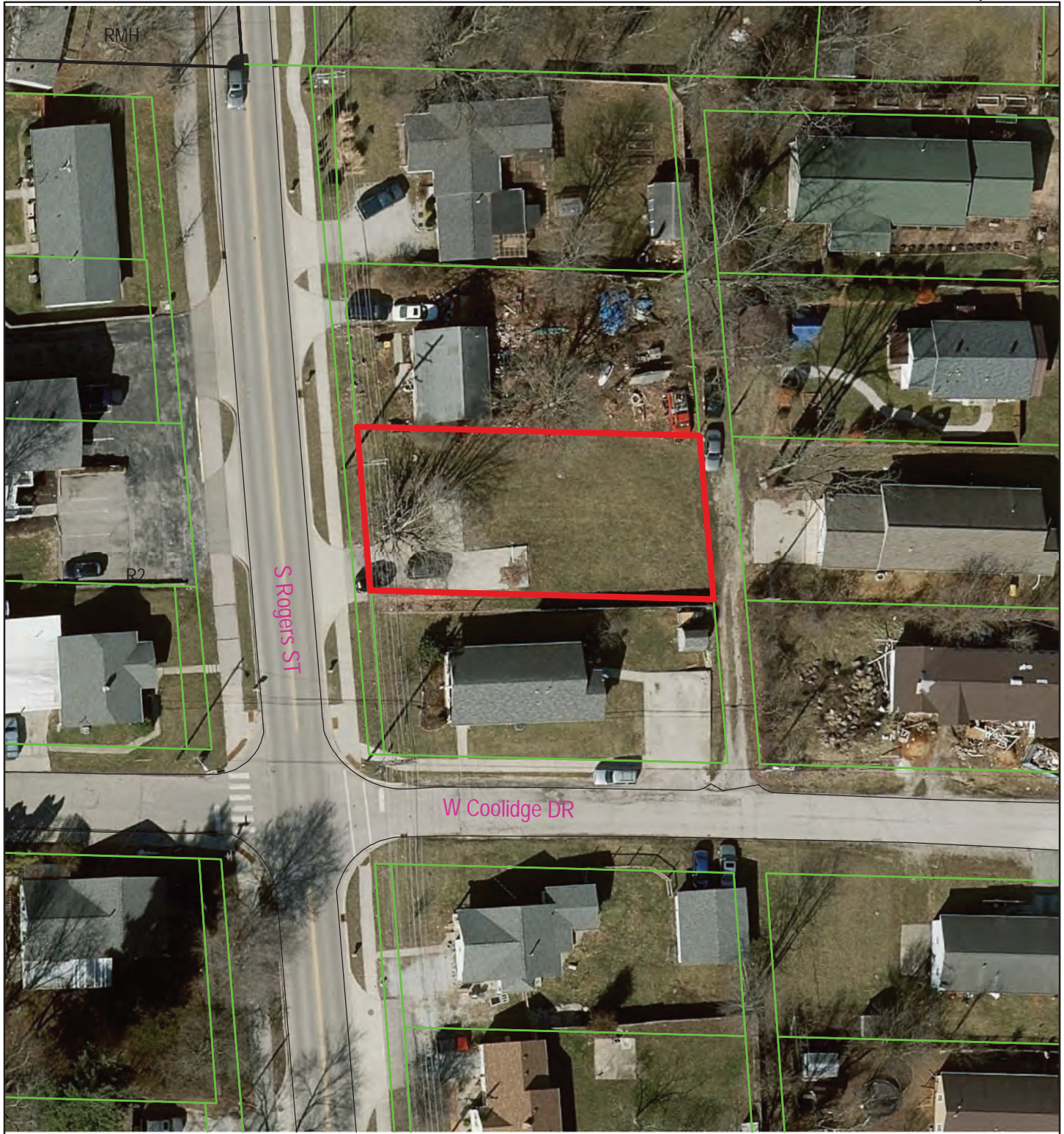


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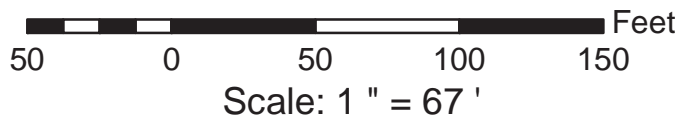
By: Gabriel Holbrow  
11/10/2022

For reference only. Map information NOT warranted.



# 2311 South Rogers Street

City of Bloomington  
Planning & Transportation



By: Gabriel Holbrow  
11/10/2022

For reference only. Map information NOT warranted.

Property Address: 2311 S. Rogers Street, Bloomington, IN

It was brought to our (Lance Weidner and myself) attention that if we were to build a new residential home on the lot, mentioned above, that we couldn't use the existing entrance off of Rogers Street. We were told that we would have to enter and exit the property off of the alley.

It is my understanding that a majority of Rogers Street was re-done a few years back and many, if not all, of the entrances to the properties were re-done as well, and they are extremely nice and well done.

We are asking to use the existing entrance that is currently on the property and not enter and exit the property from the alley.

The existing alley is very narrow and not well maintained.

We understand that Rogers St. is a busy street, however, by singling out one home doesn't seem to make sense, especially when a substantial amount of money was used to redo the area not too long ago. If an entire block or two had been torn down and the new homes being built were asked to use the alley's for access to and from the homes, that would make more sense.

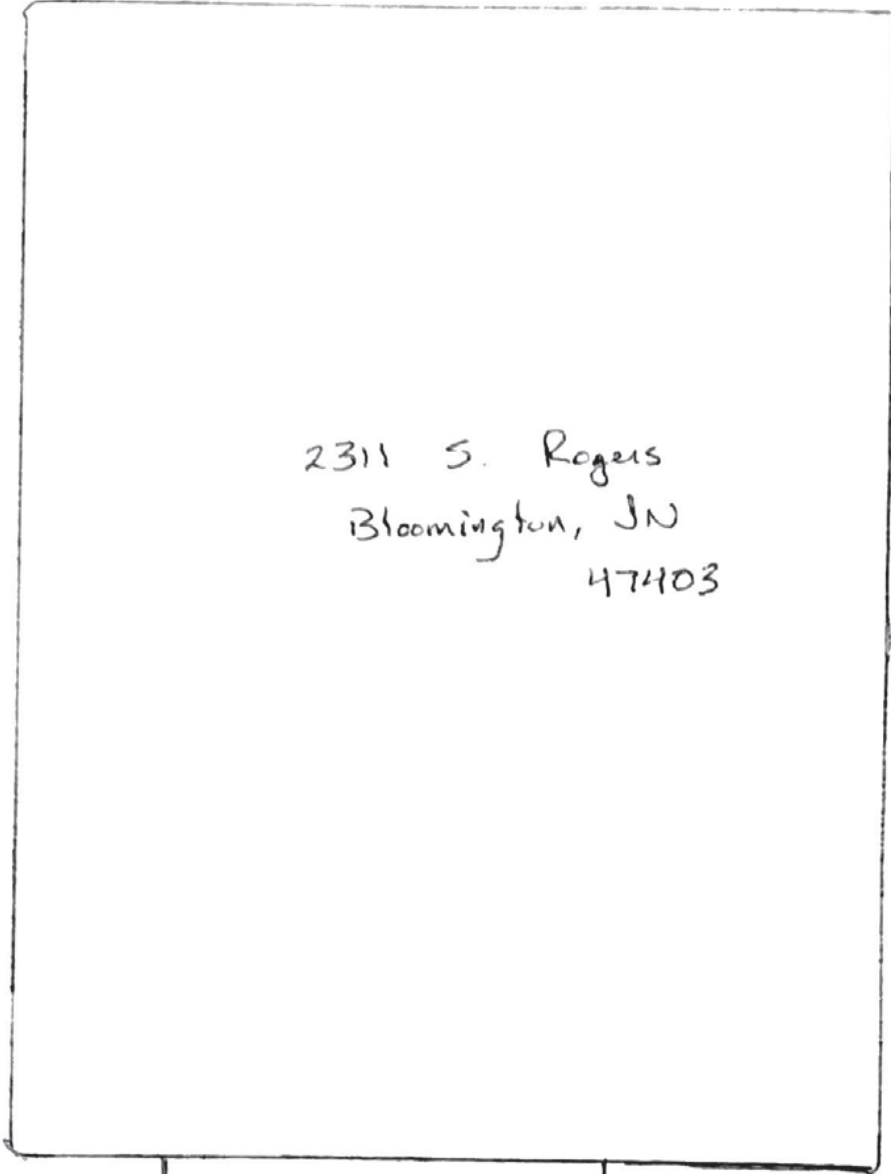
We appreciate your time and consideration in this matter.



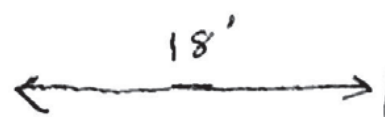
-Chris Brand

812-276-9118





Tree \*



--- Rogers St. ---

V-46-22 Photograph of existing drive cut and driveway apron, provided by petitioner



V-46-22 Photographs by staff

Photo existing improved driveway, viewed from south from east side of driveway



Photo 2 driveway access used by parking areas for 26 south adison tree left and 2 south adison tree right



V-46-22      Photographs by staff

Photo      ey access used by par ing areas for 2      outh   ogers   treet   eft and 2   6   outh  
adison   treet   right



**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**LOCATION: 2408 E 7<sup>th</sup> Street**

**CASE#: CU-47-22**  
**DATE: November 17, 2022**

**PETITIONER:** Daniel Medford  
 3618 Wynbrooke Circle  
 Louisville, KY 40241

**REQUEST:** The petitioner is requesting Conditional Use approval for a ‘dwelling, duplex’ in the Residential Small Lot (R3) zoning district.

**REPORT:** The property is located at 2408 E. 7<sup>th</sup> Street and is currently zoned Residential Small Lot (R3). All surrounding properties are also zoned R3. The property currently contains a 2-story single-family structure that is proposed to be converted into two dwelling units.

The petitioner is proposing to convert the existing basement of the single-family structure into its own dwelling unit, and this will require interior changes such as walling off any interior doors that connect the upstairs level with the downstairs level and separating the utilities for each unit. A full second kitchen currently exists in the downstairs level, which is a nonconforming use of the property. If this conditional use is not approved, then the petitioner will be required to remove the second kitchen and can only keep a sink and countertop to meet compliance.

‘Dwelling, duplex’ is listed as a conditional use in the R3 zoning district and the petitioner is therefore requesting conditional use approval to allow for this dwelling type. The petitioner reached out to the Green Acres neighborhood association and held a meeting on November 3rd, but did not receive any replies and there were no attendees at the meeting.

**CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT**

**20.06.040(d)(6) Approval Criteria**

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

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

**PROPOSED FINDING:** There are use-specific standards that apply to a duplex within the R3 district. In the R3 zoning district, each unit created through renovation or expansion of existing structures shall have at least one exterior entrance facing a public or private street. The design shall incorporate similar design elements as the majority of the existing dwelling structures on the block face. Additionally, no duplex dwelling structure shall contain more than six bedrooms, and each unit shall have separate utility meters. The proposed renovation will not create any exterior changes. The petition complies with other applicable regulations, utility, service, and improvement standards as required by the general compliance criteria. The petition request constitutes a change in use and interior remodel only, which requires compliance with the

following development standards in the Unified Development Ordinance based on *Table 04-1 Development Standards Compliance Thresholds For Conforming Sites and Structures*.

**Dimensional Standards (Disturbed Areas Only):**

- **Setbacks:** The R3 zoning district has a front build-to-line of 15 feet, or the median front setback of abutting residential structures, whichever is less, a minimum of six feet for sides on the first floor and a minimum of 10 feet for each story above the ground floor, and a minimum of 25 feet for the rear setback. The existing structure is in compliance and the proposal will not disturb any exterior areas.
- **Height:** The maximum height in the R3 zoning district is 35 feet. The proposed building will be 25 feet in height. The existing structure is in compliance and the proposal will not disturb any exterior areas.
- **Impervious Surface Coverage:** The maximum impervious surface coverage in the R3 zoning district is 45%. The existing site is in compliance and the proposal will not disturb any exterior areas.

**Environment (Disturbed Areas Only):**

Siltation and Erosion Prevention – No exterior changes are proposed so this requirement does not apply.

**Floodplain (Disturbed Areas Only):**

This site is not located in a floodplain.

**Access and Connectivity (Entire Site):**

Driveways and Access – The petitioner is proposing to use the existing driveway that is less than the 18-foot maximum width for duplex uses.

Pedestrian and Bicycle Circulation – Per the Transportation Plan, the adjacent street typology is designated Neighborhood Connector and has a functional classification of local street. The Transportation Plan calls for a 7-foot wide sidewalk and 8-foot wide treeplot in this street typology, but additions to existing residential structures are exempt from this requirement.

**Parking and Loading (Entire Site):**

Minimum Vehicle Parking Requirement – A duplex use in the R3 zoning district requires a minimum of 0.5 spaces per dwelling unit. The existing parking meets this standard.

Maximum Vehicle Parking Allowance – A duplex use has a maximum of two spaces per dwelling unit. The existing parking total number of spaces is two and meets this standard.

**Site and Building Design (Disturbed Areas Only):**

Building Design – No exterior changes are proposed.

**Landscape, Buffering, and Fences (Disturbed Areas Only):**

No exterior changes are proposed.

**Outdoor Lighting (Entire Site):**

General Standards – The petitioner has not provided specifications on existing lighting. A condition has been added.

**Signs (Entire Site):**

No signs are proposed.

**(C) Additional Criteria Applicable to Conditional Uses**

## i. Consistency with Comprehensive Plan and Other Applicable Plans

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

**PROPOSED FINDING:** This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan designates the site as Mixed Urban Residential and identifies this area as appropriate for low or high-density uses and notes that these areas are well served by existing infrastructure. This property is located in a residential area and the proposal pays attention to how it interacts with adjacent properties. Additionally more housing near the University is desired, and this proposal adds a unit through a remodel.

## ii. Provides Adequate Public Services and Facilities

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

**PROPOSED FINDING:** This site is well served by utility service and no problems with providing utility service to this site are expected. There is an existing sidewalk along the north side of E 7<sup>th</sup> Street with delineated bike lanes along both sides, which connect to existing sidewalk infrastructure along Hillsdale Drive to the east. Adding a dwelling unit by interior remodel of the existing dwelling structure on this lot should not put undue strain on surrounding public services. The petitioner is required to hook each unit up to separate utility meters, and no issues have been identified.

## iii. Minimizes or Mitigates Adverse Impacts

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

**PROPOSED FINDING:** There are no natural or scenic features that will be impacted. The building is not in a local historic district. The addition of a dwelling unit is not expected to have any adverse impacts on surrounding properties. No nuisance regarding noise, smoke, odors, vibrations, lighting, or hours of operation is found. A pre-submittal neighborhood meeting was required as part of the filing process for this conditional use approval. The petitioner reached out to the Green Acres neighborhood association and held a meeting on November 3rd, but did not receive any replies and there were no attendees at the meeting.

iv. Rational Phasing Plan

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

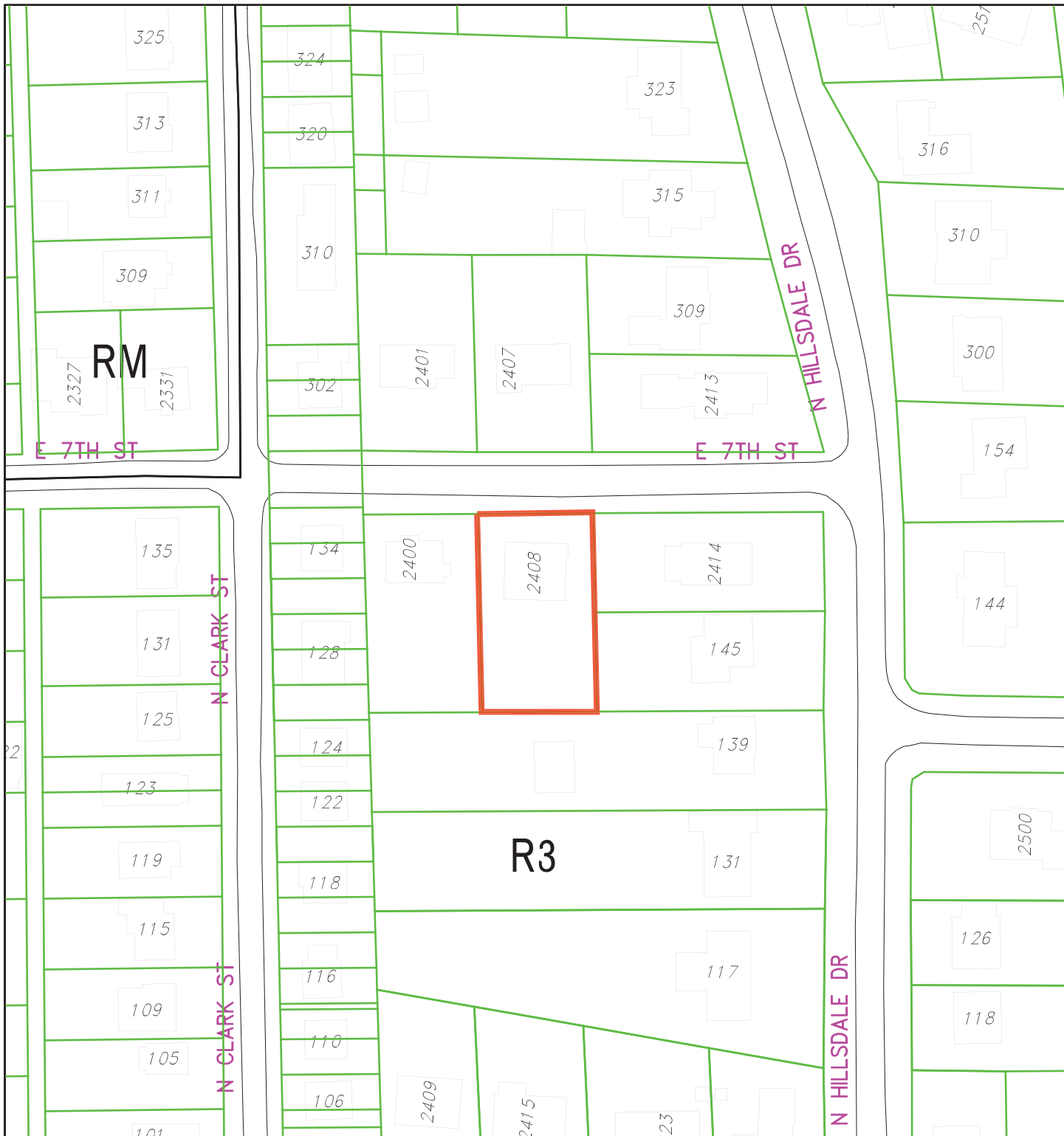
**PROPOSED FINDING:** No phasing is proposed with this plan.

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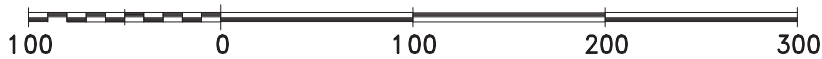
**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-47-22 with the following conditions:

1. This conditional use is limited to an interior remodel as proposed in the filing documents, and no more than six bedrooms total.
2. If conditional use is not approved, the petitioner must remove the second kitchen.
3. A building permit is required before interior remodel can begin.
4. Proof of separate utility hook-up will need to be provided before occupancy.
5. The petitioner must confirm that existing outdoor lighting is in compliance before issuance of a building permit.



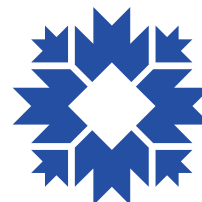


By: karina.pazos  
 10 Nov 22

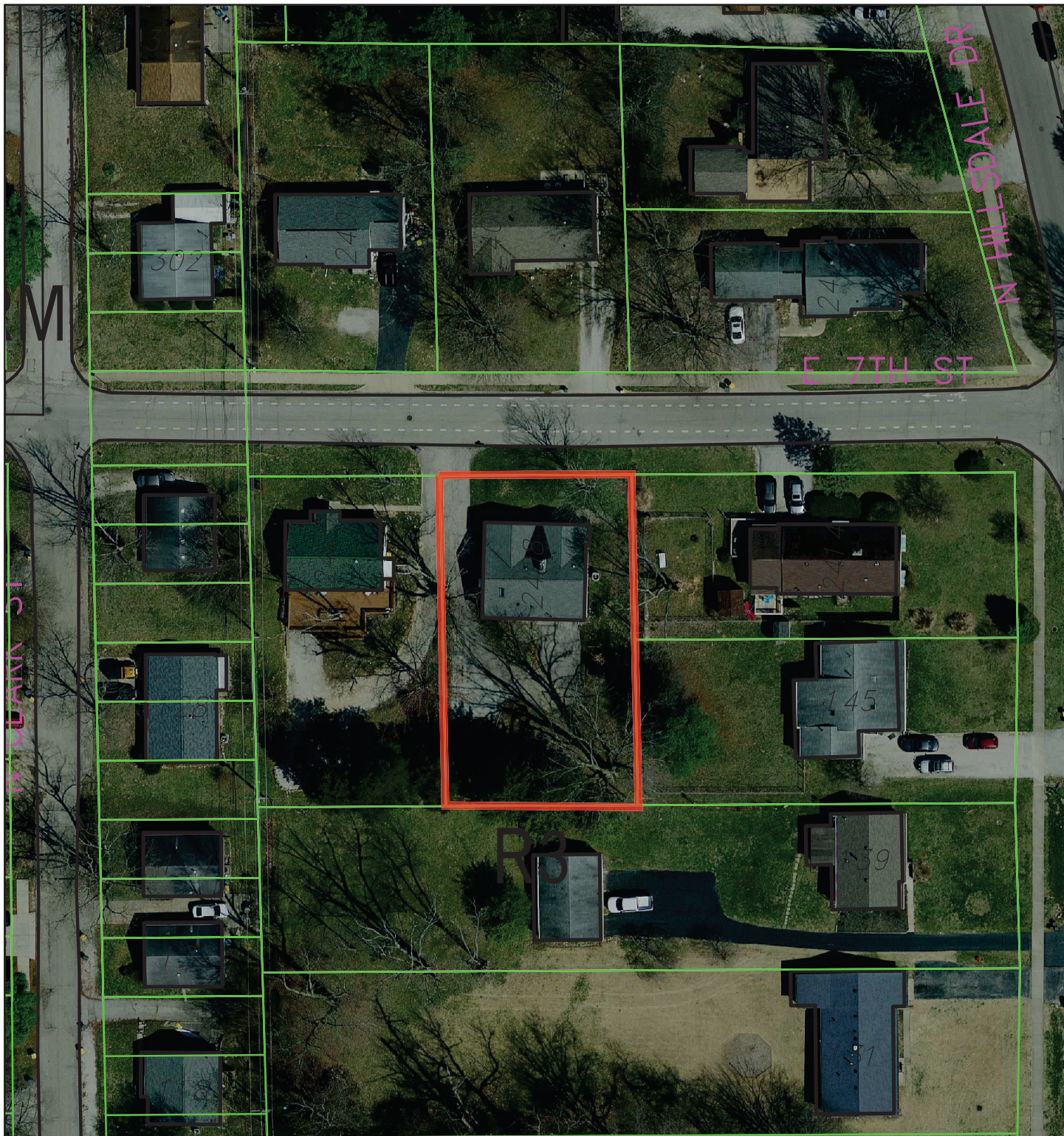


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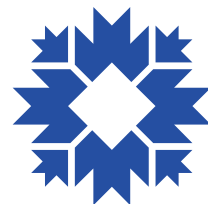
City of Bloomington  
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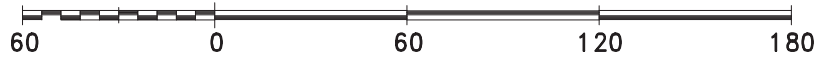
City of Bloomington  
Planning



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By: karina.pazos

10 Nov 22



For reference only; map information NOT warranted.

November 3, 2022

To Whom It May Concern,

My name is Daniel Medford and I'm the owner of the home located at 2408 E 7th St. I'm an active-duty military officer and my wife, daughter, and I lived in the home from 2015-2017 while I was completing my master's degree at IU. Since leaving Bloomington, we've rented the home out, but I will again be returning to IU to complete a PhD program from 2023-2026. I would like to move back into the basement of the home while continuing to rent the three upstairs bedrooms, so I'm applying for a duplex permit from the City of Bloomington.

I have no Notices of Violation on file in the Planning and Transportation Department. The proposal will require no exterior modifications to the property and will comply with all occupancy restrictions. Entrances to the upstairs unit are on the front (north) and west side of the house. Entrances to the bottom unit are on the back (south) side of the house.

Sincerely,

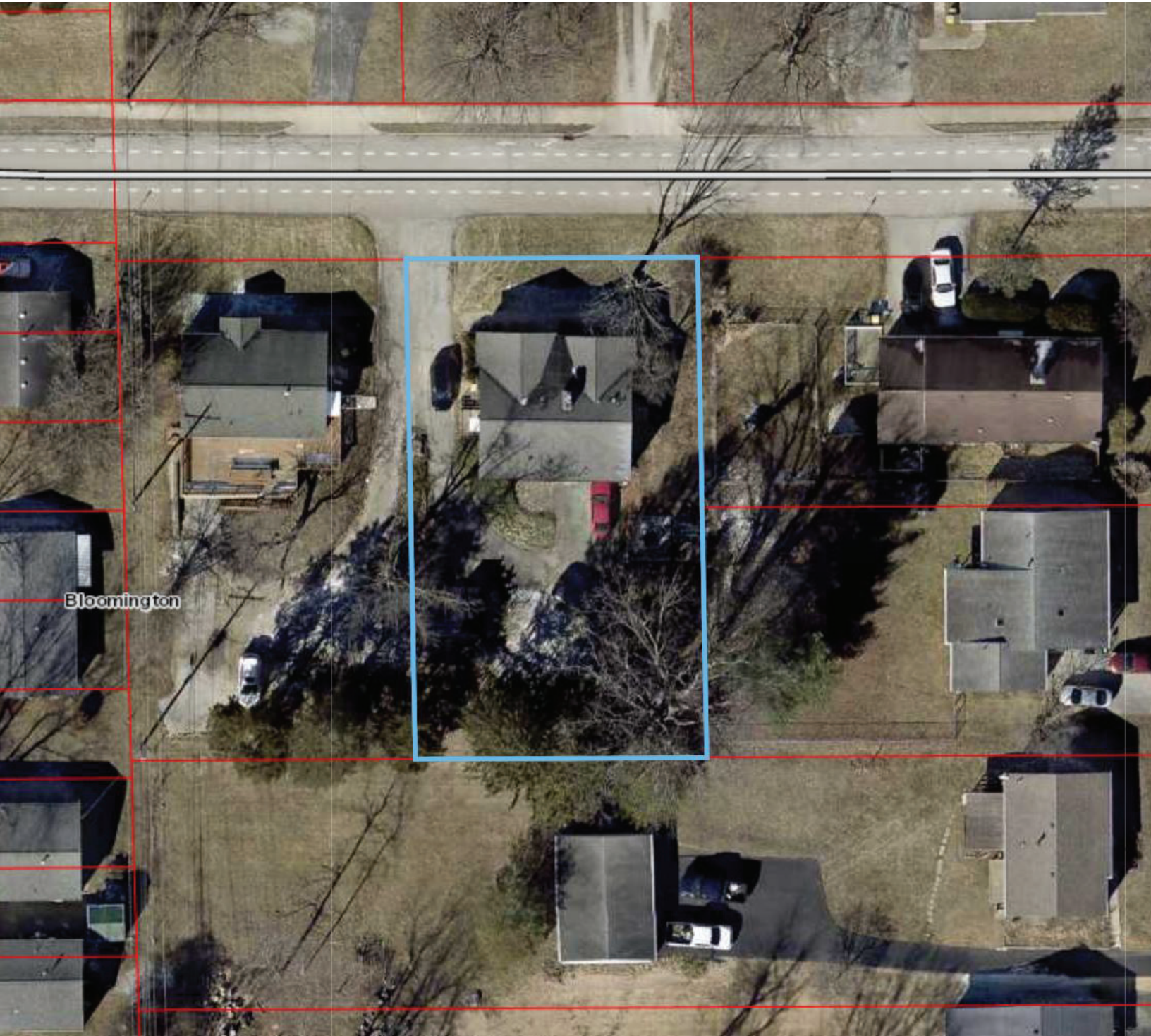
A handwritten signature in black ink, appearing to read "Daniel", with a long horizontal flourish extending to the right.

Daniel P. Medford

Major, U.S. Army

508-612-8969

danielmedford1979@gmail.com



Bloomington



BPS Bloomington Property Services



BPS Bloomington Property Services



BPS Bloomington Property Services



BPS Bloomington Property Services





BPS Bloomington Property Services

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 1420 W. Kirkwood Ave**

**CASE #: V-48-22**  
**DATE: November 17, 2022**

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**PETITIONER:** Adam Jackson (Caritas-Indiana, LLC)  
PO Box 12128,

**CONSULTANTS:** Springpoint Architects, Inc.  
522 W. 2<sup>nd</sup> Street, Bloomington

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**REQUEST:** Variance from architecture standards to allow the construction of a 16-unit multifamily building in the Residential High Density Multifamily (RH) zoning district.

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**REPORT:** This 50'x141' (7,050 sq. ft.) property is located at 1420 W. Kirkwood Ave and is zoned Residential High-Density Multifamily (RH). The property is developed with a single family residence and detached accessory garages. Surrounding properties to the east and west are zoned Residential High-Density Multifamily (RH), Residential Multifamily (RM) to the north, and Mixed Use Medium Scale (MM) to the south. Surrounding land uses include single and multifamily residences to the north, a contractor's yard to the east, a mobile home park to the west, and a church to the south. The property has public roads running along the south (W. Kirkwood Ave.) and west (N. Hopewell St.) property lines. There are no known sensitive environmental features on the site.

The petitioner is proposing to remove the current structures and construct a new four-story multifamily building with 16 units. The petitioner is proposing to construct 2 new on-street parking spaces on Kirkwood Avenue and 5 on-street parking spaces on Hopewell Street. There are no on-site parking spaces required. New 6' wide concrete sidewalks will be required along both frontages and have been shown. New landscaping will also be installed within the site as well as a minimum of 6 bicycle parking spaces. Since the adjacent use to the east is a contractor's yard, the UDO requires a Type 3 buffer yard along the east property line. This requires one deciduous tree every 20 feet, and an evergreen tree every 10' or a 6 foot-tall opaque fence or 5-foot tall undulating berm. The petitioner has incorporated the required plantings for the buffer yard and the Board of Zoning Appeals granted a variance under V-34-22 from sideyard building setback requirements to not require the additional 20' setback required from the Type 3 buffer yard. As mentioned, the lot is 50' wide and the front setback is 15' and the sideyard setback is 10', which only allows for a 25' wide building.

The petitioner is requesting a variance from Section 20.04.070(d)(3)(J) of the Building Design standards due to the difficulty of designing a building that meets all of the architectural standards on this narrow lot. The petitioner has been able to incorporate several elements and design features on the building to meet the desired goals of the architectural standards, however full compliance is not possible on this narrow lot with this proposed residential-style building. The petitioner has incorporated a change in building height of 1.3', included modulation along all four sides, placed windows along all four sides, and included awnings along the ground floor windows.

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## CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

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

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

**PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. As mentioned, the building will meet all building code standards. The reduction in change in building height, modulation, and amount of ground floor windows is not expected to impact the use or value of the areas adjacent to the property. The overall design of the building has incorporated all of the required design elements, however full compliance is not possible due to the property size and building use.

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

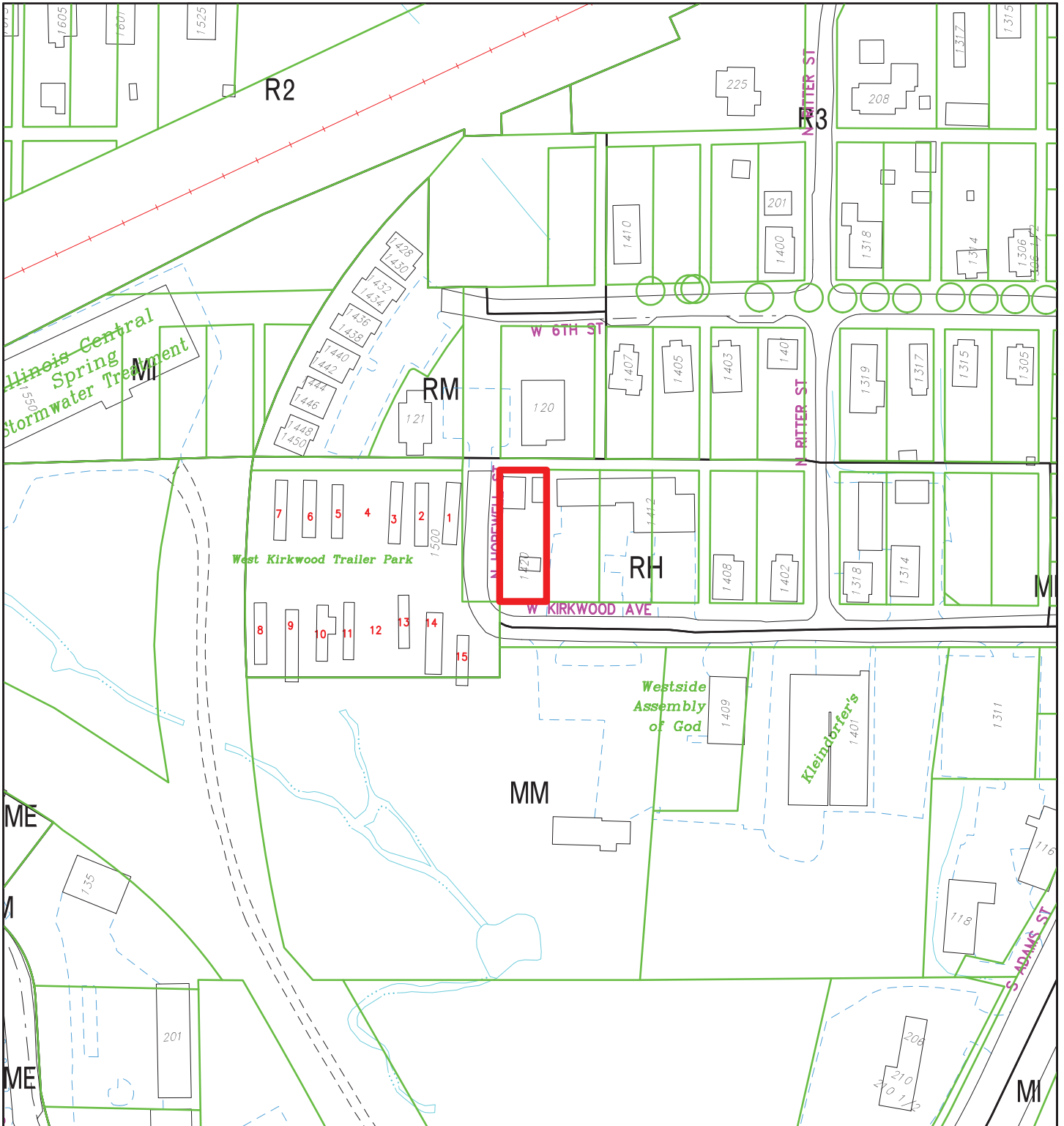
**PROPOSED FINDING:** The Department finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as they would not allow for the property to be developed in any manner consistent with this zoning district due to the narrow width of the lot. The amount of buildable area and width of the lot allows for only a 25' wide building. The 116' length of the building requires 3.48' of modulation on each side and in essence further reduces the width of a building by almost 7' more, reducing the buildable area to only 18' wide. Although the petitioner has incorporated ground floor windows on the east and west sides, it is not possible to incorporate a minimum 50% void-to-solid as this is typically only possible with commercial spaces and this zoning district does not allow for commercial uses. The practical difficulties are peculiar to the property in question because the width and size of the property in combination with the required setbacks do not allow for a building to be designed to be appropriate for this area to occur on the property without the granting of a variance. The petitioner has designed the building to include the all of the required design elements, however full compliance is not possible. The granting of the variance allows for the property to be redeveloped in a manner

consistent with the Comprehensive Plan, zoning district, and provide improvements to the area.

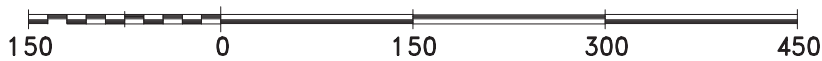
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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-48-22 with the following condition:

1. Site plan approval is required prior to issuance of a grading permit.
2. This approval is for the submitted site plan and elevations only.

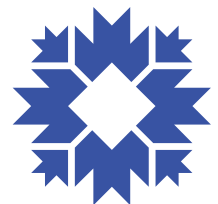


By: greulice  
19 Aug 22

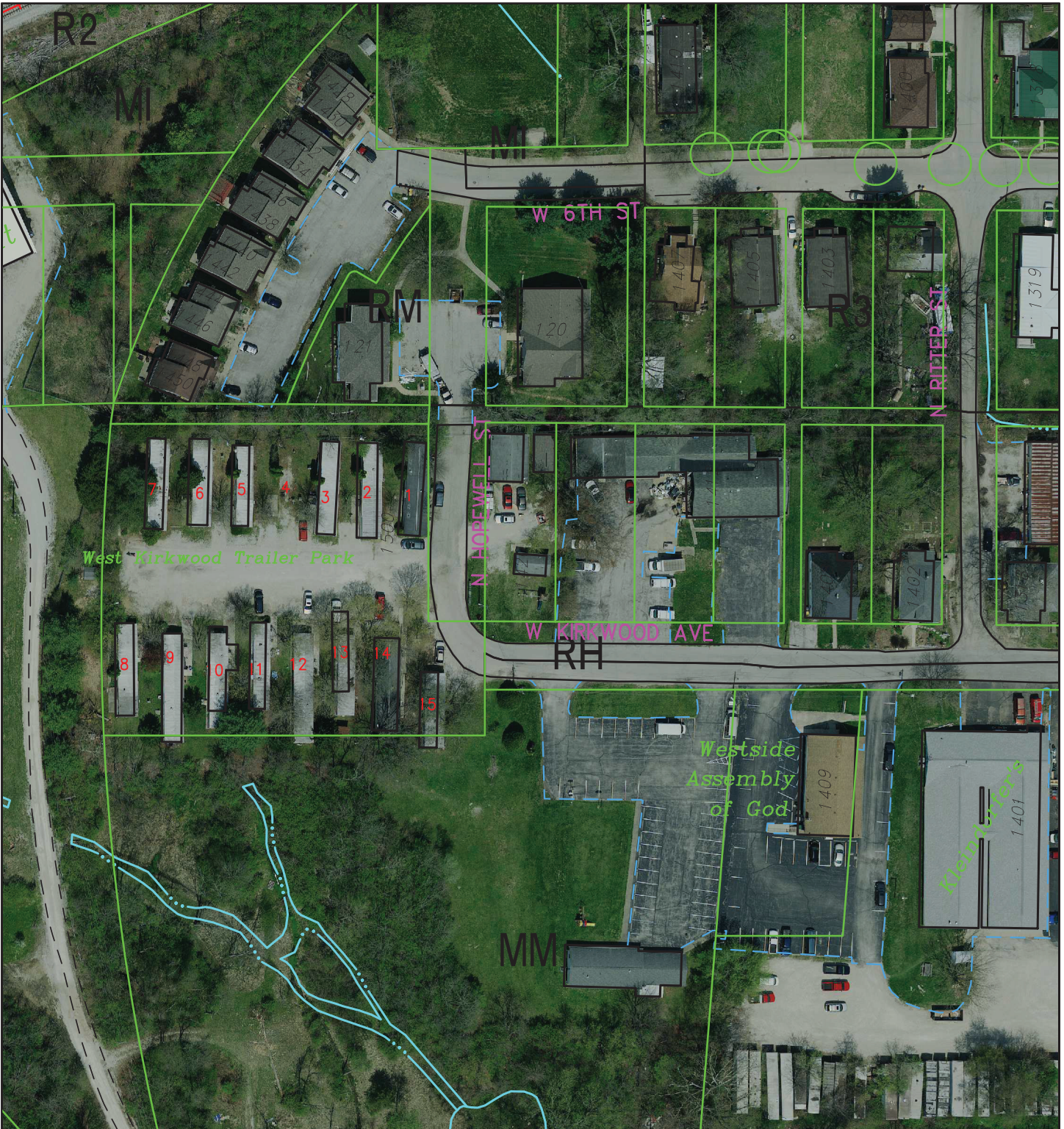


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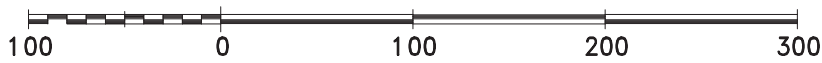
City of Bloomington  
Planning



Scale: 1" = 150'

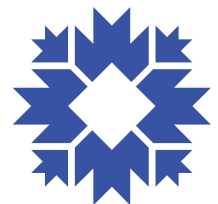


By: greulice  
19 Aug 22



For reference only; map information NOT warranted.

City of Bloomington  
Planning



Scale: 1" = 100'



October 19, 2022

Eric Greulich  
Senior Zoning Planner  
City of Bloomington  
401 N. Morton Street  
Bloomington, IN 47404

Re: Caritas-Indiana 1401 W. Kirkwood Avenue Apartments

Dear Mr. Greulich & Board of Zoning Appeals Members,

Our client, Caritas-Indiana, seeks to build a (4) story, sixteen (16) unit apartment building at 1420 W. Kirkwood Avenue. This affordable housing project will meet the rent requirements for the HUD Housing Choice Voucher Program Section 8.

The site is a corner lot in the Residential High Density (RH) zone, with front setbacks that are 15 feet and the side setbacks that are 10 feet. The property dimensions are 50 feet by 141 feet which, after the setbacks, leaves an allowable building footprint of 25 feet x 116 feet.

Due to the long, thin proportion of the site, the architecture of the project is unable to fully meet the exterior façade provisions of the building design as stated in the Unified Development Ordinance amended on 6/22/2022. We are therefore requesting a variance from some of the exterior façade provisions due to practical difficulties created by the shape of the site.

The building elevations are unable to meet the required three (3) of the four (4) design elements listed below that are to be incorporated every 40 feet on each façade to avoid blank, uninterrupted walls:

- i. Awning or canopy;
- ii. Change in building façade height (minimum of five feet difference)
- iii. A regular pattern of transparent glass constituting a minimum 50 percent of the total wall/façade area of the first-floor façade/elevation facing a street;
- iv. Wall elevation recesses and/or projections; the depth that are at least three percent of the horizontal width of the building façade.

#### **Awning/Canopy**

Awnings or canopies are provided on the north, south and east elevations of the building. These are a combination of sun shades over the windows and steel entry canopies at the entry ways. The east side of the building is open and protection from the elements is available in the stair and walkway. The recessed walkway provides access to the dwelling units.

#### **Change in Building Height**

Due to the shape of the building and long north/south expanse of the west facade of the building acts structurally like a billboard and must resist lateral forces with a series of shear walls. To make the parapets 4' taller increases the forces on the building, significantly increasing the complexity of the design and jeopardizing the feasibility of the project.

**Transparent Glass at First Floor**

This design element is not feasible for an apartment building with dwelling units on the first floor.

**Recesses and Projections**

Given a building length of 116 feet, a .03% offset results in 42" on both the east and west elevations. This would leave an unrealistic building width of 18'. The two open stairs are visible on both long sides of the building and provide the break in the elevations desired by the UDO. It is possible to see through the building. This change occurs within 50 feet rather than 40 feet.

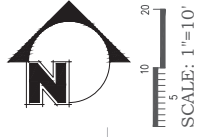
The architecture of the project utilizes the design elements listed above to the greatest extent possible to meet the UDO goals of breaking down the scale and avoiding blank, uninterrupted walls. The long, thin proportion of the site creates practical difficulties in fully meeting all three (3) required design elements.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Barre Klapper". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Barre Klapper, AIA  
Springpoint Architects, pc





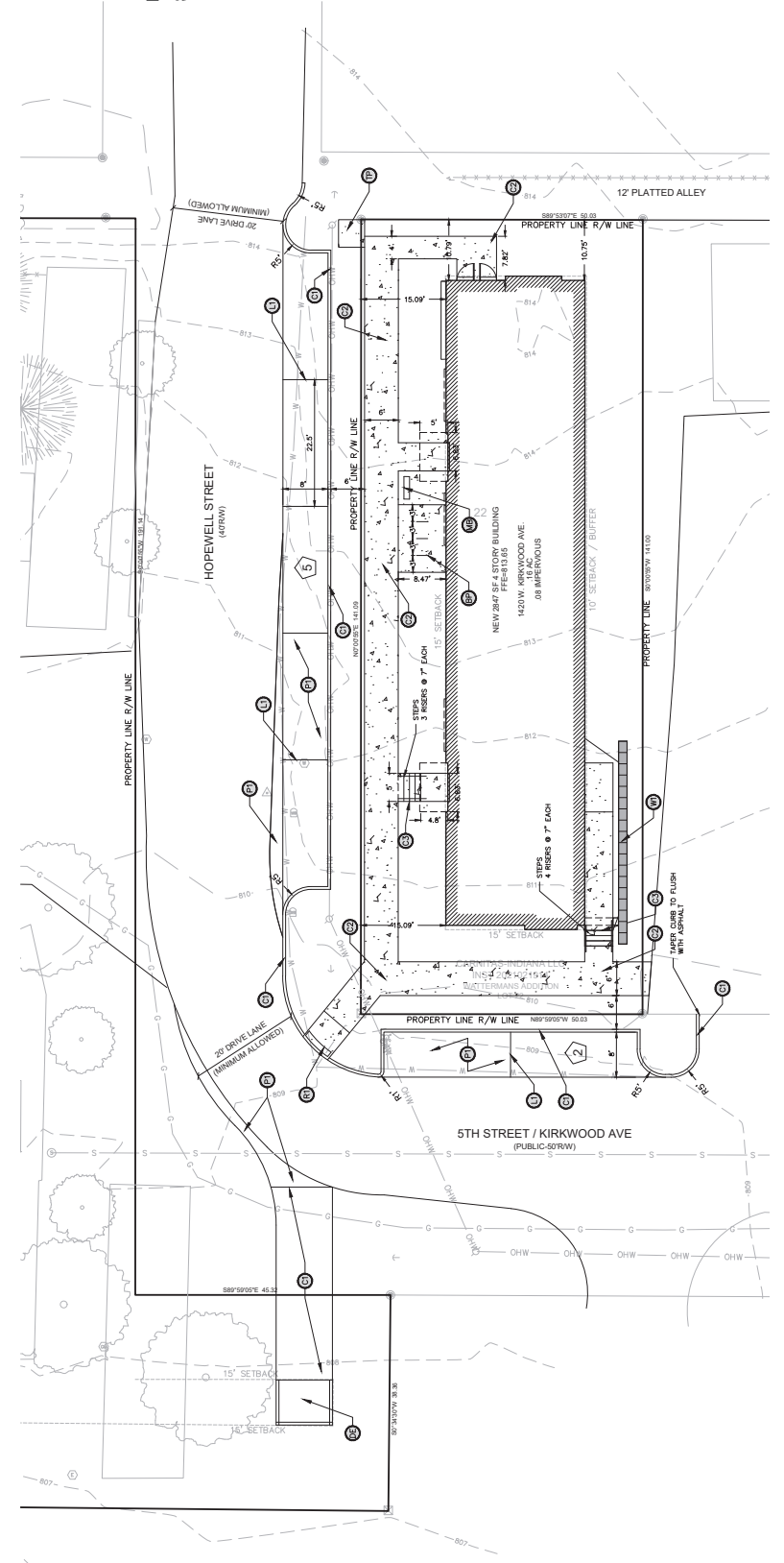
7/15/2022

CARTAS-INDIANA LLC  
1420 WEST KIRKWOOD AVENUE  
BLOOMINGTON, INDIANA

NO.	DATE	BY	REVISIONS

DATE: 07/15/22  
DRAWN BY: WDW  
CHECKED BY: DK  
SCALE: AS SHOWN

PROJECT NO: 6507  
SHEET: 4 OF 13  
DATE: 07/15/22  
SITE PLAN



**MATERIALS LEGEND**

- (C1) 6" STANDING CURB
- (C2) CONCRETE SIDEWALK
- (C3) 4" THICK, 3000 PSI CONCRETE
- (C4) 4" COMPACTED AGGREGATE BASE #33
- (C5) CONCRETE STEPS WITH HANDRAILS
- (D1) DUMPSTER ENCLOSURE
- (D2) 6" WOOD FENCE & GATES
- (R1) 1" HMA SURFACE
- (R2) 1" HMA SURFACE WITH 1/2" ASPHALT
- (R3) 7" COMPACTED AGGREGATE BASE #33 TYPE "C"
- (R4) ACCESSIBLE RAMP WITH DETECTABLE WARNING ELEMENT
- (M1) DRIVE PARKING - CHED HOOP
- (M2) DRIVE PARKING - CHED HOOP
- (M3) NEW MAIL BOX
- (T1) TRANSFORMER PAD LOCATION AND TYPE BY DATE
- (W1) MODULAR BLOCK RETAINING WALL

**SITE DATA**

ZONE	R#-RESIDENTIAL HIGH DENSITY
FRONT SETBACK	15' (2 FRONTS)
REAR SETBACK	15' (2 REARS)
MAX IMPERVIOUS ALLOWED	65%
MIN LANDSCAPE AREA	35%
DRIVE PARKING REQUIRED	50% (2 AC)
PROPOSED IMPERVIOUS AREA	50% (2 AC)

**SITE PLAN NOTES**

1. SIDEWALK RAMP SHALL BE IN ACCORDANCE WITH THE LATEST ADA, INDOT AND CITY OF BLOOMINGTON STANDARDS FOR SIDEWALK RAMP CONSTRUCTION. COORDINATE WORK WITH CITY ENGINEERING PRIOR TO CONSTRUCTION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST ADA, INDOT AND CITY OF BLOOMINGTON STANDARDS FOR SIDEWALK RAMP CONSTRUCTION.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST ADA, INDOT AND CITY OF BLOOMINGTON STANDARDS FOR SIDEWALK RAMP CONSTRUCTION.
4. WITHIN THE PUBLIC RIGHTS RESERVED FOR THIS PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL CITY PERMITS AND FEES NECESSARY FOR THE PROJECT COMPLETION.

**GENERAL NOTES**

1. REQUIREMENTS FOR GROUP 2021 STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST ADA, INDOT AND CITY OF BLOOMINGTON STANDARDS FOR SIDEWALK RAMP CONSTRUCTION.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST ADA, INDOT AND CITY OF BLOOMINGTON STANDARDS FOR SIDEWALK RAMP CONSTRUCTION.
4. TOP OF FINISH ELEVATIONS ARE GIVEN IN THE FOLLOWING LOCATIONS:
  - (1) INETS, GUTTER ELEVATION

- CONSTRUCTION NOTES:
- CONSTRUCTION NOTES: REFER TO ALL DIMENSIONS, CONDITIONS AND LOCATIONS. REPORT DISCREPANCIES TO ARCHITECT.
  - VERIFY ALL DIMENSIONS AND CONDITIONS WITH YOUR TRADE BEFORE STARTING ANY CONSTRUCTION.
  - DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
  - PROVIDE WATER RESISTANT GYPSUM WALLBOARD AT KITCHEN, BATHROOM AND LAUNDRY ROOM WALLS.
  - PROVIDE SOUND ATTENUATION BATS IN BATHROOM WALLS.
  - PROVIDE FLOORING FOR CABINETS, TOILET.
  - PROVIDE BUCKING FOR METALIZATION OF FIBRE GLASS BARS AROUND TOILET AND IN SHOWERS IN ALL TYPE 'B' APARTMENTS. REFERENCE A01 FOR DETAILS.
  - CLOTHES COSETS TO RECEIVE 1/2" DEEP PFC COATED METAL HANGERS.
  - REFERENCE ROOM SCHEDULES FOR WINDOW AND DOOR SCHEDULES ON SHEET A02.
  - REFERENCE SHEET A03 FOR ENRAGED APARTMENT PLANS.
  - REFERENCE ENRAGED STAIR DETAILS ON SHEET A02.

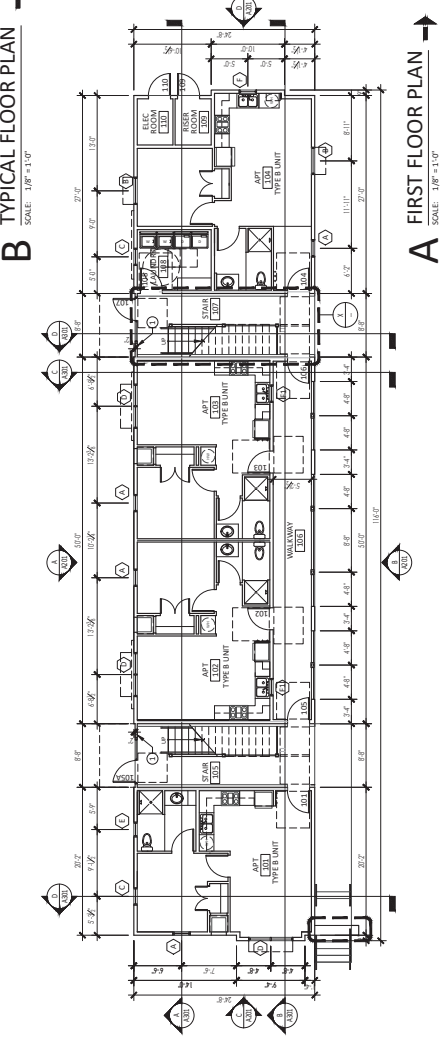
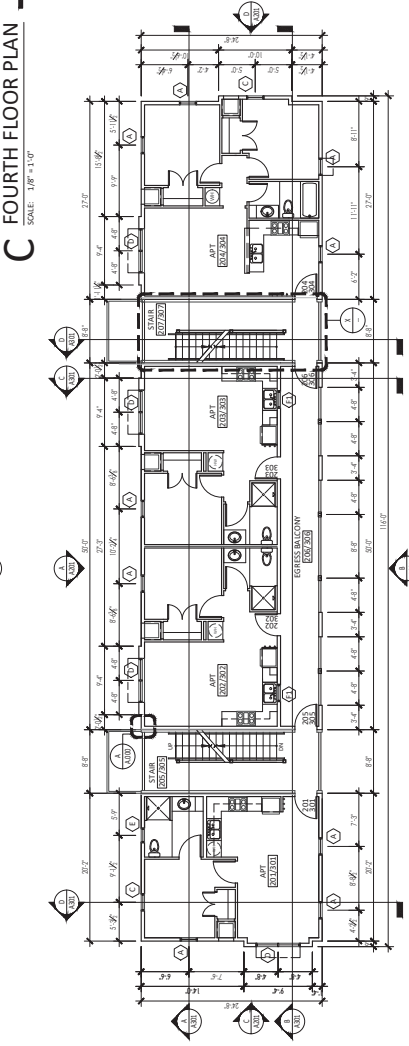
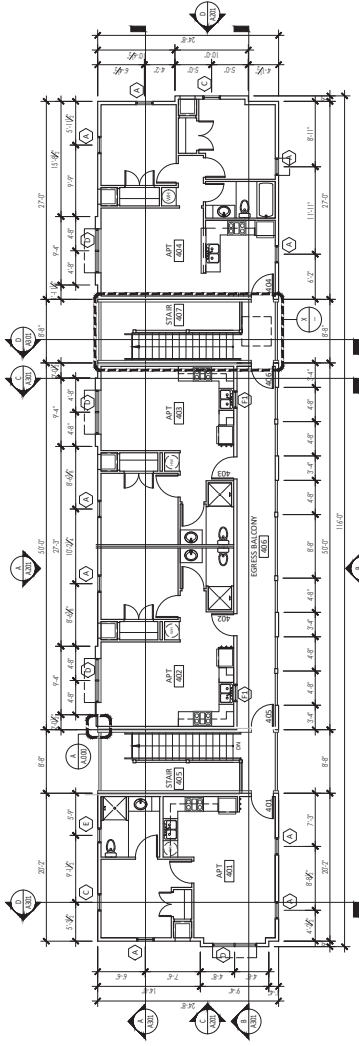
PLAN KEY NOTES

- ① THE EXTINGUISHER CABINET

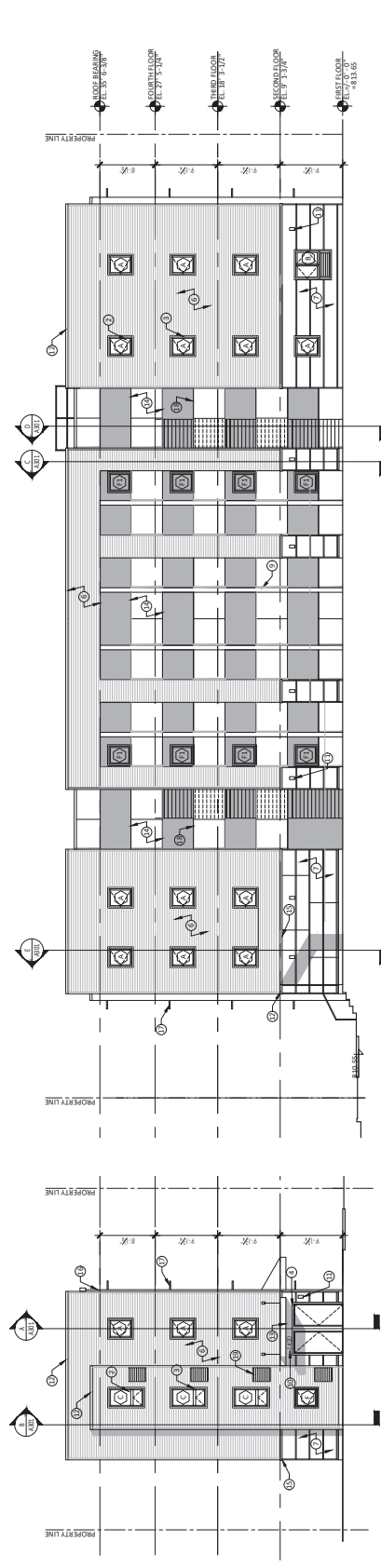
LEGEND

REFERENCE WALL TYPE DETAILS AND CODE PANS

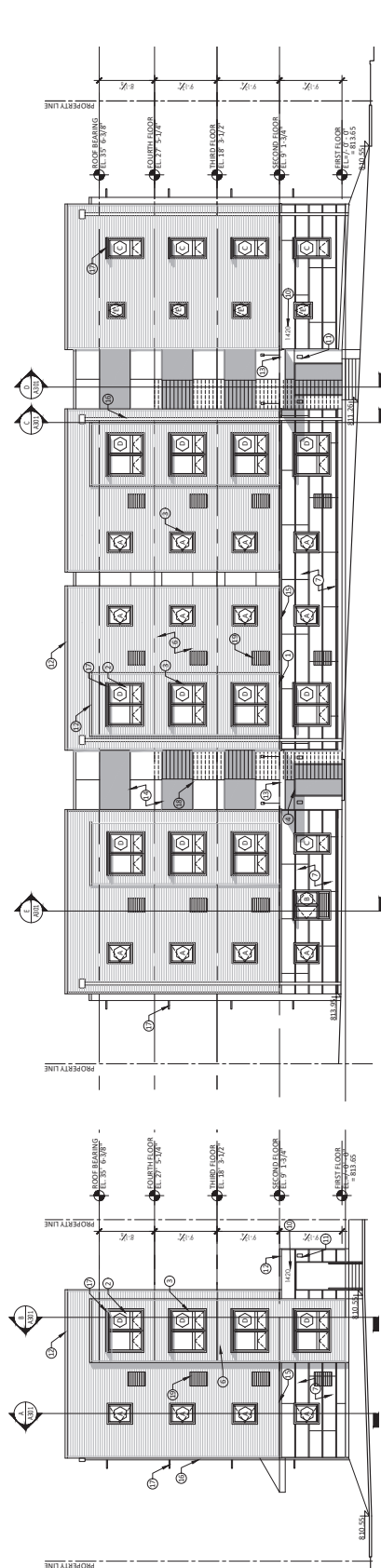
- [Symbol] PRIMARY DOOR ENTRANCE POOL CLEARANCE
- [Symbol] INTERIOR 2X6 PARTITION WALL, TYPICAL U.N.D.
- [Symbol] 1-HOUR 2X6 DWELLING UNIT SEPARATION WALL
- [Symbol] EXTERIOR 2X6 WALL, TYPICAL U.N.D.
- [Symbol] DOOR, REFERENCE SCHEDULE
- [Symbol] 2-HR FIRE BARRIER, 2X6 WALL
- [Symbol] FINISHED FLOOR, CEILING APPEARANCE & FINISH: 30X38 UNFINISHED



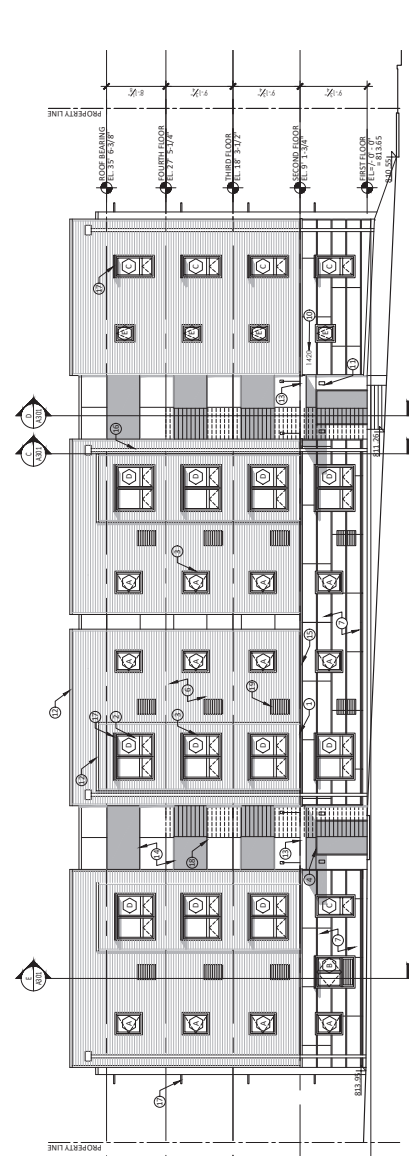
- ELEVATION GENERAL NOTES**
- CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS, TO CONDITIONS AND LOCATIONS. REPORT DISCREPANCIES IMMEDIATELY.
  - ALL WORK SHALL BE IN ACCORDANCE WITH OUR TRADE BEFORE STARTING ANY CONSTRUCTION.
  - REFERENCE WINDOW SCHEDULE ON SHEET A041.
  - ALL FIBER CEMENT BOARD SIDING AND TRIM TO BE SMOOTH-SITE OUT AND PAINTED.
- ELEVATION KEY NOTES**
- 1 X 8 SIBER BOARD, TYP.
  - VINYL WINDOW, TYP.
  - 1 X 4 HEAD, JAMB AND ARCHON WINDOW TRIM, TYP.
  - 1 X 4 JAMB AND HEAD DOOR TRIM, TYP.
  - 1 X 4 CORNER BOARD, TYP.
  - 3/4 X 4 TRANSITION TRIM
  - ALUMINUM SCUPHEE AND DOWNPOUT
  - ALUMINUM SUNSHADE
  - 2X WOOD CAP, IMPREG TO SLOPE, PAINTED TYPICAL A.
  - STEEL BEARING, REFERENCE DETAIL
  - POST WITH 1X WRAP, 5" X 8" FINISHED DIMENSION,
  - 30" HIGH X 4" DEEP ALUMINUM NUMBERS, AVANT GUARD/MEDIUM FONT, 2" SPACERS, BLACK ANODIZED ALUMINUM.
  - LIGHT FIXTURE, TYPICAL
  - 1 X 4" ALUMINUM FASO
  - STEEL ENTRY CANOPY, SEE DETAIL
  - 1 X 4" ALUMINUM BOARD PANEL, SMOOTH, VERTICAL



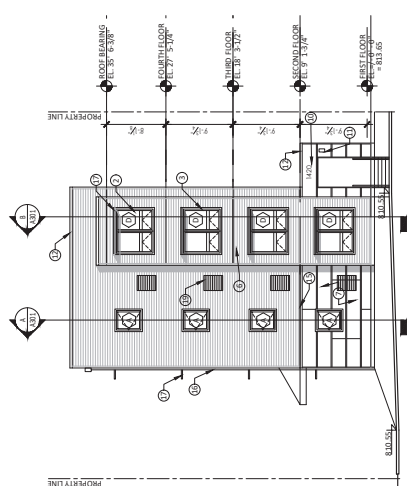
**D** NORTH BUILDING ELEVATION  
SCALE: 1/8" = 1'-0"



**B** EAST BUILDING ELEVATION  
SCALE: 1/8" = 1'-0"



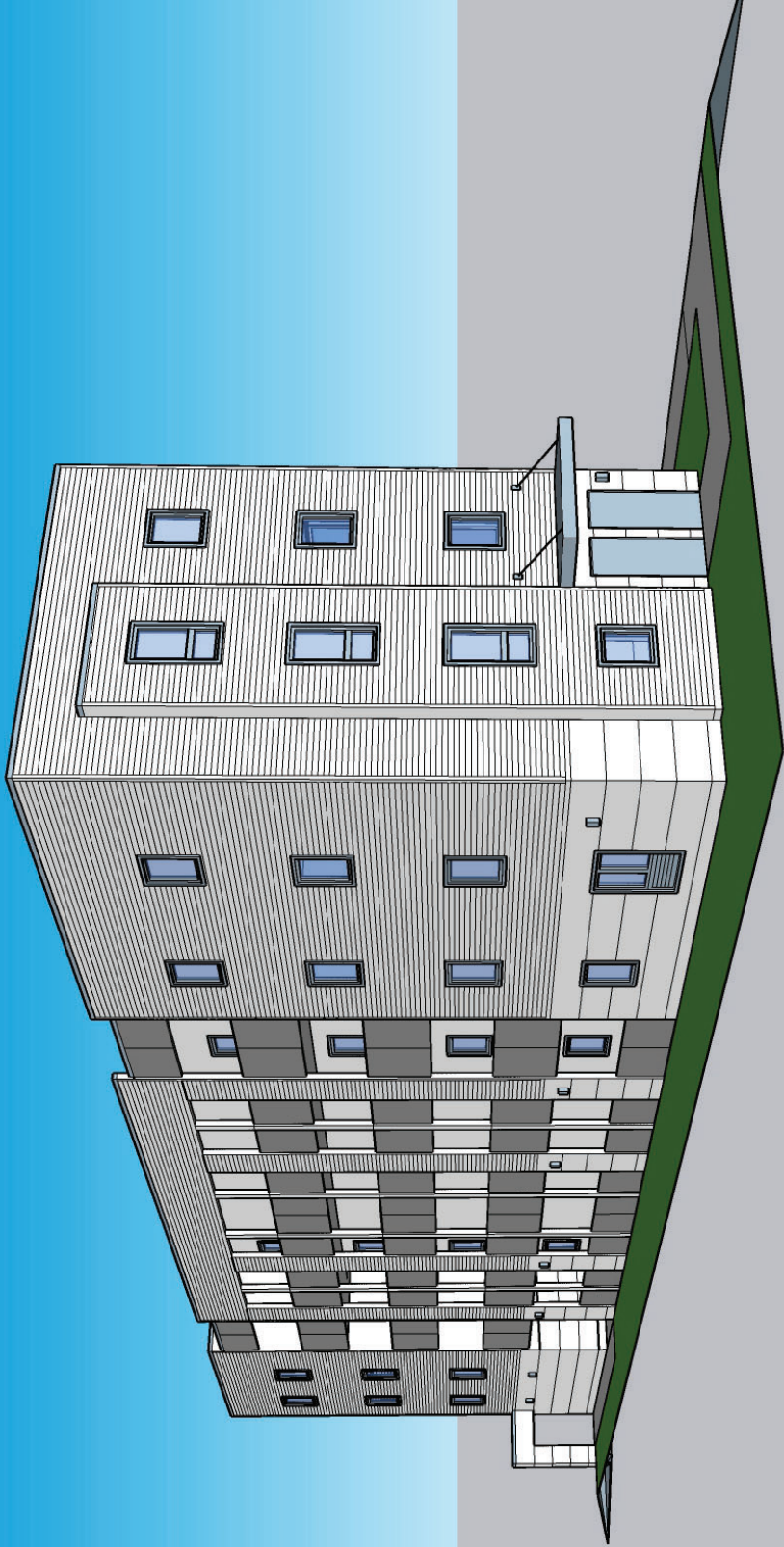
**A** WEST BUILDING ELEVATION  
SCALE: 1/8" = 1'-0"



**C** SOUTH BUILDING ELEVATION  
SCALE: 1/8" = 1'-0"









**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 3216 E. 3<sup>rd</sup> Street**

**CASE #: AA-49-22**  
**DATE: November 17, 2022**

**PETITIONER:** Thomas Ritman, Gilliatte General Contractors, Inc.  
 2515 Bloyd Avenue, Indianapolis, IN 46218

**REQUEST:** The petitioner is requesting an administrative appeal of the issuance of a Notice of Violation Fine Letter for Violation of Environmental Standards.

**REPORT:** This appeal request is the result of a Notice of Violation (NOV) for 3216 E. 3<sup>rd</sup> Street for Violation of Environmental Standards. City of Bloomington staff, specifically the MS4 in Utilities team, is responsible for inspecting construction sites which total over one acre of land disturbance for compliance with approved erosion control plans and applicable environmental regulations. The MS4 team issued an NOV dated June 29, 2022, citing violations of both Title 10: Wastewater and Title 20: Unified Development Ordinance (UDO).

An initial inspection of District at Latimer Square site, located at 3216 E. 3<sup>rd</sup> Street on February 22, 2022, found that the site was non-compliant with sections of Title 10 and Title 20. Staff issued a warning on February 23, 2022 outlining the noncompliant items observed on site, and set a compliance date of March 2, 2022. Staff again inspected the site on March 4, 2022 and found that the site had satisfactorily addressed the items outlined in the NOV Warning.

Two months later, when staff again conducted their routine, monthly inspection on May 5, 2022, the site was again noncompliant. The MS4 Team emailed their inspection report to members of the general contracting team, Gilliatte, and the subcontractor responsible for earthwork, Goodman Construction Company. Inadequate sediment control measures had resulted in pollutants flowing offsite and into the City's storm sewer system. The report outlined issues observed on site, including uninstalled detention basins and silt fencing, inappropriately graded detention ponds with inappropriate matting, and inappropriate construction ingress/egress that allowed for off-site tracking. Staff set a follow-up inspection date of May 13, 2022. A re-inspection took place on May 18, 2022, and the site was still out of compliance.

Staff issued an NOV on May 20, 2022 for violations of both Title 10 and Title 20. The NOV outlined the outstanding issues observed on site and set a compliance date of May 31, 2022. Petitioner did not bring the site into compliance by the compliance date, and staff sent a Notice of Violation and Fines on June 6, 2022. The NOV Fine letter cited both Title 10 and Title 20; specifically, UDO Sections 20.04.030(d)(3)(F) and 20.04.030(d)(3)(N), which read:

(F) Sediment Control. Sediment shall be controlled and contained on site, and control measures shall prevent damage to existing vegetation or pavement . . .

(N) Sequence of Land-Disturbing Activity. Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time. Construction sequencing shall be subject to the approval of the City Planning and Transportation Department.



Petitioner was assessed a fine for violations of both Title 10 and Title 20.

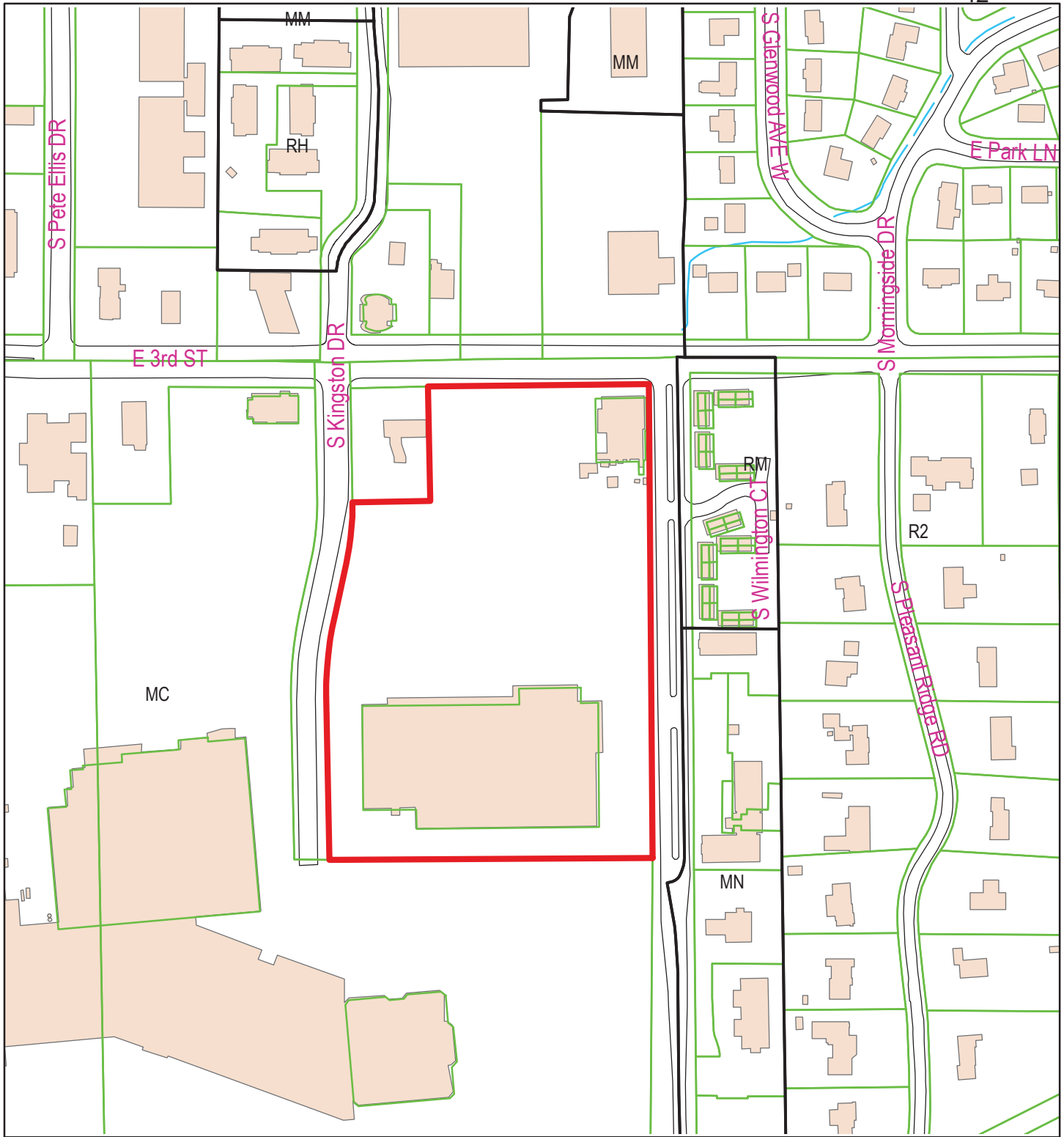
The site came into full compliance on June 16, 2022, and had come into compliance with Title 20 by June 7, 2022. Shortly afterwards, on June 29, 2022, the MS4 Team issued a letter summarizing the fines. The site was out of compliance with UDO Section 20.04.030(d)(3)(N) on June 6 and 7, 2022, resulting in a \$5,000 fine for Title 20 violations. Additional fines associated with violations of Title 10 were also assessed. However, those fines are beyond the scope of the Board of Zoning Appeals' authority.

Upon receipt of the June 29 NOV Fine Summary letter, Gilliatte contacted City staff on July 6, 2022 in writing to state that Gilliatte wished to appeal the NOV Fine Summary. Staff received a formal application for appeal on October 24, 2022.

The site was out of compliance with Section 20.04.030(d)(3)(N) on June 6 and 7, 2022. The site came into compliance on June 8, 2022.

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**RECOMMENDATION:** In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

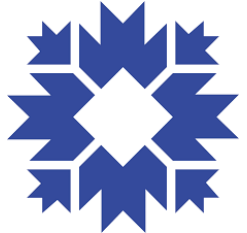


# 2613 East 3rd Street

City of Bloomington  
Planning & Transportation

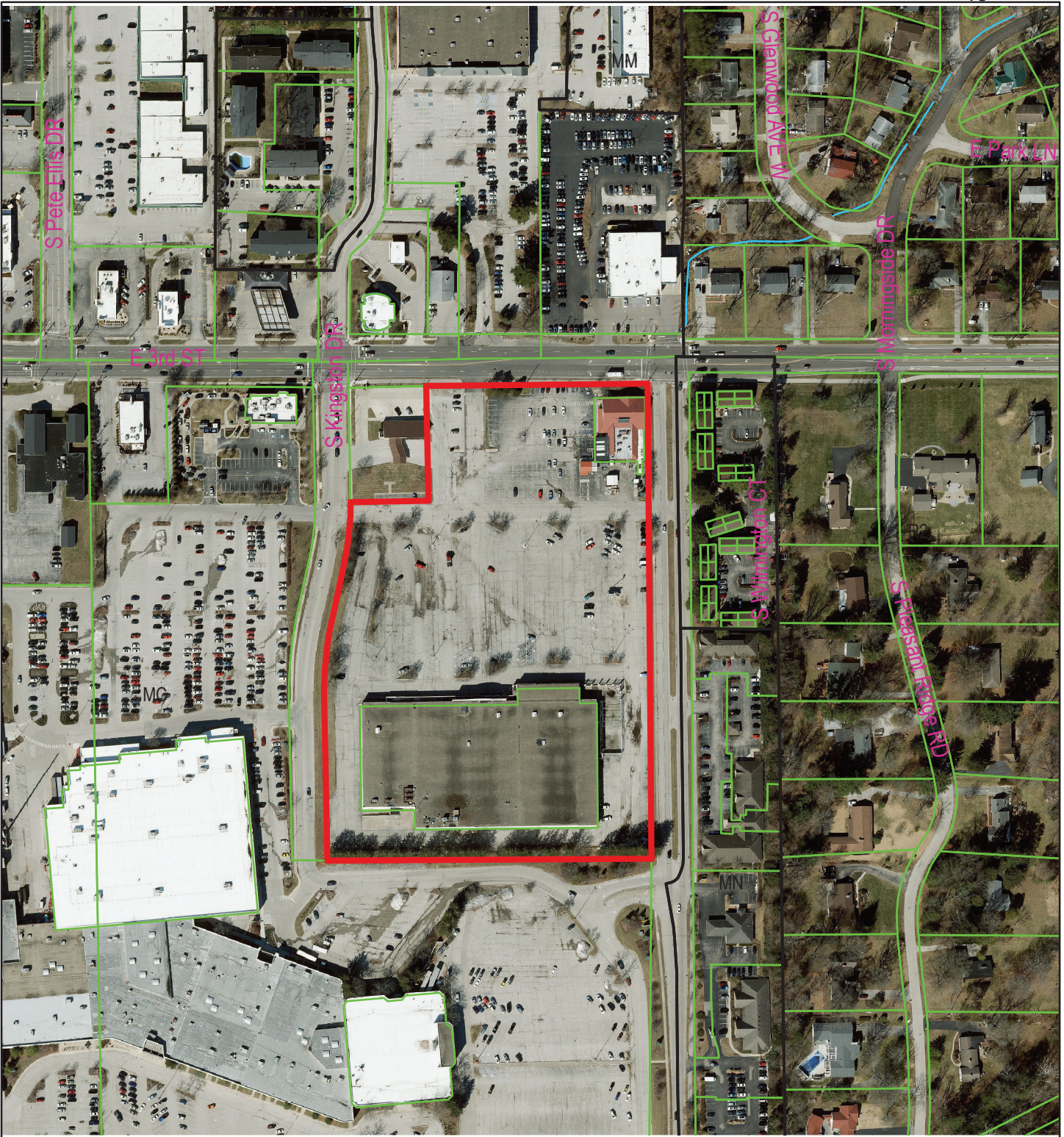


Scale: 1 " = 350 '



By: Gabriel Holbrow  
11/10/2022

For reference only. Map information NOT warranted.



# 2613 East 3rd Street

City of Bloomington  
Planning & Transportation

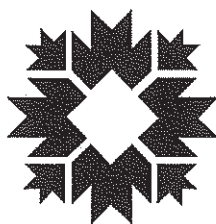


Scale: 1" = 350'



By: Gabriel Holbrow  
11/10/2022

For reference only. Map information NOT warranted.



**CITY OF BLOOMINGTON**  
UTILITIES

February 23, 2021

Certified Mail #: 7007 2560 0001 5327 8571

District at Latimer Square  
Attn: Thomas J. Ritman, President  
Gilliatte General Contractors, Inc.  
2512 Bloyd Avenue  
Indianapolis, IN 46218

**NOTICE OF VIOLATION**

Re: Construction Site Stormwater Control

Dear Mr. Ritman,

On February 22, 2022, City of Bloomington Utilities Department (CBU) MS4 site inspectors, Sam, Arthur and Brent Solbrig, completed a monthly erosion and sediment control rain event inspection for Gilliatte General Contractors, Inc. at the District at Latimer Square project site located at 3216 E. 3rd St, Bloomington, In 47401 (the "Property") and noted multiple deviations from the approved SWPPP. These deviations resulted in a significant amount of pollutants flowing offsite and into the Municipal Separate Storm Sewer System (MS4) which is a violation of Bloomington Municipal Code 10.21.

On February 22, 2022, MS4 Project Coordinator, Katherine Zaiger, visited the Property to determine the extent of the noted violations. During this inspection the following deviations from the SWPPP were identified:

- Failure to follow erosion control sequence
- Stormwater structures did not have proper inlet protection in place
- Detention pond banks were not stabilized and detention pond was not built to grade and was overflowing
- Silt fence critically failing and in need of maintenance
- Silt fence not installed appropriately to catch runoff from exposed soils

This failure to implement and maintain sufficient erosion and sediment controls to minimize the loss of sediment from a construction site is a violation of the following code sections:

- Under BMC 10.21.060(a)(5) – "Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved construction plan."
- Under BMC 10.21.070(a) "Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation."
- Under BMC 10.21.070(e) "Stormwater run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law."
- Under BMC 10.21.070(q) "During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order."

- Under BMC 20.04.030(d)(3)(F) "Sediment Control. Sediment shall be controlled and contained on-site and control measures shall prevent damage to existing vegetation or pavement."
- Under BMC 20.04.030(d)(3)(N) "Sequence of Land-Disturbing Activity. Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time."

**The following corrective actions must immediately, and no later than 2:00 pm on March 3, 2022, be completed:**

1. Install or repair all temporary erosion controls to contain stormwater runoff on the project site where shown according to SWPPP
2. Install all detention basins and silt fencing as directed in erosion control sequence
3. Protect all inlets and storm pipe infrastructure from sediment laden runoff
4. Repair and stabilize all slopes of the detention ponds to plan grade with only SWPPP approved materials (only biodegradable matting)
5. Install construction ingress/egress per the SWPPP and ensure it is maintained with fresh gravel in such a way that minimizes tracking.

No fines are being assessed at this time. However, if you fail to complete any of these corrective actions within the specified timeframes, then CBU will impose fines, escalating up to and including \$2,500.00 per violation per day for each of the cited violations.

You may appeal any or all of the Title 10 violations listed in this notice of violation by filing a notice of appeal with the City of Bloomington Utilities Service Board. The notice of appeal must be received within ten days from the date of this Notice of Violation. Notice shall be delivered to: Utilities Service Board, Attn: Vic Kelson, 600 E. Miller Dr., Bloomington, IN 47402.

You may appeal any or all of the Title 20 violations listed in this notice of violation by filing a notice of appeal with the City of Bloomington Planning and Transportation Department. The appeal shall be filed no later than five days from the date of this Notice of Violation.

If you have questions or concerns about these requirements, you may contact Katherine Zaiger at (812) 606-0803 or email at [katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov).

Sincerely,



Katherine Zaiger  
MS4 Program Coordinator -- Environmental Division  
City of Bloomington Utilities

Cc: Planning & Transportation Department, Grading Permit File

## Stormwater Construction Site Management Inspection Report

### Project Summary

<b>Project Name (ID)</b>	The District at Latimer Square (The District at Latimer Square)	<b>Prioritization</b>	None
<b>Inspection Date</b>	May 05, 2022	<b>Inspection Frequency</b>	1 month
<b>Inspection Type</b>	Routine	<b>Site Score</b>	0.7 (C)
<b>Prepared By</b>	Sam Arthur	<b>Risk Level</b>	

<b>Contact Type</b>	General Contractor	<b>Name</b>	Thomas Ritman
<b>Phone/Email</b>	(317) 638-3355 thomasritman@gilliatte.com		
<b>Contact Type</b>	Property Owner/LRP	<b>Name</b>	Mark Becher
<b>Phone/Email</b>	(765) 233-9399 mbecher@trinitas.ventures		

# Inspection Summary

The **Routine Inspection** submitted by **Sam Arthur** on **May 05, 2022** for site **The District at Latimer Square (The District at Latimer Square)** resulted in a site score of **0.7** based on assessments of **6** temporary BMP(s).

<b>A follow up inspection IS scheduled for May 13, 2022</b>
<b>Enforcement Action WAS issued</b>
Stabilized Construction Entrance/Exit – TC-1
Material Use – WM-2
Silt Fence – SE-1

<b>Additional Issues to Address</b>
Stabilization, Soil Prep, and Roughening – EC-12, EC-15, EC-16
Material Delivery and Storage – WM-1
Silt Fence – SE-1

## Site Documents

<b>Is the ESC Plan and/or SWPPP posted on site?</b>	
<b>Notes</b>	
<b>Photos</b>	

<b>Is the ESC Plan or SWPPP updated?</b>	
<b>Notes</b>	
<b>Photos</b>	

<b>Are QSP Inspection Reports in SWPPP?</b>	
<b>Notes</b>	
<b>Photos</b>	

# Weather

Current Weather	No Precipitation	Weather Notes	
Date of Last Rain		Days Since Last Rain	
Last Rainfall (in)		Rainfall Since Last Inspection (in)	

# Silt Fence

Condition?	Significant Issues (Score = 0.5)	Location Description	Western edge of project area
Latitude/Longitude			
Notes	Soils must not be pushed up to the edge of the site and onto the silt fencing. Remove the accumulated material so that the fencing does not fail in future weather events.		





Photo



## Silt Fence

Condition?	Minor Issues (Score = 0.8)	Location Description	South East Corner of project site
Latitude/Longitude			
Notes	Silt fence should be installed in this location so that there is no gap in the connection around the project site.		

Photo



## Preservation of Existing Vegetation and Property

Condition?	Minor Issues (Score = 0.8)	Location Description	Fire Hydrant along Clarizz Blvd.
Latitude/Longitude			
Notes	Pot hole around existing water hydrant should be staked off to prevent a pedestrian from injuring themselves.		


Photo




### Stabilized Entrance/Exit


Condition?	Significant Issues (Score = 0.5)	Location Description	Construction Ingress/Egress
Latitude/Longitude			
Notes	Stone aggregate should be of sufficient size (#2) to capture soils from tires leaving the construction site.		
Photo			

### Material Delivery and Storage

Condition?	Minor Issues (Score = 0.8)	Location Description	Southern side of property, on silt fencing
Latitude/Longitude			
Notes	Materials must not be stored on erosion control structures.		
Photo			

## Material Use on Site

Condition?	Significant Issues (Score = 0.5)	Location Description	North East corner of project site, near project office
Latitude/Longitude			
Notes	Ensure that fluids are stored correctly and do not take on water and spill.		
Photo			

Are all structural BMPs being protected from construction activities?	No
Notes	Sediment traps must be maintained with stabilized banks
Photo	

## Current Site Score

Category	Total
Required Temporary BMPs	6
Failing / Absent / Wrong Location Temporary BMPs	0
<p style="text-align: center;"><b>Current Site Score</b></p> <p>Site scoring is calculated based on the average score of all required temporary BMPs.</p> <p style="text-align: center;">0-0.5 (F) / 0.6 (D) / 0.7 (C) / 0.8 (B) / 0.9-1.0 (A)</p>	0.7 (C)

## Enforcement Actions


Stabilized Construction Entrance/Exit – TC-1
Material Use – WM-2
Silt Fence – SE-1

## Additional Issues to Address

Stabilization, Soil Prep, and Roughening – EC-12, EC-15, EC-16
Material Delivery and Storage – WM-1
Silt Fence – SE-1

## Follow Up Inspection

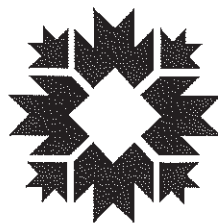
Schedule follow up inspection?	Yes - May 13, 2022
--------------------------------	--------------------

General Notes	
General Photos	
Site Representative	SITE REPRESENTATIVE NOT ON SITE
Inspector	 Sam Arthur May 05, 2022



Incomplete and non-stabilized sediment basin at 3216 E. 3rd St on 05/16/2022.





**CITY OF BLOOMINGTON**  
UTILITIES

May 20, 2021

Certified Mail #: 7007 2560 000153278656

District at Latimer Square  
Attn: Thomas J. Ritman, President  
Gilliatte General Contractors, Inc.  
2512 Bloyd Avenue  
Indianapolis, IN 46218

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On May 5, 2022, City of Bloomington Utilities Department (CBU) MS4 site inspector, Sam Arthur, completed a monthly erosion and sediment control rain event inspection for Gilliatte General Contractors, Inc. at the District at Latimer Square project site located at 3216 E. 3rd St, Bloomington, In 47401 (the "Property") and noted multiple deviations from the approved SWPPP.

- Failure to follow erosion control sequence
- Stormwater structures did not have proper inlet protection in place
- Construction entrance not constructed with appropriate materials or appropriately maintained
- Detention pond banks were not stabilized and not all detention ponds present in areas actively under construction
- Silt fence failing and in need of maintenance
- Silt fence or other perimeter controls not installed appropriately to catch runoff from exposed soils
- Hazardous materials not properly stored, taking on water a spilling

These deviations resulted in pollutants flowing offsite and into the Municipal Separate Storm Sewer System (MS4) which is a violation of Bloomington Municipal Code 10.21. As per the inspection, deviations from the SWPPP were to be corrected on or before May 13, 2022. On May 18, 2022 CBU returned to follow up on the inspection. During the inspection CBU noted that the following issues were not corrected as required:

- Silt fence or other perimeter controls not installed appropriately to catch runoff from exposed soils
- Detention pond banks were not stabilized and not all detention ponds present in areas actively under construction
- Construction entrance not adequately maintained
- Silt fence failing and in need of maintenance

This failure to implement and maintain sufficient erosion and sediment controls to minimize the loss of sediment from a construction site is a violation of the following code sections:

- Under BMC 10.21.060(a)(5) – "Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved construction plan."

- Under BMC 10.21.070(a) "Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation."
- Under BMC 10.21.070(e) "Stormwater run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law."
- Under BMC 10.21.070(q) "During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order."
- Under BMC 20.04.030(d)(3)(F) "Sediment Control. Sediment shall be controlled and contained on-site and control measures shall prevent damage to existing vegetation or pavement."
- Under BMC 20.04.030(d)(3)(N) "Sequence of Land-Disturbing Activity. Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time."

**The following corrective actions must immediately, and no later than 2:00 pm on May 31, 2022, be completed:**

1. Install or repair all temporary erosion controls to contain stormwater runoff on the project site where shown according to SWPPP
2. Install all detention basins and silt fencing as directed in erosion control sequence
3. Repair and stabilize all slopes of the detention ponds to plan grade with only SWPPP approved materials (only biodegradable matting)
4. Install construction ingress/egress per the SWPPP and ensure it is maintained with fresh gravel in such a way that minimizes tracking.

No fines are being assessed at this time. However, if you fail to complete any of these corrective actions within the specified timeframes, then CBU will impose fines, escalating up to and including \$2,500.00 per violation per day for each of the cited violations.

You may appeal any or all of the Title 10 violations listed in this notice of violation by filing a notice of appeal with the City of Bloomington Utilities Service Board. The notice of appeal must be received within ten days from the date of this Notice of Violation. Notice shall be delivered to: Utilities Service Board, Attn: Vic Kelson, 600 E. Miller Dr., Bloomington, IN 47402.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance (Title 20), you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

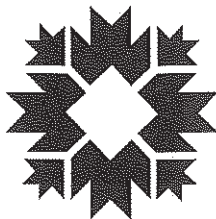
If you have questions or concerns about these requirements, you may contact Katherine Zaiger at (812) 606-0803 or email at [katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov).

Sincerely,



Katherine Zaiger  
MS4 Program Coordinator – Environmental Division  
City of Bloomington Utilities

Cc: Planning & Transportation Department, Grading Permit File



**CITY OF BLOOMINGTON**  
UTILITIES

June 6, 2021

Certified Mail #: 7007 2560 0001 5327 8663

District at Latimer Square  
Attn: Thomas J. Ritman, President  
Gilliatte General Contractors, Inc.  
2512 Bloyd Avenue  
Indianapolis, IN 46218

**NOTICE OF VIOLATION AND FINES**

Re: Construction Site Stormwater Control

Dear Mr. Ritman,

On May 5, 2022, City of Bloomington Utilities Department (CBU)MS4 Coordinator, Katherine Zaiger, along with MS4 site inspector, Brent Solbrig, conducted and completed an erosion and sediment control Notice of Violation (NOV) follow up inspection for Gilliatte General Contractors, Inc. at the District at Latimer Square project site located at 3216 E. 3rd St, Bloomington, In 47401 (the "Property") and noted multiple deviations from the approved SWPPP. The NOV was issued May 20, 2022 and listed the following deviations from the approved SWPPP which resulted in pollutants flowing offsite and into the Municipal Separate Storm Sewer System (MS4) which is a violation of Bloomington Municipal Code 10.21.

- Silt fence or other perimeter controls not installed appropriately to catch runoff from exposed soils
- Detention pond banks were not stabilized and not all detention ponds present in areas actively under construction per the SWPPP
- Construction entrance not adequately maintained
- Silt fence failing and in need of maintenance

**Per the NOV the following corrective actions were to be corrected no later than 2:00 pm on May 31, 2022:**

1. Install or repair all temporary erosion controls to contain stormwater runoff on the project site where shown according to SWPPP
2. Install all detention basins and silt fencing as directed in erosion control sequence
3. Repair and stabilize all slopes of the detention ponds to plan grade with only SWPPP approved materials (only biodegradable matting)
4. Install construction ingress/egress per the SWPPP and ensure it is maintained with fresh gravel in such a way that minimizes tracking.

These actions have not been taken and the violations remain unresolved. This failure to implement and maintain sufficient erosion and sediment controls to minimize the loss of sediment from a construction site is a violation of the following Bloomington Municipal Code sections:

- Under BMC 10.21.060(a)(5) – "Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved construction plan."

- Under BMC 10.21.070(a) "Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation."
- Under BMC 10.21.070(e) "Stormwater run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law."
- Under BMC 10.21.070(d) "Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations."
- Under BMC 10.21.070(q) "During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order."
- Under BMC 20.04.030(d)(3)(F) "Sediment Control. Sediment shall be controlled and contained on-site and control measures shall prevent damage to existing vegetation or pavement."
- Under BMC 20.04.030(d)(3)(N) "Sequence of Land-Disturbing Activity. Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time."

In accordance with BMC Section 10.21.150 and 20.06.100 (d), violations of this nature may result in a \$2,500 fine per violation per day. Each day a violation is allowed to continue is considered to be a distinct and separate violation. **As a result of these four violations, pursuant to BMC sections 10.21.150 and 20.06.100 (d), Gilliate General Contractors is hereby assessed a fine of \$10,000.00 (\$7,500.00 for the title 10 violations and \$2,500.00 for the title 20 violations) commencing on 6/3/2022 for each of the remaining four unresolved violations of BMC 10.21.070 and BMC 20.04.030 (listed above).**

**Gilliate General Contractors shall be assessed an additional \$2,500.00 per violation per day for each day that each violation remains uncured to the satisfaction of the City. Gilliate General Contractors shall immediately do the following:**

1. Bring all erosion control measures into compliance **AND**;
2. Install detention basins per SWPPP or submit revised SWPPP with adequate replacement controls, **AND**;
3. Contact the City of Bloomington Utilities for an inspection of the Property once all violations have been remedied.

Failure to do so and the City will initiate a lawsuit against Gilliate General Contractors seeking an injunction to stop all work on the Property and order fines of \$20,000.00 per day dating back to May 5, 2022 for each day that Gilliate General Contractors has been out of compliance with Titles 10 and 20.

You may appeal any or all of the Title 10 violations listed in this notice of violation by filing a notice of appeal with the City of Bloomington Utilities Service Board. The notice of appeal must be received within ten days from the date of this Notice of Violation. Notice shall be delivered to: Utilities Service Board, Attn: Vic Kelson, 600 E. Miller Dr., Bloomington, IN 47402.

You may appeal any or all of the Title 20 violations listed in this notice of violation by filing a notice of appeal with the City of Bloomington Planning and Transportation Department. The appeal shall be filed no later than five days from the date of this Notice of Violation.

If you have questions or concerns about these requirements, you may contact Katherine Zaiger at (812) 349-3656 or email at [katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov).

Sincerely,



James Hall

Assistant Director Environmental Programs – Environmental Division  
City of Bloomington Utilities

Cc: Planning & Transportation Department, Grading Permit File



Sediment-laden water flowing across the site as sediment basins had not been constructed, per the construction sequence, to contain the water at 3216 E. 3rd Street on 06/07/2022.



Sediment-laden water flowing off-site as sediment basins had not been constructed, per the construction sequence, to contain the water at 3216 E. 3rd Street on 06/07/2022.



Sediment-laden water being pumped directly into a storm inlet as it cannot be contained on site at 3216 E. 3rd Street on 06/07/2022.



Katherine Zaiger <katherine.zaiger@bloomington.in.gov>

## NOV with Fines for District at Latimer Square

8 messages

**Katherine Zaiger** <katherine.zaiger@bloomington.in.gov> Mon, Jun 6, 2022 at 3:13 PM  
To: Derrick Goodman <derrick@goodmanconstructionco.com>, thomasritman@gilliatte.com, mbecher@trinitas.ventures  
Cc: Elizabeth Carter <cartere@bloomington.in.gov>, James Hall <hallj@bloomington.in.gov>

Hello,

I want to inform you that we are currently issuing a NOV for unaddressed erosion control issues leading to sediment leaving the work site at the property at 3216 E. 3rd St, Bloomington, IN 47401. The NOV will be sent via certified mail as well. Please don't hesitate to reach out with any questions you may have.

Thank you,

--  
<https://bloomington.in.gov/utilities/smart-meters>

	<p><b>Katherine Zaiger</b> <i>she/her/hers</i></p> <p>MS4 Program Coordinator</p> <p>Utilities Department City of Bloomington</p> <p><a href="mailto:katherine.zaiger@bloomington.in.gov">katherine.zaiger@bloomington.in.gov</a></p> <p>812.349.3656 (o) 812.606.0803 (c)</p> <p><a href="https://bloomington.in.gov">bloomington.in.gov</a></p>
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 **2022.06.06 NOV with Fines District at Latimer.pdf**  
128K

**Derrick Goodman** <derrick@goodmanconstructionco.com> Mon, Jun 6, 2022 at 4:16 PM  
To: Katherine Zaiger <katherine.zaiger@bloomington.in.gov>, "thomasritman@gilliatte.com" <thomasritman@gilliatte.com>, "mbecher@trinitas.ventures" <mbecher@trinitas.ventures>  
Cc: Elizabeth Carter <cartere@bloomington.in.gov>, James Hall <hallj@bloomington.in.gov>, Dayne Goodman <dayne.goodman@goodmanconstructionco.com>, Nick Allgood <nick@goodmanconstructionco.com>

Kat,

Our crew is working on repairing some of the issues tonight. They will be working on them tomorrow. I do have a couple questions about the detention ponds when you get a chance tomorrow morning. Please give me a call @ 812-798-9195. Thank you and we are working on fixing issues as we speak.

*Derrick R. Goodman | Vice President*

O: 812-822-0748 C: 812-798-9195

Goodman Construction Co. Inc.



2597 W. Fountain Dr. Bloomington, IN 47404



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**Katherine Zaiger** <katherine.zaiger@bloomington.in.gov> Tue, Jun 7, 2022 at 11:09 AM  
To: Derrick Goodman <derrick@goodmanconstructionco.com>  
Cc: "thomasritman@gilliatte.com" <thomasritman@gilliatte.com>, "mbecher@trinitas.ventures" <mbecher@trinitas.ventures>, Elizabeth Carter <cartere@bloomington.in.gov>, James Hall <hallj@bloomington.in.gov>, Dayne Goodman <dayne.goodman@goodmanconstructionco.com>, Nick Allgood <nick@goodmanconstructionco.com>, kklinger@gilliatte.com

Derrick,

Your quick response and phone call seeking to address these issues outlined in the NOV Fine Letter is appreciated. The MS4 team will be on site today (6/7/2022) at 2pm to go over the violations listed in the NOV Fine Letter. Concerning the issue of the missing sediment basins, if they cannot be constructed as shown in the SWPPP, a written statement must be submitted no later than end of day Wednesday, 6/8/2022 stating why construction of the basins is not feasible. Additionally, an updated SWPPP showing any necessary adjustments, including any additional sediment and erosion control measures that will be needed to compensate for their absence, must be submitted no later than Tuesday June 14, 2022. The assessment of the fines associated with this violation will be determined by the actions taken towards providing the aforementioned written statement and updated SWPPP. Feel free to contact me with any additional questions.

Thank you,

[Quoted text hidden]

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**Mail Delivery Subsystem** <mailer-daemon@googlemail.com> Tue, Jun 7, 2022 at 11:09 AM  
To: katherine.zaiger@bloomington.in.gov



## Address not found

Your message wasn't delivered to **kklinger@gilliatte.com** because the address couldn't be found, or is unable to receive mail.

The response from the remote server was:

550 5.4.1 All recipient addresses rejected : Access denied. AS(201806271)

Final-Recipient: rfc822; [kklinger@gilliatte.com](mailto:kklinger@gilliatte.com)  
Action: failed  
Status: 5.4.1  
Remote-MTA: dns; [gilliatte-com.mail.protection.outlook.com](mailto:gilliatte-com.mail.protection.outlook.com). (104.47.73.138,  
the server for the domain [gilliatte.com](http://gilliatte.com).)  
Diagnostic-Code: smtp; 550 5.4.1 All recipient addresses rejected : Access denied. AS(201806271)  
Last-Attempt-Date: Tue, 07 Jun 2022 08:09:53 -0700 (PDT)

----- Forwarded message -----

From: Katherine Zaiger <[katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov)>  
To: Derrick Goodman <[derrick@goodmanconstructionco.com](mailto:derrick@goodmanconstructionco.com)>  
Cc: "thomasritman@gilliatte.com" <[thomasritman@gilliatte.com](mailto:thomasritman@gilliatte.com)>, "mbecher@trinitas.ventures" <[mbecher@trinitas.ventures](mailto:mbecher@trinitas.ventures)>, Elizabeth Carter <[cartere@bloomington.in.gov](mailto:cartere@bloomington.in.gov)>, James Hall <[hallj@bloomington.in.gov](mailto:hallj@bloomington.in.gov)>, Dayne Goodman <[dayne.goodman@goodmanconstructionco.com](mailto:dayne.goodman@goodmanconstructionco.com)>, Nick Allgood <[nick@goodmanconstructionco.com](mailto:nick@goodmanconstructionco.com)>, [kklinger@gilliatte.com](mailto:kklinger@gilliatte.com)  
Bcc:  
Date: Tue, 7 Jun 2022 11:09:41 -0400  
Subject: Re: NOV with Fines for District at Latimer Square  
----- Message truncated -----

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**Derrick Goodman** <[derrick@goodmanconstructionco.com](mailto:derrick@goodmanconstructionco.com)> Wed, Jun 8, 2022 at 9:09 AM  
To: Katherine Zaiger <[katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov)>, Nick Allgood <[nick@goodmanconstructionco.com](mailto:nick@goodmanconstructionco.com)>  
Cc: "thomasritman@gilliatte.com" <[thomasritman@gilliatte.com](mailto:thomasritman@gilliatte.com)>, "mbecher@trinitas.ventures" <[mbecher@trinitas.ventures](mailto:mbecher@trinitas.ventures)>, Elizabeth Carter <[cartere@bloomington.in.gov](mailto:cartere@bloomington.in.gov)>, James Hall <[hallj@bloomington.in.gov](mailto:hallj@bloomington.in.gov)>, Dayne Goodman <[dayne.goodman@goodmanconstructionco.com](mailto:dayne.goodman@goodmanconstructionco.com)>, Nick Allgood <[nick@goodmanconstructionco.com](mailto:nick@goodmanconstructionco.com)>, "kklinger@gilliatte.com" <[kklinger@gilliatte.com](mailto:kklinger@gilliatte.com)>

Kat,

Attached is our written statement. Thank you again for taking my call yesterday, we appreciate your time.

[Quoted text hidden]

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 **Written Statement for SWPPP Response.pdf**  
229K

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**Katherine Zaiger** <[katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov)> Tue, Jun 14, 2022 at 5:58 PM  
To: Derrick Goodman <[derrick@goodmanconstructionco.com](mailto:derrick@goodmanconstructionco.com)>  
Cc: Brent Solbrig <[brent.solbrig@bloomington.in.gov](mailto:brent.solbrig@bloomington.in.gov)>, Dayne Goodman <[dayne.goodman@goodmanconstructionco.com](mailto:dayne.goodman@goodmanconstructionco.com)>, Elizabeth Carter <[cartere@bloomington.in.gov](mailto:cartere@bloomington.in.gov)>, James Hall <[hallj@bloomington.in.gov](mailto:hallj@bloomington.in.gov)>, Jon Thomas <[jthomas@bynumfanyo.com](mailto:jthomas@bynumfanyo.com)>, Nick Allgood <[nick@goodmanconstructionco.com](mailto:nick@goodmanconstructionco.com)>, Sam Arthur <[sam.arthur@bloomington.in.gov](mailto:sam.arthur@bloomington.in.gov)>, "mbecher@trinitas.ventures" <[mbecher@trinitas.ventures](mailto:mbecher@trinitas.ventures)>, "thomasritman@gilliatte.com" <[thomasritman@gilliatte.com](mailto:thomasritman@gilliatte.com)>

Derrick,

This email is serving as an update on the current status of the violations outlined in the June 6, 2022 Notice of Violation (NOV) and Fines. During the MS4 team's reinspection last Tuesday (6/7) at 2pm, none of the violations in the NOV had been adequately addressed. The supervisors on site, Josh Hendershot and Kyle Klinger, were asked to contact the MS4 team for reinspection as soon as the violations were addressed. We have not yet been contacted for reinspection, and as of Friday (6/10), when our team last drove by, the site remained out of compliance. As stated in the NOV, fines are incurred each day that the site continues to be out of compliance. Please remedy these violations as soon as possible and contact the MS4 team for reinspection.

Concerning the sediment basin phasing, Bynum Fanyo sent SWPPP revisions today indicating the sequence in which the basins should be installed relative to the installation of other stormwater infrastructure. However, the revised SWPPP is still under review. Once an adequate SWPPP has been received and approved by the MS4 team, we will assess the total fines accrued as a result of this violation.

Thank you,  
Katherine

[Quoted text hidden]

[Quoted text hidden]

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**Katherine Zaiger** <katherine.zaiger@bloomington.in.gov> Wed, Jun 15, 2022 at 4:00 PM  
To: Derrick Goodman <derrick@goodmanconstructionco.com>  
Cc: Brent Solbrig <brent.solbrig@bloomington.in.gov>, Dayne Goodman <dayne.goodman@goodmanconstructionco.com>, Elizabeth Carter <cartere@bloomington.in.gov>, James Hall <hallj@bloomington.in.gov>, Jon Thomas <jthomas@bynumfanyo.com>, Nick Allgood <nick@goodmanconstructionco.com>, Sam Arthur <sam.arthur@bloomington.in.gov>, "mbecher@trinitas.ventures" <mbecher@trinitas.ventures>, "thomasritman@gilliatte.com" <thomasritman@gilliatte.com>

Derrick,

As discussed in a call with Josh Hedershot and Kyle Klinger this morning, our MS4 team stopped by the site for reinspection. They had the following report:

"At 1:30 p.m. on 6/15/2022 a drive by erosion control inspection was conducted to check on outstanding issues from the prior issued NOV. At that time we found the following.

- Disturbed soil was still in piles outside of the silt fence and along the curb on the Western (Target) side of the site
- The banks of the sediment trap were only partially stabilized (One section on the NW side)
- The silt fence on the Southern side of the property (near the old Macy's parking lot) had been removed and construction traffic was hauling a bundle of pipes onto the site from the opening."

As of this visit the site remains out of compliance. Please remedy these violations as soon as possible and contact the MS4 team to schedule a reinspection.

Thank you,  
Katherine

[Quoted text hidden]

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**Derrick Goodman** <derrick@goodmanconstructionco.com> Wed, Jun 15, 2022 at 4:07 PM  
To: Katherine Zaiger <katherine.zaiger@bloomington.in.gov>  
Cc: Brent Solbrig <brent.solbrig@bloomington.in.gov>, Dayne Goodman <dayne.goodman@goodmanconstructionco.com>, Elizabeth Carter <cartere@bloomington.in.gov>, James Hall <hallj@bloomington.in.gov>, Jon Thomas <jthomas@bynumfanyo.com>, Nick Allgood <nick@goodmanconstructionco.com>, Sam Arthur <sam.arthur@bloomington.in.gov>, "mbecher@trinitas.ventures" <mbecher@trinitas.ventures>, "thomasritman@gilliatte.com" <thomasritman@gilliatte.com>

Kat,

My guys are on fixing items addressed in meeting today. Thank you and have a good night

Sent from my iPhone

On Jun 15, 2022, at 4:01 PM, Katherine Zaiger <katherine.zaiger@bloomington.in.gov> wrote:

Derrick,

As discussed in a call with Josh Hedershot and Kyle Klinger this morning, our MS4 team stopped by the site for reinspection. They had the following report:

"At 1:30 p.m. on 6/15/2022 a drive by erosion control inspection was conducted to check on outstanding issues from the prior issued NOV. At that time we found the following.

- Disturbed soil was still in piles outside of the silt fence and along the curb on the Western (Target) side of the site
- The banks of the sediment trap were only partially stabilized (One section on the NW side)
- The silt fence on the Southern side of the property (near the old Macy's parking lot) had been removed and construction traffic was hauling a bundle of pipes onto the site from the opening."

As of this visit the site remains out of compliance. Please remedy these violations as soon as possible and contact the MS4 team to schedule a reinspection.

Thank you,  
Katherine

On Tue, Jun 14, 2022 at 5:58 PM Katherine Zaiger <katherine.zaiger@bloomington.in.gov> wrote:  
Derrick,

This email is serving as an update on the current status of the violations outlined in the June 6, 2022 Notice of Violation (NOV) and Fines. During the MS4 team's reinspection last Tuesday (6/7) at 2pm, none of the violations in the NOV had been adequately addressed. The supervisors on site, Josh Hendershot and Kyle Klinger, were asked to contact the MS4 team for reinspection as soon as the violations were addressed. We have not yet been contacted for reinspection, and as of Friday (6/10), when our team last drove by, the site remained out of compliance. As stated in the NOV, fines are incurred each day that the site continues to be out of compliance. Please remedy these violations as soon as possible and contact the MS4 team for reinspection.

Concerning the sediment basin phasing, Bynum Fanyo sent SWPPP revisions today indicating the sequence in which the basins should be installed relative to the installation of other stormwater infrastructure. However, the revised SWPPP is still under review. Once an adequate SWPPP has been received and approved by the MS4 team, we will assess the total fines accrued as a result of this violation.

Thank you,  
Katherine

On Wed, Jun 8, 2022 at 9:09 AM Derrick Goodman <derrick@goodmanconstructionco.com> wrote:

Kat,

Attached is our written statement. Thank you again for taking my call yesterday, we appreciate your time.

*Derrick R. Goodman | Vice President*

O: 812-822-0748 C: 812-798-9195

Goodman Construction Co. Inc.

2597 W. Fountain Dr. Bloomington, IN 47404

<image001.png>

---

**From:** Katherine Zaiger <katherine.zaiger@bloomington.in.gov>  
**Sent:** Tuesday, June 7, 2022 11:10 AM  
**To:** Derrick Goodman <derrick@goodmanconstructionco.com>  
**Cc:** thomasritman@gilliatte.com; mbecher@trinitas.ventures; Elizabeth Carter <cartere@bloomington.in.gov>; James Hall <hallj@bloomington.in.gov>; Dayne Goodman <dayne.goodman@goodmanconstructionco.com>; Nick Allgood <nick@goodmanconstructionco.com>; kklinger@gilliatte.com  
**Subject:** Re: NOV with Fines for District at Latimer Square

Derrick,

Your quick response and phone call seeking to address these issues outlined in the NOV Fine Letter is appreciated. The MS4 team will be on site today (6/7/2022) at 2pm to go over the violations listed in the NOV Fine Letter. Concerning the issue of the missing sediment basins, if they cannot be constructed as shown in the SWPPP, a written statement must be submitted no later than end of day Wednesday, 6/8/2022 stating why construction of the basins is not feasible. Additionally, an updated SWPPP showing any necessary adjustments, including any additional sediment and erosion control measures that will be needed to compensate for their absence, must be submitted no later than Tuesday June 14, 2022. The assessment of the fines associated with this violation will be determined by the actions taken towards providing the aforementioned written statement and updated SWPPP. Feel free to contact me with any additional questions.

Thank you,

On Mon, Jun 6, 2022 at 4:17 PM Derrick Goodman <derrick@goodmanconstructionco.com> wrote:

Kat,

Our crew is working on repairing some of the issues tonight. They will be working on them tomorrow. I do have a couple questions about the detention ponds when you get a chance tomorrow morning. Please give me a call @ 812-798-9195. Thank you and we are working on fixing issues as we speak.

*Derrick R. Goodman | Vice President*

O: 812-822-0748 C: 812-798-9195

Goodman Construction Co. Inc.

2597 W. Fountain Dr. Bloomington, IN 47404

<image001.png>

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image001.png  
11K

Goodman Construction Co. Inc.  
2597 W. Fountain Dr., Bloomington, IN 47404  
O. 812-822-0748 F. 812-822-0757  
[dayne@goodmanconstructionco.com](mailto:dayne@goodmanconstructionco.com)  
[derrick@goodmanconstructionco.com](mailto:derrick@goodmanconstructionco.com)



**RE: SWPPP Response for Latimer Square**

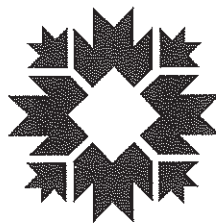
To whom it may concern:

Goodman Construction is writing this letter in response to SWPPP Sediment Basins and why they cannot be built per the drawings in this stage of the project. The sediment basins on the South side of project cannot be built because of the borrow pit that we are filling in and until we set the pond structures and pipe there is nowhere for the water to drain. We were planning on putting the sediment basins in as we set the pond structures that go inside of them. GCC is installing the storm from North to South. If there is any way to alleviate not having the sediment basins until we run pipe and structures up to them would be greatly appreciated. We are running the 42" pipe on the North side of the project as of right now and as soon we can get an outlet for the pond structure, we are going to build the sediment basins as well. We will be more than willing to do something different for the time being until the piping and structures is installed in sediment basin areas.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Derrick R. Goodman', with a long horizontal flourish extending to the right.

Derrick R. Goodman  
Vice President



**CITY OF BLOOMINGTON**  
UTILITIES

June 29, 2022

Certified Mail #: 7007 2560 0001 5327 8694

District at Latimer Square  
Attn: Thomas J. Ritman, President  
Gilliatte General Contractors, Inc.  
2512 Boyd Avenue  
Indianapolis, IN 46218

**NOTICE OF VIOLATION FINE SUMMARY**

Re: Construction Site Stormwater Control

Mark Becher,

On May 5, 2022, City of Bloomington Utilities Department (CBU) MS4 Coordinator, Katherine Zaiger, along with MS4 site inspector, Brent Solbrig, conducted and completed an erosion and sediment control Notice of Violation (NOV) follow up inspection for Gilliatte General Contractors, Inc. ("Gilliatte") at the District at Latimer Square project site located at 3216 E. 3rd St, Bloomington, In 47401 (the "Property") and noted multiple deviations from the approved SWPPP. The NOV was issued May 20, 2022 and listed the following deviations from the approved SWPPP which resulted in pollutants flowing offsite and into the Municipal Separate Storm Sewer System (MS4) which is a violation of Bloomington Municipal Code 10.21 and 20.04.

- Silt fence or other perimeter controls not installed appropriately to catch runoff from exposed soils (BMC 10.21.070)
- Detention pond banks were not stabilized and not all detention ponds present in areas actively under construction per the SWPPP (BMC 20.04.030)
- Construction entrance not adequately maintained (BMC 10.21.070)
- Silt fence failing and in need of maintenance (BMC 10.21.070)

**Per the NOV Gilliatte was required to make the following corrective actions no later than 2:00 pm on May 31, 2022:**

1. Install or repair all temporary erosion controls to contain stormwater runoff on the project site where shown according to SWPPP
2. Install all detention basins and silt fencing as directed in erosion control sequence
3. Repair and stabilize all slopes of the detention ponds to plan grade with only SWPPP approved materials (only biodegradable matting)
4. Install construction ingress/egress per the SWPPP and ensure it is maintained with fresh gravel in such a way that minimizes tracking.

Gilliatte failed and/or refused to take the necessary corrective actions and the violations remained unresolved at the time of this inspection. On June 6, 2022 an NOV with fines was sent. **As a result of these four violations, pursuant to BMC sections 10.21.150 and 20.06.100 (d), Gilliatte was fined \$2,500.00 per violation commencing on 6/6/2022 for each of the four unresolved violations of BMC 10.21.070 and BMC 20.04.030 (listed above).** In accordance with BMC Section 10.21.150 and 20.06.100 (d), violations of this nature may result in a \$2,500 fine per violation per day. Each day a violation is allowed to continue is considered to be a distinct and separate violation.

As a result of these violations, pursuant to BMC sections 20.06.100 (d), Gilliatte General Contractors, Inc. is hereby assessed a fine of \$77,500 as outlined in the table below. Payment of the full amount of \$77,500 shall be made to City of Bloomington Utilities, 600 E. Miller Dr., Bloomington, IN 47402 no later than July 13, 2022.

Date	Violation #	Fine
6/6/2022	1-4	\$10,000
6/7/2022	1-4	\$10,000
6/8/2022	1, 3 and 4	\$7,500
6/9/2022	1, 3 and 4	\$7,500
6/10/2022	1, 3 and 4	\$7,500
6/11/2022	1, 3 and 4	\$7,500
6/12/2022	1, 3 and 4	\$7,500
6/13/2022	1, 3 and 4	\$7,500
6/14/2022	1, 3 and 4	\$7,500
6/15/2022	1 and 4	\$5,000
<b>Total</b>		<b>\$ 77,500</b>

You may appeal any or all of the Title 10 violations listed in this notice of violation by filing a notice of appeal with the City of Bloomington Utilities Service Board. The notice of appeal must be received within ten days from the date of this Notice of Violation. Notice shall be delivered to: Utilities Service Board, Attn: Vic Kelson, 600 E. Miller Dr., Bloomington, IN 47402.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance (Title 20), you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

If you have questions or concerns about these requirements, you may contact Katherine Zaiger at (812) 349-3656 or email at [katherine.zaiger@bloomington.in.gov](mailto:katherine.zaiger@bloomington.in.gov).

Sincerely,



James Hall  
Assistant Director Environmental Programs – Environmental Division  
City of Bloomington Utilities

Cc: Planning & Transportation Department, Grading Permit File





GILLIATTE GENERAL CONTRACTORS, INC.  
2515 Bloyd Avenue, Indianapolis, IN 46218  
Phone: 317-638-3355 / Fax: 317-634-5997

November 9, 2022

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

To Whom it May Concern,

Please accept this correspondence as our official appeal regarding fines received from CBU for SWPPP violations at 3216 E. 3<sup>rd</sup> St. Bloomington, IN known as “The District At Latimer Square”. The original inspection at this property occurred on May 5<sup>th</sup> 2022 with a NOV issued on May 20<sup>th</sup> 2022 with requirements of corrective action no later than May 31<sup>st</sup> 2022. The four violations include:

- 1) Install or repair all temporary erosion controls to contain stormwater runoff on the project site where shown according to SWPPP.
- 2) Install all detention basins and silt fencing as directed in erosion control sequence.
- 3) Repair and stabilize slopes of detention ponds to plan grade with only SWPPP approved materials.
- 4) Install construction entrance/egress per SWPPP and ensure it is maintained with fresh gravel in such a way that minimizes tracking.

From the attached photos you can see we took immediate action the day after the original inspection.

**Violation #1:**

- Photo 4858 May 6<sup>th</sup> repair to silt fence noted on original inspection
- Photo 4861 May 6<sup>th</sup> repair to silt fence noted on original inspection
- Photo 4958 May 19<sup>th</sup> repair to silt fence noted on subsequent inspection.
- Photo 4959 May 19<sup>th</sup> repair to silt fence noted on subsequent inspection.
- Photo 4960 May 19<sup>th</sup> repair to silt fence noted on subsequent inspection.
- Photo 0176 June 15<sup>th</sup> repair to silt fence noted on subsequent inspection.
- Photo 0177 June 15<sup>th</sup> repair to silt fence noted on subsequent inspection.
- Photo 0385 July 2<sup>nd</sup> repair to silt fence showing our continued efforts to maintain erosion control



GILLIATTE GENERAL CONTRACTORS, INC.  
2515 Bloyd Avenue, Indianapolis, IN 46218  
Phone: 317-638-3355 / Fax: 317-634-5997

**Violation #2:** Detention basins: The SWPPP plan received from Bynum Fanyo was intended to be a progressive plan implemented as grading was completed on the project. There were areas on the project (parking garage) that require 9'-10' of dirt to be removed in order to attain grade for the originally designed sediment basin. After discussions of our understanding of progressive SWPPP implementation with Katherine Zaiger we employed Bynum Fanyo to draw up options for implementation of SWPPP controls on a more immediate basis. These drawings were sent to Katherine and the revised SWPPP plan was approved on June 24, 2022. Since the day of this approval we have been implementing the new approved plan.

**Violation #3:** Stabilize slopes or detention ponds (sediment basins). Subsequent inspection of this item identified areas where the original matting had been removed particularly at pond #3 at the north west side of building 1. The temporary measures were removed to install permanent storm piping to this area including storm structure 10A, 6" under drain piping, and 15" inlet piping. This work on temporary sediment ponds continues with the new SWPPP plan approved on June 24, 2022.

**Violation #4:** Construction Entrance/Egress. The original construction entrance was to be located off of Clarizz just to the east of the project. This location could not be installed due to a fire hydrant that was to be relocated to accommodate this location for the temporary entrance. It was determined that the hydrant had a bad valve at its connection point, so we recommended a new tap rather than a simple relocation. CBU issued authorization for the new tap on or about June 10. The hydrant has been moved and a more permanent temporary drive has been constructed at this location. In the meantime, we constructed a temporary construction drive off of Volt St. to the north side of the property. The soils at this location have not been ideal for a construction entrance and we have had a difficult time in maintaining a clean cover of #2 stone. Since the original inspection of May 5<sup>th</sup>, we have added stone on May 6<sup>th</sup>, May 13<sup>th</sup>, May 19<sup>th</sup> and May 25<sup>th</sup>. We have attached the stone delivery tickets for your records and review. At this time the construction entrance has been relocated to Clarizz as the fire hydrant has been relocated. This location should hold up much better to traffic as the area is on high ground and had to be built up and compacted for the permanent road in the future.

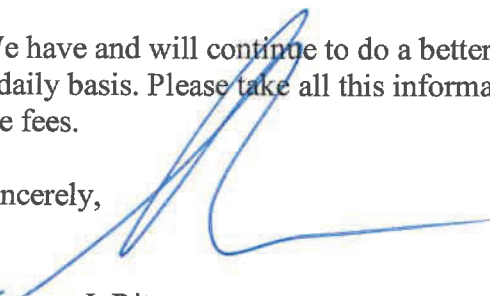
In closing we want to state that we have not ignored the inspection reports for this project and feel like there are quite a few mitigating circumstances that have caused us issues in properly maintaining erosion control measures on this project. We have met with Katherine Zaiger, met with Goodman Construction owners, and provided additional drawings from Bynum Fanyo to better serve the intent of SWPPP on this project.



GILLIATTE GENERAL CONTRACTORS, INC.  
2515 Bloyd Avenue, Indianapolis, IN 46218  
Phone: 317-638-3355 / Fax: 317-634-5997

We have and will continue to do a better job of monitoring the erosion control on this project on a daily basis. Please take all this information into consideration with determining our appeal of the fees.

Sincerely,



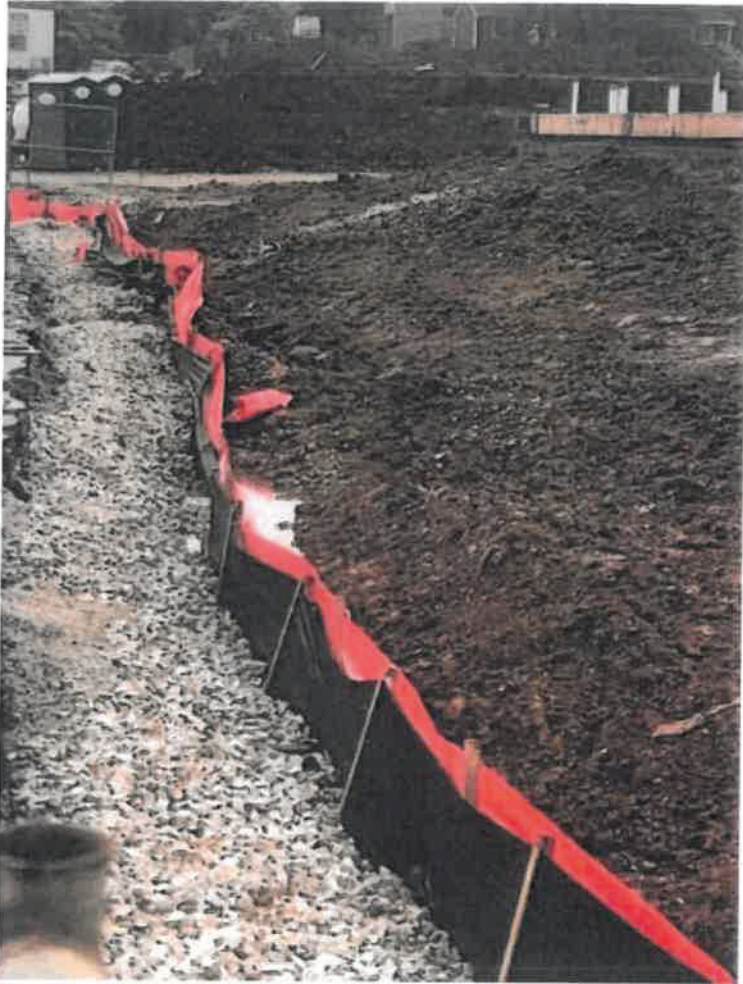
Thomas J. Ritman  
President  
Gilliatte General Contractors, Inc.

Attachments:

IMG 4858  
IMG\_4861  
IMG 4958  
IMG 4959  
IMG 4960  
IMG 0176  
IMG 0177  
IMG 0385  
Goodman Construction Letter  
Ticket #2297340  
Ticket #2299059  
Ticket #2299091  
Ticket #2300826  
Ticket #2302475

CC: Katherine Zaiger  
James Hall  
Liz Carter

**The District At Latimer Square**  
3216 East 3rd Street, Bloomington, Indiana  
21132



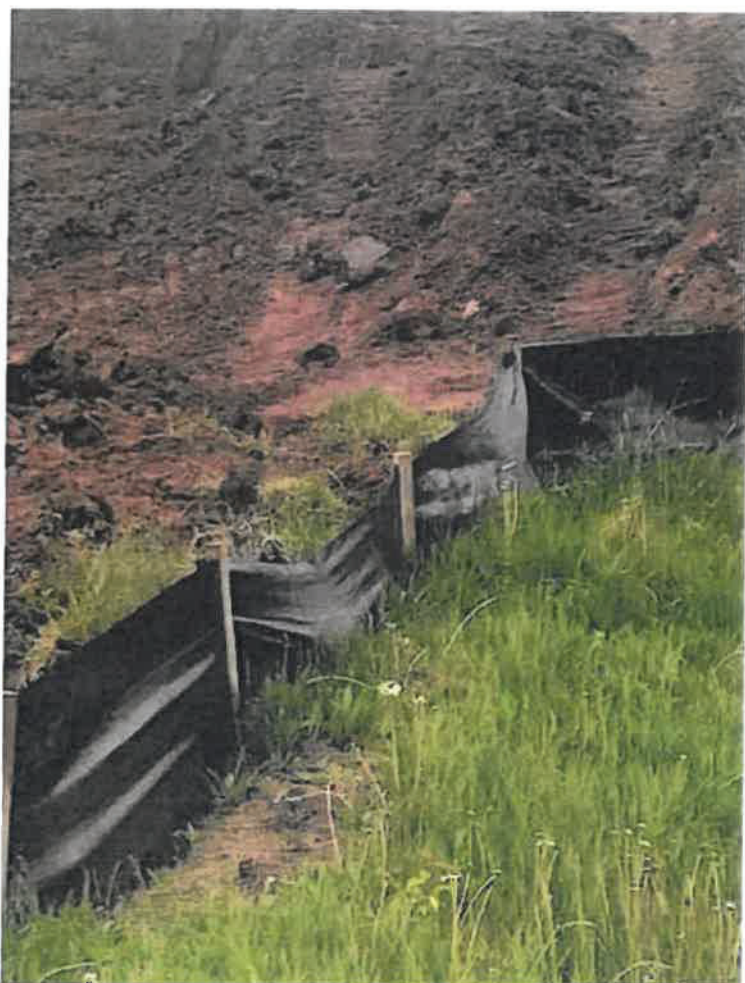
**IMG\_4858**  
**Taken on:**  
May 6, 2022 10:51 AM  
**Added on:**  
May 17, 2022 7:10 AM

**The District At Latimer Square**  
3216 East 3rd Street, Bloomington, Indiana  
21132

# PlanGrid Photo Report - Jul 5, 2022

Prepared by : Thomas Ritman

Jul 5, 2022



IMG\_4861

**Taken on:**  
May 6, 2022 10:53 AM

**Added on:**  
May 6, 2022 10:57 AM

The District At Latimer Square  
3216 East 3rd Street, Bloomington, Indiana  
21132

# PlanGrid Photo Report - Jul 5, 2022

Prepared by : Thomas Ritman

Jul 5, 2022



IMG\_4958

**Taken on:**  
May 19, 2022 3:44 PM

**Added on:**  
May 20, 2022 9:15 AM

**The District At Latimer Square**  
3216 East 3rd Street, Bloomington, Indiana  
21132



**IMG\_4959**

**Taken on:**  
May 19, 2022 3:44 PM

**Added on:**  
May 20, 2022 9:15 AM

**The District At Latimer Square**

3216 East 3rd Street, Bloomington, Indiana

21132



**IMG\_4960**

**Taken on:**

May 19, 2022 3:44 PM

**Added on:**

May 20, 2022 9:15 AM



**The District At Latimer Square**  
3216 East 3rd Street, Bloomington, Indiana  
21132



**IMG\_0176**

**Taken on:**  
Jun 15, 2022 6:55 AM

**Added on:**  
Jun 15, 2022 7:37 AM

**The District At Latimer Square**

3216 East 3rd Street, Bloomington, Indiana  
21132



IMG\_0177

**Taken on:**  
Jun 15, 2022 6:57 AM

**Added on:**  
Jun 16, 2022 6:55 AM

**The District At Latimer Square**

3216 East 3rd Street, Bloomington, Indiana  
21132



IMG\_0385

**Taken on:**  
Jul 2, 2022 9:17 AM

**Added on:**  
Jul 5, 2022 7:00 AM







**BLOOMINGTON QUARRY**  
1100 N. Grand Road, BLOOMINGTON IN 47404

812 333-4580

Center  
0071

Tickets: **2299091**  
05/13/2022 03:28:48 PM

MONDAY-FRIDAY 7:30AM-4:30PM  
Ledges 1-6 Source # 2521  
Tr. Max Legal Wt: 73280 lbs.

Customer:

YOUNG TRUCKING INC.

Standard

Mezts

Product: # 2 COMMERCIAL

Gross: 72100  
Tare: 28140  
Net: 43960  
Net Tons: 21.98

Job: 2022 MAR THRU JUNE  
Location: F.O.B. BLOOMINGTON IN  
State Item Nbr:

PO Nbr:

Ordered By:

Order Nbr:

State Project:

Hauler: This is to certify that I have personally received the material described hereon as an agent of the Department of Highway and the quantity appears to be as stated on this ticket.

TRUCK: 37070

Lot:

Qty. Truck: 32

Loads: 8

Net Acc Tons: 158.47

Acc: \$

Project NBR:

Q Nbr: 972050

Zone:

Axes: 4

Task:

Cost Chrg:

Cost Oper:

Cost Accr:

Orig. Tck:

Copy: 4 of 4

Stc# 2921

277

**WARNING: Avoid Prolonged Breathing of Crushed Stone.** Exposure to dust may affect respiratory system, eyes and/or skin. Crushed stone may contain crystalline silica. Prolonged and repeated breathing of crystalline silica may cause a progressive lung disease called silicosis. Some respiratory have reported that there is evidence that prolonged and repeated breathing of high levels of crystalline silica dust may cause lung cancer. Handling: Avoid prolonged inhalation of crushed stone dust. Minimize exposure through wearing of general ventilation. Appropriate protective equipment should be worn when high levels of dust are present. First Aid: For inhalation, move to fresh air and seek medical attention if irritation persists. For eye and skin contact, flush eyes with water, wash skin with soap and water, and seek medical attention if irritation persists. For dust on clothing, see the material safety data sheet before using or handling this product. Kick, scratch and lift vacuum may irritate the skin, eyes and lungs. Handling: Avoid breathing vapors and irritant dusts. For dust on clothing, see the material safety data sheet before using or handling this product. First Aid: For inhalation, move to fresh air and seek medical attention. For dust on clothing, see the material safety data sheet before using or handling this product. Quiggstedt Delivery Powder RIGI has attempted to locate the most efficient route for delivery as set for this hauler. RIGI makes no representation regarding the suitability of the suggested route with respect to compliance with applicable state, federal and/or local maximum vehicle weight restrictions. An endorsement for operation of equipment or operator has been obtained so as to conform with any applicable weight limits. To the maximum extent possible, axle weights and gross weight. Carrier shall be responsible for notifying either the truck or trailer has been overloaded so as to conform with any applicable weight limits. To the maximum extent allowed by law, carrier shall indemnify and hold harmless for any loss caused by overloading.



