

CITY OF BLOOMINGTON



November 16, 2023 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chamber, Room #115

<https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI nWGROU43dEpXdz09>

Meeting ID: 824 4898 3657
Passcode: 319455

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

City Hall, 401 N. Morton Street
Common Council Chambers, Room #115 and via Zoom

November 16, 2023 at 5:30 p.m.

❖ **Virtual Meeting:**

<https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVdInWGROTU43dEpXdz09>

Meeting ID: 824 4898 3657 Passcode: 319455

Petition Map: <https://arcg.is/1HuSOq2>

ROLL CALL

APPROVAL OF MINUTES: October 19, 2023

PETITIONS CONTINUED TO: November 16, 2023

AA-17-22 **Joe Kemp Construction, LLC & Blackwell Construction, Inc.**
Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr.
Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009...
Request: Administrative Appeal of the Notice of Violation (NOV) issued
March 25, 2022. *Case Manager: Jackie Scanlan*

PETITIONS:

V-32-23 **Buckingham Properties, LLC**
503 N. Rogers Street
Parcel: 53-05-32-100-006.000-005
Request: Variance from front setback standards, use-specific standards for multifamily dwellings, and building design standards to allow construction of four buildings comprising a mixed-use development in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST). *Case Manager: Gabriel Holbrow*

- CU/V-33-23 **Spyridan Stratigos**
329 S. Maple Street
Parcel: 53-08-05-107-001.000-009
Request: Conditional use approval to allow an addition to an existing duplex dwelling structure in the Residential Small Lot (R3) and a variance from rear setback standard to allow a rear addition to an existing duplex dwelling structure. Case Manager: Gabriel Holbrow
- CU-35-23 **Latitude 39 North Properties, LLC**
1221 N. Madison Street
Parcel: 53-05-32-101-007.000-005
Request: Conditional use approval to allow a “Dwelling, duplex” use in the Residential Small Lot (R3) zoning district.
Case Manager: Eric Greulich
- AA-36-23 **Indiana Army National Guard**
414 N. Morton Street
Parcel: 53-05-33-300-046.002-005
Request: Administrative Appeal of issuance of a Notice of Violation.
Case Manager: Jackie Scanlan
- AA-38-23 **Joseph Davis**
530 S. Washington Street
Parcel: 53-08-04-214-018.000-009
Request: Administrative Appeal of a Notice of Violation that was issued on August 17, 2023. Case Manager: Jackie Scanlan
- V-40-23 **Scott Andrews**
122 E. Miller Drive
Parcel: 53-08-09-204-003.000-009
Request: Variance from landscaping requirements for interior parking islands and a variance from maximum parking standards for a “fitness center, small” use in the Mixed-Use Medium Scale (MM) zoning district.
Case Manager: Eric Greulich

**BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-32-23 / VAR2023-09-0013
STAFF REPORT**

DATE: November 16, 2023

Location: 503 North Rogers Street

PETITIONER: Buckingham Properties
941 North Meridian Street
Indianapolis, IN

OWNER: Fell Iron & Metal Inc.
8656 Emerald Lane
Indianapolis, IN

CONSULTANTS: Bunger & Robertson
211 South College Avenue
Bloomington, IN

REQUEST: Variances from front building setback standards, use-specific standards for multifamily dwellings, and building design standards to allow construction of four buildings comprising a mixed-use development in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST)

REPORT: The property is located on the west side of North Rogers Street between West 8th Street and West 10th Street, immediately south of the B-Line trail's intersection with Rogers Street. The B-Line trail runs along the northern/northeastern boundary of the property between North Rogers Street and North Fairview Street. The property also has frontage on North Fairview Street between West 9th Street and the B-Line Trail, as well as a frontage on West 9th Street between North Jackson Street and North Fairview Street. The property is located in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST) and currently contains a scrap metal yard operating as Bloomington Iron and Metal (BIM). Adjacent properties to the north across the B-Line trail and to the south are also located in the MD-ST zoning district. The properties to the north across the B-Line trail include a multi-family dwelling use known as B-Line Heights and a mixed-use nonresidential center located in a former lumber yard. The adjacent properties to the south within the MD-ST district each contain one building that is a mixed-use nonresidential center. Adjacent properties to the east across North Rogers Street are also located in the Mixed-Use Downtown zoning district but within the Downtown Core downtown character overlay (MD-DC) and contain uses including the Trades District public parking garage. Adjacent properties to the south across West 9th Street are located in the Residential Small Lot (R3) zoning district and contain detached single-family dwellings. The adjacent property to the southwest across North Fairview Street is located in the Parks and Open Space (PO) zoning district and contains Revered Ernest D. Butler Park, a city park. The adjacent properties to the northwest across North Fairview Street are located in the Mixed-Use Medium Scale (MM) zoning district and contain detached single-family dwellings and a mixed-use nonresidential center.

The petitioner proposes to construct a mixed-use development in four buildings including 225 dwelling units of multifamily dwelling use comprising 220 units in three of the buildings and another five units in attached townhomes facing 9th Street; 3,000 square feet of commercial use; and 370 vehicle parking spaces in surface lots and a parking garage. The proposed development is

subject to major site plan review by the Plan Commission. The petitioner has chosen to petition for this variance request before petitioning to the Plan Commission for major site plan approval.

Two aspects of the proposed development are worth highlighting, even though they are not directly the subject of this variance request. First, the development must qualify as sustainable and must provide on-site affordable housing units or make a payment-in-lieu to support affordable housing. The City of Bloomington Unified Development Ordinance (UDO) established building floor plate maximums for buildings that contain multifamily dwelling uses, which applies to all four buildings of the proposed development. The general building floor plate maximum is 10,000 square feet, but this maximum goes up to 30,000 square feet for buildings in projects that achieve both the affordable housing and sustainable development incentives in the UDO. Because proposed Buildings One, Two, and Three have building floor plates close to 30,000 square feet, the project must achieve both incentives. Achieving the affordable housing incentive requires either that at least 34 of the 225 total dwelling units on the site (15 percent) be permanently income-restricted to households earning below 120 percent of the area median income, or that the petitioner provide a payment-in-lieu to the City's Housing Development Fund based on a calculation set forth in the Administrative Manual. The second aspect worth highlighting is that the proposed site plan includes a new multiuse trail open to the public approximately along the south edge of the site, providing a direct pedestrian and bicycle connection from Rogers Street at the B-Line trail to Rev. Butler Park. This variance petition, including the petitioner's statement as well as the submitted site plan, expresses a commitment to achieve both the affordable housing and sustainable development incentives and to provide a public multiuse trail connection through the site. General compliance with the UDO and with these commitments will be verified by the Plan Commission during site plan review.

Due to unique constraints of the site, the petitioner is requesting several variances from standards UDO in order to allow the proposed development. The variances are numbered below for convenience, following the numbering in the petitioner's statement.

1. UDO section 20.03.030(b)(5)(D) Use-specific standards for multifamily dwelling – Ground-Floor Units

Required: *i. Ground floor dwelling units shall be prohibited in the MD-ST (Showers Technology) and MD-CS (Courthouse Square) Downtown Character Overlays...*

ii. In the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building facade facing a public street.

Proposed: Ground-floor dwelling units in all four buildings, including ground floor dwelling units within the first 20 feet behind the building facade of Building One along Fairview Street and the building facade of Building Four along 9th Street.

The UDO prohibits ground-floor dwelling units in the ST character area in order to implement the area's purpose "to promote mixed-used development focused on light industrial, manufacturing, and office uses" that are essential to the mission of the Certified Technology Park that covers this area. The UDO does allow upper-floor dwelling units in the ST character area, in recognition that a secondary purpose of the area is to target "live/work, young professional, single-family, empty nester and retiree housing markets".

For locations in other character areas within the MD zoning district, such as the Downtown Edges character area (MD-DE), ground-floor dwelling units are allowed but cannot directly

front on public streets. In comparison to the use consideration that leads to the UDO to prohibit all ground-floor dwelling units in the ST character area, this provision for the bulk of MD acknowledges that dwelling units can be an appropriate ground-floor use, but is intended to promote active ground-floor uses that interact with the public streets, including retail, restaurants, and the like, while also providing privacy for residents, in keeping with the lively and pedestrian-focus of downtown.

For some zoning districts outside downtown where multifamily dwelling uses are allowed, including Residential High-Density Multifamily (RH) and Mixed-Use Medium Scale (MM), ground-floor dwelling units are allowed without restrictions.

2. UDO section 20.02.020(g)(9)(B) Table 02-20 and UDO 20.04.020(c)(3) Table 04-4 Front building setback maximum in the MD-ST district

Required: *Maximum 15 feet*

Proposed: Building Three set back approximately 106 feet from the proposed edge of right-of-way of Rogers Street.

The east front property line along Rogers Street is approximately 50 feet in width, of which 20 feet is proposed for entrance drive and 10 feet is proposed for a multiuse trail. The front setback is measured from the proposed right-of-way as indicated in the City of Bloomington Transportation Plan. The existing right-of-way width for this segment of Rogers Street is approximately 50 feet, but the proposed width per the Transportation Plan is 84 feet, meaning that the front setback is measured starting at 42 feet (half of 84) from the centerline of Rogers Street. The maximum front setback from Rogers Street is therefore $15' + 42' = 57$ feet from centerline. Building Three, measured from its closest point to the street at the northeast corner of the building, is approximately 148 feet from the street centerline. This proposed setback can be equivalently expressed as 123 feet from the existing front property line, or 106 feet from the proposed edge of right-of-way according to the Transportation Plan, or 91 feet farther back than the maximum front setback.

Buildings One, Two, and Four are compliant with the maximum front setback. The smallest building front setback for Building One along Fairview Street is near the north end of the building, where the west facade is 15 feet from the proposed edge of right-of-way per the Transportation Plan. Building Two is compliant because per UDO section 20.04.020(e)(2)(A) “[m]ultifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks,” meaning that Building Two is compliant as long as the three other buildings closer to adjacent streets are compliant with the maximum front setback standard. The smallest building setback for Building Four along 9th Street is 6.5 feet from the proposed edge of right-of-way per the Transportation Plan.

3. UDO section 20.02.050(a)(5) Upper Floor Facade Step Backs

Required: *Portions of the building facade facing the street above two stories in the DG and ST character area shall step back from the lower story vertical facade/wall plane a minimum of 15 feet.*

Proposed: No upper story step back for Building One along Fairview Street and Building Three along Rogers Street.

Building One is proposed to be four stories in height, while Building Three is proposed to be five stories in height. Full compliance with this upper floor step back standard would require

the third and fourth stories (and fifth story on Building Three) to be stepped back at least 15 feet from the front facade of the first two stories. Instead, the petitioner has proposed facades that rise the full height without any step backs.

Due to the UDO's limitations on the building floor plate standards, Building One is designed with a width that varies from approximately 62 feet to approximately 75 feet. The interior layout is arranged with a central corridor and dwelling units on both sides. Reducing this width on the upper stories by at least 15 feet would prevent the central corridor layout, effectively reducing the upper stories to only one row of dwelling units per floor.

Building Three is designed with primary uses (commercial tenant space and amenities on the ground floor, and dwelling units on upper floors) wrapping around a parking structure. Due to the building floor plate standards, the width available for the primary uses varies from approximately 33 feet to 38 feet. Reducing this width on the upper stories by at least 15 feet would effectively prevent usable dwelling units on the upper stories.

Within the UDO's limitations on building floor plate and height, full compliance with the upper floor step back standard would significantly reduce the number of dwelling units possible with this site plan.

4. UDO section 20.02.050(a)(6) Table 02-25 Windows and Doors on Primary Facades
 Required: *Transparent glass or framed facade open areas consisting of display windows, entries and doors shall comprise at least the following percentages of the total wall/facade area*
First Floor (Building Base) Facade Facing a Street in the ST character area: 40 percent
First Floor (Building Base) Facing the B-Line Trail: 60 percent
 Proposed: Building One west facade (facing Fairview Street), Building One north facade (facing the B-Line), and Building Four south facade (facing 9th Street): 20 percent

Because the petitioner proposes dwelling uses for the ground floors of Buildings One, Two, and Four, the proposed facade designs show fenestration appropriate for residential use with windows and doors comprising at least 20 percent of the ground-floor facade area. However, these primary facades are not compliant with the applicable UDO standard for windows and doors.

The portions of the proposed buildings that do not contain ground-floor dwelling units, including the north facade of Buildings Two and Three facing the B-Line trail as well as the east facade of Building Three facing Rogers Street provide glazing appropriate for nonresidential ground-floor uses with windows and doors comprising at least 60 percent of the ground-floor facade area. These primary facades are compliant with this UDO standard.

5. UDO section 20.02.050(a)(8)(B)i. Facade articulation – Projections and Recesses

Required: *Each facade of a primary building facing a street or the B-Line Trail shall be articulated through recessing, banding, articulation of exterior materials, or change of materials, by incorporating patterns that:*

- i. Are offset by a minimum depth (projecting or recessing) of five percent of the total facade length, at a minimum of five feet, and the offset shall extend the length and height of its module*

Proposed: Facade modules offset by 5 feet

The total length of west facade Building One along Fairview Street is approximately 367 feet. An off-set of at least five percent of this would have to be nearly 18.5 feet. Instead, the petitioner is proposing facade modules that are off-set by projections and recesses of at least 5 feet.

The total length of the east primary facade of Building Three along Rogers Street is approximately 126 feet. Due to the angle of the building orientation, the southernmost portion of the east facade that is set back, and which contains a stairwell and a portion of the parking structure, is at no point the nearest portion of the facade to Rogers Street and therefore may be considered not to be part of the primary facade along Rogers Street. An off-set of at least five percent of the primary facade's 126 feet would have to be 6.3 feet. Instead, the petitioner is proposing three facade modules that are off-set by from each other by recesses of 5 feet.

The total length of the north facade of Building Three along the B-Line Trail is approximately 227 feet. An off-set of at least five percent of this would have to be more than 11 feet. Instead, the petitioner is proposing three facade modules that are off-set from each other by recesses of 5 feet, with a fourth facade module on the west end off-set by a recess of 38 feet.

The total length of the south facade of Building Four along 9th Street is approximately 120 feet in length. An off-set of at least five percent of this would have to be 6.1 feet. Instead, the petitioner is proposing five facade modules, one each for the five proposed townhouse dwelling units, which are off-set by projections and recesses of 5 feet.

The other two facades facing the B-Line Trail, namely the north facades of Buildings One and Two, are less than 100 feet in length and therefore can consist of one module without off-sets. The north facades of Buildings One and Two are compliant with the facade articulation standard.

As discussed above for variance 3, narrowing the building width within some facade modules in order to fully comply with facade articulation standards would significantly reduce the number of dwelling units possible with this site plan.

Per UDO Table 02-27, facade modules in the ST character area have no minimum length and may be up to a maximum length of 100 feet. The plans submitted for this variance petition show facade modules of varying lengths, all less than 100 feet and many much less than 100 feet. The effect is significantly more facade modulation than otherwise required by the UDO, even if the off-sets between the modules are not as deep as required by the UDO standard.

The petitioner has noted that they may wish to modify the lengths of the various facade modules by a few feet in order to accommodate adjustments to the unit mix when the final

100-percent project design is completed at a later step in the process. The petitioner has therefore requested some flexibility to modify the lengths of the various facade modules, but has committed to providing no less than seven modules on the west facade of Building One along Fairview Street, no less than three modules on the east facade of Building Three along Rogers Street, and no less than four modules on the north facade of Building Three along the B-Line Trail. Conditions have been added to the staff recommendation.

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 requested variances will not be injurious to the public health, safety, morals, and general welfare of the community. For each of the UDO standards that the petition is requesting relief from, the proposed project achieves or addresses the goals and purpose of the UDO standard by other means, ensuring that the intent of the UDO to protect public health, safety, morals, and general welfare is upheld.

For variance 1 (ground-floor dwelling units), there is currently ample developable area within the Certified Technology Park and the ST character area to developed the light industrial, manufacturing, and office uses related to innovation and technology that the character area seeks to promote. Dedicating some of the land within the ST character area to primarily residential use at this time will not interfere with the current stage of development of the area as a technology park. In contrast, there is currently a pressing need for more housing, including affordable housing, throughout Bloomington and the surrounding area. The proposed development can help toward meeting the current pressing need for housing. With conditions that set reasonable time limits on the future continuation of ground-floor dwelling units on this property, approval of the requested variance to allow ground-floor dwelling units at this time will not foreclose or significantly restrict the future development of the Trades District or the rest of the Certified Technology Park as a hub for innovation and technology. It is sound public policy to promote the redevelopment of this particular property to allow ground floor dwelling units, so that this development can serve as a catalyst for adjacent redevelopment within the Trades District. Furthermore, the requested variance will allow the proposed development to facilitate the transition from low intensity uses of the park and existing single family residential to the higher intensity uses proposed within the remainder of the ST character overlay to the north and east of the site. The proposed development achieves the hierarchical goals with on-site lower density residential uses on the west and south sides, to higher intensity commercial/retail with structured parking in close proximity to Rogers Street.

For variance 2 (front setback maximum), Building Three is designed to be visible and inviting from the street and to contribute to the active streetscape of Rogers Street. Of the available 50 feet of property frontage along Rogers Street, 10 feet is proposed for a new

public multiuse trail that will increase mobility and access to the benefit of the general welfare of the community.

For variance 3 (upper floor facade step back), the greater building setback from Rogers Street, made necessary by the narrow frontage width on Rogers and as requested in variance 2, ensures that the height of Building Three will not create an undesirable “canyon effect” of buildings towering of the public street. Likewise, the presence of Rev. Butler Park across Fairview Street from Building One, as well as the grade change that effectively makes the southern end of Building One shorter in relation to street level than the nominal building height, both help prevent an undesirable canyon effect along Fairview Street. Even though the proposed buildings are taller than two stories, all of the building facades are designed to present a welcoming pedestrian-scale face toward the street and public realm, with a recognizable base, middle, and top, in keeping with the goals of the Downtown Vision and Infill Strategy Plan.

For variance 4 (ground-floor windows and doors), the proposed facade designs provide visual interest and architectural detail while also providing appropriate privacy for ground-floor dwelling units as requested in variance 1. The request to align residential uses with appropriate openings is practical and necessary (safety/security and privacy of residents) to the cohesive design of the site.

For variance 5 (facade projections and recesses), the proposed facade design provides articulation and facade modules that successfully break up the visual bulk of the building and avoid blank, uninterrupted walls. All facade modules are off-set by projects or recesses of at least five feet, the overall minimum off-set required by the UDO.

- (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 requested variance will not result in substantial adverse impacts to the use and value of surrounding properties. None of the requested variances will limit the current use or future redevelopment of any surrounding properties.

For variance 1 (ground-floor dwelling units), the site design provides practical application of transitioning from lower-intensity uses to the south and west to higher-intensity uses to the east, in particular reducing any potential impacts on the adjacent residential areas to the south and west.

For variances 2-5, the proposed facade designs present visually attractive faces toward all adjacent properties, while maintaining appropriate privacy for the proposed dwelling units on the site as well as the uses on adjacent properties.

- (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: The layout and configuration of the property as well as its past and current industrial use result in practical difficulties in the use of the property. The

unique property configuration includes the relatively narrow frontage on Rogers Street, which is the property's only frontage on an arterial street designed to handle significant traffic. The relatively narrow frontage on Rogers Street, compared to the depth and total area of the property, and the limited opportunities for access from 9th Street and Fairview Street result in limited access and visibility of the site. Strict application of the UDO results in practical difficulties in the use of the property, including practical difficulties for the specific use and site design that the petitioner has proposed, as well as site design in general because of the shape and multiple frontages. The requested variances provide the minimum relief necessary to overcome these practical difficulties.

For variance 1 (ground-floor dwelling units), practical difficulty is found in the unique site configuration, limited access, and limited visibility of the site from adjacent primary vehicular streets, which result in difficulty developing allowed uses, especially nonresidential uses.

For variance 2 (front setback maximum), practical difficulty is found in the relatively narrow width of the street frontage along Rogers Street compared to the depth and total area of the property. Strict application of the UDO's maximum front building setback standard, in combination with other building design standards, would result in a building taking up most of the available 50 feet of property frontage, thereby preventing or significantly limiting vehicle access from Rogers Street, including posing a practical difficulty in providing the desired multiuse path connection.

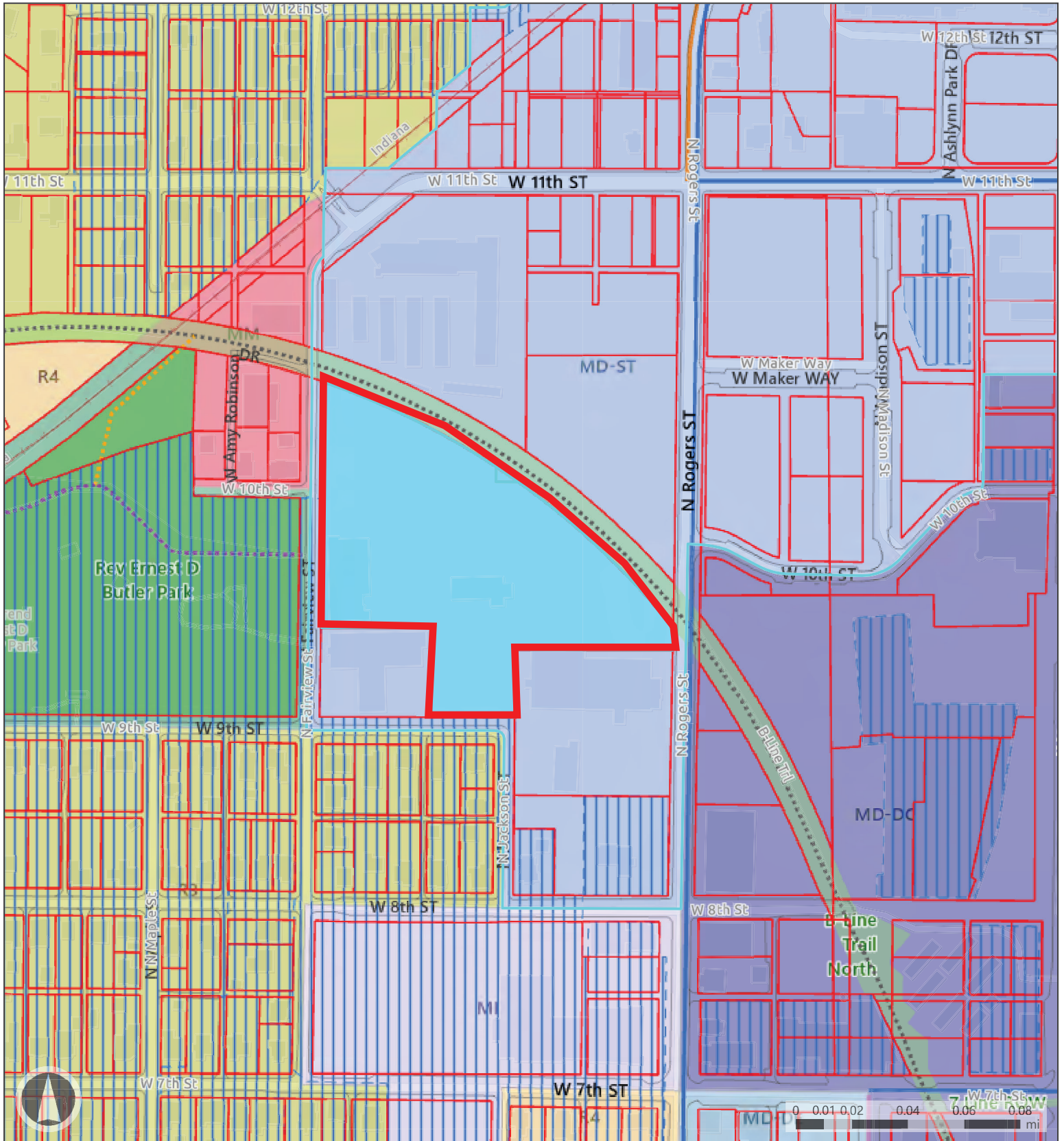
For variance 3 (upper floor facade step back), practical difficulty is found in the unique property configuration which limit the viability of developing the site with allowed uses. Strict application of the upper floor facade step back standard would significantly reduce the number of dwelling units possible with this site plan. The inefficiencies of applying this standard render the project impractical with the loss of buildable floor area at the loss of the UDO's incentivized goals.

For variance 4 (ground-floor windows and doors), practical difficulty is found in the unique site configuration, limited access, and limited visibility of the site from adjacent primary vehicular streets, which result in difficulty developing nonresidential uses, as found above for variance 1. Strict application of the UDO standards for 40 percent or 60 percent ground-floor windows and doors would result in practical difficulties providing appropriate privacy and fenestration for dwelling units. In combination with the practical difficulty in developing nonresidential uses on the site, strict application of this standard would make it difficult to develop the ground floors of the proposed buildings with any allowed use.

For variance 5 (facade projections and recesses), practical difficulty is found in the unique property configuration which limits the viability of developing the site with allowed uses. Strict application of the facade articulation standards would significantly reduce the number of dwelling units possible with this site plan. The inefficiencies of applying this standard render the project impractical with the loss of buildable floor area at the loss of the UDO's incentivized goals.

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-32-23 / VAR2023-09-0013 and approve the requested variances with the following conditions:

1. The project shall earn the affordable housing incentives and the sustainable development incentives established in UDO section 20.04.110(c), as demonstrated in an approved site plan.
2. The site shall provide a new multiuse trail with access easement that is open to the public providing a direct pedestrian and bicycle connection from Rogers Street at the B-Line trail to Rev. Butler Park as shown on the submitted conceptual site plan and as demonstrated in an approved site plan.
3. The variances are approved only for the proposed buildings as shown on the submitted conceptual site plan. Any future additions or new structures on the property shall comply with all applicable standards in the UDO.
4. Prior to issuance of a recommendation for final occupancy, the property owner shall record a zoning commitment with the Monroe County Recorder, in a form approved by the Planning and Transportation Department, committing to the following: Beginning on the date that is three years after the date the zoning commitment is recorded, if any of the ground-floor dwelling units is removed or is vacant and not used for residential use for a continuous period of twelve months, the variance to allow that dwelling unit shall lapse and become null and void and any subsequent use of that portion of the property shall comply with use standards and all other standards of the UDO. This condition shall act independently on each ground-floor dwelling unit.
5. All building facades shall conform to the facade designs shown on the submitted conceptual site plan, including materials, facade layout, and detailing. Minor changes to the facade designs that are consistent with the intent of the submitted designs and comply with conditions 6 through 9 shall be considered compliant with this condition. The determination whether a proposed change to facade design is compliant with this condition shall be made by the Planning and Transportation Department.
6. The west facade of Building One facing Fairview Street shall consist of no fewer than seven facade modules off-set by projections or recesses of at least five feet in depth. Each of the seven facade modules shall have a length between a minimum of 30 feet and a maximum of 100 feet.
7. The east facade of Building Three facing Rogers Street shall consist of no fewer than three facade modules off-set by projections or recesses of at least five feet in depth. Each of the three facade modules shall have a length between a minimum of 20 feet and a maximum of 100 feet.
8. The north facade of Building Three facing the B-Line Trail shall consist of no fewer than four facade modules off-set by projections or recesses of at least five feet in depth. Each of the four facade modules shall have a length between a minimum of 20 feet and a maximum of 100 feet.
9. The south facade of Building Four facing 9th Street shall consist of no fewer than five facade modules off-set by projections or recesses of at least five feet in depth. Each of the five facade modules shall have a length between a minimum of 20 feet and a maximum of 40 feet.



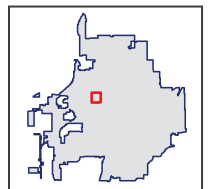
Map Legend

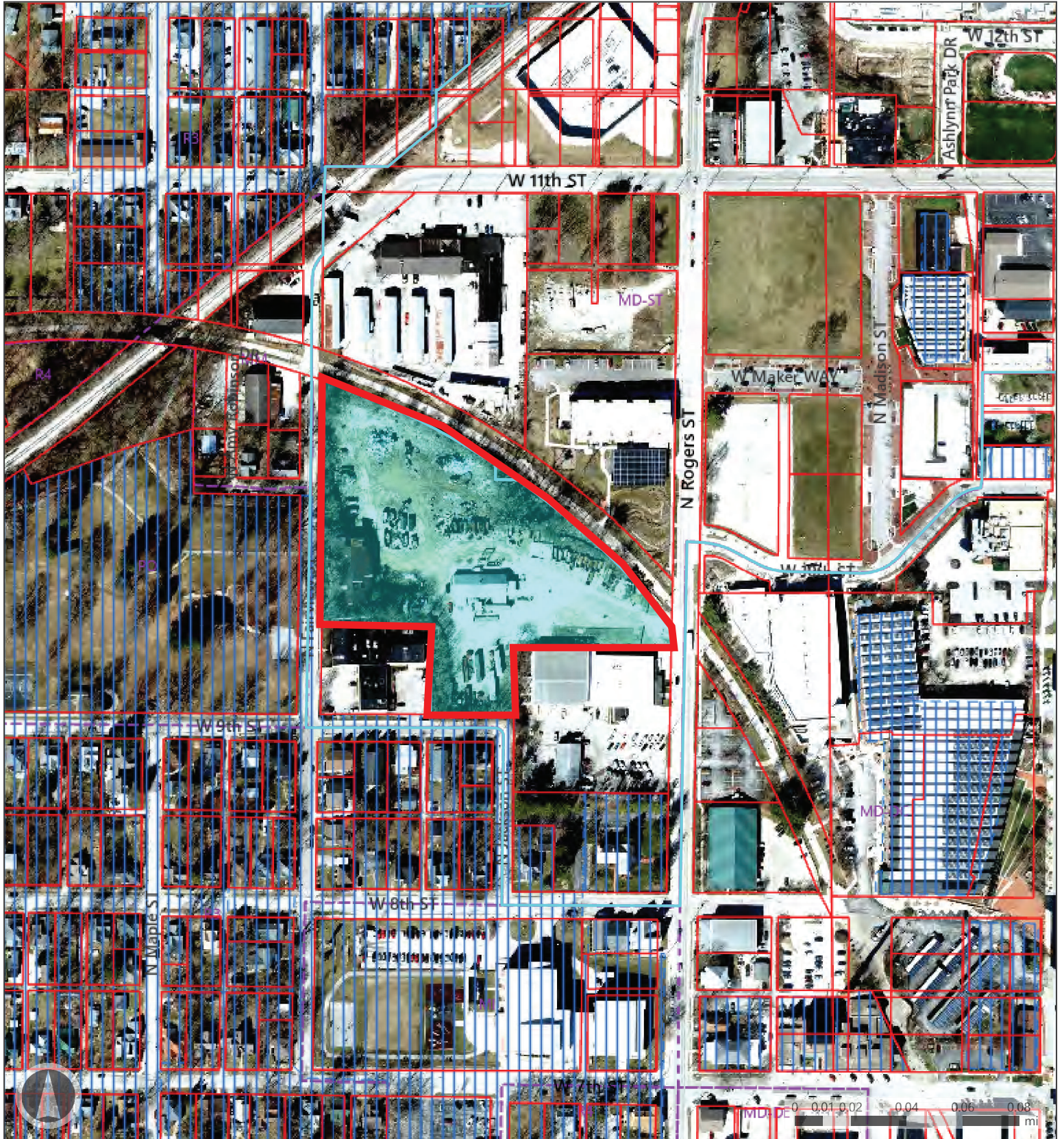
- Parcels
- Local Historic Districts
- Edge of Pavement

503 North Rogers Street




- Railroad
- Shared Lane
- Bike Lane

- Signed Bike Routes
- Paths
- Multiuse

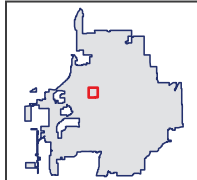




Map Legend

-  Parcels
-  Local Historic Districts
-  Zoning District Boundary

 503 North Rogers Street





November 2, 2023

City of Bloomington Board of Zoning Appeals
401 North Morton Street
Bloomington, IN 47403

**RE: Request for Variances for 503 North Rogers Street Parcel
Redevelopment of Bloomington Iron & Metal Site**

BZA Members:

Buckingham Properties, LLC (“Buckingham”) proposes to redevelop the 5.18-acre Bloomington Iron & Metal, Inc. property located 503 North Rogers Street (“Site”). The redevelopment of the Site into a vibrant mixed-use project will activate a critical area on the western edge of downtown Bloomington with sustainability and affordability as key components of its design. As a part of the Showers Technology Downtown Character Overlay (MD-ST) (“Overlay”), the project incorporates thoughtful site planning with complementary massing and scaling to adjacent uses. The project is strategically planned to promote mixed-used for young professionals, single families, empty nesters and retiree housing with commercial and office uses.

Project Description:

Conceptually, the project will consist of four new structures with a mix of approximately: 220 multifamily units, 5 townhomes, 3,000 square feet of commercial/retail use and 370 surface/structured parking spaces. Building One, paralleling N Fairview St, is an all-residential use four story structure and will provide a compelling and complementary urban edge facing the Rev. Ernest D. Butler Park (“Park”). Building Two, a four-story structure, located internal of the site, fronts the B-Line Trail (“Trail”) with amenity features including co-working space and creates an internal park-like setting in combination with Building One. Building Three, nearest N Rogers St, engages the Trail with active uses and includes the Site’s leasing office and clubhouse on the ground floor with four stories of residential above connected conveniently to the lined structured parking. Additionally, Building Three provides the most compelling commercial use facing N Roger St providing an accessible and inviting opportunity for both Trail users and vehicular traffic to stop and visit. Building Four consists of five - two/three story split townhomes with the two-story portion facing 9th Street and the three-story portion located toward the interior of the Site providing complementary transition from the single family residential across 9th Street. The Site also incorporates Class A exterior amenities including resort style pool, exterior fitness equipment, park like settings, outdoor workspace, pickle ball courts and a dog park. Additionally, the Site has been designed to accommodate direct connection from the Park to the Trail for greater public access and enjoyment of the City’s amenities.

Although extensive efforts have been made to develop and plan the Site in compliance with Unified Development Ordinance (“UDO”), the Site has unique constraints which drive the request for five (5) variances to implement a creative, thoughtful redevelopment of this parcel with a transformational project. In particular, the Site is bounded by a curved section of the Trail along the northern property line. While it encourages interaction and active use, it also discourages the extension of the traditional rectilinear street grid. Opposing the north side of the Trail, also within the same Overlay, is a non-complimentary use of aged and unattractive light industrial buildings and a non-Trail-engaging three/four split story multi-family residential use setback nearly 100’

from the Trail. The eastern property line is limited to approximately 50 linear feet along North Rogers Street presenting a significant-distinctive disadvantage for traditional manufacturing, light industrial and office users that typically gravitate to highly visible and easily accessible locations. The southern portion of the Site is impeded by two (2) industrial warehouse uses flanking the Site's southern projection with frontage on 9th Street. With limited frontage on 9th Street, insufficient property width and topographical challenges; a creative and complementary use is desired with single family residential immediately to the south of 9th Street. The Site's western boundary, N Fairview St, encounters over 15' of elevation change and is bisected by public storm sewer providing drainage for the Park as well as adjacent areas to the north and west. N Fairview St as a local street does not have capacity for significant manufacturing, light industrial or offices uses as suggested in the Overlay. Additionally, vehicular parking for the Park is accessed from N Fairview St and additional vehicular traffic from the Site would be detrimental to its use.

Variance Requests listed below (in compliance with City of Bloomington Unified Development Ordinance ("UDO" 20.06.080(b)) also reference BZA Concept Package Exhibit:

1. **UDO 20.03.030(b)(5)(D) Ground Floor Units:** Ground floor dwelling units shall be prohibited in the MD-ST Overlay District.
 - a. **Description:** The unique site constraints of the storm sewer and topographic challenges; property line geometry; N Fairview St traffic capacity; and limited access from N Rogers St and 9th St, render the site with limited viability as a desirable location for light industrial, manufacturing, office, or other high intensity uses, given its adjacency to park and single family uses. To the greatest practical extent, the perimeter of the site adjacent to N Rogers St and the Trail have been activated with commercial/retail uses and amenities to provide the look and feel of non-residential uses while the remainder of the site is proposed to have ground floor dwelling units. Buckingham respectfully requests that ground floor dwelling units be permitted in Building One in its entirety, Building Two except for the portion of the building facing the Trail, Building Three except for the portion of the building facing the Trail or N Rogers St, and Building Four in its entirety.
 - b. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
 - i. **PROPOSED FINDINGS:** Granting the variance will not be injurious to the public health, safety, morals, and general welfare of the community. The variance will allow the Site to facilitate the transition from low intensity uses of the Park and existing single family residential to the higher intensity uses proposed within the remainder of the Overlay to the north and east of the Site; the proposed development achieves the hierarchical goals with onsite lower density residential uses on the west and south sides, to higher intensity commercial/retail with structured parking in close proximity to N Rogers St. The proposed change of allowing ground floor dwelling units, except in specific areas along the Trail and N Rogers St, does not present safety hazards or concerns or otherwise endanger public health or general welfare.
 - c. *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.*

nonfunctional, non-aesthetically pleasing structure to be constructed with no practical purpose. Allowing the 15' maximum setback from N Rogers St to be eliminated presents no external adverse impacts that adversely affect the use and value of surrounding properties.

d. *The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.*

i. PROPOSED FINDINGS: The strict application of the terms of the UDO directly inhibit the development of the site as a practical and logical result of the unique site configuration, limited access, and frontage of the Site along N Rogers St. Given the approximately 50' of frontage along N Rogers St, the practicality of the installation of a curb cut to access the Site and the requirement to provide a path connecting the Trail to the Park through the Site, render the maximum 15' setback impractical to achieve with a functional-marketable structure that is usable. Granting the variance to eliminate the maximum 15' setback from N Roger St will relieve the practical difficulties.

3. **UDO 20.02.050(a)(5) Upper Floor Façade Step Backs:** Portions of the building façade facing the street above two stories in the DG and ST character areas, shall step back from the lower story vertical façade/wall plane a minimum of 15 feet.

a. Description: The overall design of the project is predicated on UDO 20.04.110 Incentives encouraging Affordable Housing and Sustainable Development which allow for more efficient and economical development and construction of floorplates of up to 30,000 square feet allowing for the inclusion of the stated incentives. The benefits of utilizing these incentives are negated and de-incentivized with the strict compliance with the Upper Façade Step Backs provision with the project incurring significant inefficiency to building circulation, significant reduction in developable floor area ratio and consequently increase project cost. Additionally, the primary purpose of a step back is most often associated with an urban core with flanking structures on either side of a public street to provide air and sunlight to reach the lower levels. For this unique location, such flanking structures are highly unlikely if not impractical as the Site's neighboring uses are the Park to the west, the Trail to the north, single family to the south, and (Variance #2, if granted) a setback from N Rogers St that supersedes the step back utilization. Buckingham respectfully requests the elimination of the Upper Floor Façade Step Backs for the Site.

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

i. PROPOSED FINDINGS: Granting of the variance to eliminate the Upper Floor Façade Step Back for the Site will not be injurious to the public safety, morals, and general welfare of the community. The step back is an architectural consideration that is not congruent with the physical and practical application of the Site's proposed configuration. The proposed change of eliminating the 15' step back for the Site does not present safety hazards or concerns or otherwise endanger public health or general welfare.

- c. *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.*
 - i. PROPOSED FINDINGS: There are no adverse impacts to the use and value of surrounding properties that would result from the variance eliminating the 15' step back for the Site to be approved. Granting of the variance will allow for the development and construction of a desirable, efficient project that delivers on the UDO Incentives of Affordable Housing and Sustainable Development. Allowing the variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.
 - d. *The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.*
 - i. PROPOSED FINDINGS: The strict application of the terms and goals of the UDO are in contradiction to the physical constraints of the Site. The Site is not within the downtown urban core where competing developments may preclude light and air to reach the lower levels. This particular site is adjacent to low intensity uses and will not be competing with future developments for light and air. The inefficiencies of including this provision render the economic viability of the project impractical with the loss of buildable floor area and increased project costs at the loss of the UDO Incentivized goals. Granting the variance to eliminate the Upper Floor Façade Step Back will relieve the practical difficulties.
4. **UDO 20.02.050(a)(6) Windows and Doors on Primary Facades:** First Floor (Building Base) Façade Facing a Street & B-Line Trail; 40% and 60%, respectively.
- a. **Description:** In correlation with Variance #1 (if granted), request the practical application of the Windows and Doors on Primary Facades at ground level for facades facing a street or the Trail to be congruent with the proposed residential use of the ground floor space where approved/allowed. Buckingham respectfully requests for portions of structures containing approved/allowed ground floor dwelling units facing a street or the Trail to utilize the UDO requirement of 20% minimum of transparent glass or façade openings as defined in UDO Table 02-25: Upper Floors (Building Middle) Facing a Street.
 - b. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
 - i. Granting the variance will not be injurious to the public health, safety, morals, and general welfare of the community. The request to align residential uses with appropriate openings is practical and necessary (safety/security and privacy of residents) to the cohesive design of the Site. The proposed change of aligning percentage of Windows and Doors on Primary Facades does not present safety hazards or concerns or otherwise endanger public health or general welfare.
 - c. *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.*
 - i. PROPOSED FINDINGS: There are no adverse impacts to the use and value of surrounding properties that would result from the variance aligning ground floor residential units to their respective UDO design standards

related to façade treatment. Allowing this variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.

- d. *The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.*
- i. PROPOSED FINDINGS: The strict application of the terms of the UDO directly inhibit the development of the site as a practical and logical result without aligning internal uses with external façade treatment in an aesthetically cohesive manner.
5. **UDO 20.02.050(a)(8)(B) Other Articulation Required:** Each façade of primary building facing a street or the B-Line Trail shall be articulated ... offset by a minimum depth (projecting or recessing) of five percent of the total façade length, at a minimum five feet...
- a. **Description:** The overall design of the project is predicated on UDO 20.04.110 Incentives encouraging Affordable Housing and Sustainable Development which allow for more efficient and economical development and construction of floorplates of up to 30,000 square feet allowing for the inclusion of the stated incentives. The benefits of utilizing these incentives are negated and de-incentivized with the strict compliance with the Façade Articulation provision with the project incurring significant inefficiency to building circulation, significant reduction in developable floor area ratio and consequently increased project cost. Buckingham respectfully requests to replace the Façade Articulation requirements of this UDO section for the Site to a minimum 5' offset for each 100' of Façade Articulation Module with no less than seven (7) modules along N Fairview St, three (3) modules along N Rogers St, and four (4) modules along the B-Line in lieu of the greater of 5' or 5% of façade length and 100' module.
- b. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*
- i. PROPOSED FINDINGS: Granting of the variance to reduce the Façade Articulation for the Site will not be injurious to the public safety, morals, and general welfare of the community. The proposed reduction of minimum façade offset to 5' is coupled with a minimum number of Façade Articulation Modules with no less than seven (7) modules along N Fairview St, three (3) modules along N Rogers St, and four (4) modules along the B-Line resulting in an increased number of modules along longer façade lengths while still maintaining the benefits of façade articulation. The proposed change of revision to the Façade Articulation does not present safety hazards or concerns or otherwise endanger public health or general welfare.
- c. *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.*
- i. PROPOSED FINDINGS: There are no adverse impacts to the use and value of surrounding properties that would result from the variance reducing Façade Articulation offset with reduced module length for the Site to be approved. Granting of the variance will allow for the development and construction of a desirable, efficient project that delivers on the UDO Incentives of Affordable Housing and Sustainable Development. Allowing

the variance presents no external adverse impacts that adversely affect the use and value of surrounding properties.

- d. *The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.*
- i. PROPOSED FINDINGS: The strict application of the terms and goals of the UDO are in contradiction to the physical constraints of the Site and the benefits of the UDO Incentives to achieve larger/longer floor plates by providing Affordable Housing and Sustainable Development. In particular this provision, if strictly enforced, would result in a Façade Articulation Offset of nearly 20' for a structure that is approximately 60' in width. The inefficiencies of including this provision render the economic viability of the project impractical with the loss of buildable floor area and increased project costs at the loss of the UDO Incentivized goals. Granting the variance to replace the Façade Articulation requirements of this UDO section for the Site to a minimum 5' offset for each 100' of Façade Articulation Module with no less than seven (7) modules along N Fairview St, three (3) modules along N Rogers St, and four (4) modules along the B-Line will relieve the practical difficulties.

Conclusion:

In summary, Buckingham has put forth a thoughtful and comprehensive plan for the redevelopment of the Site, emphasizing sustainability, affordability, and mixed-use development to invigorate downtown Bloomington. Recognizing the unique site challenges, Buckingham has meticulously requested variances in accordance with the UDO. These variances, as outlined in the proposal, have been carefully considered, with findings indicating that they would not harm public health, safety, morals, or general welfare. The variances offer practical solutions to site-specific constraints, enabling a seamless transition from lower-intensity uses to higher-intensity commercial and residential uses, in harmony with the Overlay's objectives.

In light of these considerations, Buckingham believes approving these variances would benefit the community by facilitating the transformation of this property into a vibrant and functional space, aligning with evolving community needs. This project promises not only to enhance the value of the immediate area but also to contribute positively to the broader downtown Bloomington landscape. Buckingham respectfully urge the City of Bloomington Board of Zoning Appeals to grant the requested variances, allowing this exciting redevelopment endeavor to proceed and contribute significantly to the ongoing growth and vitality of the City.

Regards,

Ryan M Gallmeyer
SVP, Development
Buckingham Properties, LLC

Enclosures








Concept Package

503 N. Rogers Street

Bloomington, IN








November 2, 2023



KEY	
	STUDIO
	ONE BEDROOM
	TWO BEDROOM
	THREE BEDROOM
	TOWNHOME
	RETAIL
	AMENITY

MATERIAL BREAKDOWN	
BRICK	39.4%
F.C. LAP SIDING	27.6%
BOARD AND BATTEN	0.7%
CAST STONE	4.6%
OPENINGS	23.9%
STOREFRONT	3.8%
TOTAL	100%



KEY	
	STUDIO
	ONE BEDROOM
	TWO BEDROOM
	THREE BEDROOM
	TOWNHOME
	RETAIL
	AMENITY










Conceptual & Subject to Change

Ground Floor Plan | Apartments

Scale: 1" = 50'-0"

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KEY	
	STUDIO
	ONE BEDROOM
	TWO BEDROOM
	THREE BEDROOM
	TOWNHOME
	RETAIL
	AMENITY



Conceptual & Subject to Change

Upper Floor Plan | Apartments

Scale: 1" = 50'-0"

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Conceptual & Subject to Change

Ground Floor Plan | Townhomes

Scale: 1" = 50'-0"

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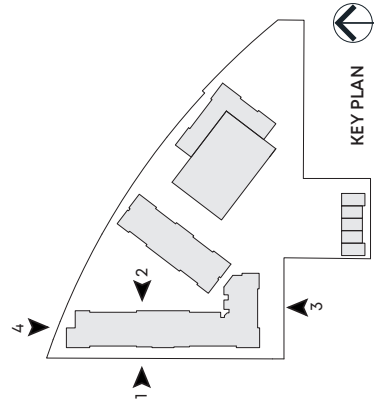
MATERIAL BREAKDOWN	
BRICK	36.7%
FC. LAP SIDING/PANEL	27.8%
BOARD AND BATTEN	0.7%
CAST STONE	5.4%
OPENINGS	29.0%
STOREFRONT	0.4%
TOTAL	100%



1. WEST ELEVATION



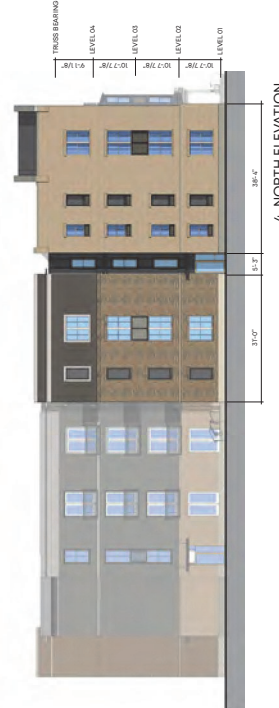
2. EAST ELEVATION



KEY PLAN



3. SOUTH ELEVATION



4. NORTH ELEVATION



1. EAST ELEVATION



2. WEST ELEVATION



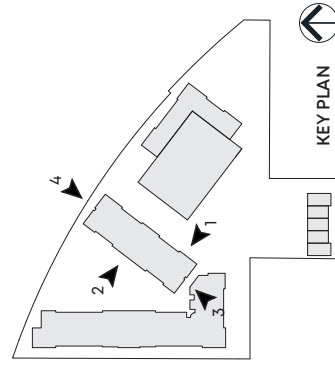
3. SOUTH ELEVATION



4. NORTH ELEVATION

MATERIAL BREAKDOWN	
BRICK	40.1%
F.C. LAP SIDING	33.7%
BOARD AND BATTEN	1.1%
CAST STONE	1.5%
OPENINGS	20.8%
STOREFRONT	2.8%
TOTAL	100%

NOTE: GROUND FLOOR ELEVATION ALONG THE B-LINE CONTAINS 60% STOREFRONT



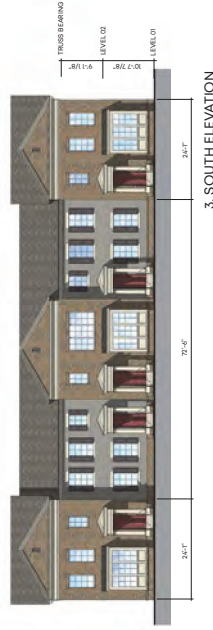
KEY PLAN



1. EAST ELEVATION



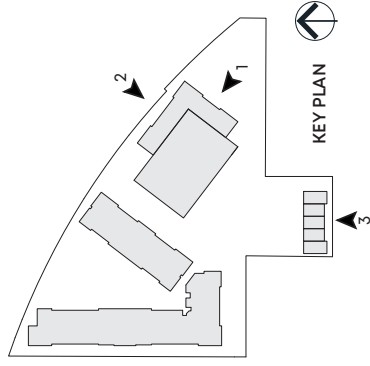
2. NORTH ELEVATION



3. SOUTH ELEVATION

MATERIAL BREAKDOWN	
BRICK	44.6%
F.C. LAP SIDING	18.1%
BOARD AND BATTEN	0.0%
CAST STONE	7.7%
OPENINGS	17.0%
STOREFRONT	12.6%
TOTAL	100%

NOTE: GROUND FLOOR ELEVATION ALONG THE B-LINE CONTAINS 60% STOREFRONT





Conceptual & Subject to Change

Fairview Street Perspective

Scale: NTS

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Fairview Street Perspective

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Perspective

Scale: NTS





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Rogers Street Perspective

Scale: NTS





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Townhome Perspective

Scale: NTS





Gabriel Holbrow <gabriel.holbrow@bloomington.in.gov>

Rogers & 9th Street (BIM) Zoning

Christine Lovelace <christineclovelace@gmail.com>

Wed, Oct 18, 2023 at 12:41 PM

To: "gabriel.holbrow@bloomington.in.gov" <gabriel.holbrow@bloomington.in.gov>

Dear Board of Zoning Appeals,

I am a resident on W 9th Street very near the proposed residential development on the property that is currently Bloomington Iron and Metal recycling (BIM). I wanted to comment on the proposed variance for this property because I feel strongly that, as we develop more high-density housing in Bloomington, we also need to create ways for neighborhoods to engage and gather as a community. Studies show that people are happiest when they can meet their daily needs close to home. Human-scaled streets and a balanced mix of shops and housing enable walkable, engaged neighborhoods. Without a balance of shops interspersed, high density housing creates more reliance on cars, and diminishes the potential for human connectedness.

We have a choice, with this variance decision, to build in community or to build in isolation. I'm glad to hear that there is a multi-building approach with communal outdoor space being proposed; however, I believe keeping some commercial spaces that have the potential for public interaction as part of the plan for the development of this land would help build a sense of community and connect the new housing into the existing neighborhood. The original idea of having spots where neighbors might go for a cup of coffee or to gather or patronize a local business on the B-line seemed like a great way to prevent this residential development from being isolated from the larger community. Only filling the commercial spaces with amenities for the residents of the complex would isolate them from the established neighborhood the complex was built within.

I hope the Board chooses building-in community in this decision.

In gratitude,
Christine

BLOOMINGTON BOARD OF ZONING APPEALS**CASE#: CU/V-33-23****EPL CASE#: USE2023-09-0028 / VAR2023-10-0014****STAFF REPORT****DATE: November 16, 2023****LOCATION: 329 South Maple Street**

PETITIONER/OWNER: Spyridan Stratigos
2216 State Ferry Road
Solsberry, IN

CONSULTANT: mca Marc Cornett Architects
101 East Kirkwood Avenue
Bloomington, IN

REQUEST: The petitioner is requesting Conditional Use approval and a variance from the rear building setback standard to allow a rear addition to an existing duplex dwelling structure in the Residential Small Lot (R3) zoning district.

REPORT: The property is located on the east side of South Maple Street between West 3rd Street and West Howe Avenue. The property and all surrounding properties are located in the Residential Small Lot (R3) zoning district and are also located in the Greater Prospect Hill Historic District. The property currently contains a lawful nonconforming duplex. Surrounding properties contain detached single-family dwellings.

The petitioner proposes work to the existing structure on the property, including reconstructing the front porch and constructing a rear addition that will expand the footprint of the righthand (northern) dwelling unit within the existing duplex. In order to expand the lawful, nonconforming duplex, a conditional use approval is required.

The petitioner held a meeting to receive input from members of the Prospect Hill Neighborhood Association on October 2, 2023, which is a requirement of the duplex use in the R3 zoning district. Because the property is located in a local historic district, the proposed work on the existing structure underwent historic review. Bloomington Historic Preservation granted Certificate of Appropriateness COA 23-52 on August 10, 2023.

The petitioner is also requesting a variance from the building rear setback in the Unified Development Ordinance (UDO). The required minimum rear setback is 25 feet in the R3 district. The proposed rear setback is 12 feet 3 1/2 inches.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(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 the use “dwelling, duplex” within the R3 zoning district and this petition meets those standards. The property owner does not have any notices of violation on file. Each unit has its own separate exterior entrance and the design of the building incorporates many elements similar to surrounding residences on this block face including- pitched roof, covered porches of similar width and depth, building setback, and vehicle access from the rear. The structure will contain three bedrooms. Each unit will have its own separate utility meters. One off-street parking space is provided at the northeast corner of the site, accessed from the side or rear alley. The petitioner attended a Prospect Hill Neighborhood Association meeting and presented this petition as required. There are no other known applicable regulations for this petition. The petition is compliant with Certificate of Appropriateness COA 23-52.

20.06.040(d)(6)(C) ADDITIONAL CRITERIA APPLICABLE TO CONDITIONAL USES

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

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as the “Mixed Urban Residential” land use category. The Comprehensive Plan states that Mixed Urban Residential land use category is largely in older neighborhoods and that redevelopment should be compatible with surroundings. The Comprehensive Plan also states that the most appropriate development activity is the rehabilitation of older structures for residential uses. The proposal seeks to allow for the continuation of the structure as a residential use that allows access to nearby downtown amenities to more people. The proposal is in line with the Comprehensive Plan.

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

PROPOSED FINDING: The site has existing utility connection 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 located within a historic district and received a Certificate of Appropriateness. No significant adverse impacts are expected from the expansion of the existing duplex dwelling. No changes to trash and waste collection are expected. The petitioner has offered multiple occasions to meet with interested parties to discuss and address any concerns about the project.

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.

**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCES:
Rear Building Setback**

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

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

PROPOSED FINDING: No injury to the public health, safety, morals, and general welfare is found as a result of this petition. The proposed rear setback, while not compliant with the strict application of the UDO, is not unusual for the surrounding historic neighborhoods.

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

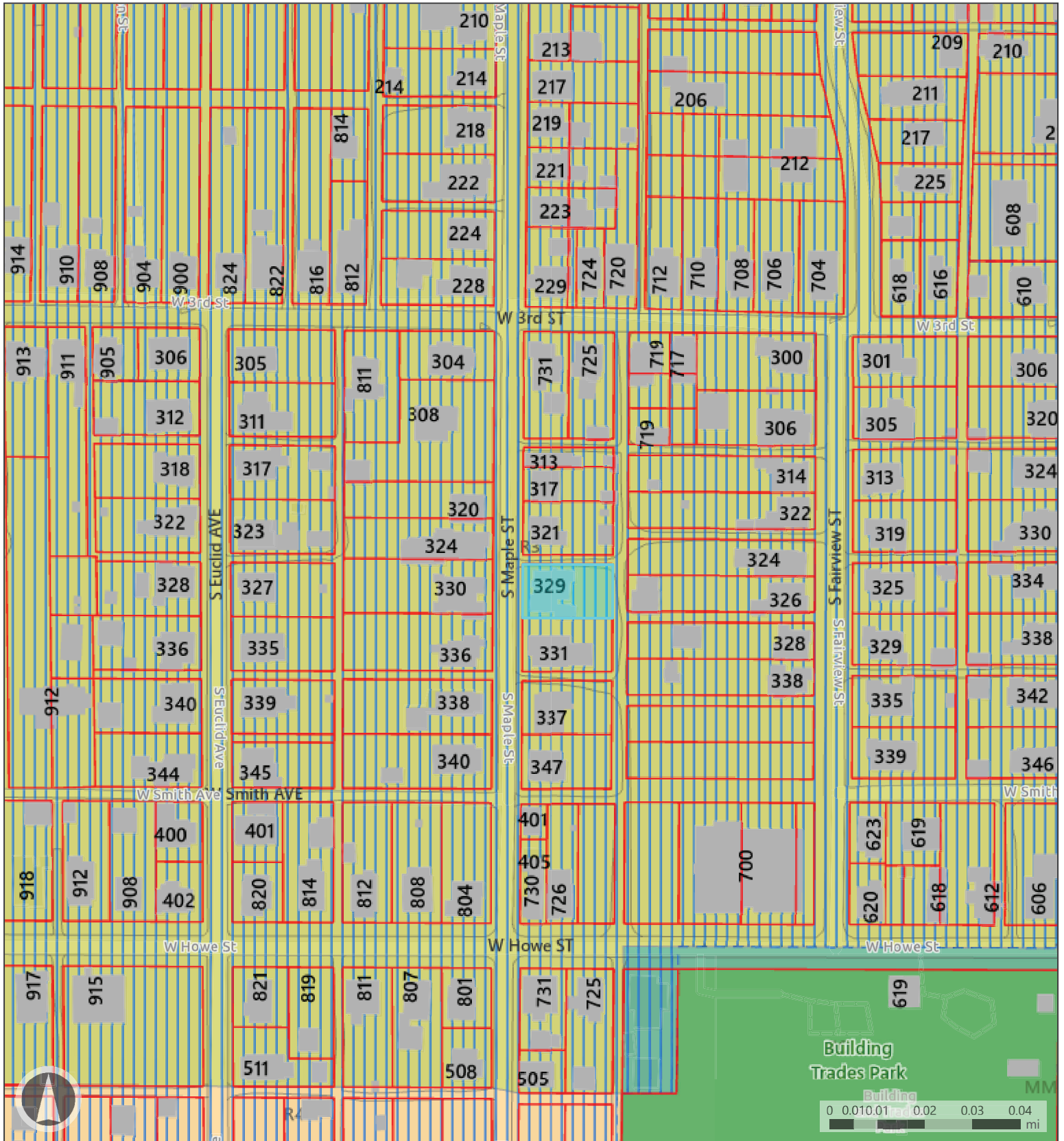
PROPOSED FINDING: No adverse effect to the use or value of the adjacent properties is found as a result of this petition. The presence of the rear alley provides at least 25 feet of separation from the rear of the addition to the nearest property line of the adjacent property to the east. The use and value of the areas adjacent to the property will not be affected by this request.

- (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: Practical difficulty is found in the relatively shallow lot depth of 100 feet, where many platted lots in the earliest-established Bloomington neighborhoods such as this are 132 feet (8 rods), and the existing Certificate of Appropriateness for the property. Although the UDO would allow a second story as a way to expand the living area of the duplex dwelling, the Historic Preservation Commission has granted a Certificate of Appropriateness that retains the structure as a one-story building, which is a common design element in the area. The proposed additional living area in the expansion into the required rear setback would be allowed by the UDO in a second story. The only way to expand the living area of the duplex by this much that is consistent with the surroundings and Certificate of Appropriateness is the proposed rear addition. Strict application of the UDO in this situation would bring the property out of character with the historically-protected surroundings and reduce the available living area below what the UDO allows. The requested variance relieves the practical difficulties identified.

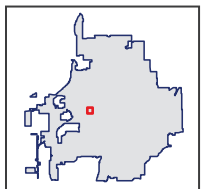
RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and recommends approval of CU/V-33-23 with the following condition:

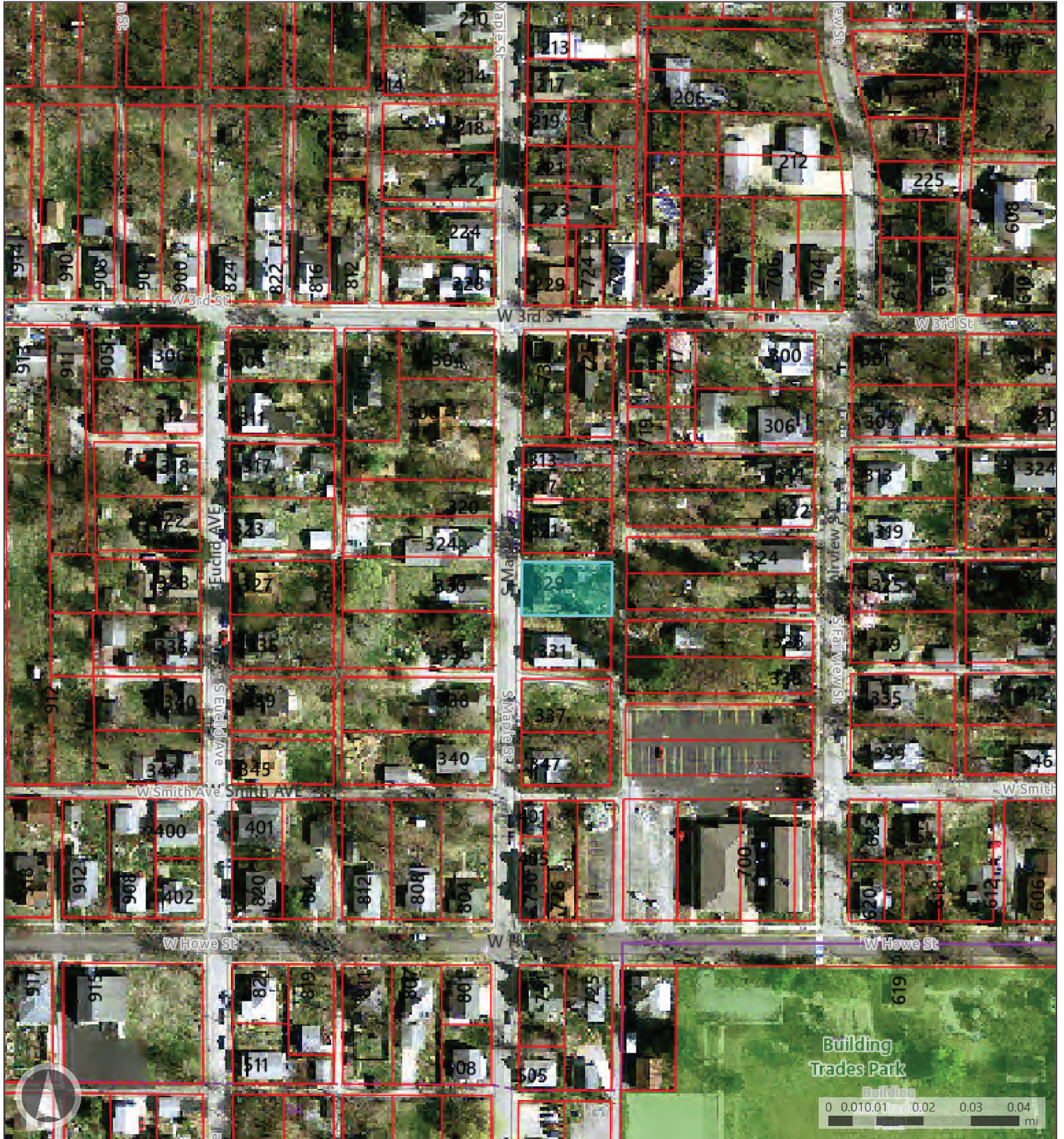
1. This conditional use and variance approval is limited to the design shown and discussed in the packet.



Map Legend

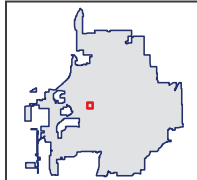
- Parcels
- Edge of Pavement
- Parks and Open Space
- Buildings
- Park Boundary
- Residential Small Lot
- Local Historic Districts
- Mixed-Use Medium-Scale
- Residential Urban





Map Legend

- Parcels
- Park Boundary
- Edge of Pavement
- Zoning District Boundary



m c a architects + urbanists

Stratigos 329 S. Maple St. Residence Addition
Bloomington, IN 47403

October 23, 2023

Petitioner's Statement:

1. Reason petition/variance requested –

Conditional use approval and rear yard setback variance (from 25' to 12'-4" +/-) to allow an addition to and renovation of an existing one-story duplex dwelling structure in the Residential Small Lot (R3) zoning district (as shown on the attached Site Plan per Bloomington UDO – R3: Residential Small Lot Dimensional Standards).

2. Description of Project and Materials:

Required demolition and new construction of an addition (on crawl space) to an existing one-story duplex dwelling structure (partial basement under existing) in the Prospect Hills Historic District/ Neighborhood. The project would include a complete exterior/interior renovation of the existing building with replacement of exterior doors and windows, exterior siding and trim, roofing (downspouts, gutters, fascia soffits, etc...) and construction of a new covered entry/front porch off the Maple St. side of the dwelling.

Floor Area:

Existing Floor Area: 1,356 s.f.

Proposed Floor Area: 698 s.f.

Covered Front Porch: 170 s.f.

Covered Side Porch: 160 s.f.

Total Floor Area: 2,384 s.f.

Proposed Building Materials:

Exterior Siding - James Hardie fiber cement lap siding (smooth finish, painted – typical).

Exterior Trim – Boral TruExterior Trim (smooth finish, painted – typical).

Exterior Columns and Beam Trim – Boral TruExterior Trim (smooth finish, painted – typical).

Exterior Doors – Therma-Tru Fiber Classic Mahogany Collection.

Exterior Windows – Marvin Ultrex/Essential High-Density Fiberglass.

Exterior Wood Deck Flooring – Azek TimberTech Composite Exterior Decking.

Foundation – Split-faced Concrete Masonry Units (running bond pattern).

Roofing - Owens Corning Fiberglass Roofing Shingles (3 tab) with standard residential aluminum downspouts/gutters.

Estimated Project Construction Schedule:

Construction begins in the Fall of 2023 with completion/occupancy in the Spring/Summer of 2024.

3. Property Size and Location:

Lot Size – 59.25' w. x 100.0' d.

Location – 329 S. Maple St. in the Prospect Hills Historic District.

4. Surrounding Land Uses:

All surrounding properties are residential small lot properties which are primarily owner-occupied single-family dwellings.

5. Existing Property Use and Structures:

The existing property is an existing one-story duplex dwelling that a family member (son) of the Owner/Petitioner currently resides in.

6. Proposed Property Use and Structures:

New construction of an addition (on crawl space) to an existing one-story duplex dwelling structure

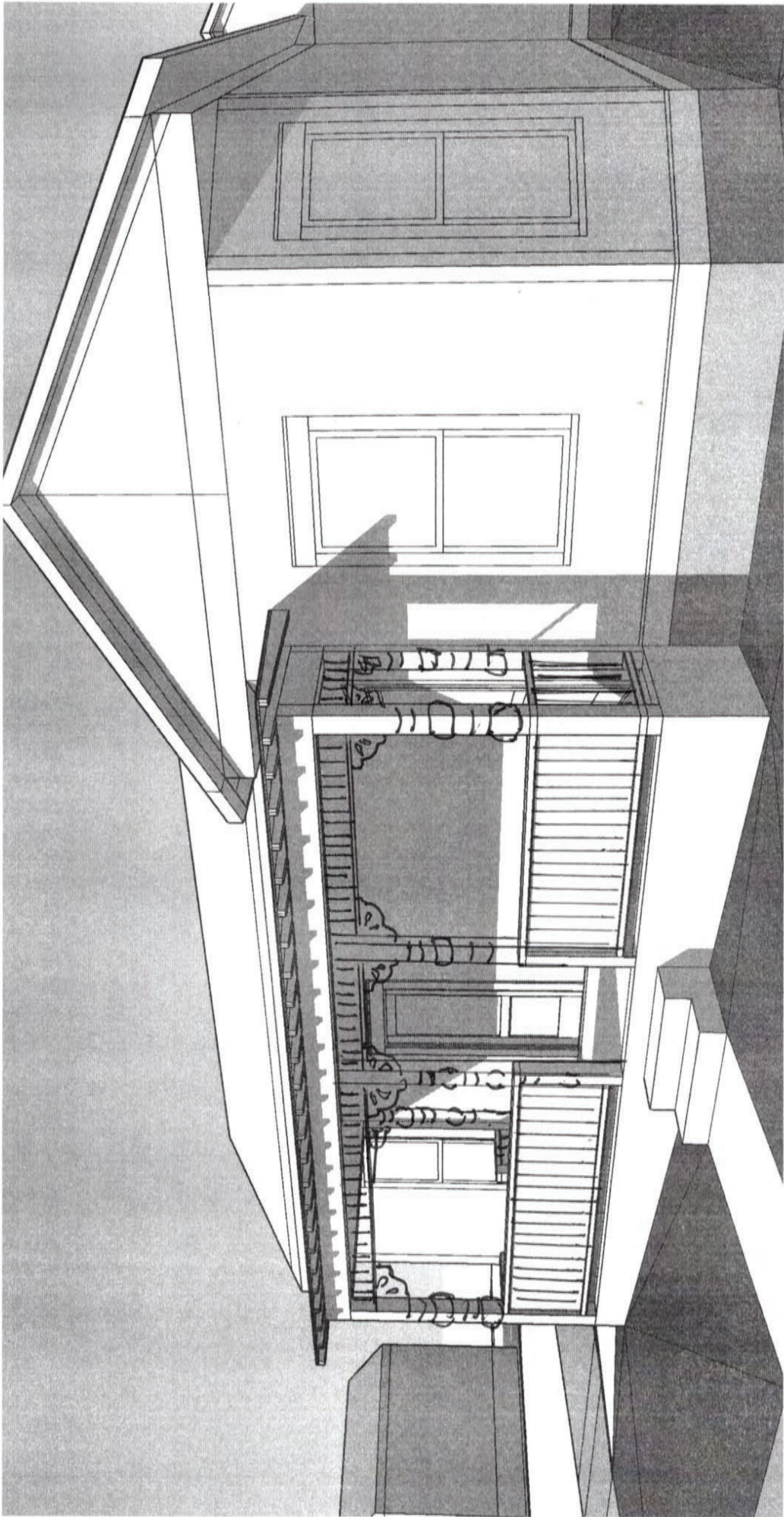
(partial basement under existing) in the Prospect Hills Historic District/Neighborhood. The project would include a complete exterior/interior renovation of the existing building with replacement of exterior doors and windows, exterior siding and trim, roofing (downspouts, gutters, fascia soffits, etc...) and construction of a new covered entry/front porch off the Maple St. side of the dwelling.

7. Vehicular Access:

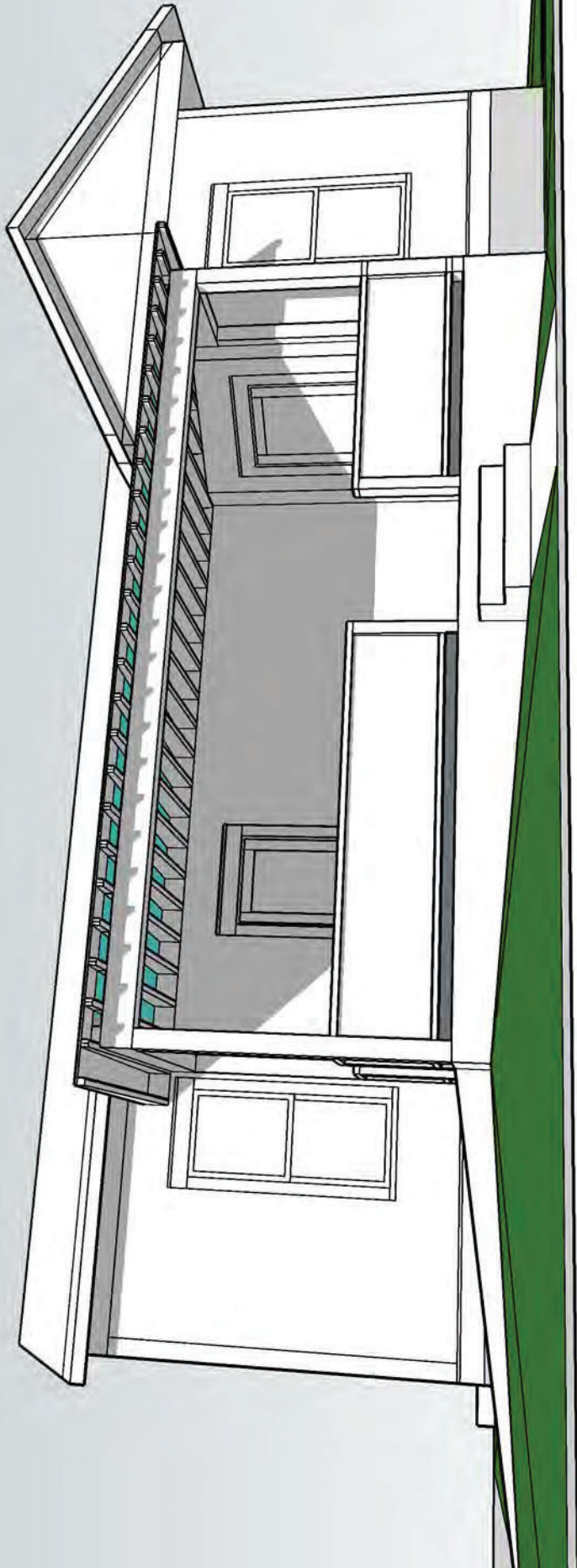
Primary property access is from S. Maple St. with secondary access by a public alley (on the north side of the property) from S. Maple St. to a second north/south intersecting public alley (to the east). One onsite parking space will be provided at the northeast corner of the property as indicated on the Site Plan provided. The surface of the parking space will be a pervious material that will be coordinated with recommendations from COB Planning.

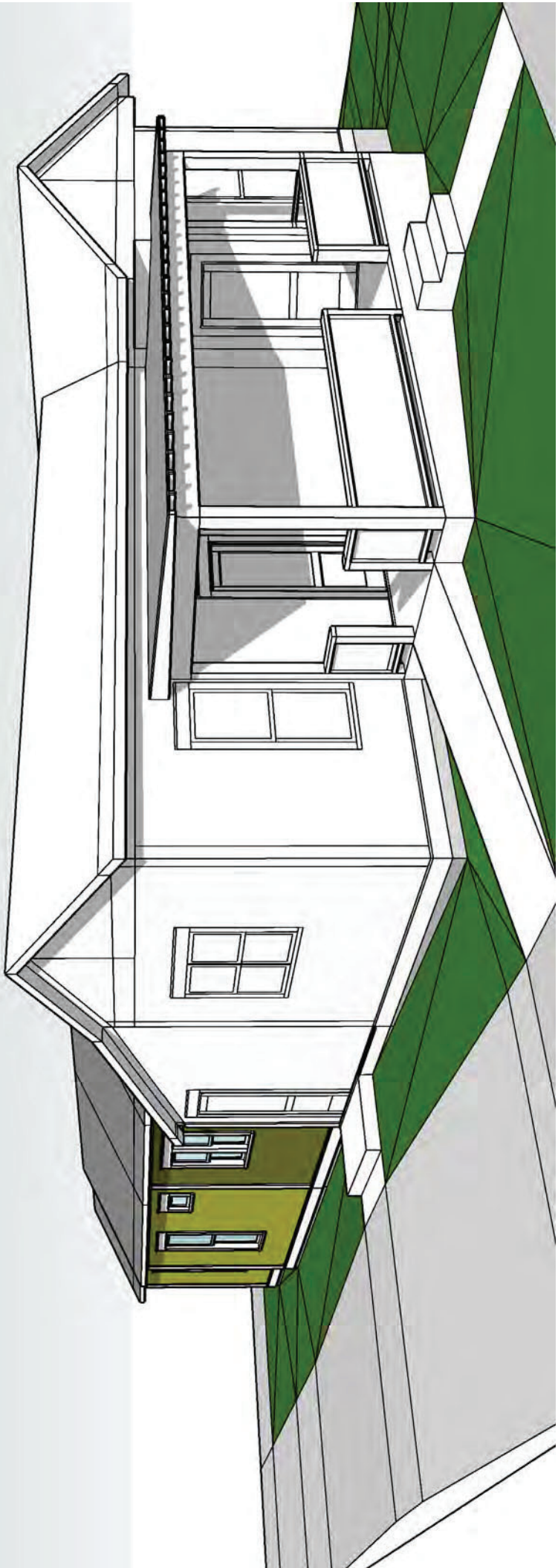
8. Justification for Approval:

The project provides a well-suited addition to and renovation of a currently occupied one-story duplex dwelling (a family member of the Owner/Petitioner currently resides in) within the near downtown area in the Prospect Hill Neighborhood. The Owner/Petitioner would reside (primarily) in one side of the duplex with his son residing in the other. The proposal is consistent with the required Conditional Use Criteria, objectives of the Comprehensive Plan and effectively minimizes and mitigates adverse impacts to adjoining properties and the neighborhood. It is appropriately scaled and sized with neighboring structures and land uses. It has been reviewed and supported by the Bloomington Historic Preservation Commission (COA 23-52), Prospect Hill Neighborhood Association (discussed and reviewed at the October 2, 2023 neighborhood meeting) and the COB Planning staff for the design/proposal submitted. The Owner respectfully requests that you grant the Conditional Use approval to allow an addition to and renovation of the existing one-story duplex dwelling structure as shown and presented in the attached drawings.

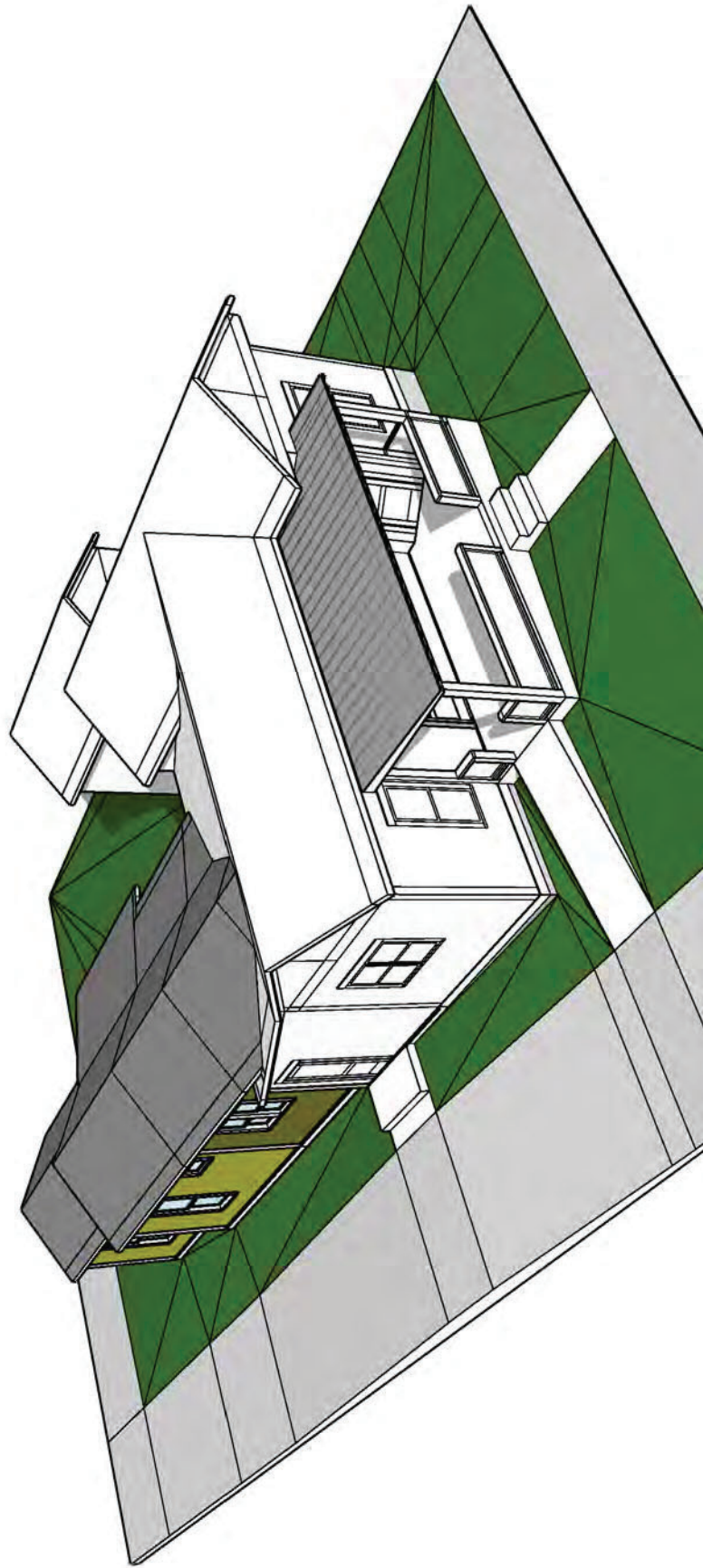


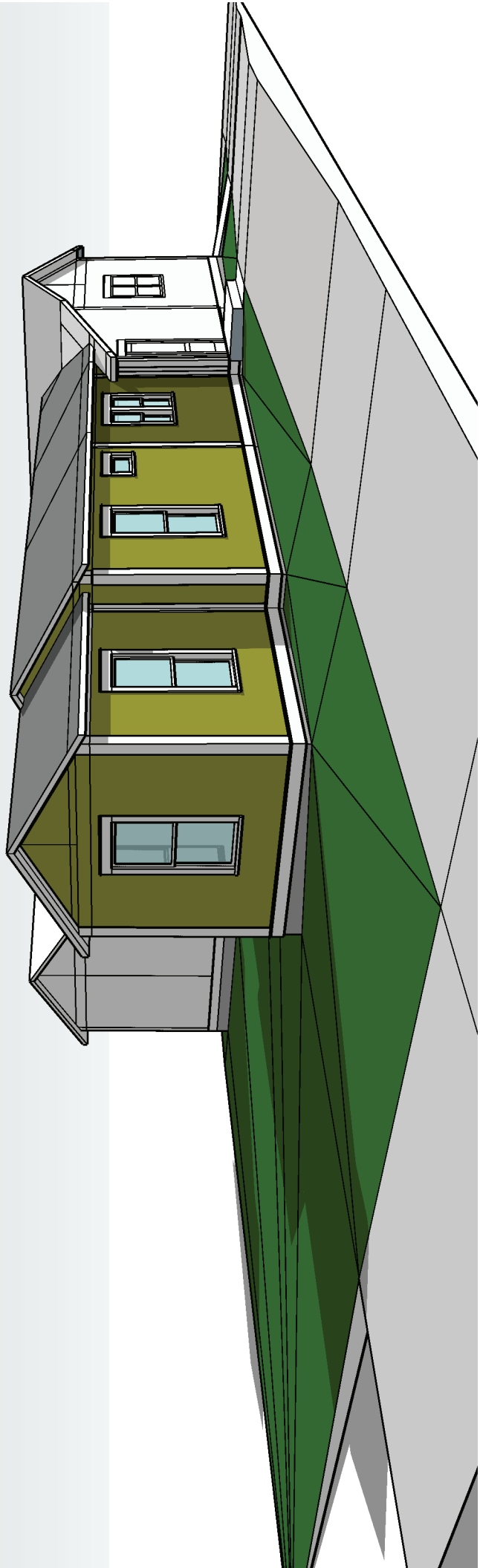
VICTORIAN OPTION 2

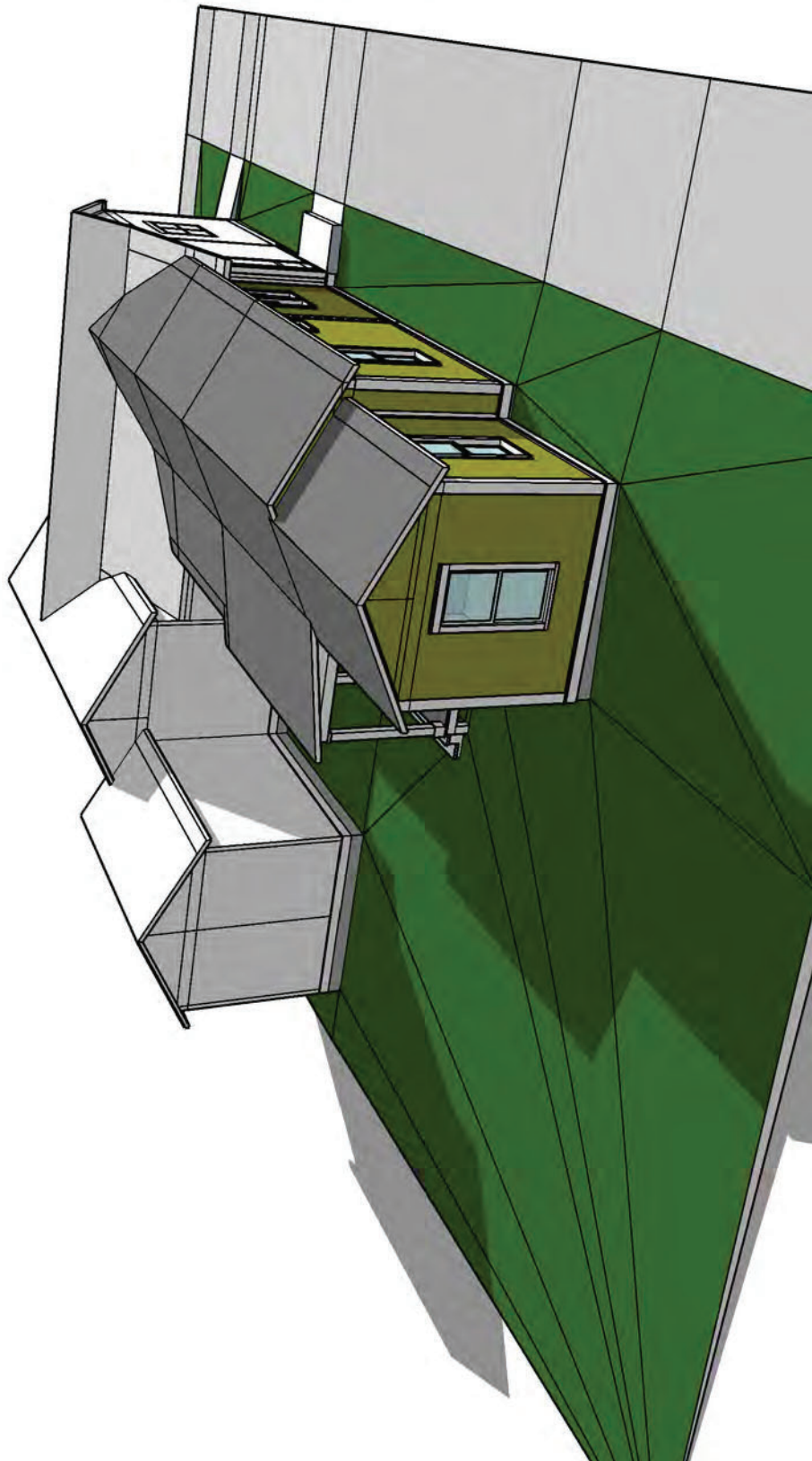


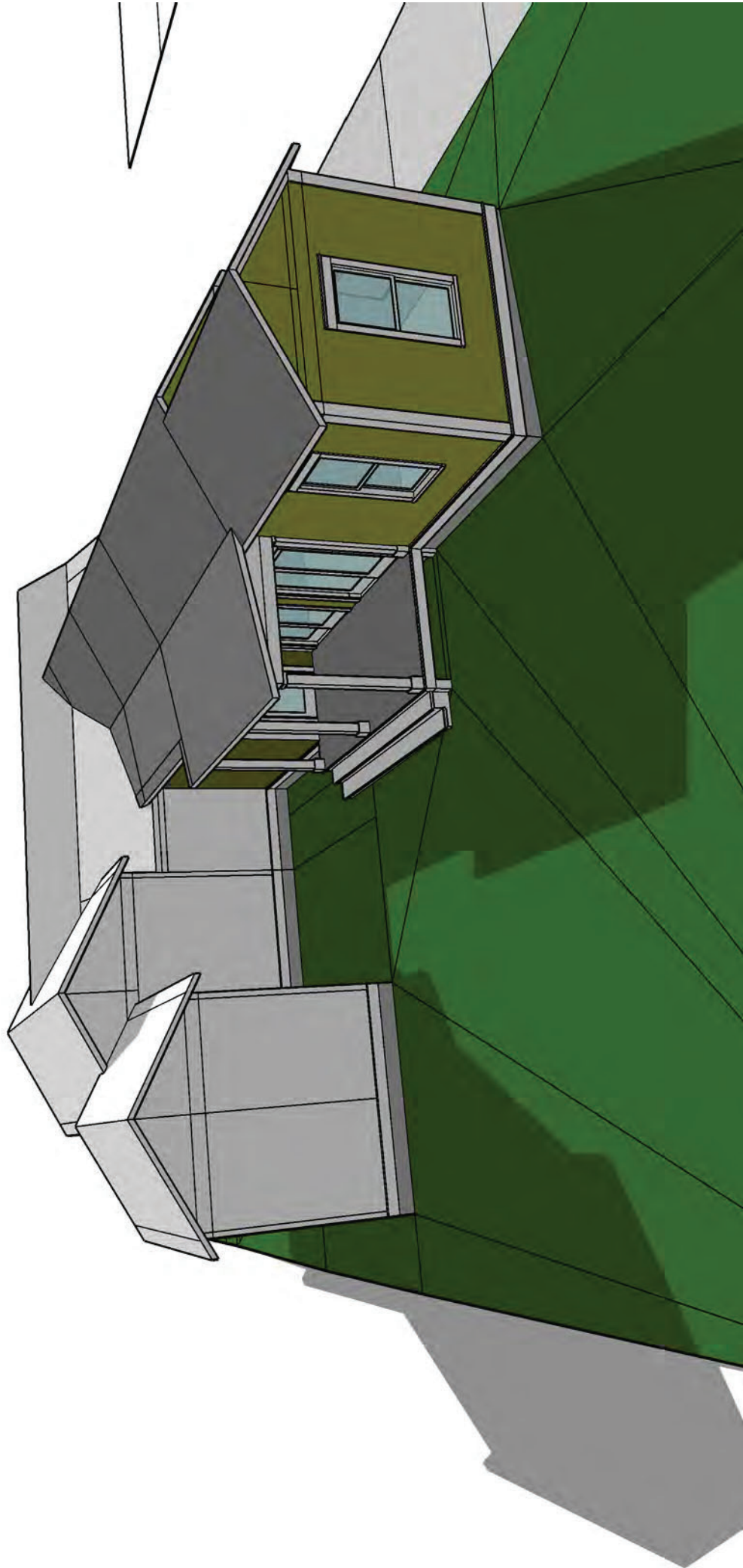
















**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1221 N. Madison Street**

**CASE#: CU-35-23
DATE: November 16, 2023**

PETITIONER: Latitude 39 North Properties, LLC
PO Box 67
Bloomington, IN 47402

REQUEST: The petitioner is requesting Conditional Use approval to allow a “Dwelling, duplex” use in the Residential Small Lot (R3) zoning district.

REPORT: The property is located at 1221 N. Madison Street and is currently zoned Residential Small Lot (R3). Properties to the north, west, and east are zoned Mixed-Use Medium Scale (MM) and properties to the south are zoned Residential Small Lot (R3). The property recently contained a single family residence, but a demolition permit was issued for its removal and it has been removed. The site currently contains no structures. Although the property is located in the Maple Heights Neighborhood, it is not located in the Maple Heights Historic District.

The petitioner is proposing to develop the site with a new duplex. The residence would face Madison Street and be accessed by a driveway and parking area in the rear. Each unit would have its own entry facing Madison Street with a sidewalk connecting the residence to the sidewalk on Madison Street. The existing sidewalk on Madison Street is not in functional condition and must be replaced with a new 6’ wide sidewalk and street trees which have been shown on the site plan. The new residence will be two-stories with three bedrooms in each unit.

The petitioner is requesting conditional use approval to allow the establishment of a “Duplex, dwelling” use on the property.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(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 the use “dwelling, duplex” within the R3 zoning district and this petition meets those standards. The property owner does not have any notices of violation on file. Each unit has its own separate exterior entrance and the design of the building incorporates many elements similar to surrounding residences on this block face including- pitched roof, covered porches of similar width and depth, building setback, and vehicle access from the rear. The structure will contain no more than six bedrooms. Each unit will have its own separate utility meters. The petitioner did attend a Maple Heights Neighborhood Association meeting and presented this petition as required. There are no other known applicable regulations for this petition. There are water and sewer

connections available in Madison Street and no conflicts with connecting to those services have been identified. There are no known prior approvals for this site.

20.06.040(d)(6)(C) ADDITIONAL CRITERIA APPLICABLE TO CONDITIONAL USES

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

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

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as the “Mixed Urban Residential” land use category. The Comprehensive Plan states that Mixed Urban Residential land use category is largely in older neighborhoods and that redevelopment should be compatible with surroundings. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units and duplexes. This location is also well served by existing services and utilities. The proposal also accomplishes many of the design goals of the Comprehensive Plan in relation to compatibility with adjacent structures and has a clear relationship with the adjacent public street through the sidewalk connection from the residence to the sidewalk on the street. The proposal is in line with the Comprehensive Plan.

ii. *Provides Adequate Public Services and Facilities*

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

PROPOSED FINDING: The site has existing utility connection and no issues have been identified with the proposed connections.

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 known natural or scenic features that will be impacted.

The building is not located within a historic district. No significant adverse impacts are expected from the creation of the proposed duplex. No changes to trash and waste collection service are expected. No concerns from any adjoining property owners were expressed at the Neighborhood Meeting or in any future correspondence.

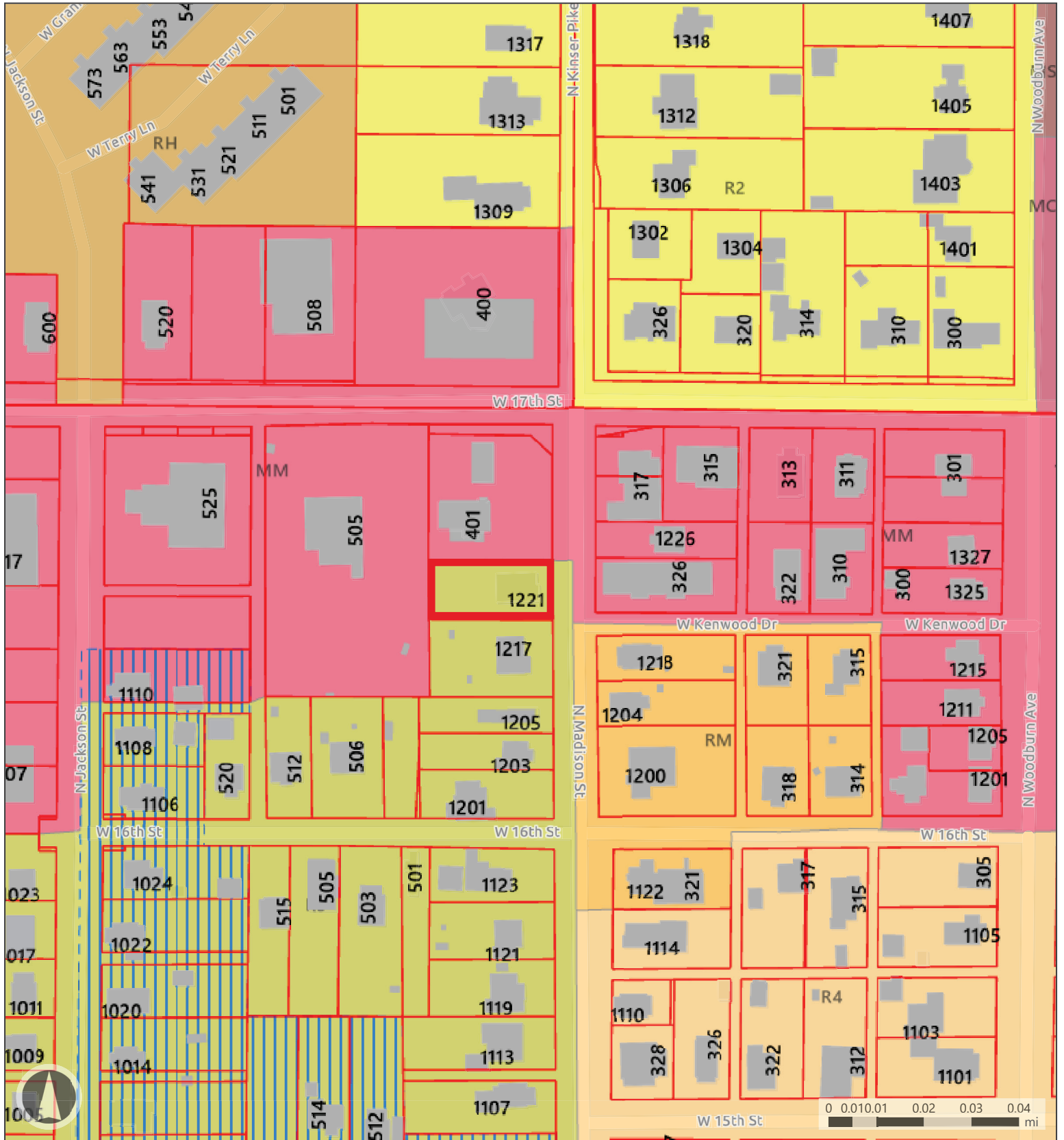
iv. Rational Phasing Plan

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

PROPOSED FINDING: No phasing is proposed with this plan.

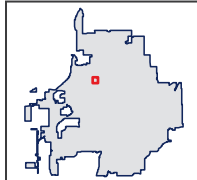
RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-35-23 with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. A 6' wide concrete sidewalk and street trees not more than 30' from center are required along the property frontage.



Map Legend

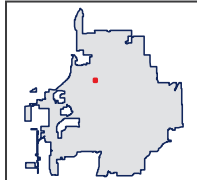
- Parcels
- Buildings
- Local Historic Districts
- Mixed-Use Corridor
- Mixed-Use Medium-Scale
- Mixed-Use Student Housing
- Residential Medium Lot
- Residential Small Lot
- Residential Urban
- Residential High-
- Residential





Map Legend

- Addresses
- Parcels
- Buildings



Latitude 39 North Properties, LLC

PO Box 67, Bloomington, Indiana

Petitioner's Statement

1221-1223 North Madison Street Residence

Petitioner: Latitude 39 North Properties, LLC, Bloomington, Indiana

Property Description

1221 North Madison Street is a vacant, residential lot near the intersection of North Madison Street and West 17th Street. The property is zoned R3 (Residential Small Lot). The property is bounded by commercial uses to the North and West, multifamily apartments to the East, and a single-family residence to the South. Adjacent Zoning is R3 Residential to the South and MM Mixed-Use Medium Scale to the East, West, and North.

Conditional Use Request

Latitude 39 North Properties, LLC, is filing a request for Conditional Use per the UDO for Dwelling, Duplex construction in R3 Zoning. The proposal meets the design requirements and the development standards in the UDO. The proposal consists of a new 2-story structure that includes two 3 bedroom, 3 bath dwelling units. The design reflects the requirements of the UDO in that separate exterior entrances for each unit face North Madison Street. Additionally, various gable roof pitches reflect similar gable roof styles found in the surrounding neighborhood. The combination of horizontal "lap style" and vertical board and batten siding are also common in the neighborhood. The building setback and vehicular access is also consistent with other homes along the West side of North Madison Street. New water and sewer service, separate for each unit, has been coordinated with City of Bloomington Utilities and Engineering, and new electrical service, separate for each unit, will be coordinated with Duke Energy. Upon approval, construction would likely begin in December of 2023 with completion expected in the Summer of 2024.

NORTH MADISON RESIDENCE

1221 / 1223 N. Madison St.
Bloomington, IN 47404



General Notes:

VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. ALL LOCATION OF FOUNDATION PIERIS SUBJECT TO CHANGE IN THE FIELD.
ALL MEANS AND METHODS OF CONSTRUCTION, AT MINIMUM MUST MEET CODE, SHOULD BE COORDINATED WITH THE GENERAL CONTRACTOR.
CABINETS TO BE DIMENSIONED, DESIGNED & COORDINATED BY OTHERS.
DIMENSIONS ARE PENDING CABINET LAYOUTS, FUTURE SELECTIONS SPECIFIED IN FIELD MEASUREMENT VERIFICATION.

NORTH MADISON RESIDENCE

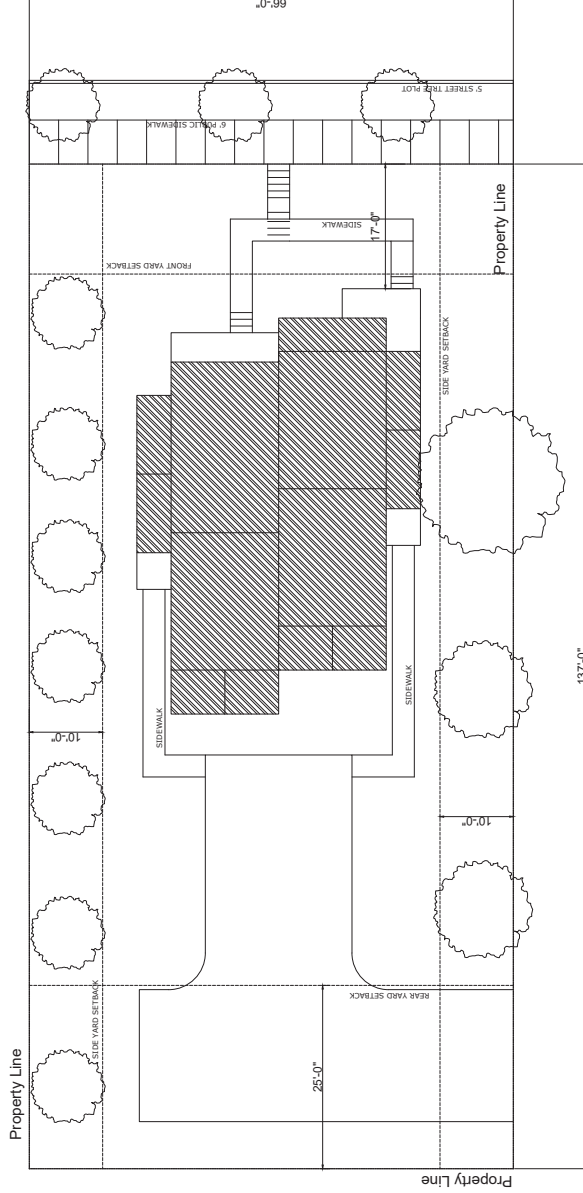
1221 / 1223 N. Madison St.
Bloomington, IN 47404

Table of Contents

SITE Site Plan	813 sf
A1.1 Elevations	533 sf
A2.1 Elevations	5,344 sf
A2.2 Foundation Plan	9,614 sf
A3.0 First Floor Plan	2,112 sf
A4.0 Second Floor Plan	2,112 sf
A5.0 Lighting Layout	3,736 sf
A5.0 Roof Plan	41,396
Square Feet Totals	
Main Level	
1st Level	
TOTAL	
Lot Size	
SideWalk, Porch, Driveway	
TOTAL Impervious Surface Area	
Impervious Area Percentage	

No.	Revision/ Issue	Date
1		
2		
3		
4		

Project Name	1221/23
BO SET	11.08.2023
Date	11.08.2023
Drawn By	Bloom Design Build
Scale	1/4" = 1'-0"



01 PROPOSED SITE PLAN

SCALE: 1/8" = 1'-0"

- TREE PLOT**
- PLANT NEW STREET TREE GREATER THAN 40' FROM OF TREES
 - TWO TREES PLANTED, EA REDBUD (CERCIS CANAD TRES ARE 2" MINIMUM SMALL STREET TREES SE TO O.H. UTILITY LINES

- SIDEWALK**
- NEW 6' SIDEWALK CONS APPROXIMATELY 66 LINE NEW SIDEWALK CONSTR CONNECT TO EXISTING 5' TREE PLOT TO BE MAI BETWEEN STREET CURB SIDEWALK CONSTRUCT

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 Design • Construction • Consulting

General Notes:

VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. ALL LOCATION OF FOUNDATION PERS SUBJECT TO CHANGE IN THE FIELD.

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PLUMBING DIMENSIONS ARE PENDING CABINET LAYOUTS. FUTURE SELECTIONS SPECIFIED IN FIELD MEASUREMENT / VERIFICATION.

NORTH MADISON RESIDENCE

1221 / 1223 N. Madison St.
 Bloomington, IN 47404

Table of Contents

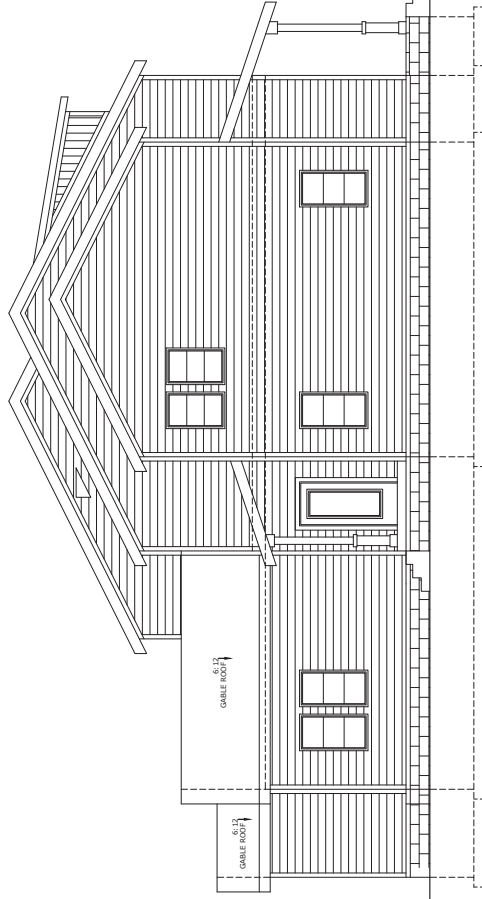
No.	Revision / Issue	Date
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3		
4		

Project Name: B&B SET
 Date: 11.08.2023
 Drawn By: [Name]
 Checked By: [Name]
 Scale: 1/8" = 1'-0"

Square Feet Totals

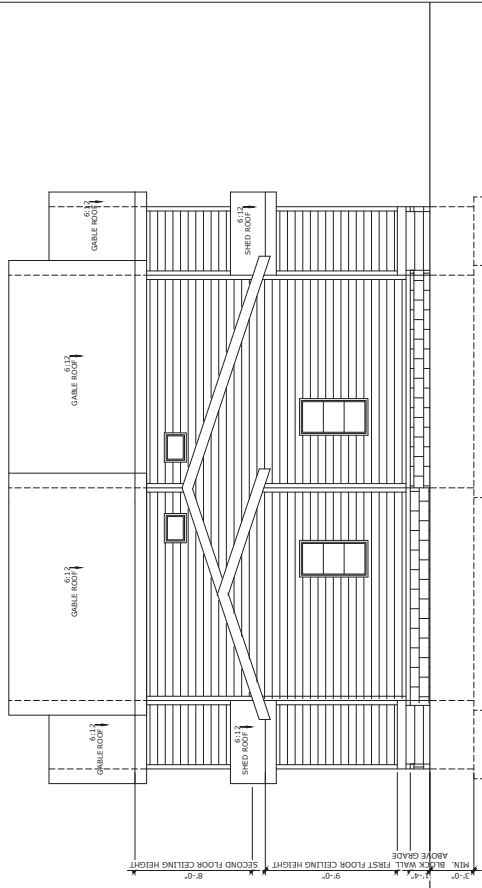
Main Level	833 sf
Basement	535 sf
TOTAL	1,368 sf
Lot Size	9,634 sf
Impervious Surface Area	2,112 sf
Impervious Area Percentage	41.3%

SITE 04



01 SOUTH ELEVATION

SCALE: 1/4" = 1'-0"



01 WEST ELEVATION

SCALE: 1/4" = 1'-0"

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General Notes:
 VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. ALL LOCATION OF FOUNDATION PIERIS SUBJECT TO CHANGE IN THE FIELD.
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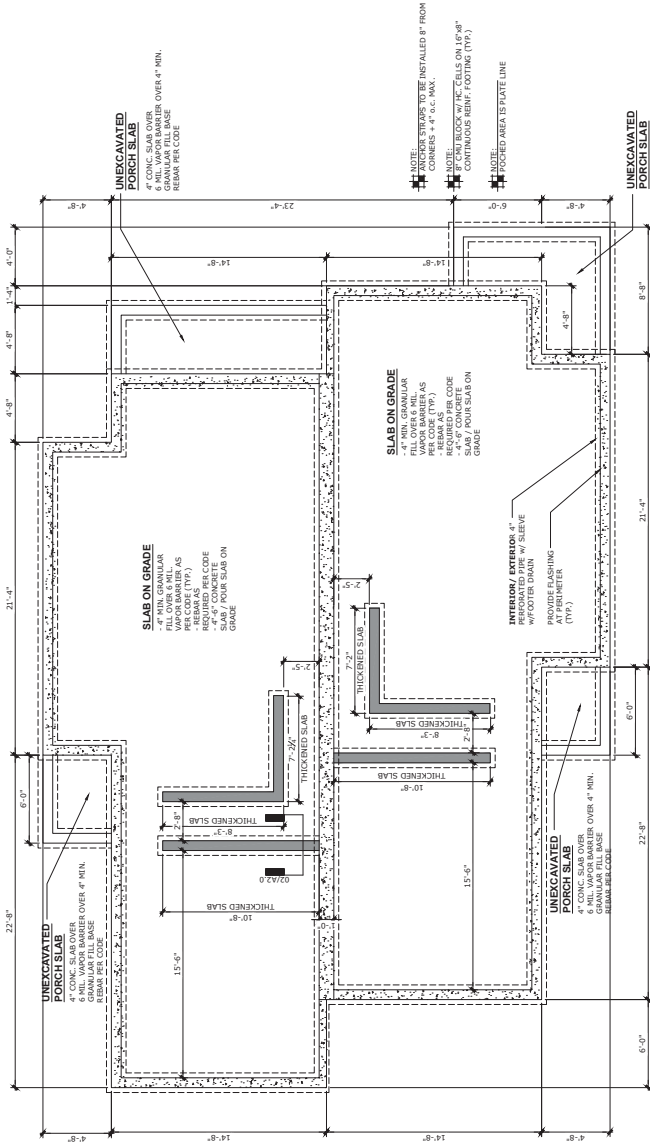
NORTH MADISON RESIDENCE
 1221 / 1223 N. Madison St.
 Bloomington, IN 47404

Table of Contents	
SITE	Site Plan
A1.1	Elevations
A2.0	Foundation Plan
A3.0	First Floor Plan
A4.0	Lighting Layout
A5.0	Roof Plan
Square Feet Totals	
Main Level	813 sf
1st Level	535 sf
TOTAL	1,348 sf
Lot Size	9,014 sf
SideWalk, Porches, Driveway	2,112 sf
TOTAL Impervious Surface Area	3,736 sf
Impervious Area Percentage	41.3%

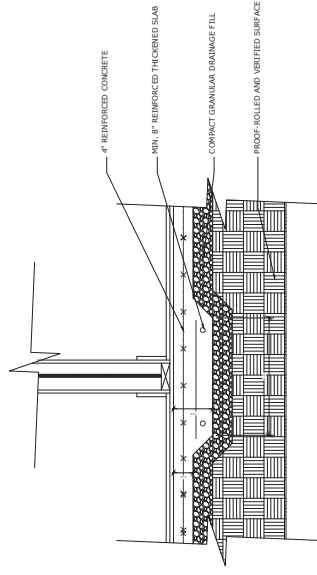
No.	Revision / Issue	Date
1		
2		
3		
4		

Project Name: B&B SET
 Date: 11.08.2023
 Drawn By: Bloomington build
 Scale: 1/4" = 1'-0"

A1.18



01 FOUNDATION PLAN



02 THICKENED SLAB DETAIL

SCALE = 1" = 1'-0"

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General Notes:
 VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. THE LOCATION OF FOUNDATION PILES SUBJECT TO CHANGE IN THE FIELD.
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 DIMENSIONS ARE PERENDING CABINET LAYOUTS. FUTURE SELECTIONS SPECIFIED IN FIELD MEASUREMENT VERIFICATION.

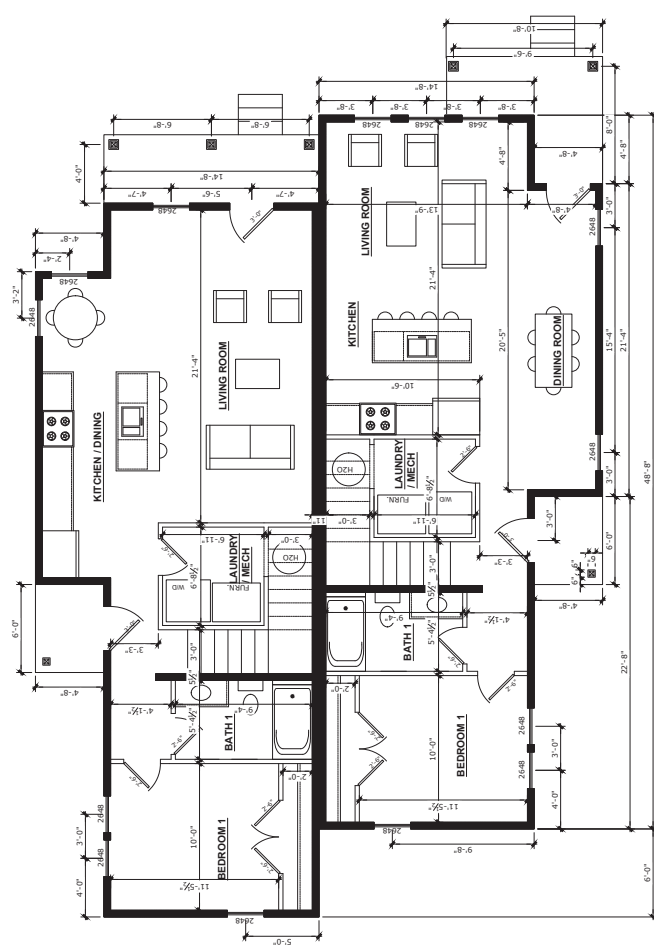
NORTH MADISON RESIDENCE
 1221 / 1223 N. Madison St.
 Bloomington, IN 47404

Table of Contents	
SITE Site Plan	
A1.1 Elevations	
A2.0 Foundation Plan	
A3.0 First Floor Plan	
A4.0 Lighting Layout	
A5.0 Roof Plan	
Square Feet Totals	
Main Level	813 sf
Basement	535 sf
TOTAL	1,348 sf
Lot Size	9,614 sf
SideWalk, Porch, Driveway	2,112 sf
TOTAL Impervious Surface Area	3,726 sf
Impervious Area Percentage	41.3%

No.	Revision/ Issue	Date
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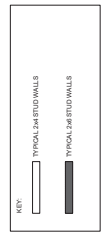
Project Name	02A.2
Date	11.08.2023
Drawn By	Bloom design build
Scale	1/4" = 1'-0"

A2.0



01 FIRST FLOOR
SCALE: 1/4" = 1'-0"

- MINIMUM NOTES:
 - TYPICAL EX WALL STUDS UNLESS NOTED OTHERWISE
 - TYPICAL EX WALL STUDS UNLESS NOTED OTHERWISE
 - SNICING AS PER CODE
 - ALL FIRST FLOOR WINDOW + DOOR HEADERS TO BE (2) 2X12S UNLESS OTHERWISE NOTED.
 - DIMENSIONS ARE TO CENTERING UNLESS NOTED.
 - ADJUSTMENT IS REQUIRED TO ALL EXTERIOR WALLS.
 - ALL DIMENSIONS ARE TO CENTERING UNLESS NOTED.
 - SIZE BY QUALIFIED ENGINEER LICENSED IN INDIANA.
- ROUGH OPENINGS - SEE SPEC SHEETS
- WINDOW OPENINGS TO BE ORIGINAL WINDOWS (ALL LOCATIONS) INTERIOR DOORS CASE 3-1/2" NOT + BASE TRIM 5-1/2" NOT SMOOTH FLAT (ALL LOCATIONS)
- TRUSS AND JOIST BRIDGE (BY OTHERS) TO VERIFY IF COUNTERPARTS NEEDED / APPROVED AND DESIGN
- ALL DIMENSIONS NOTED TO FINISHING FEATURES ARE SUBJECT TO CHANGE / FIELD VERIFY.
- INTERIOR DOOR NOTE:
 - SECOND FLOOR ALL 6' DOORS
- CABINET NOTE:
 - FINISH TO BE DETERMINED BY OTHERS.
 - FOLLOW DRAWING PLAN.
- FRAMING NOTE:
 - TO CHANGE AND BE FIELD DETERMINED BASED ON HEIGHT OF FLOOR JOISTS (BY OTHERS)
- FRAMING NOTE:
 - FRAMING TO BE DETERMINED BY OTHERS ASSUME CENTRAL LINE LOCATIONS OF CLOSETS, ROOMS, ETC.



No.	Revision / Issue	Date
1		
2		
3		
4		

Project Name	Bloom
Date	11.08.2023
Drawn By	Bloom de sign build
Scale	1/4" = 1'-0"

Table of Contents	83 sf
SITE Site Plan	55 sf
Foundation	5,344 sf
A1.1 Elevations	
A2.0 Foundation Plan	
A3.0 First Floor Plan	9,024 sf
A4.0 Lighting Layout	2,112 sf
A5.0 Roof Plan	3,736 sf
Square Feet Totals	
Main Level	83 sf
TOTAL	9,024 sf
Lot Size	9,024 sf
Sidewalk, Porch, Driveway	2,112 sf
TOTAL Impervious Surface Area	3,736 sf
Impervious Area Percentage	41.3%

NORTH MADISON RESIDENCE

1221 / 1223 N. Madison St.
Bloomington, IN 47404

General Notes:

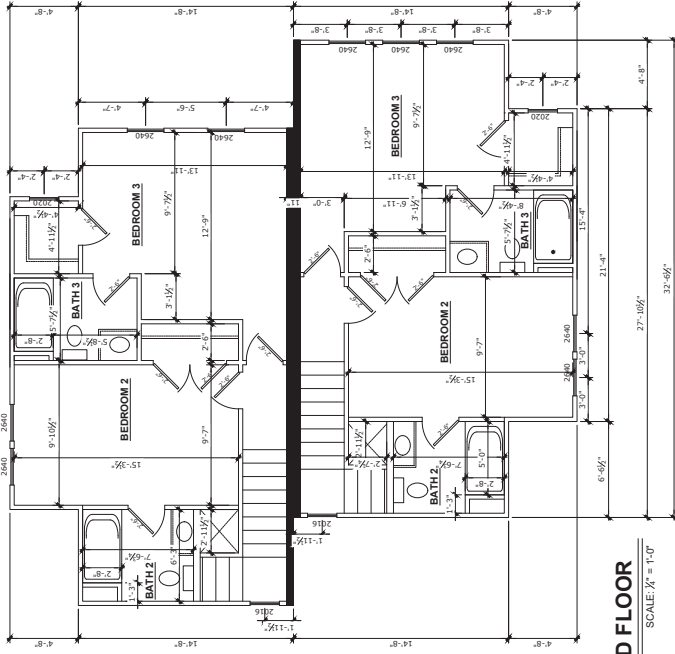
VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. ALL LOCATION OF FOUNDATION Piers SUBJECT TO CHANGE IN THE FIELD.

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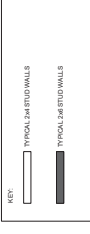
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01 SECOND FLOOR

SCALE: 1/8" = 1'-0"

- FRAMING NOTES:**
 - TYPICAL 2x4 WALL STUDS UNLESS NOTED OTHERWISE
 - STRUCTURAL BRACING, BRIDGE, + FLOOR MEMBER SIZES + SPACING AS PER CODE
 - ALL FIRST FLOOR WINDOW + DOOR HEADERS TO BE (2) 2x6
 - ALL WINDOW + DOOR SILLING TO BE 2x6
 - CEILING BEAMS ARE 2x6 SPACING BEAMS 16"
 - ADJUSTMENT IS MADE TO ALL EXTERIOR WALLS.
 - ALL SILL, OR LV, STRUCTURAL BEAM MEMBERS TO BE SIZED BY QUALIFIED ENGINEER LICENSED IN INDIANA.
 - ROUGH OPENINGS - SEE SPEC SHEETS
 - WINDOW OPENINGS TO BE DRYWALL WRAPPED, (ALL WINDOW OPENINGS TO BE 1/2" OVER SIZE ON TOP, 1/2" OVER SIZE ON BOTTOM, 1/2" OVER SIZE ON SIDING, 1/2" OVER SIZE ON TRUSS AND MUST BE ENGINEER (BY OTHERS) TO VERIFY IF COLUMNS/BEAMS NEEDED / SPACING AND SIZING
- CEILING NOTES:**
 - ALL CEILING TRIM TO FOLLOW MILLING FIXTURES ARE SUBJECT TO CHANGE FIELD VARIATION.
- INTERIOR DOOR NOTE:**
 - FIRST FLOOR ALL 6' 0" DOORS
 - ADJUSTMENT TO BE COORDINATED BY OTHERS.
 - FOLLOW SEPARATE PLAN.
- CEILING FINISH NOTE:**
 - CEILING FINISHES SUBJECT TO CHANGE AND BE COORDINATED BY OTHERS BASED ON HEIGHT OF FLOOR JOISTS (BY OTHERS)
- FRAMING NOTE:**
 - FLOOR LOCATIONS ARE NOT DIMENSIONED AS SHOWN. LOCATIONS OF CUSSETS, ROUNDS, ETC.



Bloom
Design + Build
 Design • Construction • Consulting

General Notes:
 VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. ALL LOCATION OF FOUNDATION PILES SUBJECT TO CHANGE IN THE FIELD.
 ALL MEANS AND METHODS OF CONSTRUCTION, AT MINIMUM MUST MEET CODE, SHOULD BE COORDINATED WITH THE GENERAL CONTRACTOR.
 CABINETS TO BE DIMENSIONED, DESIGNED & COORDINATED BY OTHERS.
 MILLING DIMENSIONS ARE PENDING CABINET LAYOUTS. FUTURE SELECTIONS SPECIFIED IN FIELD MEASUREMENT VERIFICATION.

NORTH MADISON RESIDENCE
 1221 / 1223 N. Madison St.
 Bloomington, IN 47404

Table of Contents

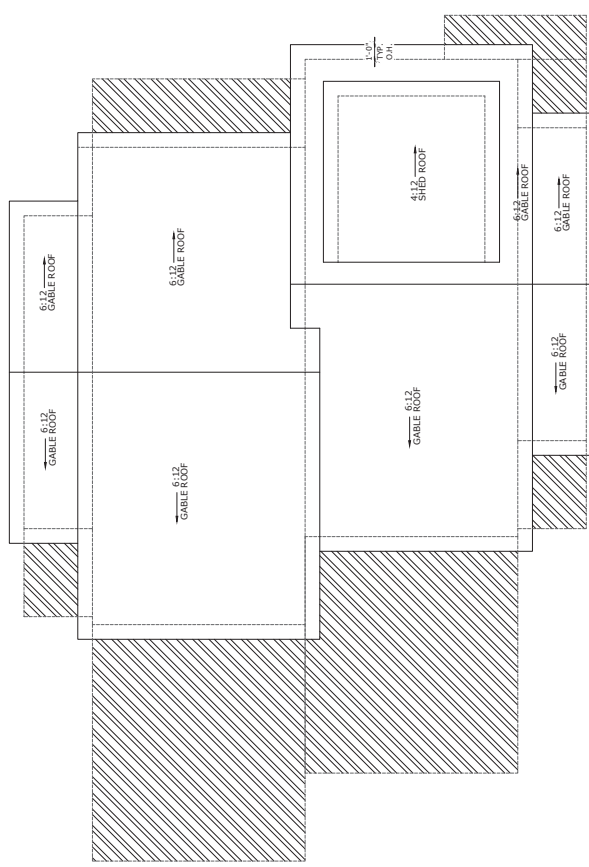
No.	Revision / Issue	Date
1		
2		
3		
4		

Project Name: Bloomington
 Date: 11.08.2023
 Drawn By: Bloomington
 Scale: 1/4" = 1'-0"

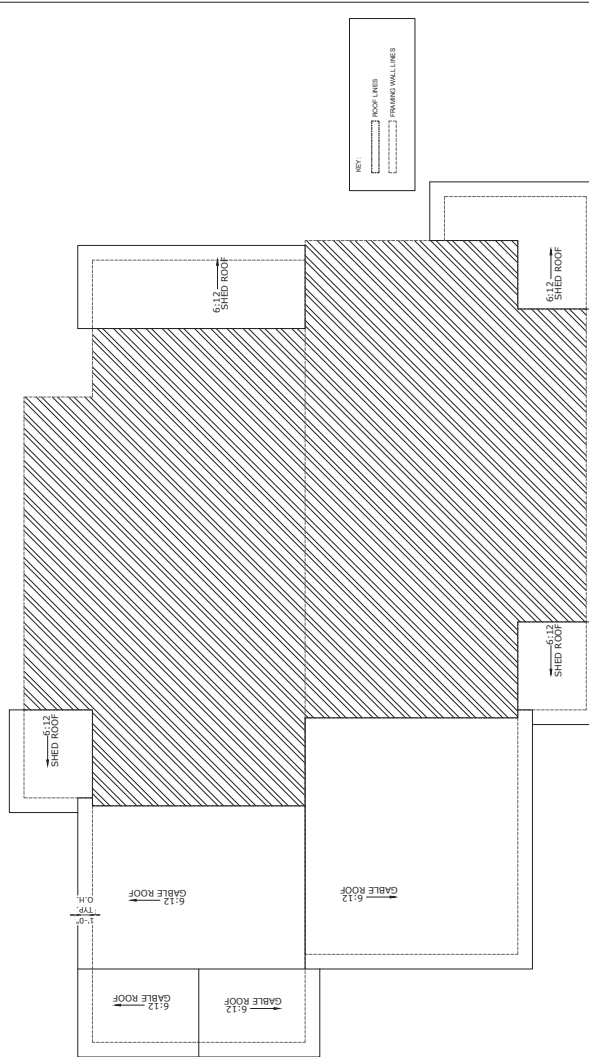
Square Feet Totals

Main Level	813 sf
Basement	535 sf
TOTAL	1,348 sf
Lot Size	9,014 sf
Sidewalk, Porch, Driveway	2,112 sf
TOTAL Impervious Surface Area	3,726 sf
Impervious Area Percentage	41.3%

A3-B



02 SECOND FLOOR ROOF PLAN



01 FIRST FLOOR PORCH ROOF PLAN

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General Notes:
 VERIFY ALL DIMENSIONS AND CALCULATIONS WITH A STRUCTURAL ENGINEER. ALL LOCATION OF FOUNDATION PIERIS SUBJECT TO CHANGE IN THE FIELD.
 ALL MEANS AND METHODS OF CONSTRUCTION, AT MINIMUM MUST MEET CODE. SHOULD BE COORDINATED WITH THE GENERAL CONTRACTOR.
 CABINETS TO BE DIMENSIONED, DESIGNED & COORDINATED BY OTHERS.
 PLUMBING DIMENSIONS ARE PENDING CABINET LAYOUTS. FEATURE SELECTIONS SPECIFIED IN FIELD MEASUREMENT VERIFICATION.

NORTH MADISON RESIDENCE
 1221 / 1223 N. Madison St.
 Bloomington, IN 47404

Table of Contents

No.	Revision / Issue	Date
1		
2		
3		
4		

Project Name	Bloom
Client	BO SET
Date	11.08.2023
Drawn By	
Checked By	
Project No.	
Sheet No.	A5-02
Scale	1/4" = 1'-0"

Square Feet Totals	833 sf
Main Level	535 sf
Basement	298 sf
Lot Size	9,624 sf
SideWalk, Porch, Driveway	2,112 sf
TOTAL Impervious Surface Area	3,738 sf
Impervious Area Percentage	41.3%

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 414 N. Morton Street

CASE #: AA-36-23
DATE: November 16, 2023

PETITIONER: Tim Olberding, Indiana National Guard

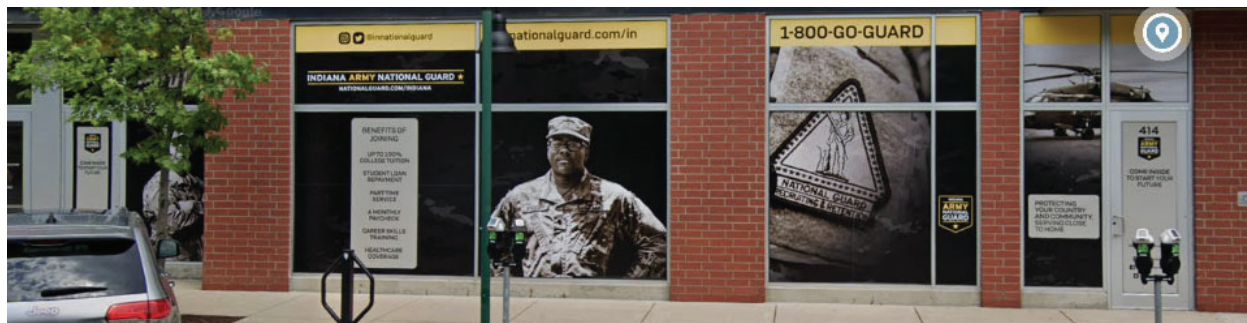
REQUEST: The petitioner is requesting an administrative appeal of a Notice of Violation.

REPORT:

The petitioner was issued a Notice of Violation on March 28, 2023 for window signage covering more than 25 percent of multiple window and door frames at 414 N. Morton Street. The Planning and Transportation Department visited the site on February 24, 2023 and February 27, 2023 and observed the violation. The violation remains in place as of the writing of this report.

Section 20.04.100(c)(2)(E) of the Unified Development Ordinance (UDO) indicates that “Window signs shall not exceed 25 percent of the glass area of any individual window or glass door frame and shall not count towards the wall sign allowance of the use of the property.”

The building on the property has large storefront-style windows on the first floor. The entirety of the sixteen glass window and door panes are fully covered by signage.



GoogleMaps Image. July 2023

This appeal request is the result of the issuance of a Notice of Violation issued on March 28, 2023 for window signage covering more than 25 percent of multiple window and door frames at 414 N. Morton Street. The signage does not meet UDO requirements.

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.



City of Bloomington
Planning and Transportation Department

March 28, 2023

Indiana Army National Guard
 414 N Morton Street
 Bloomington, IN 47404

Smallwood Plaza Propco LLC
 C/O: Ryan LLC
 P.O. Box 4900 – Dept. 207
 Scottsdale, AZ 85261

Re: Notice of Violation (Warning)
 Failure to Comply with Development Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.04.100(c)(2) [Signs; Permit Requirements; Signs not Requiring a Permit]** at 414 N Morton Street. Records show that you are the owner or lessee at this property.

The City of Bloomington Planning and Transportation Department received a complaint in February 2023 from a staff member that window signage in excess of the allowed size was being displayed in the windows at 414 N Morton Street. On 02/24/2023 and 02/27/2023, staff observed window signage being displayed that covered virtually all of the glass area of the windows at 414 N Morton Street. As of the date of this letter, the signage is still present. The property is located in the Mixed-Use Downtown Downtown Core (MD-DC) zoning district.

According to Unified Development Ordinance (UDO) **Section 20.04.100(c)(2) [Signs; Permit Requirements; Signs not Requiring a Permit];**

(E) Window Signs

Window signs shall not exceed 25 percent of the glass area of any individual window or glass door frame and shall not count towards the wall sign allowance of the use or property

In accordance with UDO Section 20.06.100, a violation of Failure to Comply with Development Standards may result in a fine of up to one hundred dollars (\$100). Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

1. Remove the window signage, which currently exceeds the allowed size, at 414 N Morton Street by 04/11/2023. Window signage that is compliant can be displayed.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Burrell".

Jennifer Burrell
Zoning Compliance Planner, Planning and Transportation Department

CC: Scott Robinson, AICP, Director, Planning and Transportation Department
Beth Rosenbarger, AICP, Assistant Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation Department

Enclosures: (2) Photographs



Photo 1: Window signage exceeding allowed size at 414 N Morton Street on 02/24/2023.

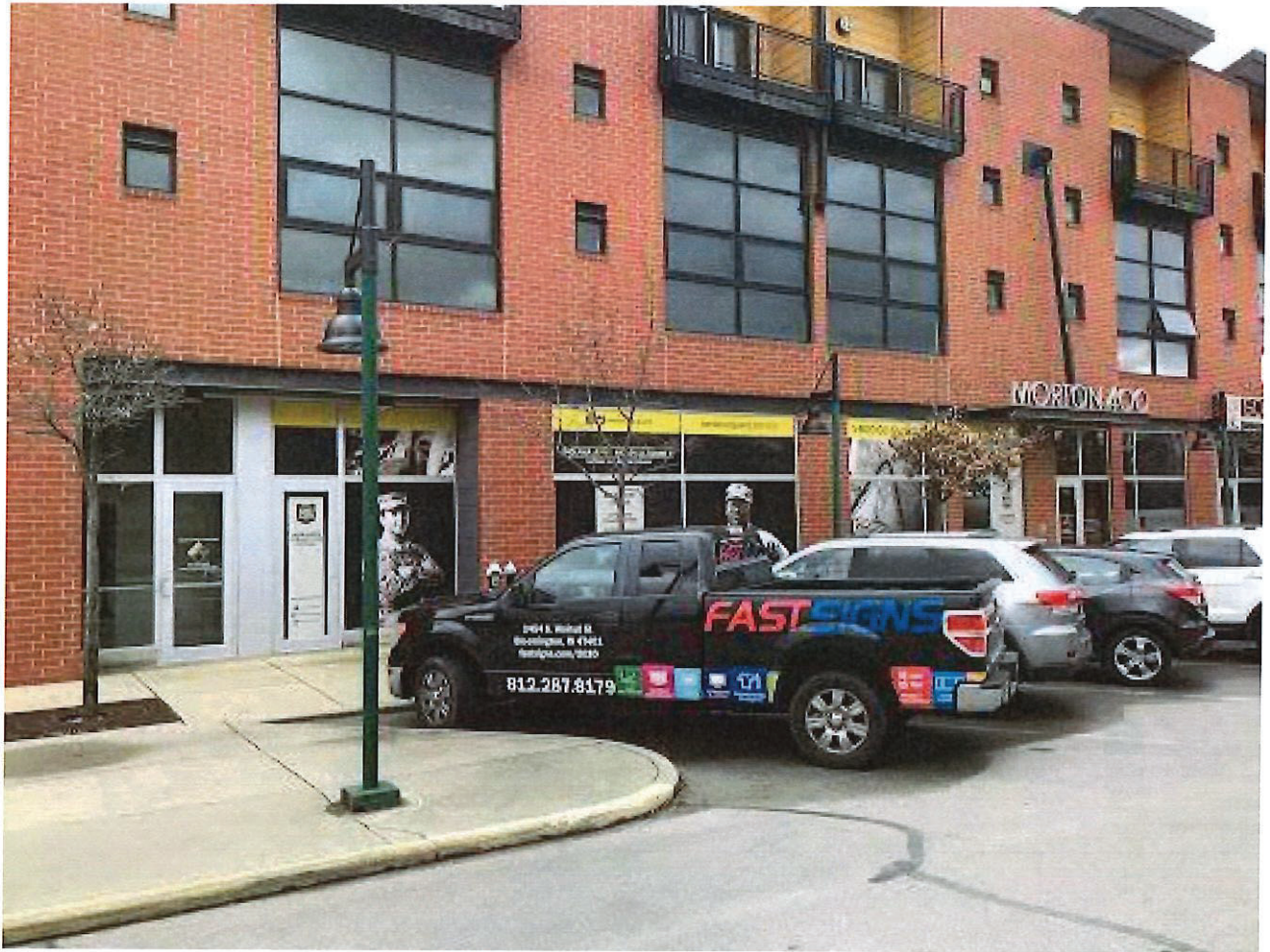
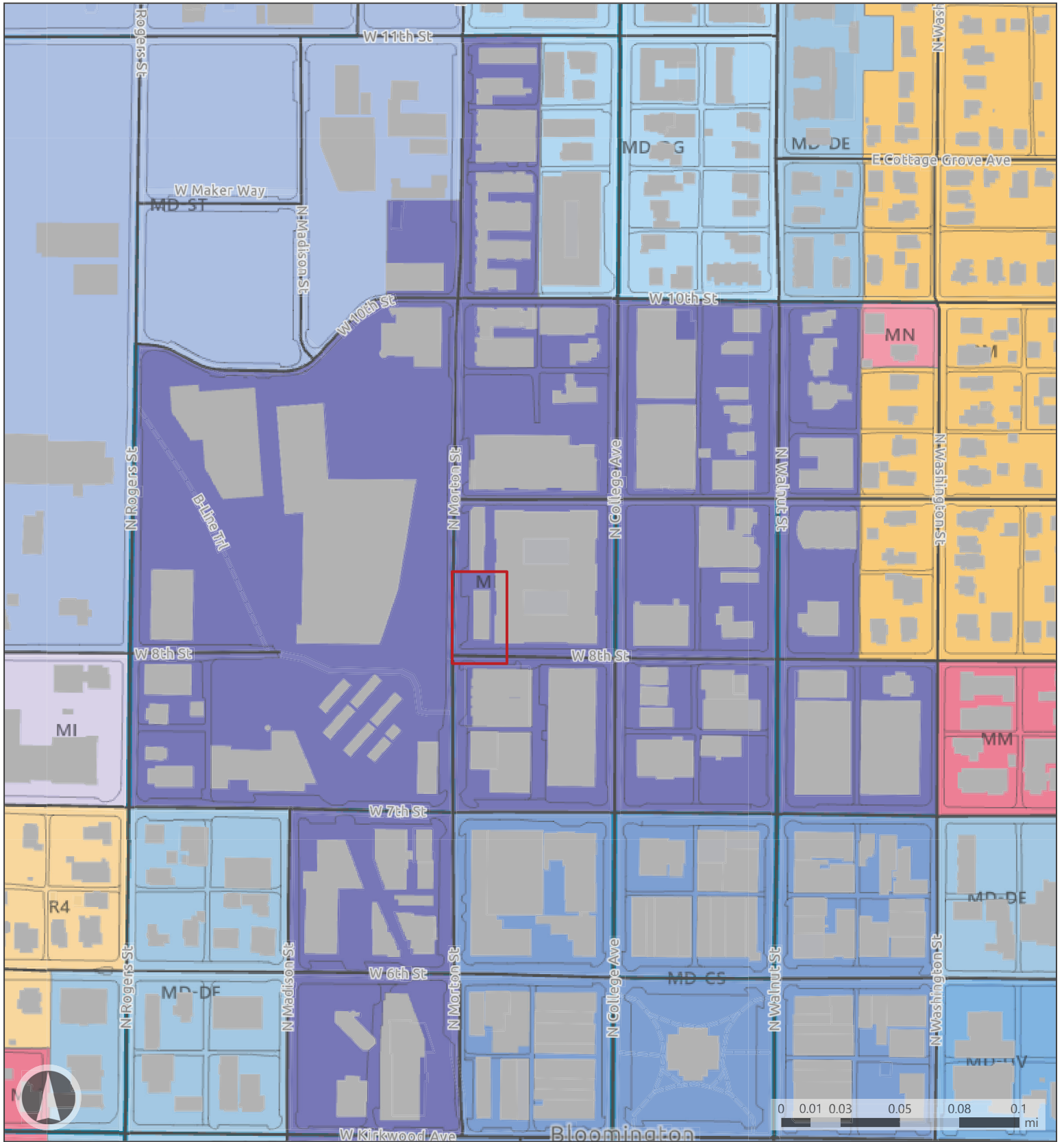


Photo 2: Window signage exceeding allowed size at 414 N Morton Street on 02/27/2023.

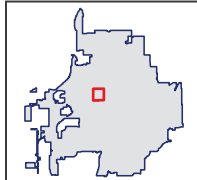


Map Legend

- Buildings
- Edge of Pavement
- Current

- AAAT**
- 501 - 2500
 - 2501 - 10000

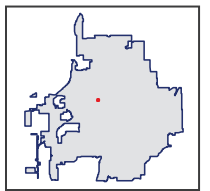
- 10001 - 20000
- Mixed-Use Downtown Courthouse Square
- Mixed-Use Downtown Downtown Core





Map Legend

- Parcels
- Current
- AADT
- Edge of Pavement
- 2501 - 10000





Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: [Planning] Window Sign Appeal 404 N Morton

Jennifer Burrell <jennifer.burrell@bloomington.in.gov>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Mon, Apr 10, 2023 at 8:11 AM

Appeal request; please see below.

Best,

Jennifer Burrell (She/Her)*Senior Zoning Compliance Planner*

Planning and Transportation Dept.

City of Bloomington, IN

jennifer.burrell@bloomington.in.gov812-349-3531 | bloomington.in.gov

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

From: **Darla Frost** <darla.frost@bloomington.in.gov>
Date: Mon, Apr 10, 2023 at 8:09 AM
Subject: Fwd: [Planning] Window Sign Appeal 404 N Morton
To: Jennifer Burrell <jennifer.burrell@bloomington.in.gov>
Cc: Melisa Hirtzel <hirtzelm@bloomington.in.gov>

Jennifer,

Please reply to this email. Thanks

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

From: **'Olberding, Timothy W MSG USARMY NG INARNG (USA)' via Planning Department**
<planning@bloomington.in.gov>
Date: Fri, Apr 7, 2023 at 12:23 PM
Subject: [Planning] Window Sign Appeal 404 N Morton
To: planning@bloomington.in.gov <planning@bloomington.in.gov>
Cc: Albrecht, Christopher J SFC USARMY NG INARNG (USA) <christopher.j.albrecht10.mil@army.mil>, Mcclarnon, Devin Wade MAJ USARMY NG INARNG (USA) <devin.w.mcclarnon.mil@army.mil>, Beard, Ryan K 1SG USARMY NG INARNG (USA) <ryan.k.beard.mil@army.mil>

Dear Sir or Madam:

We would like to appeal the attached letter we received on April 4 2023.

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

Thanks for your time and have a Great Easter weekend. 😊

MSG Olberding, Timothy W.

Team Southwest Section Chief

Indiana Army National Guard

C; 317-474-3959

--

	<p>Darla A. Frost Planning and Transportation City of Bloomington, IN darla.frost@bloomington.in.gov 812-349-3423 bloomington.in.gov</p>
---	---

 **Bloomington Notice of Wrap Removal.pdf**
194K

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 530 S Washington Street

CASE #: AA-38-23
DATE: November 16, 2023

PETITIONER: Joseph B. Davis
530 S Washington Street Bloomington

REQUEST: The petitioner is requesting an administrative appeal of a Notice of Violation that was issued August 17, 2023.

REPORT:

The petitioner was issued a Notice of Violation and Fines (NOV) on August 17, 2023 for vehicles parked on an unimproved surface, and ‘outdoor storage’ in the R4 (Residential Urban) zoning district. The NOV contains several images from a site visit conducted by the Housing and Neighborhood Development Department on June 23, 2023.

The NOV references two previous NOVs sent to the petitioner, which are both included here. Those NOVs were dated August 24, 2021 and October 20, 2022. The August 24, 2021 NOV referenced violation of the use-specific standards for outdoor storage. The October 20, 2022 NOV also referenced violation of the use-specific standards for outdoor storage, in addition to parking on an unimproved surface. Both NOVs established compliance deadline dates for violations on the property. As of the date of the August 17, 2023 NOV, both violations remained unresolved. As of the date of this hearing, both violations remain unresolved.

An administrative appeal (AA-51-22) of the October 20, 2022 NOV was filed by the petitioner on November 2, 2022 and heard and denied by this Board of Zoning Appeals (BZA) on February 23, 2023.

Table 03-1 of the UDO lists ‘storage, outdoor’ as a use allowed in particular zoning districts and with use-specific standards. The use is not allowed in the R4 zoning district. The use-specific standards for the use ‘storage, outdoor’ are located in Section 20.03.030(e)(1) and two of its provisions were cited in the NOV. The first is (c), related to outdoor storage.

(C) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

For reference, “Storage, outdoor” is a defined term in Section 20.07.010 of the UDO. It is defined, as follows:

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include “Vehicle Sales or Rental” or accessory “Outdoor Retail and Display” uses.

As can be seen in the images in the NOV, as well as those subsequently taken by the HAND Department, a number of items are being stored outdoors on the property including: construction materials such as cinder blocks, insulation, plywood boards, plank boards, beams, doors, windows,

metal frames, siding, pipes, bricks, and pavers; tires; bath tubs; electronics; tools; dismantled antenna towers; a cement mixer; buckets; and many tarped materials.

The petitioner received a Certificate of Zoning Compliance toward a building permit for an accessory structure on February 10, 2023. However, that building permit does not allow outdoor storage of materials.

The second provision cited in the NOV is (A)(i), related to parking on an unimproved surface.

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

- i. Vehicles and trailers shall not be stored or parked on an unimproved surface.

The three vehicles and trailer to the west of the house are not being stored or parked on improved surfaces.

This appeal request is the result of the issuance of a Notice of Violation and Fines issued on August 17, 2023 for vehicles parked on an unimproved surface, and 'outdoor storage' in the R4 (Residential Urban) zoning district. The petition site clearly contains numerous vehicles being stored on unimproved surfaces, and equipment and materials being stored outside.

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.



City of Bloomington
Planning and Transportation Department

August 17, 2023

Joe Davis
530 S. Washington Street
Bloomington, IN 47401

Re: Notice of Violation and Fines for Violations of Titles 20 of the Bloomington Municipal Code
Property located at 530 S. Washington Street, Bloomington, Indiana
Illegal Land Use
Parking on an Unimproved Surface

Dear Sir or Madam:

This letter serves as a Notice of Violation and Fines for a violation of 20.03.030(e) [Use-Specific Standards; Employment Uses] of the Bloomington Municipal Code (“BMC”) at 530 S. Washington Street (“Property”). Records show you are the owner of this property.

It has come to the attention of the City of Bloomington Planning and Transportation Department (“Department”) that vehicles have been parked on an unimproved surface (grass) and the prohibited outdoor storage of materials has been ongoing at the property located at 530 S. Washington Street. The City of Bloomington Housing and Neighborhood Development (HAND) Department contacted the City of Bloomington Planning and Transportation Department regarding the ongoing violations at 530 S. Washington Street. Enclosed are images from the HAND Department’s site visit to 530 S. Washington Street on 06/23/2023 depicting these violations. This property is located in the “R4 - Residential Urban” zoning district

Letters dated 08/24/2021 and 10/20/2022 were previously sent to the property owner, establishing compliance deadlines for the ongoing violations. As of the date of this letter, both violations remain unresolved.

According to the Allowed Use Table, attached, which is found in Unified Development Ordinance (UDO) **Section 20.03.020 [Use Regulations; Allowed Use Table]**, the use of “Outdoor Storage” is not permitted in the R4 district.

According to Unified Development Ordinance (UDO) **Section 20.03.030 [Use-Specific Standards];**

(C) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Definitions; Defined Words];**

Storage, Outdoor

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include “Vehicle Sales or Rental” or accessory “Outdoor Retail and Display” uses.

According to Unified Development Ordinance (UDO) **Section 20.03.030(e) [Use-Specific Standards; Employment Uses];**

(1) Storage, Outdoor

(A) Parking of Vehicles

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

- i. Vehicles and trailers shall not be stored or parked on an unimproved surface.
- ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.
- iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

As a result of these violations, pursuant to BMC Section 20.06.100(d), Joe Davis, is hereby assessed a fine of \$7,650.00. This is reflective of a fifty dollar (\$50) fine per day for parking on an unimproved surface beginning on 08/16/2023 and a two-thousand five-hundred dollar (\$2,500) fine per day for Illegal Land Use for the prohibited outdoor storage of materials beginning on 08/16/2023. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500). Payment of the full amount of \$7,650.00 shall be made to City of Bloomington Planning and Transportation, 401 N. Morton St., Suite 130, Bloomington, IN 47404, no later than 08/31/2023.

You may appeal this Notice of Violation to the City of Bloomington Board of Zoning Appeals, provided that the appeal is in writing and is filed with the Board of Zoning Appeals no later than ten (10) days from the date of this NOV. Fines levied for violation of this title may be contested in the Monroe County Circuit Court.

If the assessed fine is not paid by 08/31/2023, the City of Bloomington ("City") reserves the right to initiate suit against you in the Monroe County Circuit Court in order to reduce the fines to a judgment.

Sincerely,



Jennifer Burrell
Senior Zoning Compliance Planner, Planning and Transportation Department

CC: Scott Robinson, AICP, Director, Planning and Transportation Department
Beth Rosenbarger, AICP, Assistant Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation Department
Mike Rouker, City Attorney

Enclosure: (11) Photographs



Photo 1: Outdoor storage of materials at 530 S. Washington Street on 06/23/2023.

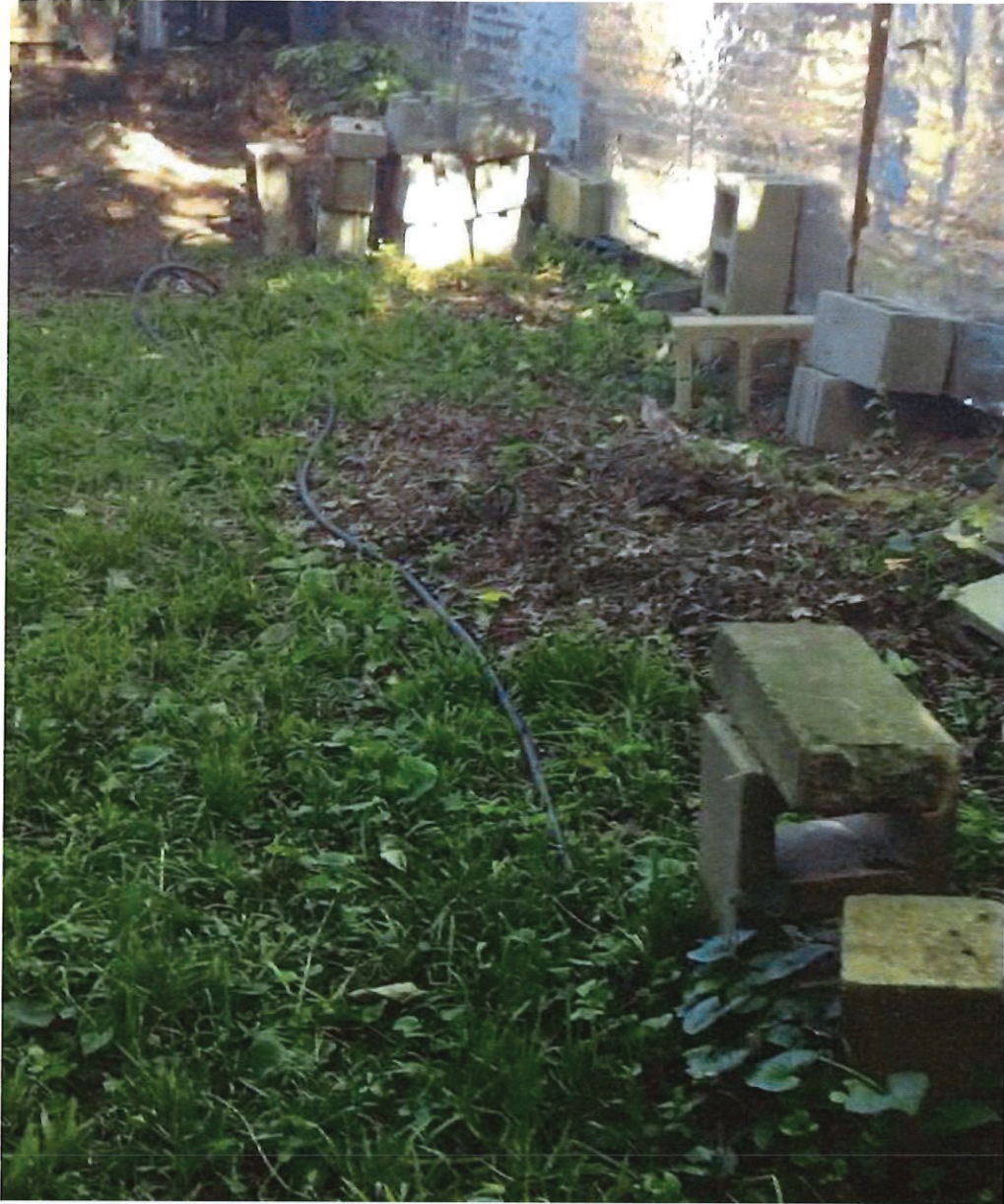


Photo 2: Outdoor storage of materials at 530 S. Washington Street on 06/23/2023.



Photo 3: Outdoor storage of materials, specifically equipment, at 530 S. Washington Street on 06/23/2023.



Photo 4: Outdoor storage of materials and parking on unimproved surface at 530 S. Washington Street on 06/23/2023.



Photo 5: Outdoor storage of materials and parking on unimproved surface at 530 S. Washington Street on 06/23/2023.



Photo 6: Outdoor storage of materials and parking on unimproved surface at 530 S. Washington Street on 06/23/2023.



Photo 7: Outdoor storage of materials at 530 S. Washington Street on 06/23/2023.



Photo 8: Outdoor storage of materials at 530 S. Washington Street on 06/23/2023.

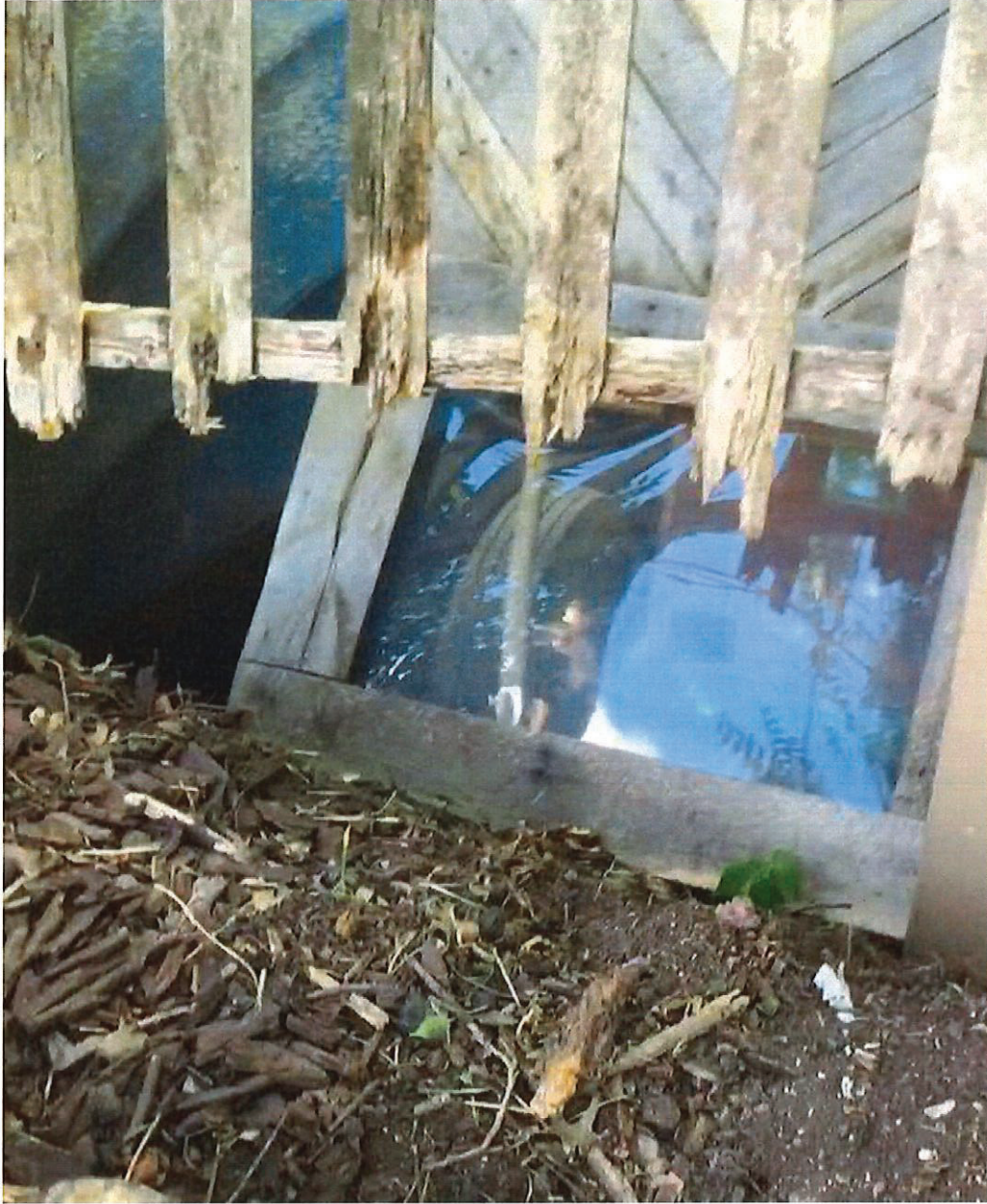


Photo 9: Outdoor storage of materials at 530 S. Washington Street on 06/23/2023.



Photo 10: Outdoor storage of materials and parking on unimproved surface at 530 S. Washington Street on 06/23/2023.



Photo 11: Outdoor storage of materials at 530 S. Washington Street on 06/23/2023.

October 20, 2022 Notice of Violation



**City of Bloomington
Planning and Transportation Department**

October 20, 2022

Joseph Davis
530 S. Washington St.
Bloomington, IN 47401

Re: Notice of Violation (warning)
Illegal Land Use, Parking on Unimproved Surface

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.03.020 [Use Regulations; Allowed Use Table]** and **Section 20.03.030 [Use-Specific Standards]** at 530 S. Washington Street. Records show that you are the owner of this property.

The City of Bloomington Housing and Neighborhood Development (HAND) Department contacted the City of Bloomington Planning and Transportation Department regarding outdoor storage and parking on unimproved surface violations at 530 S. Washington on 08/08/2022. Staff from HAND and Planning and Transportation met with Mr. Davis on 08/11/2022 to discuss options for bringing the property into compliance with several sections of the Bloomington Municipal Code. The Planning and Transportation Department staff have not observed substantive change in the violations staff discussed with Mr. Davis on 08/11/2022. On 08/11/2022, 09/08/2022, and 09/20/2022 staff observed outdoor storage of materials and parking on unimproved surface at 530 S. Washington Street. This property is located in the "R4 - Residential Urban" zoning district.

A NOV Warning had previously been issued to this property for Outdoor Storage violations on August 24, 2021. Mr. Davis contacted the Department and took some steps to come into compliance after receiving the 2021 NOV Warning.

According to the Allowed Use Table, attached, which is found in Unified Development Ordinance (UDO) **Section 20.03.020 [Use Regulations; Allowed Use Table]**, the use of "Outdoor Storage" is not permitted in the R4 district.

According to Unified Development Ordinance (UDO) **Section 20.03.030 [Use-Specific Standards];**

(C) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Definitions; Defined Words];**
Storage, Outdoor

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include "Vehicle Sales or Rental" or accessory "Outdoor Retail and Display" uses.

According to Unified Development Ordinance (UDO) **Section 20.03.030(e) [Use-Specific Standards; Employment Uses];**

(1) Storage, Outdoor

(A) Parking of Vehicles

All outdoor parking of vehicles in all zoning districts shall comply with the following standards:

- i. Vehicles and trailers shall not be stored or parked on an unimproved surface.
- ii. Stored or parked vehicles shall not block, impede, or otherwise encroach upon a sidewalk.
- iii. Stored or parked vehicles shall not be used for other purposes, including, but not limited to, living quarters, or storage of materials.

In accordance with UDO Section 20.06, a violation of this nature may result in a two-thousand five-hundred dollar (\$2,500) fine for Illegal Land Use and a fifty dollar (\$50) fine for Parking on Unimproved Surface. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

1. Cease parking vehicles on unimproved surface (grass) on or before 11/03/2022 **AND**;
2. Remove materials being stored outdoors which are not contained within a structure on or before 11/03/2022 **OR**;
3. Make a phone appointment with a Planner to occur on or before 11/03/2022 to discuss filing a variance request, **AND** file for a variance by 11/17/2022 for the 12/15/2022 Board of Zoning Appeals hearing. **It is very unlikely that you would receive a variance approval for parking on an unimproved surface or outdoor storage.**

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

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

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

Sincerely,



Elizabeth Carter
Senior Zoning Compliance Planner, Planning and Transportation

CC: Scott Robinson, AICP, Director, Planning and Transportation
Beth Rosenbarger, AICP, Assistant Director, Planning and Transportation Department
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation

Enclosure: (5) 4 Photographs, 1 Use Table



Photo 1: Building materials stored outdoors at 530 S. Washington Street on 08/09/2022.



Photo 2: Storage of outdoor materials at 530 S. Washington Street on 08/09/2022.



Photo 3: Outdoor storage of materials and parking on unimproved surface at 530 S. Washington St on 08/08/2022.



Photo 4: Outdoor storage of materials and parking on unimproved surface at 530 S. Washington St. on 09/20/2022.

20.03.020 Allowed Use Table

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
RESIDENTIAL USES																		
Household Living																		
Dwelling, single-family (detached)	P	P	P	P	P*	P*	P	P	P	P*	P*	P*			P*			20.03.030(b)(1)
Dwelling, single-family (attached)		P*	P*	P*	P*	P*		P*	P*	P*				P*				20.03.030(b)(2)
Dwelling, duplex	C*	C*	C*	P*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(3)
Dwelling, triplex				C*	P*	P*		P*	P*	P*	C*			P*				20.03.030(b)(4)
Dwelling, fourplex				C*	P*	P*		P*	P*	P*	P*			P*				20.03.030(b)(4)
Dwelling, multifamily				C*	P	P		P	P*	P*	P	P*	C	P*				20.03.030(b)(5)
Dwelling, live/work				C*	P*	P*			P*	P*	P*			P*				20.03.030(b)(6)
Dwelling, cottage development	C*	C*	C*	C*	C*	C*	C*		C*									20.03.030(b)(7)
Dwelling, mobile home								P*										20.03.030(b)(8)
Manufactured home park								P*										20.03.030(b)(9)
Group Living																		
Assisted living facility				C	P	P			C	P	P		P	P	P			
Continuing care retirement facility				C	P	P			C	P	P		P	P	P			
Fraternity or sorority house								P*					P*					20.03.030(b)(10)
Group care home, FHAA small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Group care facility, FHAA large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Nursing or convalescent home				C	P	P			C	P	P	P	P	P	P			
Opioid rehabilitation home, small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		P*			20.03.030(b)(11)
Opioid rehabilitation home, large				P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*			20.03.030(b)(11)
Residential rooming house					P*	P*		P	P*	P	P	C*						20.03.030(b)(12)
Student housing or dormitory					C*	P*		P*	C*	P*	P*		P*	C*				20.03.030(b)(13)
Supportive housing, small						C			C	C	C		C	C	C			
Supportive housing, large										C	C		C	C	C			
PUBLIC, INSTITUTIONAL, AND CIVIC USES																		
Community and Cultural Facilities																		
Art gallery, museum, or library				C*	C	C			P	P	P		P	P				20.03.030(c)(1)
Cemetery or mausoleum													P					

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
 Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
Club or lodge										P	P			P				
Community center		C	C	C	P*	P*			P	P	P		P	P			20.03.030(c)(2)	
Conference or convention center											P	P	P	P				
Crematory											C		C			C		
Day-care center, adult or child	A*	A*	A*	A*	C*	C*	C*	P*	P*	P*	P*	C*	C*	P*	P*	A*	20.03.030(c)(3)	
Government service facility										P	P	P	P	P		P		
Jail or detention facility													C*			C*	20.03.030(c)(4)	
Meeting, banquet, or event facility										P	P	P	P	P				
Mortuary										P	P		P					
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Place of worship	C	C	C	C	C	C	C	C	C	P	P	C	P	P	C			
Police, fire, or rescue station	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P		
Urban agriculture, noncommercial	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		20.03.030(c)(5)
Educational Facilities																		
School, college or university											C	C	P					
School, public or private	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	C*	P*	P*			20.03.030(c)(6)	
School, trade or business										P	P	P	P	P		P		
Healthcare Facilities																		
Hospital													C		C			
Medical clinic									P	P	P	P	P	P				
Methodone treatment facility											P*		C*		C*		20.03.030(c)(7)	
Opioid rehabilitation facility											C*	C*	C*		C*	C*	20.03.030(c)(7)	
COMMERCIAL USES																		
Agricultural and Animal Uses																		
Crops and pasturage	P*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(d)(1)
Kennel												C*				C*	20.03.030(d)(2)	
Orchard or tree farm, commercial	P	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P		20.03.030(d)(3)
Pet grooming									P*	P*	P*			P*		P*	20.03.030(d)(4)	
Plant nursery or greenhouse, commercial	C									P	P	P						
Veterinarian clinic									C*	P*	P*			P*			20.03.030(d)(4)	
Entertainment and Recreation																		

Table 03-1: Allowed Use Table

P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards	
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM		PO
Amenity center	P*	P*	P*	P*	P	P	P	A	P	P	P	P	P	P				20.03.030(d)(5)
Country club	C										P							
Recreation, indoor			P*	P*	P*	P*		A	C	P	P			P				20.03.030(d)(6)
Recreation, outdoor	C										C	P	P			C		
Sexually oriented business										C*	P*					P*		20.03.030(d)(7)
Stadium													C					
Food, Beverage, and Lodging																		
Bar or dance club								P		P	P			P				
Bed and breakfast	C*	C*	C*	C*	C*	P			P	P	P			P				20.03.030(d)(8)
Brewpub, distillery, or winery								P*	P*	P*	P*	P*		P*		P*		20.03.030(d)(9)
Hotel or motel								P			P	C		P				
Restaurant					C*	C*		P	P	P	P	P*	A	P	A	A		20.03.030(d)(10)
Office, Business, and Professional Services																		
Artist studio or workshop	A*	A*	A*	A*	P	P			P	P	P	C	C	P				20.03.030(d)(11)
Check cashing										C	C							
Financial institution								P		P	P	C		P		A		
Fitness center, small					A	A		P	P	P	P	A	A	P	A	A		
Fitness center, large								P	P	P	P			P	A			
Office									P	P	P	P	P	P	P*	P		20.03.030(d)(12)
Personal service, small					A	A		P	P	P	P	P	C	P				
Personal service, large								C	C	P	P	P		P				
Tattoo or piercing parlor										P	P			P				
Retail Sales																		
Building supply store										P	P					P		
Firearm Sales										P	P	P						
Grocery or supermarket					A	A		P	P	P	P	P		P				
Liquor or tobacco sales										P	P			P				
Pawn shop										P	P			P				
Retail sales, small					C	C		P	P	P	P	P		P				
Retail sales, medium								P		P	P	P		P				
Retail sales, large											P			P				
Retail sales, big box											P					P		
Vehicles and Equipment																		
Equipment sales or rental									P*	P*	P*			P*		P*		20.03.030(d)(13)
Transportation terminal										P	P		P	P		P		
Vehicle fleet operations, small										P	P					P		

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P = permitted use, C = conditional use permit, A = accessory use, T = temporary use, Uses with an *= use-specific standards apply
Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use							Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	
Vehicle fleet operations, large											P					P	
Vehicle fuel station										P*	P*	P*		P*		P*	
Vehicle impound storage																P*	
Vehicle parking garage					A	A		A		P	P	P	A	P*	C		
Vehicle repair, major											P*					P*	
Vehicle repair, minor									C*	P*	P*			P*			
Vehicle sales or rental										P	P	P					
Vehicle wash										P*	P*					P*	
EMPLOYMENT USES																	
Manufacturing and Processing																	
Commercial laundry										P	P					P	
Food production or processing										C	C	C				C	
Manufacturing, artisan									P	P	P	C		P		P	
Manufacturing, light												P		C		P	
Manufacturing, heavy																C	
Salvage or scrap yard																C	
Storage, Distribution, or Warehousing																	
Bottled gas storage or distribution																P	
Contractor's yard											P	C				P	
Distribution, warehouse, or wholesale facility											C	C				P	
Storage, outdoor														P*		P*	A*
Storage, self-service								A*	C*	P*	P*	P*	A*	P*		P*	
Resource and Extraction																	
Gravel, cement, or sand production																C*	
Quarry																C*	
Stone processing																P	
UTILITIES AND COMMUNICATION																	
Communication facility	C*										C*	C*	P	C*	C*	P	
Solar collector, ground- or building-mounted	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P	
Utility substation and transmission facility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	
Wind energy system, large												P*				P*	

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Additional uses may be permitted, prohibited, or require conditional use approval in Downtown Character Overlays pursuant to Section 20.03.010(e).

Use	Residential							Mixed-Use								Non-Residential		Use-Specific Standards
	R1	R2	R3	R4	RM	RH	RMH	MS	MN	MM	MC	ME	MI	MD	MH	EM	PO	
Wind energy system, small	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	P*	P*	20.03.030(f)(5)
ACCESSORY USES																	20.03.030(g)(1)	
Chicken flock	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		P*	20.03.030(g)(2)
Detached garage	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*								20.03.030(g)(3)
Drive-through										A*	A							20.03.030(g)(4)
Dwelling, accessory unit	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		A*	A*			20.03.030(g)(5)
Electric vehicle charging facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Greenhouse, noncommercial	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*			20.03.030(g)(6)
Outdoor retail and display									T*	T*	T*			T*		A*		20.03.030(g)(7)
Outdoor trash and recyclables receptacles					A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*		20.03.030(g)(8)
Recycling drop-off, self-serve					A	A		A	A	A	A	A	A	A	A	A		
Swimming pool	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	20.03.030(g)(9)
TEMPORARY USES																	20.03.030(h)(1)	
Book buyback								T*	T*	T*	T*		T*	T*				20.03.030(h)(2)
Construction support activities	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	20.03.030(h)(3)
Farm produce sales	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(4)
Real estate sales or model home	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		20.03.030(h)(5)
Seasonal sales								T*	T*	T*	T*	T*	T*	T*	T*			20.03.030(h)(6)
Special event	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*	T*		T*	23.03.030(h)(7)

**August 24, 2021 Notice
of Violation**



**City of Bloomington
Planning and Transportation Department**

August 24, 2021

Joseph Davis
530 S. Washington St.
Bloomington, IN 47401

Re: Notice of Violation (warning)
Use-Specific Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.03.030 [Use-Specific Standards]** at 530 S. Washington Street. Records show that you are the owner of this property.

The City of Bloomington Housing and Neighborhood Development Department received a complaint of a potential unregistered rental and clutter in the yard at 530 S. Washington on 07/26/2021. On 08/10/2021 staff observed outdoor storage of materials at 530 S. Washington Street. Specifically, staff observed outdoor storage of building materials on the porch and potential storage on the south side of the house. This property is located in the "R4 - Residential Urban" zoning district.

According to Unified Development Ordinance (UDO) **Section 20.03.030 [Use-Specific Standards];**

(C) Prohibited Storage Materials

In all zoning districts where this use is allowed, except for the MI zoning district, outdoor storage of equipment, materials, waste or scrap materials, and pallets is prohibited.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Definitions; Defined Words];**

Storage, Outdoor

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This use does not include "Vehicle Sales or Rental" or accessory "Outdoor Retail and Display" uses.

In accordance with UDO Section 20.06, a violation of this nature may result in a one-hundred dollar (\$100) fine for Failure to Comply with Development Standards. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

No fines have been issued at this time. You have the following options to remedy the situation.

1. Contact a planner to discuss whether or not the home is a rental and any permits that may be needed on or before 09/07/2021 **AND;**
2. Remove materials from the porch and yard on or before 09/07/2021 **OR;**

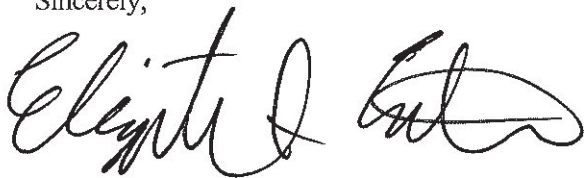
3. Make a phone appointment with a Planner to discuss filing a variance request. The appointment must be on or before 09/07/2021 for the 10/21/2021 Board of Zoning Appeals hearing.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Carter", written in a cursive style.

Elizabeth Carter
Senior Zoning Compliance Planner, Planning and Transportation

Enclosure: (2)

CC: Scott Robinson, AICP
Jackie Scanlan, AICP



Photo 1: Building materials stored on the porch at 530 S. Washington Street.

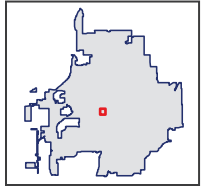


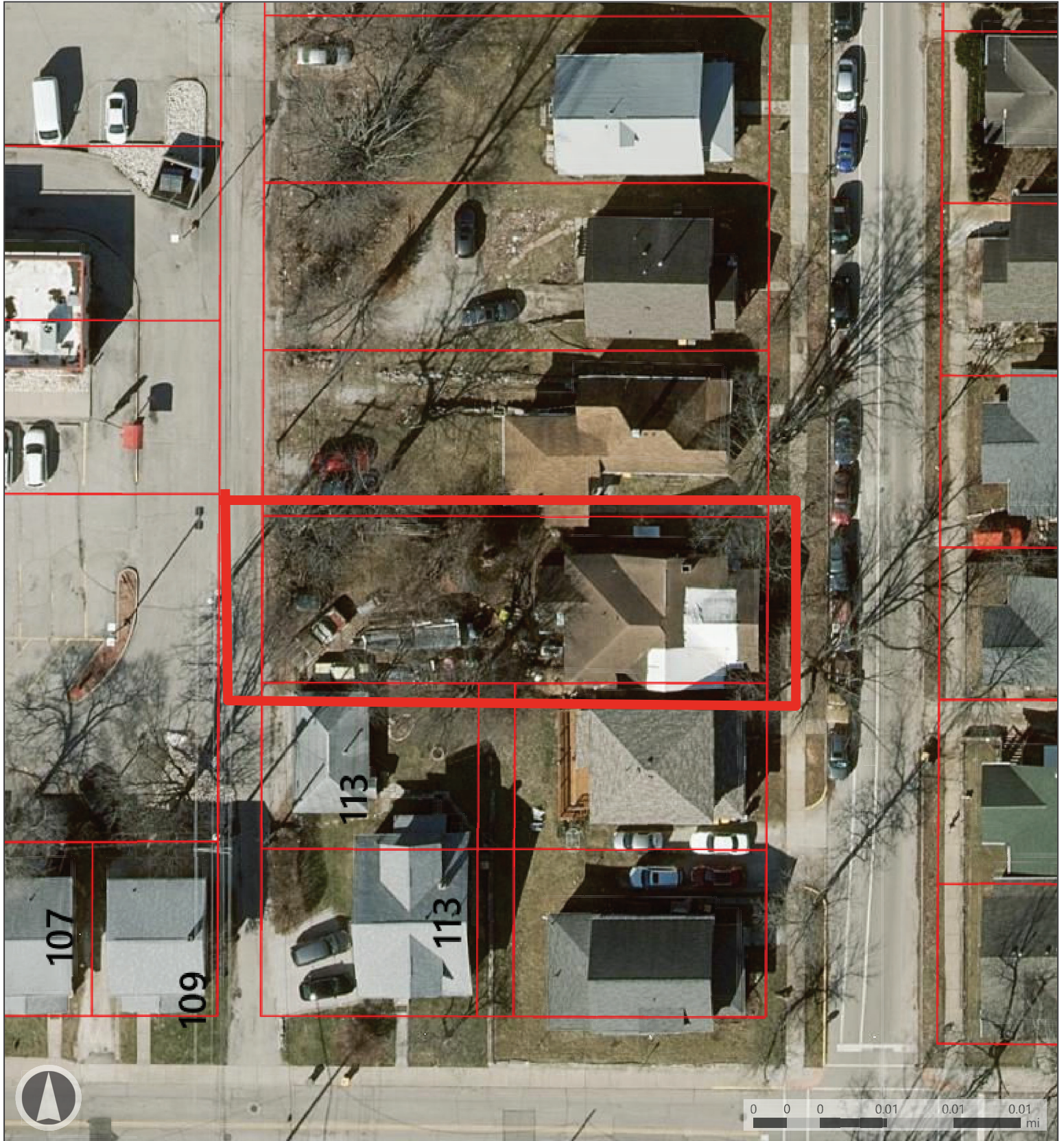
Photo 2: Storage of materials on the south side of 530 S. Washington Street.



Map Legend

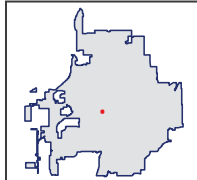
- Parcels
- Buildings
- Local Historic Districts





Map Legend

 Parcels





Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Appeal of Notice of Violations of Titles 20 of BMC

Jennifer Burrell <jennifer.burrell@bloomington.in.gov>

Fri, Aug 25, 2023 at 11:26 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Mike Rouker <roukerm@bloomington.in.gov>

Please see below.

Best,

Jennifer Burrell (She/Her)*Senior Zoning Compliance Planner*

Planning and Transportation Dept.

City of Bloomington, IN

jennifer.burrell@bloomington.in.gov812-349-3531 | bloomington.in.gov

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

From: **Joe Davis** <balebuilder@gmail.com>

Date: Fri, Aug 25, 2023 at 11:08 AM

Subject: Appeal of Notice of Violations of Titles 20 of BMC

To: Jennifer Burrell <jennifer.burrell@bloomington.in.gov>Cc: Dave Askins <dave@bsquarebulletin.com>, William Morris <william@morrislawofc.com>, guaguero <nedpow@peoplepc.com>

Dear Ms. Burrell,

My name is Joe Davis. I send this written Notice of Appeal of Violation and Fines for Violations of Titles 20 of the Bloomington Municipal Code, that have been written against my property at 530 S. Washington St.

Please present this appeal notice to the Board of Zoning Appeals.

Also, I request that the entire Board Packet be presented to me at least seven days before any scheduled hearing, such that I, and my advocates, may prepare.

If you have any questions, please do not hesitate to contact me further.

Thank you,

-Joe

Joseph B. Davis

530 S. Washington St.

Bloomington, IN 47401

812-525-9706

balebuilder@gmail.com

116
First Email from Petitioner
with Two Attachments

Jacqueline Scanlan <scanlanj@bloomington.in.gov>



Letters of Support Needed by Noon Today, 10-13-23 RE: Appeal Before BZA

joe davis <balebuilder@gmail.com>
 To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fri, Oct 13, 2023 at 11:18 AM

Ms Scanlan,

Please include this email in the BZA Packet for the 19th.

Also, please include all subsequent emails that I forward to you today, up to the Noon deadline.

Thank you,

Joe Davis
 Smile House Museum of Found & Contemporary Art
 530 S. Washington St.
 Bloomington, IN 47401
 812-525-9706
 balebuilder@gmail.com

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

From: **joe davis** <balebuilder@gmail.com>

Date: Fri, Oct 13, 2023 at 11:11 AM

Subject: Letters of Support Needed by Noon Today, 10-13-23 RE: Appeal Before BZA

To: Paul Colbert <prcolbert@gmail.com>, Nagle, Betty Rose <nagle@indiana.edu>, Cathy Meyer <cathygotm@gmail.com>, <telillis@aol.com>, <JamiScholl@gmail.com>, Jung, Diane L <jung@iu.edu>, Jeremiah Headdy <jeremiahheaddy@gmail.com>, <Nickhill23910@gmail.com>, William Morris <william@morrislawofc.com>, The Venue Fine Art & Gifts <Venue.Colman@gmail.com>, <rustyapete@yahoo.com>, <chrisbanul@hotmail.com>, <cmreinha@iu.edu>, guaguero <nedpow@peoplepc.com>, rox flower <roxflower@gmail.com>, <DonnovanDuffy@gmail.com>, Keith Romaine <jromaine@indiana.edu>, Jeanne Leimkuhler <jeanneleim@gmail.com>, Amy Briar <abrier1@gmail.com>, Gail Hale <gailgayerhale@gmail.com>, Mark Stoops <markstoops@gmail.com>, m b <mbiggsat@gmail.com>, Heeter, Ricky <rheeter@indiana.edu>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>, Gonzalez, Lucas Emanuel <lucagonz@iu.edu>, Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Mike Rouker <roukerm@bloomington.in.gov>, April Rosenberger <april.rosenberger@bloomington.in.gov>

Dear Friends,

I was notified only yesterday afternoon, -right before I had to leave for my participation in the City of Bloomington's Resident Academy program-, that I, and any person that wished to sponsor Letters of Support, on my behalf, for my upcoming appeal before the Board of Zoning Appeals on the 19th, that the deadline to submit such supportive documentation is Noon, today, 10-13-23.

This BZA appeal that I mention is in response to a Notice of Violations & Fines that I received, from the Department of Planning & Transportation, on 8-17-23, under BMO Title 20, for alleged parking on the grass, and alleged illegal outdoor storage of materials. The said illegally stored materials are my Smile House Museum of Found & Contemporary Art installations, and my building materials, and tools, that I am actively incorporating into the improvements on my property.

These building materials, and tools are permitted and sanctioned by the Monroe Co. Building Department, through a permit first obtained on 4-1-22, that is valid through 4-1-24. I also have a Certificate of Zoning Compliance, that was received on 2-10-23, for my proposed two story carport/ storage structure, from the Department of Planning & Transportation, itself. My submitted building plan documents show the exact materials that are alleged to be illegally stored on my property.

Under these false allegations of parking on the grass, and illegal storage of materials, I am being fined up to \$15,000 each day.

This prosecution from Planning & Transportation does not stand alone. I am also being prosecuted simultaneously by the City Department of Housing and Neighborhood Development, or HAND, for the same offending possession of personal materials on my property. Similarly, HAND alleges that my Smile House Museum of Found & Contemporary Art installations, and my permitted and sanctioned building materials, and tools, are all 'scattered garbage' under the auspices of Sanitation Title VI, of the BMO. In ten days, just after my BZA appeal, on the 19th, I will be appealing a Notice of Violation & Fine, and a Request for Abatement, or forced removal of my personal property, on Tuesday, the 24th, of this month. All HAND, and P&T violations were issued on the same day, 8-17-23, without prior warning.

Further, these unwarranted prosecutions began only a mere two days after my lawsuit against the City was tossed out of Circuit Court VI for a technical defect in my original filed Complaint against the City for harassment for these very same alleged infractions that I am about to appeal. I was never able to get my day in Court to present my case based on the merits of my evidence.

As evidence of this multi-departmental prosecution against me is in reference to the same material possessions, I present this excerpt of email correspondence sent to me by assistant City Legal attorney, Christopher Wheeler on, 9-29-23:

Mr. Davis,

Thank you for your email. The September 12, 2023 Board of Public Works agenda items regarding your property were continued to bring the Public Works actions and the Board of Zoning Appeals action closer together in time. All of these proceedings involve the same parties and the same general evidence. I would also note that the continuance also afforded you additional time to review the materials contained in the BPW packet that was released on September 8, 2023, as you had requested.

Sincerely,

Chris Wheeler

Furthermore, friends, I was guaranteed, this past Tuesday evening, at the conclusion of the Board of Public Works meeting, in which my appeal was postponed to the 24th of the month, that City Legal Corporate Counselor, Beth Cate, would facilitate an on-site visit to my property with representatives from HAND, Planning & Transportation, and City Legal would hash out with me which personal materials were in, or not in compliance. And that we together would set some hard deadlines in which I would be able to achieve any such compliance. This meeting of the minds was guaranteed to take place next week before my BZA appeal, on the 19th.

Friends, obviously, neither you, nor I, will be able to submit all of our documentation before Noon today. So, I strongly encourage you to reach out to Ms. Scanlan, and the other BZA Board members to insist that the window of submittals for inclusion in the BZA information Packet be extended in the name of Justice and the Civil Rights for Due Process guaranteed under both the Indiana and Federal Constitutions.

Thank you.

Joe Davis
Smile House Museum of Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

2 attachments



C23-053, CZC-2023-0019, 530 S Washington St, CZC.pdf
213K



Residential Solar Permit.pdf
619K



City of Bloomington
Planning and Transportation Department
Certificate of Zoning Compliance

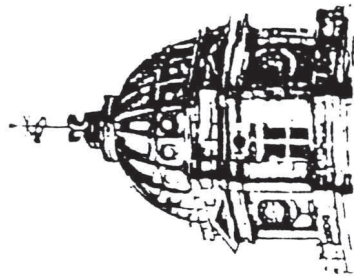
Application #:	C23-053 / CZC-2023-0099	Property Address:	530 South Washington Street
Date Received:	2/3/2023	Date Issued:	2/10/2023
Zoning District:	R4	Proposed Use:	Dwelling, single-family (Detached) Accessory structure

The attached plans have been reviewed for compliance with applicable provisions of Title 20, Bloomington Unified Development Ordinance, and conformance with the terms of any approvals which have been granted under authority of the Ordinance. The Planning and Transportation Department finds the plans to be in compliance. The following terms and conditions apply:

- This permit authorizes the proposed Accessory Structure New Construction as shown on the Certificate of Zoning Compliance application only; no other construction is permitted.
- Occupancy of each dwelling unit is limited to not more than 3 unrelated adults, or as defined by the definition of "Family." [BMC 20.07.10 (Family)]
- This permit does not allow for work in a city right-of-way. An excavation permit is required for any work done within a public right-of-way. No structures or site features may encroach on drainage easement without prior permission from CBU
- Gutters and downspouts are required. [BMC 20.04.070(d)(3)(F)]
- Siding material must extend from roofline to within six (6) inches of finished grade. [BMC 20.04.070(d)(3)(C)]
- The exterior finish and façade of the detached garage must conform to "Development Standards & Incentives; Residential" in the Bloomington Unified Development Ordinance. [BMC 20.04.070(d)(3)]
- The accessory structure can be no taller than 20' as measured from the average finished grade surface of the structure exposed above the ground surface to the highest point of the roof. [BMC 20.02.020 (d)(2)(F) & 20.04.020(f)(1)(B)]
- The cumulative area of the footprints of all enclosed accessory structures in the R4 district shall not exceed: 400 square feet. [BMC 20.03.030(g)(1)(E)]
- No more than 2 accessory structures are permitted on a parcel. [BMC 20.03.030(g)(1)(E)]
- Any future construction activities must first receive a subsequent building permit.

This Certificate of Zoning Compliance pertains only to the attached plans and the specific use proposed, exactly as submitted and reviewed. This Certificate does not constitute the issuance of any additional required permits nor exempt the property from compliance with any requirements of other governmental entities.

Gabriel Holbrow, AICP
 Zoning Planner
 City of Bloomington
 Planning and Transportation Department



Monroe County Building Department
(812) 349-2580

Public Notice of
Electrical Permit
Permit #: R-22-342

Owner: DAVIS, JOSEPH BRADLEY

Applicant: Joe Davis

Location: 530 S Washington ST

Contractor:

Type of Work: Residential Electrical Permit

ISSUED ON:

April 1, 2022
Permits expire 1 year from the date of issue.

Issued by Bobby LaRue, CBO
Monroe County / City of Bloomington
Building Commissioner

NOTICE:

This card is to be posted in a conspicuous place, visible from the public street and shall remain in place during the entire period of construction. Not having this Permit Notice posted is a violation of the Monroe County Building Ordinance and could result in a fine or assessment of re-inspection fees. Any changes in the scope of the work as submitted in the construction application and specifications must be approved by the Monroe County Building Department prior to the work being performed.



To learn more, scan this barcode or visit monroecountyin.viewpointcloud.com/#/records/9663



Monroe County, IN

\$50.00 Paid

via Check #1364

Thanks for using the Online Service Center

joe davis
Residential Electrical Permit #R-22-342
April 1, 2022

Solar Electric Installation Fee	\$50.00
Total Paid	\$50.00



Powered by the ViewPoint Cloud platform
Receipt number #3080



Second Email From ¹²¹
Petitioner Thread One
 Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Repercussions of HAND NOV Fine Payment?

joe davis <balebuilder@gmail.com>
 To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fri, Oct 13, 2023 at 11:33 AM

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

From: **joe davis** <balebuilder@gmail.com>
 Date: Tue, Oct 10, 2023 at 1:55 PM
 Subject: Fwd: Repercussions of HAND NOV Fine Payment?
 To: April Rosenberger <april.rosenberger@bloomington.in.gov>
 Cc: Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

Please include this email thread between Beth Cate, and myself, in the BPW Packet for tonight. It is especially important that the Board members know that Ms. Cate tendered an offer that I accepted, and then she withdrew it the following day. Can you make sure that each Board member is aware of this? Thank you.

I would appreciate it if you could confirm with me, that you explained this 'Bad Faith' behavior on Ms. Cates' part to each member of the Board.

Thank you, again,
 -Joe

812-525-9706

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

From: **Beth Cate** <beth.cate@bloomington.in.gov>
 Date: Thu, Oct 5, 2023 at 9:04 AM
 Subject: Re: Repercussions of HAND NOV Fine Payment?
 To: joe davis <balebuilder@gmail.com>
 Cc: Adam Wason <wasona@bloomington.in.gov>, Angela Van Rooy <angela.vanrooy@bloomington.in.gov>

Hello Joe, and thank you for this message, which I was surprised by since I thought I had successfully recalled the message I sent you right after I sent it. I wanted to further develop it after touching base with HAND and Planning on some questions I had, and I have been talking with them over the last few days. I also wanted to clarify in my message that I think it's important to go forward with the scheduled BPW and BZA hearings on your NOV appeals, since while I think we may disagree about the level of guidance on the code you have already received from staff, those hearings should provide valuable guidance to you and staff from third parties involved with code enforcement, regarding the materials you are currently storing and your storage methods. Given the disagreements between you and staff to date on the status of those things, I don't think we should lose the opportunities for clarification that these hearings present.

I do encourage you to reach out to John Hewett, Jo Stong, Jennifer Burrell, Colleen Newbill in Legal, and County Building Department personnel with questions you have in future about items and storage methods on your property. Hopefully between the upcoming proceedings and any future consultations with staff, we will reach a good faith, shared understanding of what items and storage methods are code compliant and avoid the need for future enforcement activity.

What I said about fine payments in that earlier message, in response to your original question, is unchanged, other than to add that the same is true regarding the August 17, 2023 NOV sent by Planning and Transportation; paying the fines assessed in that NOV would not resolve issues with continued outdoor storage that isn't allowed under the zoning code. Please understand that the City's interest here is in achieving compliance with the code; fines are used to motivate

compliance, and to some extent to compensate when extraordinary staff time is needed to achieve compliance — we have no interest in fining *per se*. 122

Again, I appreciate your reaching out and your desire to move forward productively on these issues. We share that desire and look forward to moving ahead in that spirit. On that note, as I suggested when we spoke a few weeks ago, I would also encourage you to talk with folks at HAND and CFRD about other resources that may be available and helpful to you. I'm happy to connect you with folks if you would like, just let me know.

Wishing you all the best,

Beth

On Wed, Oct 4, 2023 at 1:10 PM joe davis <balebuilder@gmail.com> wrote:

Dear Counselor Cate,

In good faith, I would welcome such a clarifying meeting, as you propose. Having you, John Hewett, Jo Stong, and Ms. Burrell from Planning & Transportation, could only advance the current situation of non-communication that has been my receipt from HAND, P&T, and even the executive branch. I might suggest that Angela Van Rooy, as communications director, could even facilitate our meeting on my property.

As I am already time committed through next Tuesday, it would seem in our collective best interests to postpone, or continue, the upcoming appeals before the Board of Public Works until its next scheduled meeting in the latter part of the month. This should give us adequate time to arrange schedules for a site visit to my property. This site visit, and any potential agreement, or resolution should be considered with enough haste to prevent the unnecessary publication of any Notice that might be required by P&T for their Board of Zoning Appeals meeting, taking place on October 19th. If we as a meeting group are unable to achieve a resolution before this said publication date, then it might be best to continue the date of my appeal hearing before the BZA until it's November time slot.

I am grateful to you, for looking into the arrangement of all the various moving parts necessary for our continued progress. I believe that we are heading in the right direction. Thank you.

Also, I appreciate your support of my Resident's Academy participation. Angela, has done an awesome job of facilitating our cohort's knowledge of the inner workings of the City.

Until next, enjoy this transitioning fall. There is much beauty around us.

Keeping the faith,
-Joe

Joseph B. Davis
[530 S. Washington St.](mailto:joe.davis@bloomington.in.gov)
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Mon, Oct 2, 2023 at 11:05 AM Beth Cate <beth.cate@bloomington.in.gov> wrote:

Hello Joe, and thank you for reaching out (and for participating in the Resident's Academy, that's great). I'll try to address your questions here.

I'm afraid paying the \$50 fine included with the August 17 Notice of Violation won't eliminate the need for abatement; that is a separate remedy HAND is seeking under our local code. If you were to pay the fine but not perform the abatement, then I expect either that you will be fined again (and as you note, per the code the fine doubles to \$100 for a second violation in the same year; it increases further to \$150 per violation for each subsequent violation in that same year), or the City would perform the abatement and charge you the costs.

I share your sense that we are all wasting a lot of resources here, and like you, we'd like to find a productive path forward. If you would like further guidance on what types of items and storage methods violate Title 6 and Title 20, why don't we schedule a meeting with you on your property to discuss the

relevant code provisions and how they relate to the items you are storing, and to agree on firm deadlines for addressing noncompliant items. In addition to having HAND, Planning, and Legal there, it could be helpful to include someone from the County Building Department to weigh in on which materials would or would not be usable for building purposes under applicable building code provisions. Hopefully, this meeting would allow everyone to come in good faith to a shared understanding of what types of materials and storage arrangements are code compliant, and avoid the need for further enforcement activity.

If you would like to schedule this type of meeting, let me know and I'll coordinate with folks on this end and send you back some date and time options.

All best,

Beth

On Fri, Sep 29, 2023 at 3:46 PM joe davis <balebuilder@gmail.com> wrote:
Dear Counselor Cate,

Last evening, as a participant in the current cohort of the Resident's Academy, we were hosted by Adam Wason, Director of Public Works, on a bus tour of the various subdivisions, within the City, that are overseen by the Public Works department. Toward the end of the tour, we passed by the offices of Parking Enforcement (PE), and Adam spoke about the history of PE bouncing between PW, BPD, and now back to PW. One of our cohort participants joked that he had heard that every Bloomington citizen was entitled to one warning each year in lieu of an actual parking ticket?

Adam jokingly responded back that he didn't know about that. But, a person could inquire where the parking tickets are paid. Then, in a light hearted way, he said that everyone should pay their tickets, with a smile.

That got me thinking? So, at the end of the tour, when we returned to the Showers Complex and folks departed, I asked Adam what might be the repercussions if I just went ahead and paid the \$50 fine that I was issued from HAND on 8-17-23? He responded, in a very serious manner, that he certainly was not going to get into the middle of this situation, but suggested that I make contact with you, in this regard.

So, my question to you is, what would it mean if I paid this \$50 fine? Would the HAND request for abatement go away? Would I receive a doubled fine within one week, just like what happened last fall?

Of course, I admit no guilt in the alleged HAND violation. But, given that no one in HAND will respond to my requests for non-compliance clarification, I wonder if simply paying this fine might resolve the continuing efforts, and resources, that are being wasted by all parties involved?

Could you please look into this possibility for me? Certainly, that which is currently going on, is not of benefit to anyone.

Thank you for your consideration of my query. I am hopeful for a middle understanding.

Always my best,
-Joe

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

--
Beth Cate

Corporation Counsel
City of Bloomington
401 N. Morton St. Suite 200
Bloomington, IN 47402
p: 812.349.3547

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--

Beth Cate
Corporation Counsel
City of Bloomington
401 N. Morton St. Suite 200
Bloomington, IN 47402
p: 812.349.3547

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Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Repercussions of HAND NOV Fine Payment?**Second Email From
Petitioner Thread Two**

joe davis <balebuilder@gmail.com>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fri, Oct 13, 2023 at 11:34 AM

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

From: **joe davis** <balebuilder@gmail.com>
Date: Tue, Oct 10, 2023 at 2:10 PM
Subject: Fwd: Repercussions of HAND NOV Fine Payment?
To: April Rosenberger <april.rosenberger@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

Please include this first tendered offer from Beth Cate sent to me at 11:03 am, on 10-2-23, which offer, I later accepted on 10-4-23, in the Board Packet for tonight's BPW meeting.

It is important that the Board members know that this tendered offer was sent twice to me. First, it was sent at 11:03 am, and later sent at 11:05 am, on the same day.

I will forward the 11:05 am email next.

Thank you,
-Joe

812-525-9706

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

From: **Beth Cate** <beth.cate@bloomington.in.gov>
Date: Mon, Oct 2, 2023 at 11:03 AM
Subject: Re: Repercussions of HAND NOV Fine Payment?
To: joe davis <balebuilder@gmail.com>
Cc: Adam Wason <wasona@bloomington.in.gov>

Hello Joe, and thank you for reaching out (and for participating in the Resident's Academy, that's great). I'll try to address your questions here.

I'm afraid paying the \$50 fine included with the August 17 Notice of Violation won't eliminate the need for abatement; that is a separate remedy HAND is seeking under our local code. If you were to pay the fine but not perform the abatement, then I expect either that you will be fined again (and as you note, per the code the fine doubles to \$100 for a second violation in the same year; it increases further to \$150 per violation for each subsequent violation in that same year), or the City would perform the abatement and charge you the costs.

I share your sense that we are all wasting a lot of resources here, and like you, we'd like to find a productive path forward. If you would like further guidance on what types of items and storage methods violate Title 6 and Title 20, why don't we schedule a meeting with you on your property to discuss the relevant code provisions and how they relate to the items you are storing, and to agree on firm deadlines for addressing noncompliant items. In addition to having HAND, Planning, and Legal there, it could be helpful to include someone from the County Building Department to weigh in on which materials would or would not be usable for building purposes under applicable building code provisions. Hopefully, this meeting would allow everyone to come in good faith to a shared understanding of what types of materials and storage arrangements are code compliant, and avoid the need for further enforcement activity.

If you would like to schedule this type of meeting, let me know and I'll coordinate with folks on this end and send you back some date and time options.

All best,

Beth

On Fri, Sep 29, 2023 at 3:46 PM joe davis <balebuilder@gmail.com> wrote:

Dear Counselor Cate,

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That got me thinking? So, at the end of the tour, when we returned to the Showers Complex and folks departed, I asked Adam what might be the repercussions if I just went ahead and paid the \$50 fine that I was issued from HAND on 8-17-23? He responded, in a very serious manner, that he certainly was not going to get into the middle of this situation, but suggested that I make contact with you, in this regard.

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Could you please look into this possibility for me? Certainly, that which is currently going on, is not of benefit to anyone.

Thank you for your consideration of my query. I am hopeful for a middle understanding.

Always my best,
-Joe

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

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Beth Cate
Corporation Counsel
City of Bloomington
401 N. Morton St. Suite 200
Bloomington, IN 47402
p: 812.349.3547

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10/13/23, 12:21 PM

City of Bloomington, Indiana Mail - Fwd: Repercussions of HAND NOV Fine Payment?

please immediately call us at (812) 349-3426, delete the transmission from all forms of electronic or other storage, and destroy all hard copies. Do NOT forward this transmission. Thank you. ¹²⁷



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Repercussions of HAND NOV Fine Payment?**Second Email From Petitioner
Thread Three**

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:36 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 2:28 PM

Subject: Fwd: Repercussions of HAND NOV Fine Payment?

To: April Rosenberger <april.rosenberger@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

Please include this tendered offer that was again sent to me at 11:05 am, on 10-2-23, which I accepted on 10-4-23, in the BPW packet for tonight's meeting.

It is especially important that each Board member, and the public in general, know that Ms Cate was so willing to help in bringing all the parties together in search of a resolution, that she tendered her offer twice.

Finally, I thought, my requests for clarification, of which specific items on my property are either in, or not in compliance will be addressed. I have been sending unanswered voicemails, emails, and Certified Letters to both HAND, and Planning & Transportation since August of 2022. It has been over one year of non-communication to my pleaded requests for almost 14 months now.

It was so disappointing that Ms. Cate reneged on her tender just one day after I had accepted it.

Please make sure that this is clear to all Board members, and the general public, at tonight's meeting.

[Quoted text hidden]



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Board of Zoning Appeals Hearing: October 19, 2023
**Third Email From Petitioner
Thread One**

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:42 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

Ms. Scanlan,

Please make sure that this entire email chain is included in the BZA Packet for the 19th.

Again, please include any documents that I send or forward to you before the Noon deadline, in the packet, as well.

My apologies for any duplications.

Thank you,
-Joe

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

From: **Jacqueline Scanlan** <scanlanj@bloomington.in.gov>

Date: Fri, Oct 13, 2023 at 10:04 AM

Subject: Re: Board of Zoning Appeals Hearing: October 19, 2023

To: joe davis <balebuilder@gmail.com>

Cc: Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>, Gonzalez, Lucas Emanuel <lucagonz@iu.edu>, April Rosenberger <april.rosenberger@bloomington.in.gov>, Mike Rouker <roukerm@bloomington.in.gov>

Mr. Davis,

I have just received an auto-reply that Ms. Rosenberger is out of the office. So, I will reiterate that, for the Board of Zoning Appeals hearing, you need to submit to me any items that you would like included in the packet. The deadline is noon today.

Thank you,
Jackie Scanlan, AICP
Development Services Manager

On Fri, Oct 13, 2023 at 10:02 AM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:

Mr. Davis,

As I mentioned yesterday, you have until today at noon to submit any documents that you want included. While I am happy to get with Ms. Rosenberger, it is in your best interest to submit items directly, to make sure that everything you want included is submitted.

I look forward to receiving your documents.
Thank you,
Jackie Scanlan, AICP
Development Services Manager

On Thu, Oct 12, 2023 at 5:22 PM joe davis <balebuilder@gmail.com> wrote:

Dear Ms. Scanlan,

Please obtain every submitted item that has been sent to April Rosenberger, as submitted for my defense before the BPW in the alleged Notice of Violation with Fine, and the appeal for the Request for Abatement, both being issued by HAND.

Please make sure to obtain any supportive documentation that was sent to April for the packet, from me, as well, those documents that might have been sent from friends and advocates that wish to see my exoneration.

The reason that I insist that these items be included is that despite two forums of adjudication -BPW and BZA-, they both are referring to my same material possessions. HAND calls these items 'scattered garbage', and Planning & Transportation refers to them as illegally stored outdoor items (garbage). This fact that both departments are referring to my exact same possessions is only made more evident by the date of issuance for the corresponding Notices of Violation from said parties was made on the exact same day, of 8-17-23.

These issued NOVs, and Request for Abatement, were alleged, just a mere two days after my last hearing in Circuit Court VI, in my lawsuit against the City of Bloomington -for the harassment received from the HAND, and Planning & Transportation, departments, in seek of relief. This previous harassment by said parties is also based on the same alleged violations that I am now facing.

My previous lawsuit against the City was eventually dismissed on a technicality in the filing of my original complaint. I never did get to have my day in court, and present the merits of my case. However, I do plan on re-filing my Civil Tort again. I sure hope that I don't have to include a civil rights violation against the denial of due process for Planning and Transportation not entering every single document from the BPW packet into the BZA packet for the 19th appeal. That would not serve myself, the Board of Zoning Appeals members, nor the general public, at large.

Thank you, for confirming that each and every item from the BPW packet will be introduced into the packet prepared for the benefit of the BZA membership, and the public general, for my appeal on the 19th.

Appreciatively,
-Joe

Joseph B. Davis
Smile House Museum of Found & Contemporary Art
[530 S. Washington St.](#)
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Thu, Oct 12, 2023 at 1:00 PM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:
Mr. Davis,

You can send them to me. Tomorrow by noon.

While you have attended before, I wanted to share some information about our process. We cannot and will not send any information to the Board after the packet goes out. Anything that you would like to present to them that is not in the packet will need to be presented at the hearing. If you have digital images that you would like to share at the hearing, you will need to send them to me before 4pm on the day of the hearing. A petitioner has 20 minutes to present.

Feel free to let me know if you have additional process questions.

Thank you,
Jackie Scanlan, AICP
Development Services Manager

On Thu, Oct 12, 2023 at 12:27 PM joe davis <balebuilder@gmail.com> wrote:
Dear Ms. Scanlan,

To whom would I send my appeal exhibits for the BZA packet? And, when would be the deadline for those submissions?

Thank you,

Joseph B. Davis
Smile House Museum of Found & Contemporary Art
[530 S. Washington St.](#)
Bloomington, IN 47401

812-525-9706
balebuilder@gmail.com

On Mon, Sep 18, 2023 at 2:36 PM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:

Good afternoon,

Mr. Davis, I am in receipt of your Administrative Appeal and it will be heard at the **October 19, 2023 Board of Zoning Appeals** hearing.

Please let me know if you have any questions.

Thanks,
Jackie Scanlan, AICP
Development Services Manager

--



Jackie Scanlan, AICP

Development Services Manager
Planning and Transportation
Direct: 812-349-3524
Office: 812-349-3423



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Board of Zoning Appeals Hearing: October 19, 2023**Third Email From
Petitioner Thread Two**

joe davis <balebuilder@gmail.com>

Wed, Sep 20, 2023 at 12:15 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Cc: Mike Rouker <roukerm@bloomington.in.gov>, William Morris <william@morrislawofc.com>, The Venue Fine Art & Gifts <Venue.Colman@gmail.com>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, guaguero <nedpow@peoplepc.com>, JamiScholl@gmail.com

Ms. Scanlan,

Thank you for answering my questions.

I could be available to join your understaffed department, following my October Appeal before the BZA. If your fines are assessed, I will definitely need some gainful employment to help with the relief of my indebtedness.

Always my best,
-Joe

Joseph Bradley Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Tue, Sep 19, 2023 at 10:38 AM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:

Mr. Davis,

We are understaffed and I, personally, neglected to make sure the paperwork was ready in time. We do not accrue fines while a petitioner is actively pursuing an appeal.

Thanks,
Jackie Scanlan, AICP
Development Services Manager

On Mon, Sep 18, 2023 at 9:33 PM joe davis <balebuilder@gmail.com> wrote:

Ms. Scanlan,

Why was the City unable to place the required notice in the Herald Times for me to appear on the 9/21/23 agenda? Your department's prosecution was initiated on 8-17-23?

Is there anyone accountable in your department? Why do I get the feeling that your P&T efforts are grasping at straws?

By this future date, my accumulated fines will be in the range of \$150,000 dollars. Is this a guaranteed attempt to relieve me of my property, and voice?

Doubled down,
-Joe

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Mon, Sep 18, 2023 at 4:25 PM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:

Mr. Davis,

Staff was unable to place the required notice in the Herald Times in time for you to appear on the 9/21/23 agenda. The packet for the 9/21/23 hearing is on the BZA website. The packet for the 10/19/23 hearing will be placed on the website the week before the hearing. I will also email it to you.

Thanks,
Jackie Scanlan, AICP
Development Services Manager

On Mon, Sep 18, 2023 at 4:16 PM joe davis <balebuilder@gmail.com> wrote:
Ms. Scanlan,

Thank you for the notice of my delayed Appeal before the BZA. May I ask why this matter is being continued? Was a Board packet already issued for the original hearing, on 9-21-23? When may I expect a new Board packet to be available, for the Hearing, on the 19th, of October. Thank you.

Appreciatively,
-Joe

Joseph Bradley Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Mon, Sep 18, 2023 at 2:36 PM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:
Good afternoon,

Mr. Davis, I am in receipt of your Administrative Appeal and it will be heard at the **October 19, 2023 Board of Zoning Appeals** hearing.

Please let me know if you have any questions.
Thanks,
Jackie Scanlan, AICP
Development Services Manager

--



Jackie Scanlan, AICP

Development Services Manager
Planning and Transportation
Direct: 812-349-3524
Office: 812-349-3423



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Appeal

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:46 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

**Fourth Email From Petitioner
Thread One**

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 8:06 AM

Subject: Fwd: Appeal

To: Nickhill23910@gmail.com <Nickhill23910@gmail.com>, Jeremiah Headdy <jeremiahheaddy@gmail.com>

Nick, and Jeremiah,

The forwarded message below contains the email address for April Rosenberger. She is the person to whom you will send your letter of support describing how neither of you or your household gave permission to anyone from the City to snoop around your property, just to spy on what's going on in my backyard.

I would emphasize that you value your privacy given all the theft that happens in our neighborhood will the extreme concentration of the homeless, or unhoused.

I would also state that you, personally, are not bothered by my construction activities.

The images that I showed you were exhibits 5-13. These were the images that were taken from your backyard without your household's consent.

With the letter that you write, be sure to include your address next door to me, at 530 S. Wash. Attach the letter to an email that you send to April. Put in the subject line, 'Letter of Support for Joe Davis.' In the body of the email say, "Ms. Rosenberger please include this attached letter of support for Joe Davis in tonight's Board Packet for the Board of Public Works Meeting."

Thanks guys. I really appreciate your efforts on my behalf!

Oh, by the way, I was told that the City is coming to take more pictures of my place today. Look for another City person, or people, to be in your backyard, once again.

Enjoy your day,

-Joe

Joe Davis

530 S. Washington St.

Bloomington, IN 47401

812-525-9706

balebuilder@gmail.com

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

From: **April Rosenberger** <april.rosenberger@bloomington.in.gov>

Date: Mon, Oct 9, 2023 at 9:53 AM

Subject: Appeal

To: joe davis <balebuilder@gmail.com>

Good Morning Joe,

As you are aware, your Notice of Violation appeal and the request for Abatement on your property from the HAND department is on the Agenda for tomorrow's Board Meeting at 5:30 p.m. I am attaching the Zoom information in case you cannot attend in person.

Meeting Agenda and Packet can be found here:

https://bloomington.in.gov/onboard/committees/info?committee_id=27

Topic: Board of Public Works Meeting

Time: Oct 10, 2023 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://bloomington.zoom.us/j/88340218081?pwd=xmjBdJc7CPaQhnnroQV0SF60pIldLr.1>

Meeting ID: 883 4021 8081

Passcode: 625553

Thank you,

 The logo of the City of Bloomington, Indiana, featuring a stylized blue snowflake or starburst design with the text "CITY OF BLOOMINGTON INDIANA" in the center.	<p>April Rosenberger Office Manager Department of Public Works City of Bloomington april.rosenberger@bloomington.in.gov (812) 349-3411 bloomington.in.gov</p>
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Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Appeal

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:47 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

**Fourth Email From Petitioner
Thread Two**

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

From: **Jung, Diane L** <jung@iu.edu>

Date: Tue, Oct 10, 2023 at 5:12 PM

Subject: Re: Fwd: Appeal

To: joe davis <balebuilder@gmail.com>

Hi Joe, It took me a while to find my comment and while I was looking I read quite a few others. I ended up writing something new - provided below. I just sent it to April so It might be too late to include for this evening. Best wishes - diane

Hi April,

I'm writing in response to the charges and actions taken against Joe Davis by the City of Bloomington.

I found it a bit shocking and disheartening what is happening to Joe in reponse to the condition of his home on S Washington Street. I walked to town today and back from my Bryan Park neighborhood home and passed by Joe's home on my way back.

Admittedly, I had noticed his house as a rather eccentric over-the-top residence. It was certainly not a rental nor BNB from the looks of it. It's a residence that has been accumulating materials for quite some time. At a first glance one could easily imagine that it might feel a bit uncomfortable to live so close by. My personal reaction is that it needs a bit of a clearing as too much has been accumulated for what the space can accommodate and still be a pleasing or acceptable expectation of a home. This does not make a person a criminal to be charged and fined exorbitantly by the city.

It's not the usual acceptable aesthetic to be sure but how does one define such things? As I made my way to/from downtown via Lincoln and then Washington streets, I felt uneasy by the unkempt houses that exuded the look of rental far more than someone who has been carefully accumulating things that others might find useless. Trash on the streets left and not a stitch of any sort of cared for lawns and landscaping - just houses with people crammed into them make money from their rent. This should be much more a concern for Bloomington and its future than what's happening at Joe's home.

Joe is at least making an attempt to make his place a real home and it's messy to be sure but as I toured his backyard I didn't see anything toxic just many started-and-not-finished projects.

That his wood chips and firewood would be considered garbage and taken away was absurd. Did anyone notice that Joe probably has the oldest and largest (at the base) Sycamore tree in Bloomington, possibly in the county? I could not help but stop to marvel at for quite a few minutes.

Please include the comments I have shared here in the report ou are preparing for today's meeting. Thank you - diane jung

Sent from my iPad

On Oct 10, 2023, at 1:10 PM, joe davis <balebuilder@gmail.com> wrote:

This message was sent from a non-IU address. Please exercise caution when clicking links or opening attachments from external sources.

Dear,

Please see the forwarded email below. If you have a letter of support for me, you may send it to April Rosenberger. She is an administrator at Public Works, and she will include it in the Board packet for tonight's meeting where I will be appealing HAND's Notice of Violation & Fine, And also appealing Hand's Request to Abate my property, or forcibly remove all of my outdoor Smile House Museum of Art installations, and my building materials & tools.

Thank you, for stopping by today. Please say 'hello' to Michael for me.

Appreciatively,

[Quoted text hidden]



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Appeal

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:47 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

**Fourth Email From
Petitioner Thread Three**

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 7:20 PM

Subject: Fwd: Appeal

To: **DonnovanDuffy@gmail.com** <DonnovanDuffy@gmail.com>

Donnovan,

The forwarded message below contains a zoom link to the Board of Public Works meeting at which I will be presenting my appeals tonight against the HAND Notice of Violation & Fine, and a later this same night appeal against HAND's request for Abatement, or the forced removal of my building materials, tools, washing machine, art installation in the front, etc.

If you zoom in you could speak up for me, and speak about your household did not give permission for the City to trespass on your property to spy on me, and invade both your, and my privacy.

Please zoom in if you are able.

Thank you,

-Joe

[Quoted text hidden]



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Appeal**Fourth Email From
Petitioner Thread Four**

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:49 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

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

From: **joe davis** <balebuilder@gmail.com>

Date: Wed, Oct 11, 2023 at 4:41 PM

Subject: Re: [External] Fwd: Appeal

To: Nagle, Betty Rose <nagle@indiana.edu>

Dear Betty Rose,

The likely reason that the link didn't work last night was because the meeting had already concluded.

The Board tabled/ postponed my appeals until the meeting in two weeks, on the 24th.

Evidently, I wore them down with my stand-off earlier in the evening. The City, Adam Wason, Corporate Counselor Beth Cate, and Assistant Attorney Christopher Wheeler all agreed to organize the 'meeting of the minds', that Ms. Cate had tendered, would happen on my property before the upcoming appeal before the BZA, on the 19th, and before the appeals before the BPW on the 24th. I will forward to you the email chain of my correspondence with Ms. Cate. You can watch the recording of the entire evening's proceedings on CATSTV. At the CATS website, just search for the Board of Public Works meeting 10-10-23.

I consider the continuance of the appeal, and the agreement to meet at my property, before the upcoming scheduled appeals, a victory against the ongoing tyranny, and harassment, that I have been experiencing from the City, over the last 14 months. Upon returning home, I celebrated this success with several glasses of wine, and a 'sleeping-in' to 9 am, this morning. Thank you, for fueling my convictions to demand my civil rights for due process, and property rights, with just your mere presence to me only a few seats away, last night. I was very comforted.

In response to your question, yes, those images were taken by HAND compliance officer, Rob Council, around 3-4 weeks ago. These, and the images that Christopher Wheeler presented to me, just 10 minutes before I took the podium, were 90% obtained through unauthorized trespass, on my, and my proximate neighbors property. I will forward to you an affidavit that I submitted yesterday afternoon.

As all of the forwarded images, and emails, that you have, or will see, are now submitted public documents, your may feel free to share them liberally.

Thanks, for being my Betty Rose,
-Joe

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Tue, Oct 10, 2023 at 8:39 PM Nagle, Betty Rose <nagle@indiana.edu> wrote:

I tried and the link doesn't work. Happened last night but then it did.

Anyhiw, good luck. I hope they are letting you make your case. The photo you sent Dave Askins? The city took those, right? Seems they could access and project thdm.

Cheers!
Betty Rose

From: joe davis <balebuilder@gmail.com>

Sent: Monday, October 9, 2023 2:33 PM

To: Nickhill23910@gmail.com <Nickhill23910@gmail.com>; jeremiahheaddy@gmail.com <jeremiahheaddy@gmail.com>; telillis@aol.com <telillis@aol.com>; chrisbanul@hotmail.com <chrisbanul@hotmail.com>; jeremy@bloomingtonian.com <jeremy@bloomingtonian.com>; Dave Askins <dave@bsquarebulletin.com>; The Venue Fine Art & Gifts <Venue.Colman@gmail.com>; Nagle, Betty Rose <nagle@indiana.edu>; Cathy Meyer <cathygotm@gmail.com>; JamiScholl@gmail.com <JamiScholl@gmail.com>; pwdorfman@gmail.com <pwdorfman@gmail.com>; Stephen Volan <volans@bloomington.in.gov>; William Morris <william@morrislawofc.com>; Paul Colbert <prcolbert@gmail.com>; simsji@bloomington.in.gov <simsji@bloomington.in.gov>; sandbers@bloomington.in.gov <sandbers@bloomington.in.gov>

Subject: [External] Fwd: Appeal

This message was sent from a non-IU address. Please exercise caution when clicking links or opening attachments from external sources.

Dear Ladies & Gentlemen,

Please, see the information below, for my appeals before the Board of Public Works meeting at 5:30 pm. Please attend, if you are able. You may do so in person, or virtually through zoom.

There is a link provided for the Agenda, and the Board Packet. The Packet will have the City's evidence toward my prosecution.

Thank you,
-Joe

Joe Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

[Quoted text hidden]



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: BPD Trespass Investigation Case # B23-58815_HAND Compliance Officers 10-10-23

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:50 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

Fifth Email From Petitioner

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

From: joe davis <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 4:06 PM

Subject: BPD Trespass Investigation Case # B23-58815_HAND Compliance Officers 10-10-23

To: April Rosenberger <april.rosenberger@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

Please include this Notice of Trespass by HAND Compliance Officers' John Hewett, and Rob Council, that took place today 10-10-23, be included in the BPW Packet of this evening's meeting.

As I was working in my backyard today, somewhere around the noon hour, I observed John Hewett, and Rob Council mounting my neighbor's porch at 528 1/2 S. Washington St. I live at 530 S. Washington St., right next door.

Mr. Hewett, and Mr. Council, then proceeded to descend the back steps of my neighbor's porch with their cameras pointing at me, and my property. As I approached them, taking my own camera phone out, John Hewett said, "Joe, we are here to take more pictures of your property for tonight's meeting."

I responded, "What good is that gonna do, given the fact that I will have no access to those images before the appeal hearing."

Then I engaged in taking their images with my camera phone, as they proceeded to continue taking images of me, and my property in a wild, and erratic manner.

After exiting my neighbor's property to the alley way behind where the Arby's, and Arby's parking lot is located, they continued to pry their eyes between my privacy fencing, held their cameras high to get glimpses over my parked truck.

I passed through my back gate, and continued to record their presence with my camera, as they carried on invading my privacy. Following this, they walked along the alley toward First St. and walked east toward Washington st., where they had illegally parked their work truck in the yellow, obscuring the Stop Sign to those motorists who would be traveling on S. Washington where it intersects with First.

While I followed them, I called 911 to report to the dispatcher their unauthorized trespass, both of my neighbor's properties to the north, as well as the south, at 534 S. Washington. While I was speaking with the dispatcher, who was sending BPD officers, I stood in the tree plot area, next to their illegally parked truck in front of the Hoagy Carmichael House at 536 S. Washington. As I provided details of both their trespass, and illegal parking to the dispatcher, John Hewett recorded my conversation with his phone, and Rob Council videoed me with his tablet device. They then left in their truck before the BPD arrived, which was seconds later.

BPD officer T. Keen was the first to arrive. I explained the situation of trespass, and invasion of privacy, sharing with him that I had already spoken with the tenants at, 528, 528 1/2, and 534 S. Washington St. about the exhibit images, and general item inventory, that I had received from assistant City attorney, Christopher Wheeler, this past Thursday afternoon, just two business days before I was to go before the Public Works Board, on appeal. All tenants could see that images 5-15 has been previously taken through unauthorized trespass. The tenants at 528 even reviewed their lease agreement, and found that there was no inclusion for the wanton access for the City to come spy on me, at will, and invade both their, and my own rights to privacy.

Investigating officer T. Keen said that the body cam information, and documentation, under Case # B23-58815, would be available at the end of the evening tonight. ¹⁴²

April, please make sure that this affidavit, from me, and the ability to access the BPD materials is included in the BPW Packet for the meeting tonight, for the benefit of the Board members and the general public.

Thank you,
-Joe

812-525-9706



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: More BPW Packet Materials

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:51 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

Sixth Email From Petitioner

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 4:12 PM

Subject: More BPW Packet Materials

To: April Rosenberger <april.rosenberger@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

Please include these attachments, and media links to tonight's BPW Packet for the benefit of the Board members, and the general public. Thank you.

2 attachments **De Novo Narrative.docx**
29K **John Hewitt Letter Clarification Title VI.docx**
14K

STATE OF INDIANA)

IN THE MONROE CIRCUIT COURT

)SS:

COUNTY OF MONROE)

CAUSE NO. 53C06-2303-CT-000633

JOSEPH BRADLEY DAVIS,

Plaintiff,

v.

CITY OF BLOOMINGTON,

Defendant,

MOTION FOR DE NOVO ADMINISTRATIVE REVIEW OF NOTICES OF VIOLATION & ORDER FOR ABATEMENT

Plaintiff, Pro Se, moves the Court to hear a De Novo Administrative Review of the City of Bloomington’s Notices of Violation & Order for Abatement in regard to Plaintiff’s property at 530 S. Washington Street, Bloomington, IN 47401. In support, plaintiff, states as follows:

1. Plaintiff filed an original first cause of action (claim for relief) Complaint on March 24, 2023.
2. Plaintiff demands rescission of the March 14, 2023, order for abatement issued by the City of Bloomington Board of Public Works.
3. Plaintiff demands reimbursement for unjust fines from notices of violations issued in 2022.
4. Plaintiff demands to be made whole from damages suffered, at the hands of the City of Bloomington in the form of punitive relief for pain and suffering and lost economic income opportunity.
5. Plaintiff seeks a declaratory judgement that Indiana Code 36-7-8-3(d) is pertinent and relevant to the incorporated municipality of Bloomington.
6. Plaintiff received on 4-1-22 a building permit from the Monroe County Building Department (MCBD), for installation of a photovoltaic solar array to be installed on his property. This permit is valid through 4-1-24. Plaintiff began removing trees and preparing the construction site in the immediate months following the issuance of the building permit.
7. In early August, plaintiff was approached by compliance officer, Rob Council to address a neighbor’s complaint of ‘trash’ on plaintiff’s property. Mr. Council stated that the plaintiff needed to remove all poison ivy and Japanese knotweed on said property as a starting point toward achieving ‘compliance’ with the City. Furthermore, Mr. Council organized a meeting on plaintiff’s property on 8-11-22 with several employees from the departments of Housing and Neighborhood development (HAND), as well as Planning and Transportation. These two departments looked at the entirety of my possessions, and landscape outside of my house and deemed that it needed to be ‘cleaned-up’ without distinguishment of vegetation, nor material possession. Plaintiff clearly expressed to all parties at the time that he was a willing partner to work with the City in bringing his property into compliance, and that he would just need clear communication from the City to understand which issues to address first and then proceed from there. Shortly thereafter, Mr. Council stopped by with the first Notice of Violation (NOV) for scattering garbage and excessive growth. This NOV for these separate issues was a ‘warning only’ and had the same date for when both City departments visited just days

before. In the comments section of the dual notice of violation, Mr. Council directs plaintiff to, “Properly dispose of all garbage and putrescent materials on property. Eradicate all Japanese knotweed and poison ivy from property.

8. Plaintiff proceeded to remove the poison ivy and what he thought might be the Japanese knotweed from his property over the next two weeks. As the plaintiff has never kept or scattered ‘garbage’ on or around his property, his only assumption could be that the City was referring to his compost pile at the back of his property, as to the ‘garbage’ complaint. This, well managed, working compost pile is not putrescent, or ‘stinky’ despite daily additions to its contents. The plaintiff eagerly awaited a site check-in/visit from Mr. Council around 8-24-22 to receive feedback toward compliance progress. On said site visit from Mr. Council, the plaintiff asked for help in identifying Japanese knotweed. Mr. Council glossed over this request and proceeded to direct his focus on getting materials off of plaintiff’s front porch, further cementing in the plaintiff’s mind that the City was considering all of the contents of his property to be garbage, or trash in the eyes of the City. None-the-less, the plaintiff launched into a 60 hour week of sorting, organizing, and storing away the contents of said porch. Mr. Council stated that he would be back on Thursday, 9-1-22, at 4pm to provide more feedback and direction as to the next steps toward compliance. With much disappointment, on the part of the plaintiff, Mr. Council was a ‘no-show’ for that scheduled 9-1-22 appointment. The plaintiff called and left a voicemail with Mr. Council in the next two business days to seek out that desired input/feedback. Mr. Council never returned the plaintiff’s phone call. Indeed, this marked the last time that Mr. Council ever gave or provided constructive feedback on 8-24-22 up until and including the present day. As far as other feedback from HAND, it was only one-half business day before a scheduled abatement by the City, on the 26th and 27th of June that John Hewett came onto my property and began to explain which items were and were not allowed under BMC Title VI. Incidentally, even on that afternoon, Mr. Hewett described both non-living vegetative matter and construction materials as ‘putrescent trash’ bookending the City’s idea that any element outside of plaintiff’s home is “garbage” to them without regard to its service to plaintiff’s homestead or its improvements therein.

9. Chronologically speaking, following Mr. Council’s ‘no-show’ of 9-1-22, the next communication that came from the City/HAND was a NOV with fines for the two aforementioned warnings for excessive growth, and the scattering of garbage. These NOV allegations were written on 9-7-22 for \$50 for each, for a total of \$100. I made a timely request for appeal. And, proceeded to put in 60 hour weeks of compliance activity up until the hearing date before the Board of Public Works (BPW) on 9-27-22. Again, plaintiff was ‘flying blind’ in his compliance efforts up until that hearing date. In this quasi-judicial setting plaintiff’s rights to due process were denied. No prosecutorial information was presented to the plaintiff in advance. Images were used in the prosecution without date. There was no indication who might have taken such images. The plaintiff was only allowed two minutes to state his case with no opportunity to question the City’s witnesses. And, there was no official transcript generated from the hearing, as well. Needless to say, the Plaintiff was unsuccessful in his appeal, and told that the matter could be appealed in Circuit Court. The plaintiff paid the fines the next day, not as an admission of guilt, but to prevent an immediate escalation of the fine amount if not paid in a timely manner.

10. No sooner than one week from the failed appeal before the BPW on 9-27-22, the plaintiff received another NOV from HAND on 10-7-22 for the same offense of scattering garbage on his said property. This time, there was no fine for excessive growth. Apparently, the plaintiff had achieved compliance with this issue. Again, plaintiff made a timely request for appeal before the BPW. A hearing date was set for 11-22-22. Up until that date, the plaintiff ‘flew blindly’ in 50-60 hour weeks of effort to achieve this nebulous compliance. Needless to say, the outcome and the process in this hearing was the same. Denial of due process. No advance sharing of prosecutorial information. Only two minutes were allowed for the stating of one’s case. No cross examination of City witnesses. No sharing of images in advance. No specifics as to violation of Title VI. And

there was no official transcript generated. This time the fine amount for the scattering of garbage was doubled for \$100. This fine was paid the following day of the failed appeal, not as an admission of guilt, but to limit the escalating fine amount for non-timely payment.

11. During this interim period of the second NOV fine from HAND on 10-7-22 to the failed appeal before the BPW on 11-22-22, the plaintiff also received a NOV (warning), on 10-20-22, from the department of Planning and Transportation for parking on unimproved surfaces, and illegal land use under the Uniform Development Ordinance (UDO) Section 20. Specifically, the city stated that plaintiff could not store items outside. This violation of plaintiff's property rights runs directly against plaintiff's ability to follow through with his intended property improvements, as evident by the MCBP permit that he obtained on 4-1-22. It is impractical for the plaintiff to not have his building materials and tools at hand for these said improvements. Indiana Code 36-7-8-3(d), the Indiana Log Cabin Rule further corroborates this property right. This NOV from Planning and Transportation was sent by Elizabeth Carter. I filed an appeal to this NOV warning. A hearing was set for the Board of Zoning Appeals (BZA) on 2-23-23.

12. Additionally in this interim period of the second NOV, with doubled fine, from HAND, and its subsequent lost appeal before the BPW on 11-22-22, the plaintiff also received a Notices of Violation letter from Christopher Wheeler in the City of Bloomington Legal Department dated 10-27-22. Amongst the alleged accusations from Mr. Wheeler was a statement that, "All of the items on your property constitute either impermissibly thrown, placed, or scattered garbage, recyclable materials, and yard waste, or impermissible outdoor storage of equipment, materials, waste and scrap materials. In other words, each and every item of personal property that you have allowed to remain out-doors on the Property is either a violation of Title VI or Title 20 of the BMC and must therefore be removed." Mr. Wheeler further states that the plaintiff is liable for a daily fine of up to \$7,500 for such infractions.

13. On 2-10-23, plaintiff received a Certificate of Zoning Compliance for his proposed carport/solar structure from the Department of Planning and Transportation.

14. On 2-23-23, the plaintiff went before the Board of Zoning Appeals (BZA) to appeal the NOV warning that was issued by Elizabeth Carter on 10-20-22 from the department of Planning and Transportation. As per usual, personal rights of due process were denied. No prosecutorial information was shared in advance with the plaintiff. No cross examination of witnesses was allowed. No images were shared in advance, nor who might have taken such images. And, no official transcript was generated from the hearing. Though the forum was different, the outcome was the same, a lost appeal.

15. One week later, on 3-1-23, the plaintiff received by mail a Notice for Request for Abatement from HAND to forcibly remove elements from my property under the guise of Title VI. A hearing was set for 3-14-23 before the BPW. The plaintiff filed a timely Tort Claim with the Indiana Attorney General against the City of Bloomington on 3-6-23. Upon the hearing date the plaintiff went before the BPW to appeal the proposed abatement. Again, personal rights to due process were denied. No expert testimony was allowed. No cross examination of witnesses was allowed. No prosecutorial information was shared in advance. The plaintiff was prosecuted with evidence from only two images. One image was of my front porch. The second image showed some hats on the same prompting on of the few questions from the Board about the hats? No official transcript was made of the hearing. The appeal was lost. An Order of continuous abatement was issued. Plaintiff was told that any relief from the outcome must be sought in Circuit Court. Thus, plaintiff filed his timely Complaint against the City on 3-24-23 in the Monroe County Circuit Court.

16. On 6-15-23 plaintiff received a letter from HAND notifying a proposed abatement by 3rd party contractor on 6-26 and 6-27- 23. Plaintiff filed a Motion for Emergency Preliminary Injunction which the Court granted until, at least the 8-3-23 hearing on the City's Motion to Dismiss.

17. Plaintiff asks the court to accept the original complaint filed on 3-24-23 to be recognized as Count # 1 in the totality of said Complaint. The plaintiff now pleas for the Court to accept the above amendments to the Complaint as Count #2 in the Complaint and states the following in support of Count #2:

18. Overall, plaintiff has suffered much from the hands of the City. Not only have plaintiff's property rights been denied, but also his personal rights through a denial of Due Process; inappropriate fines, and Orders, including the Order for Abatement.

19. This denial of Civil Rights, discrimination, and continued harassment from the City does not only target him selectively and personally. But is also appears to be a case of malicious prosecution by the City attorney Christopher Wheeler. He has been at the heart of every quasi-judicial forum in which the plaintiff has unsuccessfully made appeal, and continues to harass with his activities as Counsel for the defendant.

Wherefore, the Plaintiff, Pro Se, comes now to pray the Court to continue to stay the Preliminary Injunction until the Court has an opportunity to hear the disputed facts on merit. And, to allow for a De Novo Review of the administrative decisions of BPW and the BZA for both Notices of Violation and Orders in fine, and abatement. The plaintiff also requests punitive relief. As well as a declaratory judgement that IC 36-7-8-3(d) is pertinent and relevant to the incorporated municipality of Bloomington.

Respectfully submitted,

Joseph Bradley Davis _____

Joseph Bradley Davis, Pro Se
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

CERTIFICATE OF SERVICE

I hereby certify that on August 1st, 2023 that I personally delivered the Plaintiff's Motion for De Novo Administrative Review of Notices of Violation & Order for Abatement to City Legal at 401 N. Morton St., Bloomington, IN 47404.

Joseph Bradley Davis _____

Joseph Bradley Davis, Pro Se
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

John Hewett
Housing and Neighborhood Development,
City of Bloomington

**Sixth Email From Petitioner
Second Attachment**

Dear John,

7-14-23

Greetings. As you know, I am still seeking some clarification on which of my personal items specifically are disallowed on my property under the auspices of Title VI. I am very happy to work with you personally or any of your compliance officers outside of Rob Council. Mr. Council has been dishonest with me on numerous occasions. His aggressive behavior toward me, and his inability to respond to voicemail and email is a hindrance to my efforts at becoming compliant with HAND's Title VI requirements. I would like to remind you that this is the second time that I have contacted you with a request for a different compliance officer to handle my alleged property issues. The first occasion was through an email, which I have printed out and included along with this letter.

As far as Compliance Officers outside of yourself, I would suggest Jo Stong. She and I have always communicated well in the past. And, she has always struck me as a fair, and personable, officer for the City of Bloomington.

Thank you in advance for your assistance in this matter.

Sincerely,

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

Enclosure:



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Seventh Email from Petitioner**Fwd: More Packet Information**

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:52 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 4:40 PM

Subject: More Packet Information

To: April Rosenberger <april.rosenberger@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

My apologies. I accidentally hit send, when I intended to hit the attach button.

Here are more attachments, and media links. Thank you.

Media links:

<https://bsquarebulletin.com/2023/08/11/bloomington-starts-abatement-of-washington-street-property-owned-by-would-be-mayoral-candidate/><https://www.youtube.com/watch?v=5qZ151xb9pc><https://bloomingtonian.com/2023/09/16/private-home-owner-fined-7500-dollar-per-day-over-zoning-violations-in-bloomington-indiana/><https://bsquarebulletin.com/2023/09/22/skirmishing-over-garbage-between-homeowner-city-of-bloomington-set-for-next-week/><https://bloomingtonian.com/2023/10/03/cathy-meyer-submits-letter-regarding-joe-davis-to-bloomington-board-of-public-works/>

April, please make sure that all these attachments, and media links, are added to tonight's BPW packet, for the benefit of the Board members, and the general public.

Thank you,
-Joe

812-525-9706

4 attachments**Letter to Judge Krothe 2-23-23.docx**
17K**Letter to John Hewett 8-22-23.docx**
14K**Exhibit A Abatement Affidavit (J.pdf)**
680K



Krothe Order on Motion for Preliminary Injunction.pdf
484K

**Seventh Email from Petitioner
First Attachment**

Honorable Judge Krothe,

6-23-23

I just received a phone call from your Clerk, Dana. She told me that you have set a hearing for Monday at 8:00 am, the 26th, of June 2023, for Cause No. 53C06-2303-CT-000633.

I will be at my home at this time documenting the destruction that the third-party abatement contractor will be conducting at my property.

Also, this sudden Hearing date will not give me time to adequately prepare my case for the Emergency Preliminary Injunction. I will need time to gather letters of support from various official allies from both City, and County agencies. Some but not all of these supporters are:

- Tom McGlasson -Director of the Monroe County Solid Waste District;
- Linda Thompson -Senior Environmental Planner with the Department of Planning & Transportation;
- Kriste Lindberg – Storm & Gray Water Specialist with the City of Bloomington;
- Members of the Habitat Stewards Group, a part of the Center for Sustainable Living;
- Devta Kidd – Innovation Specialist with the Office of the Mayor;
- And, potentially others.

I will also need time to subpoena adverse party witnesses to be present for questioning at the Hearing.

Just today, John Hewitt, of HAND came by to share with me what items were going to be abated on Monday and Tuesday. They are going to essentially scrape my property clean of any organic matter that can decompose: leaves; wood-chips; my constructed raised garden beds that are framed with wood; any tools that they think are old, have a damaged handle, or similar. They are going to remove any mounded garden beds that are mulched with leaves; any ‘tree-of-heaven’ that is on my property; any construction material that is not new; and so many other things that I don’t have time to mention.

I would also like to add that this last-minute visit to my property is too little notice in regard to what is allowable, and what is not. A one-half business day before abatement is an inadequate amount of time. Especially since I have been asking for this input/feedback since the beginning of August 2022.

Therefore, I humbly ask the Court to allow for a reasonable amount of time for me to gather my supporters, subpoena my adverse witness for examination, and to prepare my documentation and evidence. Thank you.

Respectfully submitted,

Joseph Bradley Davis

Joseph Bradley Davis, Pro S

530 S. Washington St.

Bloomington, IN 47401

812-525-9706

balebuilder@gmail.com

Enclosure:

-Exhibit 11.

CERTIFICATE OF SERVICE

I hereby certify that on June 23rd, 2023, that I personally delivered the Plaintiff's Emergency Motion for Preliminary Injunction, Order for Preliminary Injunction, Affidavit, and exhibits, to City Legal at 401 N. Morton St., Bloomington, IN 47404.

Joseph Bradley Davis

Joseph Bradley Davis, Pro Se

530 S. Washington St.

Bloomington, IN 47401

812-525-9706

balebuilder@gmail.com

**Seventh Email From Petitioner
Second Attachment**

John Hewett
Housing and Neighborhood Development
City of Bloomington
401 North Morton St.
Bloomington IN 47408

8-22-23

Dear John,

This is Joe Davis. As you might recall, I sent you a certified letter on 7-14-23, requesting two things from your department. The first item was for a compliance officer to make an appointment with me to come onto my property and specifically point out to which items of my personal property, and other landscape elements are not allowable to be on my property under the guidance of Title VI of the Bloomington Municipal Code.

The second item was that a different compliance officer, other than Rob Council, be assigned to any compliance issue that I might be a party to. Mr. Council is not welcome on my property, nor to address me in any way due to his aggressiveness toward me and his complete inability to be responsive to communications. I again suggest that Jo Stong would be someone who I would feel comfortable working with.

My letter of 7-14-23 received no response whatsoever from you, or anyone else in your department. Therefore, I, again please, request that an appointment be made with me to point out specifically which elements of my landscape, and personal property are not in compliance with Title VI. And, again, I please request a different compliance officer be assigned to my alleged non-compliance case. Thank you.

I have included the letter of 7-14-23 for your convenience.

Sincerely,

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
balebuilder@gmail.com
812-525-9706

Enclosures:

**Seventh Email from
Petitioner
Third Attachment**

STATE OF INDIANA)	IN THE MONROE CIRCUIT COURT
) SS:	
COUNTY OF MONROE)	CAUSE NO. 53C06-2303-CT-000633
JOSEPH BRADLEY DAVIS,)	
Plaintiff,)	
v.)	
)	
CITY OF BLOOMINGTON,)	
Defendants.)	

AFFIDAVIT


I, Elliott Jordan, Sergeant with the Police Department of the City of Bloomington, State of Indiana, ("BPD") swear or affirm that:

1. I am a Sergeant in the Bloomington Police Department.
2. On Wednesday, August 9, 2023, I responded to officer request for assistance to the common street address of 530 S. Washington Street, Bloomington, Indiana, (the "Property") to assist in the abatement of the Property.
3. City of Bloomington Housing and Neighborhood Compliance Officers and the contractors employed by the City of Bloomington to abate the Property were present at the Property to enforce an abatement order from the Bloomington Board of Public Works.
4. The owner of the Property, Mr. Joe Davis, actively interfered with City of Bloomington's efforts to abate the property by:
 - a. Angrily removing items of garbage, recyclable materials and yard waste out of the hands of the contractors employed by the City of Bloomington to abate the property;
 - b. Aggressively arguing with the contractors employed by the City of Bloomington to abate the property regarding most every item of garbage,

recyclable materials and yard waste that the contractors attempted to remove from the Property;

- c. Placing items of garbage, recyclable materials and yard waste under tarps on the Property; and
 - d. Removing items of garbage, recyclable materials and yard waste from the Property and placing these items on neighboring properties.
5. BPD contacted the owners of the neighboring properties who denied giving Mr. Davis permission to be on their property or to place anything on their property.
 6. Mr. Davis was advised by BPD that he could not go back on neighboring property or he could be arrested for trespass.
 7. Mr. Davis was advised that he was being disorderly.

I affirm under the pains and penalties of perjury that the above representations are true, to the best of my knowledge and belief.



Elliott Jordan, Sergeant,
Bloomington Police Department

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT
CAUSE NO. 53C06-2303-CT-000633

JOSEPH BRADLEY DAVIS,)
 Plaintiff,)
v.)
CITY OF BLOOMINGTON,)
 Defendants.)

AFFIDAVIT


I, Jo Stong, Neighborhood Compliance Officer for the Housing and Neighborhood Development Department of the City of Bloomington, State of Indiana, (“HAND”) swear or affirm that:

1. I have been a Neighborhood Compliance Officer for HAND for 18 years.
2. In my capacity as a HAND Neighborhood Compliance Officer, I am responsible for enforcement of Bloomington Municipal Code Section 6.06 which addresses prohibition from throwing, placing or scattering garbage, recyclable materials and yard waste on real property located within the incorporated areas of the City of Bloomington; said enforcement including the abatement of properties in violations of the above referenced section of the Bloomington Municipal Code.
3. In my capacity as a HAND Neighborhood Compliance Officer, I am familiar with the condition of the real estate located at the common street address of 530 S. Washington Street, Bloomington, Indiana, (the “Property”) and I was present at the Property on Wednesday, August 9, 2023, to assist contractors for the City of Bloomington with the abatement of the Property.

4. City employees and the City's contractors waited until City of Bloomington Police Officers were on site because Joseph Bradley Davis, the owner of the Property, advised that he would not be peaceful if abatement took place on the Property.
5. Mr. Davis actively interfered with City of Bloomington efforts to abate the property by:
 - a. Angrily removing items of garbage, recyclable materials and yard waste out of the hands of the contractors employed by the City of Bloomington to abate the property;
 - b. Aggressively arguing with the contractors employed by the City of Bloomington to abate the property regarding most every item of garbage, recyclable materials and yard waste that the contractors attempted to remove from the Property;
 - c. Placing items of garbage, recyclable materials and yard waste under tarps on the Property; and
 - d. Removing items of garbage, recyclable materials and yard waste from the Property and placing these items on neighboring properties.
6. HAND, through its contractor, was able to fill most of one trailer with items of garbage, recyclable materials and yard waste from the Property in spite of Mr. Davis' hostile and obstructive behavior.
7. Even though the abatement was not completed, but due to the hostile and obstructive behavior of Mr. Davis, HAND and its contractor eventually elected to leave the Property with intentions to return later to complete the abatement.
8. The Property still has numerous items of garbage, recyclable materials and yard waste that need to be removed from the Property in order to bring the

Property into compliance with Bloomington Municipal Code Section 6.06: this additional abatement effort will take approximately four hours to complete.

I affirm under the pains and penalties of perjury that the above representations are true, to the best of my knowledge and belief.



Jo Stong, Neighborhood Compliance Officer,
Housing and Neighborhood Development
City of Bloomington

STATE OF INDIANA)
)SS:
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT VI

CAUSE NO. 53C06-2303-CT-000633

JOSEPH BRADLEY DAVIS,
Plaintiff,

And

CITY OF BLOOMINGTON,
Defendant.

ORDER ON MOTION FOR PRELIMINARY INJUNCTION

On June 26, 2023, the Court held hearing on *Plaintiff's Affidavit for Emergency Preliminary Injunction*. Plaintiff, Joseph Bradley Davis, appeared in person and self-represented. Defendant, City of Bloomington, appeared by counsel, Christopher Wheeler. Argument was heard and evidence presented.

The Court, considering the same and being duly advised, now finds and orders as follows:

1. Procedural Posture

On March 24, 2023, the Plaintiff filed his Complaint asking the Court to rescind the Order of Abatement from the Board of Public Works, and grant judgment against defendant in order to be made whole from damages in the form of reimbursement for unjust fines, filing fees, lost income opportunity and punitive relief.

On April 10, 2023, the Defendant, City of Bloomington, filed Defendant's Motion to Dismiss. This motion was set for hearing on May 3, 2023, but was continued on Defendant's Motion to June 6, 2023. The June 6, 2023, hearing was continued on Plaintiff's motion to August 22, 2023. Plaintiff asked for the continuance to give him time to hire legal counsel.

On June 22, 2023, Plaintiff filed *Plaintiff's Affidavit For Emergency Preliminary Injunction* because he had received a letter from the City of Bloomington that stated they were going to abate his property on June 26th and June 27th. The Court set a hearing at its earliest setting, which was June 26, 2023, at 8:00 a.m. and advised the Defendant to take no action on the abatement until the Court could rule on the request for preliminary injunction.

2. Findings of Fact

The Plaintiff requests this Court grant the emergency injunction to keep the status quo until the August 3, 2023, court date. He alleged he would suffer irreparable harm because the City had told him they were coming to his property with heavy equipment, several dumpsters

and a big crew. Plaintiff believes that means that they are going to scrape everything outside of his home, off of his lot. Plaintiff alleged that a HAND representative Mr. Hewitt, came to his property for the first-time last Friday June 23, 2023, to point out items that were not allowed by Title VI of the Bloomington Municipal Code.

Mr. Hewitt told Plaintiff that mulch garden beds, leaves, wood chips etc. are not allowable under Bloomington Municipal Code, Title VI. Mr. Hewitt told Plaintiff that everything on his property was trash.

Plaintiff testified that he is an organic farmer and master gardener, he has a degree in sustainable systems from Indiana University. Plaintiff testified that Mr. Hewitt described the things on his property as “putrescible” and in violation of Title VI of the Bloomington Municipal code. The definition of putrescible in the code is “waste that is subject to organic decomposition.” Plaintiff submitted the dictionary definition of putrescible which states “liable to become putrid” *Plaintiff’s Exhibit A*. He also discussed the dictionary definition of putrid which included “being in a state of putrefaction: rotten and foul, malodorous. *Id.* Plaintiff stated that nothing on his property is rotten or stinks.

Plaintiff has a certificate of zoning compliance and a building permit. He characterized the things on his property as building supplies. He has a one hundred (100) year old, tongue and groove, garage door that he intends to use for walls for his proposed structure. He conceded that there was a tiny amount of rot on the bottom where the door had been in the ground but stated that the rest of the door was solid and could be repurposed.

Plaintiff stated that he was told “everything has to go”. Mr. Hewitt told him the mulch around trees in front was putrescible. The video shows leaves placed around the trees on the ground. Plaintiff told Mr. Hewitt that the City of Bloomington is encouraging people to mulch their leaves and leave them on their property. *Defendant’s Exhibit 1*. Plaintiff had a piece of wood from forest that he thought decayed in “a really cool way”, in his front flowerbed and Mr. Hewitt said it needed to go. Plaintiff said Mr. Hewitt was making aesthetic judgments about his property. Mr. Hewitt pointed to an Ailanthus tree on the back edge of his property and said that is an invasive species and it needed to go. On the video, submitted as Defendant’s Exhibit 1, Plaintiff asked Mr. Hewitt if the City was doing any other abatements for that tree, Mr. Hewitt responded that they were not.

The Defendant called no witnesses, but counsel stated that the City does not want an injunction granted because the Abatement Order that Plaintiff is asking the Court to review is a continuous abatement order that was originally issued August 11, 2022, and that expires on August 11, 2023. If the City is not able to abate the property they will have to start over again and Plaintiff will appeal again, and at some point, municipal enforcement will be frustrated and judicial economy. Defendant says the damage to them is that the neighbors continually complain about the property and are losing faith that the Defendant will enforce their codes.

In lieu of calling witnesses the Defendant asked the Court to view two videos which would speak to the condition of the property. The first video that the Defendant presented seemed to be taken by a camera attached to someone’s belt, most of it was extremely shaky and

was showing the ground. There were some items shown, without much or any context. There was a small pile of branches laying on the ground which were pointed out, they appeared to be freshly cut. The only information that the Court could glean from the video is that the Plaintiff's back wall might be slightly over the property line stake and that there was an Ailanthus tree, buckets lying on their side, a rotten chair, "ugly logs", rotten fence, piles of leaves and a bathtub in the front yard. The person on the video, presumably Mr. Hewitt, says that the items violate Title VI in that they are "trash". Trash is not a definition that the Court could locate in Title VI of the Bloomington Municipal Code. There is a term "refuse" which means "all putrescible and non-putrescible solid waste, including animal wastes, garbage, solid waste, ashes, dead animals, abandoned vehicles ..." *Bloomington Municipal Code, Title VI*.

Plaintiff testified that he put thirty (30) hours of work into the property over the weekend and that the first video was stale. In response to that objection the Defendant asked the Court for an order to video the property immediately after the hearing to preserve evidence for the August hearing, that motion was granted, and a second video was submitted as a supplement to *Defendant's Exhibit 1*. The second video did show improvements to the property including the wall being moved back to closer to the property line, the buckets stacked and in some sort of temporary shed or shelter. The unidentified representative from the City showed that there were still leaves on the property, old lap, a large collection of framework from an antenna and some rotting boards.

Plaintiff alleges that the Defendant has not shown him what is allowed and what is not trash and the video seems to support that, at least not in any detail.

3. Conclusions of Law

The grant or denial of a request for a preliminary injunction rests within the sound discretion of the trial court. "A preliminary injunction is a remedy that is generally used to preserve the status quo as it existed prior to a controversy pending a full determination on the merits of that controversy[,] [t]o make out a successful case for a preliminary injunction, a plaintiff need only show a prima facie case on the merits". *Tomahawk Village Apartments v. Farren*, 571 N.E. 2d 1286.

"To obtain a preliminary injunction, the moving party has the burden of showing by a preponderance of the evidence the following: (1) the movant's remedies at law were inadequate, thus causing irreparable harm pending resolution of the substantive action; (2) it had at least a reasonable likelihood of success at trial by establishing a prima facie case; (3) its threatened injury outweighed the potential harm to the appellant resulting from the granting of an injunction; and (4) the public interest would not be disserved." *Ind. Family & Soc. Servs. Admin v. Walgreen Co.*, 769 N.E.2d 158.

"An injunction does not create or enlarge the rights of a party; it merely protects existing rights and prevents harm to the aggrieved party that cannot be corrected by final judgment."

Indiana v. Michigan Elec. Co. v. Whitley County Rural Elec. Membership Corp., 316 N.E.2d 584, 586 (Ind. Ct. App. 1974).

4. Conclusions of Law

Plaintiff filed a Complaint asking, among other things, for judicial review of an administrative decision. There is a Motion to Dismiss set on that complaint on August 3, 2023. Because the City opted to move forward with the Abatement Order which is at issue in the case, the Plaintiff's remedy of law, review of the decision, is not adequate to stop the changes to his property.

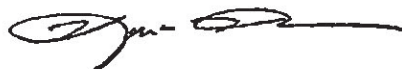
Plaintiff has at least a reasonable likelihood of success at trial by establishing a prima facie case. The Defendant presented the Court with no context to the videos they submitted as evidence. The Defendant did not call any witnesses.

Plaintiff threatened injury, the loss of property that has not been inventoried, outweighs the potential harm to the Defendant which is the Defendant having to field calls from neighbors who don't like the way Plaintiff's property looks. Fielding complaints from neighbors is a municipal function, and although, possibly annoying, the Court does not agree that it could be characterized as harmful.

The City made no allegations in the hearing that there were dangerous conditions or that the public interest would be disserved by granting the injunction.

IT IS THEREFORE ORDERED that the Plaintiffs' Motion for Preliminary Injunction is granted and will remain until a ruling has been issued on the August 3, 2023, hearing on Defendant's Motion to Dismiss.

SO ORDERED this 30th day of June 2023.



Kara E. Krothe
Judge, Monroe Circuit Court VI

DISTRIBUTION:
Plaintiff
Defendant

<https://www.youtube.com/watch?v=5qZ151xb9pc>



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Eighth Email from Petitioner

Fwd: City Code that Establishes Process or Steps to Achieve Compliance Enforcement Under Title 6

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:52 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 1:44 PM

Subject: Fwd: City Code that Establishes Process or Steps to Achieve Compliance Enforcement Under Title 6

To: April Rosenberger <april.rosenberger@bloomington.in.gov>

Cc: Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Dear April,

Please make sure that this email string to, and from, Beth Cate, is included in the BPW Board Packet. It is especially important that the attached Chapter 6.06 of the Bloomington Municipal Code, which contains the enforcement and appeal provisions, is printed out and included for tonight.

Thank you,
-Joe

812-525-9706

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

From: **Beth Cate** <beth.cate@bloomington.in.gov>

Date: Fri, Oct 6, 2023 at 6:29 PM

Subject: Re: City Code that Establishes Process or Steps to Achieve Compliance Enforcement Under Title 6

To: joe davis <balebuilder@gmail.com>

Cc: Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Hello Joe,

I've attached a copy of Chapter 6.06 of the Bloomington Municipal Code, which contains the enforcement and appeal provisions.

As you will see, the code does not require HAND to impose double or triple fines for subsequent violations (though it empowers HAND to do so), or to wait to seek abatement authorization until after double or triple fines are imposed.

Best,

Beth

On Fri, Oct 6, 2023 at 1:40 PM joe davis <balebuilder@gmail.com> wrote:

Dear Counselor Cate,

Could you please provide me with the relevant City code that establishes the process, or steps, that the City must follow to achieve compliance enforcement under Title 6.

As I believe, the typical process goes: Warning; Fine; Double fine; Triple fine; and then Abatement? I know that the appeal process is available at each separate, and distinct stage.

Thank you,
-Joe

812-525-9706

--

Beth Cate
Corporation Counsel
City of Bloomington
401 N. Morton St. Suite 200
Bloomington, IN 47402
p: 812.349.3547

CONFIDENTIALITY NOTICE

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 **Bloomington, IN Code of Ordinances--Chapter 6.06.pdf**

89K

6.06.010 - Definitions.

As used in this chapter, the following terms have the following meanings unless otherwise designated:

"Board" means the City of Bloomington board of public works.

"Garbage" means putrescible animal and vegetable wastes, resulting from handling, preparation, cooking and consumption of food; refuse; and rubbish.

"HAND" means the City of Bloomington's housing and neighborhood development department.

"Owner" means a person holding legal title to real property within the City of Bloomington.

"Person" means an individual, partnership, corporation, trust, or any commercial association or venture, however defined.

"Putrescible" means substances which are subject to organic decomposition.

"Recyclable materials" means those materials designated by the board or its designee as those which may be collected for recycling purposes. Such materials may include, but may not be limited to, aluminum products, clean glass containers, bimetal containers, newspapers, magazines and periodicals, and plastic containers. What constitutes "recyclable materials" may change depending on what the board or its designee is able to dispose of through their recycling efforts.

"Refuse" means all putrescible and nonputrescible solid wastes, including animal wastes, garbage, rubbish, ashes, street cleanings, and solid market and industrial wastes.

"Rubbish" means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, construction debris, and similar materials.

"Weed" means any plant or vegetation classified as a detrimental plant, invasive plant or noxious weed by either the state under authority of IC 15, entitled Agriculture and Animals, or the United States government in accordance with 7 USC 7701. The term shall also include the vegetation listed in Section 20.05.059 of the Bloomington Municipal Code.

"Yard waste" means grass, weeds, leaves, brush, tree trimmings, hedge clippings, and other yard and garden materials.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.020 - Deposit of garbage.

It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it. This provision shall not restrict the filling of low lands within the city with brick, stone, sand, gravel, cold ashes, or dirt after the appropriate permit has been obtained from the city engineering department.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.030 - Use of city garbage containers.

It is unlawful for any person to deposit any household or commercial garbage, recyclable materials or yard waste in any receptacle maintained on a sidewalk or at any other public location by the city for disposal of refuse by pedestrians.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.040 - Use of private garbage containers.

It is unlawful for any person to deposit garbage, recyclable materials or yard waste in a receptacle or dumpster unless said person has permission from the owner of the receptacle or dumpster to use it for garbage, recyclable materials or yard waste disposal.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.050 - Excessive growth.

It is unlawful for the owner of any lot or tract of ground within the city to allow it to become overgrown with weeds, grass, or noxious plants beyond the height of eight inches or to such extent that the growth is detrimental to the public health and constitutes a nuisance.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.060 - Inspections.

It shall be the duty of the police department or HAND to make a careful inspection of any lots, grounds and tracts of land situated within the corporate limits of the city for the purpose of determining whether there is a violation of this chapter.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.070 - Enforcement procedures.

- (a) If the director of HAND, the assistant director, any neighborhood compliance officer, or any other designee of the director (collectively referred to as "staff") determines that there is a violation of this chapter, that person shall issue a notice of violation (NOV) to the responsible party. For purposes of issuing a NOV, the following persons shall be considered responsible parties, with liability for fines and responsibility for remedy of the violation: persons with any possessory interest in the property; property owner(s); and/or any persons who have caused the violation. Liability for fines shall not attach to nonpossessory property owner(s) for a period of seven days following issuance of the NOV, provided that the nonpossessory property owner(s) presents to HAND, within seven days after issuance of the NOV, a true and exact copy of any and all leases in effect during the time period covered by the NOV.
- (b) The NOV shall be in writing and shall be served on one or more of the responsible parties in one or more of the following manners: delivery in person; by first class mail; and/or by placement in a conspicuous place on the property where a violation occurs. The notice shall state:
- (1) The location of the violation;
 - (2) The nature of the violation;
 - (3) The period of correction (if any);
 - (4) The fine assessed for the violation;
 - (5) Additional remedies the city may seek for violation (including abatement of the violation by HAND or by a private contractor hired by HAND);
 - (6) That the fine is to be paid at HAND;
 - (7) That the fine may be contested in the Monroe County Circuit Courts;
 - (8) That the NOV may be appealed to the board, provided the appeal is in writing and filed with the board no later than seven days from the date of the NOV.
- (c) Schedule of Fines. The initial penalty or fine for all violations of this chapter shall be fifty dollars. A second violation of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred dollars. A third and all subsequent violations of this chapter in any twelve-month period shall be subject to a penalty or fine of one hundred fifty dollars. The twelve-month period described above shall begin on August 1 of each year and end on July 31 of the following year.
- (d) If the responsible party fails to pay any accumulated fines, the city's legal department may collect said fines in any manner authorized by law.

(Ord. No. 12-23, § 1, 10-3-2012)

- (a) HAND may file a request with the board for the abatement of any property still in violation of a NOV after the correction period in the NOV has expired.
- (b) The property owner who is the subject of an abatement request by HAND shall be notified of the request; said notice shall state the following:
 - (1) The location of the violation;
 - (2) The nature of the violation;
 - (3) A statement that abatement of the violation is being sought;
 - (4) A statement that the abatement may be provided by the city or by a private third-party contractor hired by the city to perform the abatement;
 - (5) A statement that the property owner will be liable for any and all costs associated with the city, and/or the city's contractor, abating the property;
 - (6) A statement that if the property owner fails to reimburse the city for any and all costs associated with an abatement of his property, said costs shall be filed with the county auditor and placed on the tax duplicate for the property at issue; said costs being collected as taxes are collected;
 - (7) The date, time and location of the board's hearing; and
 - (8) A statement indicating that the property owner is entitled to appear at said hearing and is entitled to present arguments and evidence in his defense at said hearing.

The abatement notice described in the above subsection (b) shall be in writing and shall be served on the property owner via certified mail, return receipt requested. If the abatement notice is returned as undeliverable the notice shall be given by personally delivering a copy of the abatement notice to the property owner; leaving a copy of the abatement notice at the usual place of abode of the property owner; sending by first class mail a copy of the abatement notice to the last known address of the property owner; or by serving the agent of the property owner.

- (c) At the abatement hearing the board shall hear evidence from all parties and render its decision in writing.
- (d) All appeals from the board's decision on an abatement request shall be made to courts of competent jurisdiction within ten days.
- (e) If an initial notice of abatement was provided in accordance with this Section, an~~section~~ 6.06.070 was first followed, a continuous abatement notice may be posted at the property at the time of abatement instead of by certified mail. A continuous abatement notice serves as notice to the property owner that each subsequent violation of this chapter during the same twelve-month period for which the initial NOV was provided may be abated by the city or its private third-party contractors.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.090 - Cost of removal by city.

If the landowner fails to remedy a violation under this chapter, the controller shall make a certified statement of the actual cost incurred by the city for any abatement conducted by the city or its private third party contractor. The statement shall be served on the property owner by certified mail, return receipt requested. The property owner shall pay the amount in the statement to the city legal department within ten days after receiving it. If the landowner should fail to pay within the ten-day period, a certified copy of the statement of costs shall be filed in the office of the county auditor. The auditor shall place the amount claimed on the tax duplicate against the property affected by the work. The amount shall be collected and disbursed to the general fund of the city.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.100 - Vehicles hauling garbage.

- (a) It is unlawful to transport garbage, recyclable material, yard waste, stone or other materials that are likely to fall from a vehicle unless such materials are covered and secured so as to prevent their deposit on public and private property.
- (b) Any materials falling from a vehicle shall be promptly removed by the person responsible for their deposit. If such person neglects or refuses to remove the materials, the city shall cause such materials to be removed at the expense of the person responsible, who shall be liable to pay the city the cost of the removal.

(Ord. No. 12-23, § 1, 10-3-2012)

6.06.110 - Violations.

Violations of the provisions of this chapter are declared a public nuisance. each day that a violation continues shall constitute a separate violation.

(Ord. No. 12-23, § 1, 10-3-2012)



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Draft letter

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:55 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

Ninth Email from Petitioner

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

From: **joe davis** <balebuilder@gmail.com>

Date: Thu, Oct 5, 2023 at 1:44 PM

Subject: Re: Draft letter

To: Cathy <cathygotm@gmail.com>

Cc: Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>, <pwdorfman@gmail.com>, guaguero <nedpow@peoplepc.com>, <JamiScholl@gmail.com>, The Venue Fine Art & Gifts <Venue.Colman@gmail.com>, William Morris <william@morrislawofc.com>

Thank you, Cathy, for speaking to the HAND representative at the market on Saturday. It might be a good idea to record your interaction with whichever HAND official is present? Recording with your phone would just be a means in which you could relay verbatim to me any response.

Assistant City Attorney, Chris Wheeler, just gave me a phone call saying that he is going to leave 15 detailed images taken by HAND compliance officer Rob Council, at the front desk, of City Hall for me to pick-up. Evidently, these images are going to have circles around any non-compliant 'garbage' that is scattered across my property? This is also going to be an inventory of the offending materials.

Perhaps, I could show you these images in advance of your Saturday market activities? Copies of these images might aid your discussion?

Please, let me know if you have any Friday afternoon, or evening availability? Thank you.

Keep dry,
-Joe

812-525-9706

On Wed, Oct 4, 2023 at 4:55 PM Cathy <cathygotm@gmail.com> wrote:

Tuesday evening isn't good for me.

I noticed HAND will be at the farmers market this Saturday. I will stop and talk to them then.

Cathy Meyer

Retired and loving it!

Sent from my iPhone

On Oct 4, 2023, at 1:24 PM, joe davis <balebuilder@gmail.com> wrote:

Thank you, Cathy, ever so much!

I am hoping that your letter will help to dissolve the legitimacy of their accusations.

Would you be able to present this coming Tuesday, at 5:30 pm, in my defense?

Enjoy the beautiful day!

-Joe

On Tue, Oct 3, 2023 at 12:56 PM Cathy Meyer <cathygotm@gmail.com> wrote:

I sent the letter to April and cc'ed the others as requested.
Good luck!

Cathy

On Tue, Sep 26, 2023 at 1:31 PM joe davis <balebuilder@gmail.com> wrote:

Thank you, Cathy!

Don't let the Badlands get you to fall down, as they say.
-Joe

On Tue, Sep 26, 2023 at 12:14 PM Cathy <cathygotm@gmail.com> wrote:

That's good news. I can take more time with it when I return.
Don't let the bastards get you down, as they say.

Cathy Meyer
Retired and loving it!
Sent from my iPhone

On Sep 26, 2023, at 7:45 AM, joe davis <balebuilder@gmail.com> wrote:

Cathy,

I just learned, this morning, that my appeal hearings before the Board of Public Works have been moved to the next meeting in two weeks. It is still very relevant that you send your letter, such that the prosecution sees that there are advocates on my behalf. However, this two week continuation in the process negates your letter's immediate submission.

If you would like to take a few days to think about your letter's contents, and context, and even introduce around the campfire conversation about how harassing bullies in our local City government have run amuck, in our quaint little town? Then, please do so.

In the meantime, enjoy your 'bad times' in the Badlands.

Yours,
-Joe

Joseph B. Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

Kicking the City's ass.
Because someone has to do it!

On Tue, Sep 26, 2023 at 12:50 AM Cathy <cathygotm@gmail.com> wrote:

I arrived in the Black Hills Saturday. I'll try to get the letter forwarded tomorrow. We have been pretty busy here every day.

Cathy Meyer
Retired and loving it!
Sent from my iPhone

On Sep 24, 2023, at 10:30 AM, joe davis <balebuilder@gmail.com>
wrote:

Cathy,

I am sorry to be so slow in responding to your awesome letter of support! My Saturday got away with me, and exhaustion from my physical efforts put me in bed before 9 pm. My apologies to you.

Your draft letter is perfect just the way it is. The best thing to do at this point is to send it to April Rosenberger, at the Public Works Department, and ask her to submit it to the Board Packet for the Public Works Board meeting on Tuesday evening at 5:30 pm. April's email address is: april.rosenberger@bloomington.in.gov

You might also copy Colleen Newbill, assistant city attorney, as she sent me an email stating that both the Notice of Violation, and fine, the City's Request for Abatement would be heard on the same evening: colleen.newbill@bloomington.in.gov

It might also make sense to copy Dave Askins, and Jeremy Hogan, as they have been closely following the current saga, as members of the local media. Their emails follow respectively: dave@bsquarebulletin.com and jeremy@bloomingtonian.com

By the way, here is a link to Dave Askins' latest coverage on this issue in the Bsquare:

<https://bsquarebulletin.com/2023/09/22/skirmishing-over-garbage-between-homeowner-city-of-bloomington-set-for-next-week/#more-51141>

And, Jeremy Hogan's coverage in the Bloomingtonian:

<https://bloomingtonian.com/2023/09/16/private-home-owner-fined-7500-dollar-per-day-over-zoning-violations-in-bloomington-indiana/>

I am assuming that you are currently in transit to your outdoor camp, out west? I hope that you arrive safely, and soundly, and ready for good times in the Badlands. I will look forward to hearing all about your trip upon your return.

If you have any difficulty passing along your letter to the BPW, please let me know if you are able. Thank you.

So very appreciatively,
-Joe

812-525-9706

On Fri, Sep 22, 2023 at 3:23 PM Cathy Meyer
<cathygotm@gmail.com> wrote:

What do you think?

Cathy

 **Joe Davis Letter of Support_Cathy Meyer.docx**
22K

**Ninth Email from Petitioner
First Attachment**

Board of Public Works

RE: Joe Davis Issue

September 22, 2023

To Whom it May Concern:

I am puzzled by the charges against Joe Davis, a well-known sustainable builder and respected citizen of this city who I have known for many years. I have visited his property, and while it may not meet the aesthetic or cultural standards of his neighbors, it is not a hazard to public health.

I have looked for information in the city code about the alleged violations and I do not see how his property could be in violation. Section 6 lists the following definitions:

"Garbage" means all putrescible animal solid, vegetable solid and semisolid wastes resulting from processing, handling, preparation, cooking, serving or consumption of food or food materials.

"Putrescible waste" means waste that is subject to organic decomposition.

"Yard waste" means all vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings and garden waste.

I have also looked at commonly accepted definitions of these terms.

Garbage, the technical term for putrescent organic matter such as kitchen or food scraps, was fed to pigs and other livestock or boiled down in a process known as "rendering," to extract fats, oils, and greases for manufacturing lubricants, or allowed to dry to become commercial fertilizer.

And putrescible waste is defined as:

Putrescible wastes include matter that rots or decays rapidly. It can be characterized as soft organic material which usually have high moisture content, are readily degradable, generate odor and attracts vermin. These are produced by domestic and commercial premises.

Mr. Davis does not have any garbage or putrescible waste on his property. I observed some dead leaves and a few decaying tree limbs. These materials decompose slowly and would not be odorous or attract vermin.

According to Section 6.06.020 - Deposit of garbage.

It is unlawful for any person to throw, place, or scatter any garbage, recyclable materials or yard waste over or upon any premises, street, alley, either public or private, or to suffer or permit any garbage, recyclable materials or yard waste to

be placed or deposited on the premises owned, occupied or controlled by such person either with or without the intent to later remove, cover, or burn it.

Anyone with trees upon their lot permits such materials to be deposited on their premises, whether or not they intend to remove it. In fact, the city itself encourages residents to allow leaves to accumulate on their lot by offering classes, videos, and informational materials promoting the composting and mulching of these organic materials.

The following is copied from the city's website announcing that curbside collection has ended:

NO CURBSIDE VACUUM LEAF COLLECTION STARTING IN 2023!

2023 is the first year the City of Bloomington will no longer offer curbside vacuum leaf collection. This decision was made after [two years of study and interaction with thousands of residents](#) indicating that ***the combination of mulching and composting as much as possible in one's yard, and bagging the rest for collection by the City's yard waste program is both do-able and preferable***. Vacuum leaf collection is inefficient, environmentally wasteful, expensive, and difficult to staff.

The NEW ways that the City will support the management of your leaves are included below.

MULCHING AND COMPOSTING IN YOUR OWN YARD IS THE BEST OPTION

Recycling your leaves by mow mulching and/or composting in your own yard is the greenest way to manage your leaves and create useful fertilizer for your yard. It's natural, and less work than raking. Not sure how to mulch or compost? No problem - we can help!

- **EASIEST OPTION!!! Video:** [Mayor Hamilton Mow Mulching: Be a Climate Champion](#) (0m 58s) Mow mulch whenever there is a thin layer of leaves on the ground. You'll need to mow mulch ~ 3x/season.
- **Access Our Online content:** Click the link to access [short videos on mulching and composting, general information, and links to helpful articles from experts](#).
- **Watch Testimonials from Others Who Made the Switch:** How did other people make the switch from raking to the property edge to mulching and composting? Here are a few testimonials:
 - [Testimonial from Devta Kidd](#)
 - [Testimonial from Michael Large](#)
- **Join the Facebook Community Dedicated to Mulching and Composting:** Ask a question, answer a question, find someone who wants your leaves, or find someone whose leaves you want! Click the link to [join this Facebook group](#).
- Attend the ["Leave the Leaves \(and Do Less Yard Work!\)"](#) workshop on October 19 from 5:30-7:30pm led by Casey Kennett from [Urban Soil](#)

[Health](#). The workshop is hosted by the City of Bloomington Community Gardens, costs just \$12 per person, and will take place at the Willie Streeter Community Garden located at 2125 South Highland Avenue. Register for your spot today!

I, myself, participated in the pilot program leading up to the decision to cease curbside leaf vacuuming and have been, apparently illegally, composting leaves on my city lot and using leaves as mulch in my landscaping for many years. As the city website notes,

Q: Will composting leaves attract bugs & rodents?

A: Composting leaves creates a nice home for pollinators like bees & beetles and supplies larvae for birds to eat. Composting leaves will not attract rodents, but if you have them in your area, it is best to use a bin that has a lid so that you are not creating a comfy bed for them! Mowing or clearing the area around the bin and not putting it up against a house or a barn wall can also help.

Source: 1,000 Households Who Mulch Training and Education Subcommittee

Bloomington, rightly, takes pride in its conservation practices and efforts to promote sustainability. I was involved in efforts to attain Wildlife Habitat Community certification for the city from the National Wildlife Federation and Bird City recognition from Indiana Audubon Society a few years ago. Bloomington is also a Tree City and has several boards and commissions that promote sustainability such as Canopy Bloomington, the Environmental Commission, etc.

My own property is a Certified Wildlife Habitat, and I serve on the city parks Environmental Resource Advisory Committee, the Monroe County – Identify and Reduce Invasive Species group, Indiana Native Plant Society, Friends of Lake Monroe, and many other environmental groups.

In summary, it seems that Mr. Davis is being selectively targeted by the city for the very same activities that other citizens are being encouraged to practice, activities that align with the city's environmental aspirations and goals. If he is in violation, we all are!

Respectfully,

Cathy Meyer

Tenth Email from Petitioner

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

**Fwd: Appeal of HAND NOV and Request for Abatement**

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:57 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lcagonz@iu.edu>

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

From: **Christopher Wheeler** <wheelech@bloomington.in.gov>

Date: Fri, Sep 29, 2023 at 2:40 PM

Subject: Re: Appeal of HAND NOV and Request for Abatement

To: joe davis <balebuilder@gmail.com>

Cc: Colleen Newbill <colleen.newbill@bloomington.in.gov>, Mike Rouker <roukerm@bloomington.in.gov>, April Rosenberger <april.rosenberger@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, <jeremy@bloomingtonian.com>

Mr. Davis,

Thank you for your email. The September 12, 2023 Board of Public Works agenda items regarding your property were continued to bring the Public Works actions and the Board of Zoning Appeals action closer together in time. All of these proceedings involve the same parties and the same general evidence. I would also note that the continuance also afforded you additional time to review the materials contained in the BPW packet that was released on September 8, 2023, as you had requested.

Sincerely,

Chris Wheeler

On Fri, Sep 29, 2023 at 11:15 AM joe davis <balebuilder@gmail.com> wrote:

Ms. Newbill,

This is a follow-up, on my previous unanswered email.

Thank you,
-Joe

812-525-9706

On Tue, Sep 26, 2023 at 3:28 PM joe davis <balebuilder@gmail.com> wrote:

Dear Ms. Newbill,

I would like to ask the reason for my HAND appeals to the NOV w/ Fine, and the Request for Abatement, were moved from the 9-12-23 date to the 9-26-23 date of today? I do understand that the second continuance for this matter, for City officials health reasons, was moved to two weeks into the future, from today. However, I do wish to know what prompted this first of currently two continuations? Thank you.

Always my best,
-Joe

812-525-9706

On Thu, Aug 31, 2023 at 2:38 PM Colleen Newbill <colleen.newbill@bloomington.in.gov> wrote:

Mr. Davis:

The Board of Public Works will address both your appeal of the Notice of Violation (NOV) and HAND's request for an abatement at its September 12, 2023 meeting. This is because the request for abatement arises out of the NOV issued on August 17, 2023, which is also the NOV you are appealing.

As for the evidence that will be presented at the Board's meeting, documentation and other information to be presented to the Board by the City will be provided in the meeting packet, which is made available the Friday before the Board's meeting. For the September 12 meeting, the packet will be made available sometime on September 8.

Colleen Newbill
Assistant City Attorney
City of Bloomington Legal Department
[401 N. Morton Street](#)
P O Box 100
Bloomington, IN 47402-0100
(812) 349-3426
(812) 349-3441 (fax)

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--

Christopher J. Wheeler
Assistant City Attorney
City of Bloomington Legal Dept.
[401 N. Morton St.](#), P.O. Box 100
Bloomington, IN 47402-0100
Telephone: 812-349-3549
Facsimile: 812-349-3441

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Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Eleventh Email from Petitioner

Fwd: Invitation: Board of Public Works Meeting @ Tue Nov 22, 2022 5:30pm - 7pm (EST) (balebuilder@gmail.com)

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 12:00 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

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

From: **Adam Wason** <wasona@bloomington.in.gov>

Date: Tue, Nov 22, 2022 at 1:37 PM

Subject: Re: Invitation: Board of Public Works Meeting @ Tue Nov 22, 2022 5:30pm - 7pm (EST) (balebuilder@gmail.com)

To: joe davis <balebuilder@gmail.com>

Cc: April Rosenberger <april.rosenberger@bloomington.in.gov>, Christopher Wheeler <wheelech@bloomington.in.gov>, Mike Rouker <roukerm@bloomington.in.gov>, Heather Lacy <heather.lacy@bloomington.in.gov>

Joe,

Here is a [link to the list of CATS recordings](#). If you scroll down you'll find the link to the 9/27 BPW meeting.

I've also confirmed with City legal that the term "garbage" is not defined in the zoning ordinance.

Adam Wason

Director, Department of Public Works

City of Bloomington, IN

wasona@bloomington.in.gov

812.349.3516

bloomington.in.gov

On Tue, Nov 22, 2022 at 1:19 PM joe davis <balebuilder@gmail.com> wrote:

Hi April !

Good day, to you. The sun is out today for Hoagy Carmichael's birthday. I'm hoping for a little Stardust to bless my appeal tonight.

Thank you for sending along the details. Speaking of which, I would like to review my earlier unsuccessful appeal that was made on 9-27-22 before the Public Works Board. Do you know where I might be able to find a video recap of that evening? Is there a transcript available? I would like to review all that was stated during my presentation.

Also, do you know which parts of the UDO/ Planning Ordinance define and describe the term 'garbage', and where it fits with BMC 6.06.020? I am having some difficulty navigating these land use control documents. Thank you.

'Til later, may you be hummin' with Hoagy, all the day long!

See you tonight,

-Joe

On Tue, Nov 22, 2022 at 10:31 AM <april.rosenberger@bloomington.in.gov> wrote:

Meeting Agenda and Packet can be found here:

https://bloomington.in.gov/onboard/meetingFiles?committee_id=27

Topic: Board of Public Works Meeting

Time: Nov 22, 2022 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://bloomington.zoom.us/j/83690576968?pwd=a2lySnFPTk1YeVhRT3RxTWdFTXRiUT09>

Meeting ID: 836 9057 6968

Passcode: 255144

Dial by your location

- +1 312 626 6799 US (Chicago)
- +1 646 931 3860 US
- +1 929 205 6099 US (New York)
- +1 301 715 8592 US (Washington DC)
- +1 309 205 3325 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 719 359 4580 US

Meeting ID: 836 9057 6968

Passcode: 255144

Find your local number: <https://bloomington.zoom.us/u/keAFVWj4Yc>

When

Tuesday Nov 22, 2022 · 5:30pm – 7pm (Eastern Time - New York)

Location

City Hall-1-Cityhall Council Chambers (RM #115) (41)

[View map](#)

Guests

boruffj@bloomington.in.gov

thompsol@bloomington.in.gov

robinsos@bloomington.in.gov

williamm@bloomington.in.gov

heather.lacy@bloomington.in.gov

kehrbern@bloomington.in.gov

rembert@bloomington.in.gov
wheelech@bloomington.in.gov
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maria.mccormick@bloomington.in.gov
vandevej@bloomington.in.gov
kopperrn@bloomington.in.gov
hewettj@bloomington.in.gov
stongj@bloomington.in.gov
arnoldm@bloomington.in.gov
aleksandrina.pratt@bloomington.in.gov
wasona@bloomington.in.gov
jeffrey.jackson@bloomington.in.gov
underwoj@bloomington.in.gov
michael.stewart@bloomington.in.gov
patrick.dierkes@bloomington.in.gov
atenro@bloomington.in.gov
allenl@bloomington.in.gov
gomezs@bloomington.in.gov
hirtzelm@bloomington.in.gov
crowleya@bloomington.in.gov
lifordk@bloomington.in.gov
smithc@bloomington.in.gov
holly.warren@bloomington.in.gov
chastina.hayes@bloomington.in.gov
cartere@bloomington.in.gov
dailyr@bloomington.in.gov
andrew.cibor@bloomington.in.gov
oldhams@bloomington.in.gov
martindj@bloomington.in.gov
knblanke@yahoo.com
jen.lloyd@comcast.net
elizabethkaron5@gmail.com
news@wfhb.org
moneill@monroe.lib.in.us
wfiu@indiana.edu

wwu@indiana.edu

185

Junior Blondell

balebuilder@gmail.com

rob@wgclradio.com

government@heraldt.com

[View all guest info](#)

Reply for balebuilder@gmail.com

Yes	No	Maybe	More options
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Invitation from [Google Calendar](#)

You are receiving this email because you are subscribed to calendar notifications. To stop receiving these emails, go to [Calendar settings](#), select this calendar, and change "Other notifications".

Forwarding this invitation could allow any recipient to send a response to the organizer, be added to the guest list, invite others regardless of their own invitation status, or modify your RSVP. [Learn more](#)



Twelfth Email from Petitioner
Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Letter of support for Joseph Davis

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:53 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 8:18 AM

Subject: Fwd: Letter of support for Joseph Davis

To: April Rosenberger <april.rosenberger@bloomington.in.gov>

Dear April,

Please make sure that this statement from Keith Romaine is included in tonight's BPW Board Packet.

Thanks,
-Joe

Joseph B Davis
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

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

From: **Romaine, J Keith** <jromaine@iu.edu>

Date: Mon, Oct 9, 2023 at 4:53 PM

Subject: Letter of support for Joseph Davis

To: April.rosenberger@bloomington.in.gov <April.rosenberger@bloomington.in.gov>

Cc: Balebuilder@gmail.com <Balebuilder@gmail.com>

Monday, October 9, 2023

To whom it may concern.

Joseph Davis, 530 South Washington St, Bloomington, is a natural builder and is committed to reusing valuable materials.

He an innovative leader in this type of construction in our community.

He is committed to environmentally sustainable living.

He is a strong advocate for biophilic cities and a future that works for all life on our planet.

He has also created a public gallery called, Smile Gallery.

This gallery is a contribution to his neighbors.

Thank you,
Keith Romaine, MFA, PhD.
Professor of Art, IUPUC and Ivy Tech Community College

907 South Madison St
Bloomington, IN



Joseph Davis Letter.docx
13K

**Twelfth Email from Petitioner
First Attachment**

Monday, October 9, 2023

To whom it may concern.

Joseph Davis, 530 South Washington St, Bloomington, is a natural builder and is committed to reusing valuable materials.

He an innovative leader in this type of construction in our community. He is committed to environmentally sustainable living.

He is a strong advocate for biophilic cities and a future that works for all life on our planet.

He has also created a public gallery called, Smile Gallery. This gallery is a contribution to his neighbors.

Thank you,

Keith Romaine, MFA, PhD.

Professor of Art, IUPUC and Ivy Tech Community College

907 South Madison St

Bloomington, IN



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thirteenth Email from Petitioner**Fwd: Mr. Joe Davis letter of support**

joe davis <balebuilder@gmail.com>

Fri, Oct 13, 2023 at 11:56 AM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, "Gonzalez, Lucas Emanuel" <lucagonz@iu.edu>

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

From: **joe davis** <balebuilder@gmail.com>

Date: Tue, Oct 10, 2023 at 8:24 AM

Subject: Fwd: Mr. Joe Davis letter of support

To: April Rosenberger <april.rosenberger@bloomington.in.gov>

Dear April,

Please make sure that this message of support, from Chris Banul, is included in tonight's Board of Public Works meeting Packet.

Thank you,
-Joe

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

From: <chrisbanul@hotmail.com>

Date: Mon, Oct 9, 2023 at 3:02 PM

Subject: Fwd: Mr. Joe Davis letter of support

To: joe davis <balebuilder@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Chris Banul <chrisbanul@hotmail.com>**Date:** October 8, 2023 at 1:08:56 PM EDT**To:** april.rosenberger@bloomington.in.gov**Subject:** Mr. Joe Davis letter of support

Dear Ms. Rosenberger,

I am writing this today as a letter of support for Mr. Joe Davis. My name is Chris Banul and I have managed Ace Pawn shop at 532 south walnut for the past 23 years. I have been a part this neighborhood for a very long time.

Over the past several years my employees and I have been watching Mr. Davis efforts to improve his home and property according to his personal taste. Part of those efforts do require Mr. Davis to acquire various different types of building material that he stores onsite. In the last year or so he has built a privacy fence so a lot of his collection can't be seen from the ally, Arby's parking lot, or South Walnut street.

A major part of my profession is buying and loaning on items either as collateral or to purchase for resale. I have spent over half my life assigning value to all kinds of items. I am also a woodworker and a "do it yourself" homeowner. The materials being classified as garbage are not being classified fairly and are not invaluable. All the wood, blocks, and metal pieces have monetary value to them and Mr. Davis correctly

190
treats them as such. He has invested time and effort into acquiring these items and has taken effort into protecting them from the elements where they are stored on the throughout his property.

While improving the interior and exterior look of my business over the past year, Mr Davis and I have become aquatinted and he has recently shared his frustration with HAND's accusations against him and efforts to remove his private possessions from his property.

Mr. Davis's efforts match most of the other businesses and homeowners in the neighborhood. His vision isn't mainstream but that is not for us or anyone to judge. Of all the problems our neighborhood is facing, Mr. Davis and his property is not one of them. He is an artist, a "do it yourselfer," and has been a good neighbor and part of Bloomington's diverse and inclusive community.

The argument seems to be more of an aesthetic value placed on Mr Davis's possessions and even a criticism of how certain items are stored rather than some form of effort to improve public safety. Threats to remove his property are unfair and I would rather see Mr. Davis putting his time and effort into working on his projects than having to direct it trying to protect his property and limited finances from the city of Bloomington.

Please have more understanding and consideration towards him. He is just working on making his life happier and better and, as his neighbor and fellow human being, I would like see that for him.

Thank you for reading this,

Chris Banul

****Items Below Received After Packet Distribution****

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Fourteenth Email from Petitioner

Jacqueline Scanlan <scanlanj@bloomington.in.gov>



Fwd: P. O. Hearing Tomorrow, 11-15-23, 10:30 AM, Court 8: Davis v. Raper

joe davis <balebuilder@gmail.com>

Tue, Nov 14, 2023 at 9:05 PM

To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, jeremy@bloomingtonian.com, J S <JamiScholl@gmail.com>

Dear Jackie,

Please add this email from my friend Cathy to the Board Packet for the BZA. It is important for the members to see how prevalent permeable gravel parking is in my neighborhood.

Thank you,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
[530 S. Washington St.](#)
[Bloomington, IN 47401](#)
812-525-9706
balebuilder@gmail.com

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

From: **Cathy Meyer** <cathygotm@gmail.com>

Date: Tue, Nov 14, 2023 at 8:27 PM

Subject: Re: P. O. Hearing Tomorrow, 11-15-23, 10:30 AM, Court 8: Davis v. Raper

To: joe davis <balebuilder@gmail.com>

I won't be able to attend but I wish you well.

I made an informal survey of gravel driveways that are not contained by any barriers. Here is a list of the few I found in a very short time. I could not always determine the address.

South Washington Street:

504, behind

505, both sides of house

fenced lot with a Project School sign

512

514

516, behind

520

524

528

549

551

553

534, also behind

536, also behind

1105, plus the next 2-3 houses and alley on Grimes

East First Street:

109, also behind

112, also along alley behind

113

114 car parked on grass

201

between Washington and Lincoln - alley with parking at all houses

316

320/322

3--/400

alley and 405/407
402
404
414/416
420/510
501/509
520?
South Henderson Street
808
812
822
East Maxwell:
601
alley west of Stull
yellow house and white house west of Woodlawn
1012 or 1014
1015
1919
1024
1028
1205
1208
1207?
1220, also behind

These are just a few that I noticed on my bike ride home. There are many more, including city alleys where people park. Would you like to file complaints?

Cathy

On Tue, Nov 14, 2023 at 6:08 PM joe davis <balebuilder@gmail.com> wrote:

Jeremy & Dave,

Tomorrow morning, at 10:30 am, in Judge Salzmann's Court VIII, there will be a hearing on my Request for Protection from Ranatta S. Raper, R place Llc., d.b.a. Rplace4u.com

Today, I filed two requests to the Court. One was a Motion to Continue the hearing to a future date, such that I might be able to better prepare with my subpoena requested documentation, which has yet to be provided.

The second filing was to request immediate protection from the Court due to the recent coersives of Ms. Raper to negatively affect her many tenants' relationship with me.

I will attach the two letters that outline the basis for the filings. The Letter #5 will not include the two attachments, as I have yet to scan those documents. Please See below.

Though, I filed for a Continuation today, I never did hear back from the Court. So, the only assumption can be that the Hearing will be at 10:30 am as scheduled.

I hope that you can make it.

-Joe

930-904-0598 (Temp. phone no.)

**Fifteenth Email String from Petitioner**

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Follow up to last week's on-site meeting

joe davis <balebuilder@gmail.com>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thu, Nov 16, 2023 at 11:45 AM

Dear Jackie,

Please add this forwarded email string below to the Board Packet for tonight's BZA meeting.

Thank you,
-Joe

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

From: **joe davis** <balebuilder@gmail.com>
Date: Thu, Nov 16, 2023 at 11:42 AM
Subject: Re: Follow up to last week's on-site meeting
To: Scott Robinson <robinsos@bloomington.in.gov>
Cc: Dave Askins <dave@bsquarebulletin.com>, J S <JamiScholl@gmail.com>, Cathy Meyer <cathygotm@gmail.com>, John Zody <john.zody@bloomington.in.gov>, Robert LaRue <blarue@co.monroe.in.us>, Beth Cate <beth.cate@bloomington.in.gov>, Eric Greulich <greulice@bloomington.in.gov>, Jennifer Burrell <jennifer.burrell@bloomington.in.gov>

Dear Scott,

Thank you for getting back to me. I will contact Eric to set something up. Will you be present tonight to share this current state of forward progress to the members of the BZA, and general public in regard to my appeal?

Thank you,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Tue, Nov 14, 2023 at 5:08 PM Scott Robinson <robinsos@bloomington.in.gov> wrote:

Joe,

I understand you contacted our office today to schedule a time with me. At our site visit I made it very clear that you can call our office to work with the Planner of the Day (POD) to detail your building permit and related compliance items.

To avoid further confusion, please contact our Senior Zoning Planner, Eric Greulich who is cc'd on this email to schedule a time. Eric will also include our Senior Compliance planner Jennifer Burrell in that meeting once it is scheduled. When I visited your property, we also discussed the vehicle parking and what the code requires. For context, a typical timeline for complying with this standard is two weeks.

Once a meeting is scheduled, please be prepared to clearly detail items associated with your building permit, outdoor storage, zoning compliance issues, and respective timelines.

As a friendly reminder, the City is closed next Thursday and Friday for Thanksgiving and I know this is a time you indicated you are available.

-Scott

On Tue, Nov 14, 2023 at 10:33 AM joe davis <balebuilder@gmail.com> wrote:

Dear Scott,

As per Beth Cate's recent email, I am contacting you to make an appointment to discuss my building permits, building materials, and a reasonable timeline to address the gravelled surface of my parking areas at the back of my property.

I will be available for any on-site discussion in the latter half of next week.

Thank you,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Thu, Nov 9, 2023 at 4:03 PM Beth Cate <beth.cate@bloomington.in.gov> wrote:

Hello Joe,

I'm writing to follow up on our on-site meeting with you last week.

At that meeting, John Zody, Scott Robinson, and Bobby LaRue answered questions and provided you with additional explanation of what the relevant code provisions say and how they apply to items on your property. I explained again the authority to create and enforce code provisions, how enforcement involves applying standards to specific situations, and what your options are if you disagree with how standards are applied.

John indicated that Title 6 enforcement is focused on public health and safety, and therefore what will concern HAND are circumstances that pose potential threats to public health and safety. That can include things like unsecured objects near the public right of way that could easily fall or be blown onto a sidewalk and injure someone -- John gave the example of the mirror on your porch shattering and spraying shards. The code also contemplates that uncovered recyclables and nonputrescible items (not solely putrescibles) can pose problems by attracting vermin or rodents.

In this regard, John asked about the various piles of wood, metal, and other items in your backyard. You indicated that most of those items are materials you intend to use to build a two-story structure in your backyard. Bobby explained which structures require building materials to be stamped or engineer-approved and which do not, and Scott reminded you that separate from the county building code, the City's zoning rules prohibit you from storing building materials outside of a building for more than 24 hours. That is why he asked you to specify what items you consider to be building materials; any such materials must be kept in a building in order to comply with Title 20 (and, piles of items that remain exposed to the elements are then likely to present public health and safety concerns under Title 6). Scott also provided further detail on what is needed to create a compliant gravel drive for vehicles.

To help you come into compliance before the upcoming BZA and BPW hearings on November 16 and November 21, respectively, Scott suggested you call Planning to set up a further discussion onsite of your building permit and what specific items are part of that project, and John is going to schedule another meeting with you onsite as well. We will update the boards on progress during the scheduled hearings.

Finally, you have asked for a copy of the permissions granted to HAND to be on your next door neighbors' property. Here are the emails received by HAND:

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

From: **Narges N** <narges1770@gmail.com>
Date: Thu, Nov 2, 2023 at 11:58 AM
Subject: 534 S Washington
To: <rob.council@bloomington.in.gov>

Hi Rob,
I Narges Noori, give city of Bloomington In access to my property located at 534 S Washington, at any time.

Narges Noori
812-391-0318

Take care,

Beth


--

Beth Cate
Corporation Counsel
City of Bloomington
401 N. Morton St. Suite 200
Bloomington, IN 47402
p: 812.349.3547

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	<p>Scott Robinson, AICP <i>he/him/his pronouns</i> Director of Planning and Transportation City of Bloomington, IN robinsos@bloomington.in.gov 812-349-3566 Main Office: 812-349-3423 bloomington.in.gov</p>
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**Sixteenth Email String from Petitioner**

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Follow up to last week's on-site meeting

joe davis <balebuilder@gmail.com>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thu, Nov 16, 2023 at 11:54 AM

Dear Jackie,

Please add this email string forwarded below to the Board Packet for tonight's BZA meeting.

Thank you,
-Joe

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

From: **joe davis** <balebuilder@gmail.com>
Date: Thu, Nov 16, 2023 at 11:52 AM
Subject: Re: Follow up to last week's on-site meeting
To: Eric Greulich <greulice@bloomington.in.gov>
Cc: Scott Robinson <robinsos@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, J S <JamiScholl@gmail.com>, Cathy Meyer <cathygotm@gmail.com>, John Zody <john.zody@bloomington.in.gov>, Robert LaRue <blarue@co.monroe.in.us>, Beth Cate <beth.cate@bloomington.in.gov>, Jennifer Burrell <jennifer.burrell@bloomington.in.gov>

Dear Eric,

Let's try to set up a time for the week of Nov. 27th. Thank you.

Until then, have a great Thanksgiving week ahead!

Always my best,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
530 S Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Wed, Nov 15, 2023 at 2:57 PM Eric Greulich <greulice@bloomington.in.gov> wrote:

Joe- I will be in the office and have some limited availability next week on Monday or Tuesday. Please let us know if there are a few times on either of those days that work for you and we can hopefully make something work. Otherwise, we can look at a time the week of November 27th.

On Tue, Nov 14, 2023 at 5:08 PM Scott Robinson <robinsos@bloomington.in.gov> wrote:

Joe,

I understand you contacted our office today to schedule a time with me. At our site visit I made it very clear that you can call our office to work with the Planner of the Day (POD) to detail your building permit and related compliance items.

To avoid further confusion, please contact our Senior Zoning Planner, Eric Greulich who is cc'd on this email to schedule a time. Eric will also include our Senior Compliance planner Jennifer Burrell in that meeting once it is scheduled. When I visited your property, we also discussed the vehicle parking and what the code requires. For context, a typical timeline for complying with this standard is two weeks.

Once a meeting is scheduled, please be prepared to clearly detail items associated with your building permit, outdoor storage, zoning compliance issues, and respective timelines.

As a friendly reminder, the City is closed next Thursday and Friday for Thanksgiving and I know this is a time you indicated you are available.

-Scott

On Tue, Nov 14, 2023 at 10:33 AM joe davis <balebuilder@gmail.com> wrote:

Dear Scott,

As per Beth Cate's recent email, I am contacting you to make an appointment to discuss my building permits, building materials, and a reasonable timeline to address the gravelled surface of my parking areas at the back of my property.

I will be available for any on-site discussion in the latter half of next week.

Thank you,

-Joe

Joseph B. Davis
Civil Rights Advocate
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To help you come into compliance before the upcoming BZA and BPW hearings on November 16 and November 21, respectively, Scott suggested you call Planning to set up a further discussion onsite of your building permit and what specific items are part of that project, and John is going to schedule another meeting with you onsite as well. We will update the boards on progress during the scheduled hearings.

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Subject: 534 S Washington

To: <rob.council@bloomington.in.gov>

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Narges Noori
812-391-0318

Take care,

Beth


--

Beth Cate
Corporation Counsel
City of Bloomington
401 N. Morton St. Suite 200
Bloomington, IN 47402
p: 812.349.3547

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--

	<p>Scott Robinson, AICP</p> <p><i>he/him/his pronouns</i></p> <p>Director of Planning and Transportation City of Bloomington, IN robinsos@bloomington.in.gov 812-349-3566 Main Office: 812-349-3423 bloomington.in.gov</p>
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Eric Greulich
Senior Zoning Planner
City of Bloomington Planning and Transportation Department
812-349-3526

**Seventeenth Email from Petitioner**

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: P. O. Hearing Tomorrow, 11-15-23, 10:30 AM, Court 8: Davis v. Raper

joe davis <balebuilder@gmail.com>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thu, Nov 16, 2023 at 11:11 AM

Jackie,

Please, add this email forwarded below to the Board Packet for tonight's BZA meeting. It relates to gravel parking areas.

Thank you,
-Joe

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

From: J S <jamischoll@gmail.com>
Date: Wed, Nov 15, 2023 at 11:20 AM
Subject: Re: P. O. Hearing Tomorrow, 11-15-23, 10:30 AM, Court 8: Davis v. Raper
To: joe davis <balebuilder@gmail.com>

Thanks for the updates, Joe.

I'm currently swamped with work and just getting caught up with email. From ag and growing to preparing for holiday markets, my days are very full right now. Since this has been continued, I hope to be able to attend.

Btw, for what it's worth, when walking my puppy I noted that all but one driveway to my east are driveways without hard borders.

All my best,
Jami

"There is no separation between the secular and the sacred. Everything in life is sacred."
-Wilma Mankiller

On Wed, Nov 15, 2023 at 8:25 AM joe davis <balebuilder@gmail.com> wrote:

Friends,

The Protective Order Hearing, Davis v. Raper, has been continued to a future date. That date is still unknown at this time?

When the Hearing is rescheduled, I will let you know.

Thank you for all your interest, and support.

Enjoy the rest of your week,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
812=525-9706
balebuilder@gmail.com

On Tue, Nov 14, 2023 at 6:08 PM joe davis <balebuilder@gmail.com> wrote:
Jeremy & Dave,

Tomorrow morning, at 10:30 am, in Judge Salzman's Court VIII, there will be a hearing on my Request for Protection from Ranatta S. Raper, R place Llc., d.b.a. Rplace4u.com ²⁰⁰

Today, I filed two requests to the Court. One was a Motion to Continue the hearing to a future date, such that I might be able to better prepare with my subpoena requested documentation, which has yet to be provided.

The second filing was to request immediate protection from the Court due to the recent coersives of Ms. Raper to negatively affect her many tenants' relationship with me.

I will attach the two letters that outline the basis for the filings. The Letter #5 will not include the two attachments, as I have yet to scan those documents. Please See below.

Though, I filed for a Continuation today, I never did hear back from the Court. So, the only assumption can be that the Hearing will be at 10:30 am as scheduled.

I hope that you can make it.

-Joe

930-904-0598 (Temp. phone no.)

**Eighteenth Email String from Petitioner**

Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Fwd: Follow up to last week's on-site meeting

joe davis <balebuilder@gmail.com>
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thu, Nov 16, 2023 at 12:39 PM

Dear Jackie,

Please add the forwarded message below to the Board Packet for tonight's BZA meeting.

Thank you,
-Joe

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

From: **joe davis** <balebuilder@gmail.com>
Date: Thu, Nov 16, 2023 at 12:37 PM
Subject: Re: Follow up to last week's on-site meeting
To: Jacqueline Scanlan <scanlanj@bloomington.in.gov>

Thank you, Jackie!

There could be more?

Will you be present at the BZA tonight? I might have to ask you in front of the members of the BZA how you explained when we met, just prior to a previous BZA meeting, in the atrium, that P&T had not responded to my certified letters for specific guidance, because P&T was waiting to see how the same issues with HAND played out?

My hope is that the members of the BZA will be able to see that, as City Legal has described, these compliance issues before the BPW, and the BZA, are addressing the very same personal possessions of mine. And that, following our on-site meeting that took place on 11-2-23, in which the department heads of P&T, HAND, MCBBD, and City Legal were present, we agreed on a process to move forward. Of course, that we are still in the midst of this process, should be noted.

Does this make sense to you? Thank you.

'Til later, enjoy the sunshine,
-Joe

On Thu, Nov 16, 2023 at 12:03 PM Jacqueline Scanlan <scanlanj@bloomington.in.gov> wrote:
Got them both.

Thanks,
Jackie

On Thu, Nov 16, 2023 at 11:54 AM joe davis <balebuilder@gmail.com> wrote:
Dear Jackie,

Please add this email string forwarded below to the Board Packet for tonight's BZA meeting.

Thank you,
-Joe

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

From: **joe davis** <balebuilder@gmail.com>
Date: Thu, Nov 16, 2023 at 11:52 AM
Subject: Re: Follow up to last week's on-site meeting
To: Eric Greulich <greulice@bloomington.in.gov>

Cc: Scott Robinson <robinsos@bloomington.in.gov>, Dave Askins <dave@bsquarebulletin.com>, J S <JamiScholl@gmail.com>, Cathy Meyer <cathygotm@gmail.com>, John Zody <john.zody@bloomington.in.gov>, Robert LaRue <blarue@co.monroe.in.us>, Beth Cate <beth.cate@bloomington.in.gov>, Jennifer Burrell <jennifer.burrell@bloomington.in.gov>

Dear Eric,

Let's try to set up a time for the week of Nov. 27th. Thank you.

Until then, have a great Thanksgiving week ahead!

Always my best,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
530 S Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Wed, Nov 15, 2023 at 2:57 PM Eric Greulich <greulice@bloomington.in.gov> wrote:

Joe- I will be in the office and have some limited availability next week on Monday or Tuesday. Please let us know if there are a few times on either of those days that work for you and we can hopefully make something work. Otherwise, we can look at a time the week of November 27th.

On Tue, Nov 14, 2023 at 5:08 PM Scott Robinson <robinsos@bloomington.in.gov> wrote:

Joe,
I understand you contacted our office today to schedule a time with me. At our site visit I made it very clear that you can call our office to work with the Planner of the Day (POD) to detail your building permit and related compliance items.

To avoid further confusion, please contact our Senior Zoning Planner, Eric Greulich who is cc'd on this email to schedule a time. Eric will also include our Senior Compliance planner Jennifer Burrell in that meeting once it is scheduled. When I visited your property, we also discussed the vehicle parking and what the code requires. For context, a typical timeline for complying with this standard is two weeks.

Once a meeting is scheduled, please be prepared to clearly detail items associated with your building permit, outdoor storage, zoning compliance issues, and respective timelines.

As a friendly reminder, the City is closed next Thursday and Friday for Thanksgiving and I know this is a time you indicated you are available.

-Scott

On Tue, Nov 14, 2023 at 10:33 AM joe davis <balebuilder@gmail.com> wrote:

Dear Scott,

As per Beth Cate's recent email, I am contacting you to make an appointment to discuss my building permits, building materials, and a reasonable timeline to address the gravelled surface of my parking areas at the back of my property.

I will be available for any on-site discussion in the latter half of next week.

Thank you,
-Joe

Joseph B. Davis
Civil Rights Advocate
Smile House Museum of Found & Contemporary Art
530 S. Washington St.
Bloomington, IN 47401
812-525-9706
balebuilder@gmail.com

On Thu, Nov 9, 2023 at 4:03 PM Beth Cate <beth.cate@bloomington.in.gov> wrote:

Hello Joe,

I'm writing to follow up on our on-site meeting with you last week.

At that meeting, John Zody, Scott Robinson, and Bobby LaRue answered questions and provided you with additional explanation of what the relevant code provisions say and how they apply to items on your property. I explained again the authority to create and enforce code provisions, how enforcement involves applying standards to specific situations, and what your options are if you disagree with how standards are applied.

John indicated that Title 6 enforcement is focused on public health and safety, and therefore what will concern HAND are circumstances that pose potential threats to public health and safety. That can include things like unsecured objects near the public right of way that could easily fall or be blown onto a sidewalk and injure someone -- John gave the example of the mirror on your porch shattering and spraying shards. The code also contemplates that uncovered recyclables and nonputrescible items (not solely putrescibles) can pose problems by attracting vermin or rodents.

In this regard, John asked about the various piles of wood, metal, and other items in your backyard. You indicated that most of those items are materials you intend to use to build a two-story structure in your backyard. Bobby explained which structures require building materials to be stamped or engineer-approved and which do not, and Scott reminded you that separate from the county building code, the City's zoning rules prohibit you from storing building materials outside of a building for more than 24 hours. That is why he asked you to specify what items you consider to be building materials; any such materials must be kept in a building in order to comply with Title 20 (and, piles of items that remain exposed to the elements are then likely to present public health and safety concerns under Title 6). Scott also provided further detail on what is needed to create a compliant gravel drive for vehicles.

To help you come into compliance before the upcoming BZA and BPW hearings on November 16 and November 21, respectively, Scott suggested you call Planning to set up a further discussion onsite of your building permit and what specific items are part of that project, and John is going to schedule another meeting with you onsite as well. We will update the boards on progress during the scheduled hearings.

Finally, you have asked for a copy of the permissions granted to HAND to be on your next door neighbors' property. Here are the emails received by HAND:

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

From: **Narges N** <narges1770@gmail.com>

Date: Thu, Nov 2, 2023 at 11:58 AM

Subject: 534 S Washington

To: <rob.council@bloomington.in.gov>

Hi Rob,

I Narges Noori, give city of Bloomington In access to my property located at 534 S Washington, at any time.

Narges Noori
812-391-0318

Take care,

Beth


--

Beth Cate
Corporation Counsel
City of Bloomington
[401 N. Morton St. Suite 200](mailto:beth.cate@bloomington.in.gov)
[Bloomington, IN 47402](mailto:beth.cate@bloomington.in.gov)
p: 812.349.3547

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--

	<p>Scott Robinson, AICP</p> <p><i>he/him/his pronouns</i></p> <p>Director of Planning and Transportation City of Bloomington, IN robinsos@bloomington.in.gov 812-349-3566 Main Office: 812-349-3423 bloomington.in.gov</p>
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Eric Greulich
Senior Zoning Planner
City of Bloomington Planning and Transportation Department
812-349-3526

<https://drive.google.com/file/d/1OAOlKN8uL5JMvfThQRtMgFqOu-NBFaj/view?usp=sharing>

Video Mr. Davis requested to be shared from site visit.

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 122 E. Miller Drive

CASE #: V-40-23
DATE: November 16, 2023

PETITIONER: Scott Andrews
232 N. Almont Drive, Beverly Hills, CA

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

REQUEST: Variance from landscaping requirements for interior parking islands and a variance from maximum parking standards for a “Fitness center, small” use in the Mixed-Use Medium scale (MM) zoning District.

REPORT: This 0.89 acre property is located at 122 E. Miller Drive and is zoned Mixed-Use Medium scale (MM). Surrounding land uses include retail (Bender Lumber) to the north, offices to the west and east, and the bus dispatch and parking for MCCSC to the south. The property has been developed with a 7,000 square foot building that was previously used by the Iron Pit gym. A new tenant, Royalty Fitness, is proposing to use the building for a new use of “Fitness center, small”.

Since the building had been vacant for more than 12 months, the establishment of any use is considered a change in use and triggers compliance with the limited compliance standards of Section 20.06.090(f)(2)(B). A staff level minor site plan approval (SP-24-23) was approved allowing the change in use of the building and approved all of the required site improvements. A building permit (C23-246) was also issued allowing for the necessary interior remodeling. The Board of Zoning Appeals approved a variance (V-30-23) from the maximum number of parking spaces allowed to allow for 31 parking spaces. The petitioner has filed for another variance request to allow more parking and to not require two interior parking lot islands.

The maximum number of parking spaces allowed for a “Fitness Center, Small” use is 4 spaces per 1,000 square feet of building square footage. Based on the size of the building, a total of 28 parking spaces would be allowed. As mentioned previously, the Board granted a variance to allow 31 parking spaces based on a submitted parking study. The petitioner is requesting a subsequent variance to now allow 35 parking spaces and to not require 3 interior islands.

As was discussed with the previous variance petition, the petitioner is concerned that the limited number of parking spaces allowed is substantially lower than what is needed for the unique business renting the site. The proposed use is different than a typical fitness center use in that the daily programs and training offered are specifically done through registered classes for students, are consistently filled, and have high staffing needs for each class. In addition, there are overlaps in class time for drop offs and pickups, as well as events that are held on a regular basis which create a need for more spaces. The petitioner has submitted a parking study showing their daily and weekly number of students and staffing which shows a consistent need for at least 33 parking spaces with class sizes ranging from 18-48 staff and students, with an average size of 33 students and staff. There is no on-street parking allowed on Miller Drive or adjacent roads and no publicly available

shared parking within the immediate area to help provide supplemental parking.

The petitioner is requesting a variance from the maximum number of parking spaces allowed to allow 35 parking spaces and to have no interior islands.

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:

Parking Number: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community as it would allow an appropriate amount of parking on the site to serve this use.

Interior Islands: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community since the impact would be very minor given the small size of the parking area.

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

PROPOSED FINDING:

Parking Number: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. The installation of the requested parking spaces provides an appropriate number of spaces based on the demonstrated need of the petitioner. The parking is located to the side of the building and meets all parking setback requirements. There is a sidewalk connection directly from the front of the building to the adjacent sidewalk which allows for direct access to the building from the sidewalk without pedestrians being forced through the parking area.

Interior Islands: No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. As mentioned previously, the small size of this parking area and impacts from a lack of internal islands will be minimal.

- 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.*

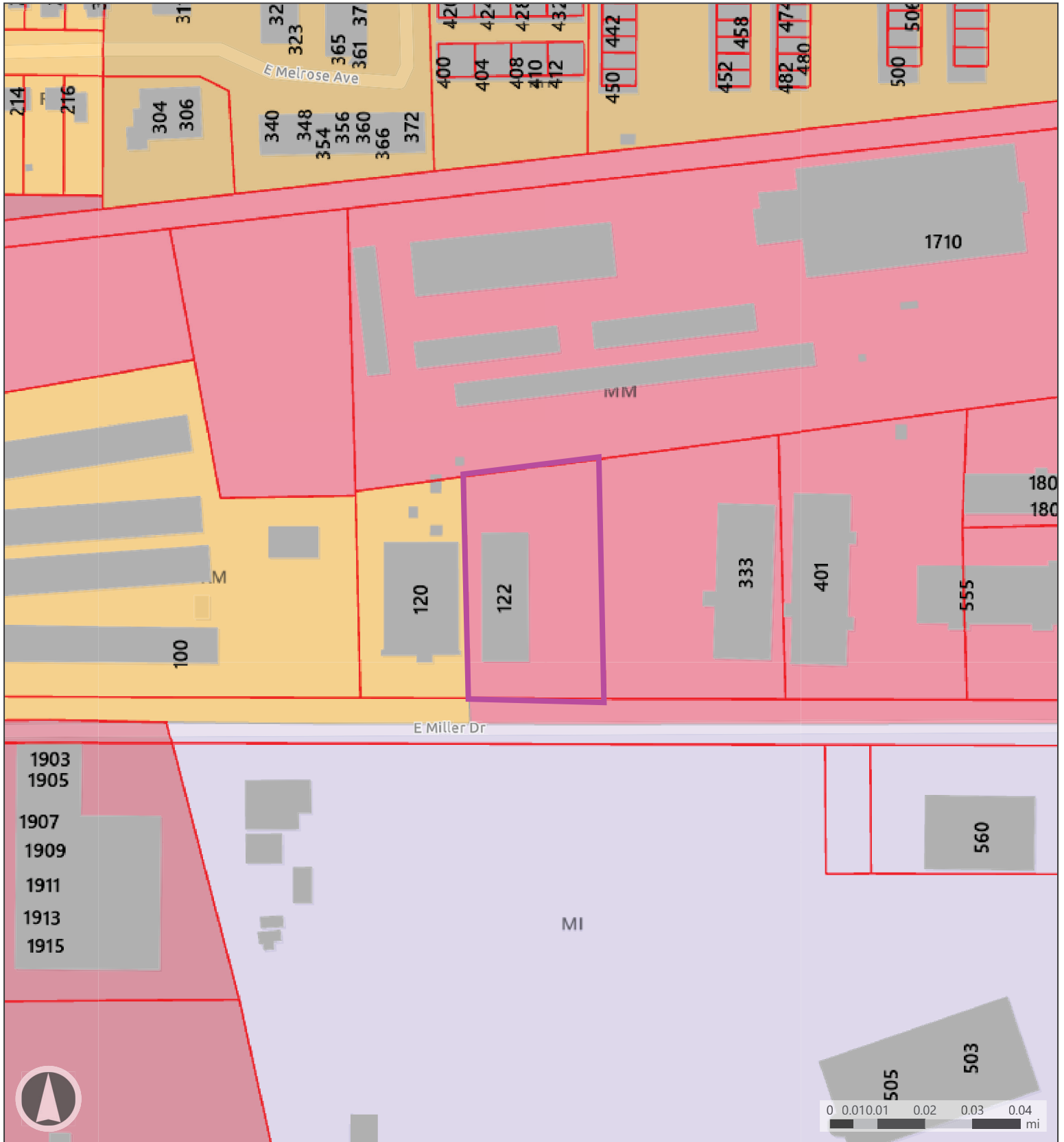
PROPOSED FINDING:

Parking Number: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property since it would not allow for the number of parking spaces needed for this unique use. The petitioner has provided detailed information regarding their number of students, staffing, and events which shows a consistent demonstrated daily need. The low number of parking spaces allowed would not serve the needs of this particular use. Information regarding their existing location and amount of parking needed, especially for the frequent events hosted also demonstrates the additional need. Peculiar conditions are found in the lack of on-street parking, lack of adjacent publicly owned or available parking available for shared use, and unique use of this business.

Interior Islands: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property since it would not allow for the number of parking spaces needed for this unique use and the required islands would not allow for the number of parking spaces needed. Peculiar condition is found in the small size of the lot and unique use that create a difficulty in meeting all of the UDO standards. If the Board feels it is appropriate to grant the additional parking spaces, then a variance from the required islands is also appropriate in order to create the number of spaces needed.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-40-23 with the following condition:

1. This variance is valid for this use and user as presented only. Any new use or change in use must meet all standards of the UDO, which includes removal of parking spaces over the allowed maximum.

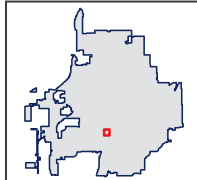


Map Legend

- Parcels
- Buildings

Code : Description

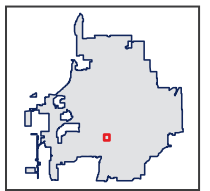
- | | |
|---|---|
| <ul style="list-style-type: none"> RH : Residential High-Density Multifamily RM : Residential Multifamily | <ul style="list-style-type: none"> MI : Mixed-Use Institutional MC : Mixed-Use Corridor MM : Mixed-Use Medium-Scale |
|---|---|



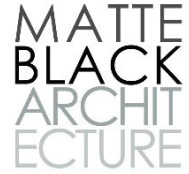


Map Legend

- Parcels
- Buildings



Petitioner's Statement



122 E MILLER DRIVE

Attention: City of Bloomington Board of Zoning Appeals
 Petitioner: Scott Andrews

Property Description

The property at 122 E Miller Drive contains a 7000 sf steel commercial building that was extensively renovated a few years ago and is currently being remodeled into a fitness center for a new tenant. The tenant, **Royalty Elite, is a competitive cheerleading gym** that offers classes and training as well as competition events for groups of young children and their families from across the South Central Indiana region. **The tenant selected the location and building to better accommodate its growing clientele, namely a larger space and ample parking within the City of Bloomington.** Currently the property contains 38 parking spaces that were utilized by the former fitness tenant (Iron Pit Gym) and these were viewed as desirable and necessary amenities for the new tenant and its anticipated use.

Variance Request

Because the building sat vacant for the past couple of years (in part due to Covid) the new tenant improvement triggered a **Limited Site Compliance** review by the City. As part of that review, it was determined that the site would need to meet all of the parking standards, including the parking maximum as dictated by use. The current **UDO only allows for 23 maximum parking spaces** based on the proposed use (fitness center small), however, given the anticipated demand by the new tenant this will not be adequate (see tenant-provided parking assessment study). **There is no nearby on-street or public parking available** and the tenant hosts regular classes and competitions with visiting clientele that increases parking demand well beyond the allowed maximum. The owner would like to provide as much parking as possible and is requesting a **variance from the maximum parking and parking lot island requirement for 4 additional parking spaces for a total of 35 parking spaces.**

Thank you for your consideration of this petition.

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

Matt Ellenwood, AIA (on behalf of the petitioner)

UTILITY CONTACT INFORMATION

GAS
 CENTER POINT
 600 INDUSTRIAL DRIVE
 BLOOMINGTON, IN 47403
 317-339-2905

ELECTRIC
 CITY OF BLOOMINGTON UTILITIES
 600 E. MILLER DR.
 BLOOMINGTON, IN 47403
 317-339-3600

SEWER AND WATER
 CITY OF BLOOMINGTON UTILITIES
 600 E. MILLER DR.
 BLOOMINGTON, IN 47403
 317-339-3600

UNDERGROUND UTILITY LOCATION
 BNAH UNDERGROUND
 1400 WASHINGTON STREET
 BLOOMINGTON, IN 47404
 317-339-3600

GENERAL NOTES

1. BOUNDARY AND TOPO BY BYNUM FAYO AND ASSOCIATES, 528 NORTH WALNUT STREET, BLOOMINGTON, INDIANA 47403 (PH) 317-339-2905
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. PROJECT ADDRESS: 122 E MILLER DRIVE, BLOOMINGTON, IN 47401
4. ALL WORK IS TO BE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS.
5. ALL PERMITS ARE TO BE OBTAINED BY THE CONTRACTOR PRIOR TO THE START OF CONSTRUCTION.
6. NEAREST LOCATION SHALL BE APPROVED BY THE LOCAL FIRE MARSHAL/INSPECTOR.
7. ALL UTILITIES AND OBSTRUCTIONS TO BE RELOCATED AS REQUIRED. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
8. SAFE, CLEARLY MARKED PRECISELY AND SCHEDULE ACCESS TO ALL ADJACENT PROPERTIES MUST BE MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.

PARKING AND PAVEMENT NOTES

1. ALL DRIVE PAVEMENT MARKINGS SHALL BE PAINTED WHITE ON ASPHALT PAVEMENT / CONCRETE AND SHALL BE PAINTED WHITE ON ASPHALT PAVEMENT / CONCRETE UNLESS OTHERWISE INDICATED OTHERWISE.
2. ALL DIMENSIONS ARE TO EDGE UNLESS INDICATED OTHERWISE.
3. ALL DIMENSIONS ARE TO BE 5' UNLESS INDICATED OTHERWISE.
4. THE CONTRACTOR SHALL FURNISH AND INSTALL PAVEMENT MARKINGS AS SHOWN ON THE SITE OR AS SHOWN ON THE EXISTING CURBS AND CLEAN WITHOUT SHOWING MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES WITH OTHER CONTRACTORS ON THE SITE.
5. CONTRACTOR SHALL SAW-CUT THE SIGNS AT EXISTING CURBS AS NECESSARY TO BE EXPOSED AND SHALL FURNISH AND INSTALL PAVEMENT MARKINGS AS SHOWN ON THE SITE INSIDE THE DRIVEWAY (TYPICAL AT ALL INTERSECTIONS).
6. ALL PLANTING MUST BE GUARDED OR STAKED PLUMBS AS SHOWN IN THE DETAILS.
7. ALL PLANTING MUST BE GUARDED OR STAKED PLUMBS AS SHOWN IN THE DETAILS.
8. ALL PLANTING MUST BE GUARDED OR STAKED PLUMBS AS SHOWN IN THE DETAILS.
9. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING AND PAVEMENT MARKINGS THROUGHOUT THE CONSTRUCTION PERIOD.
10. THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR THE ENTIRE PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE OF THE PROJECT.
11. THE CONTRACTOR SHALL MAKE ALL RELOCATIONS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.

LANDSCAPE NOTES

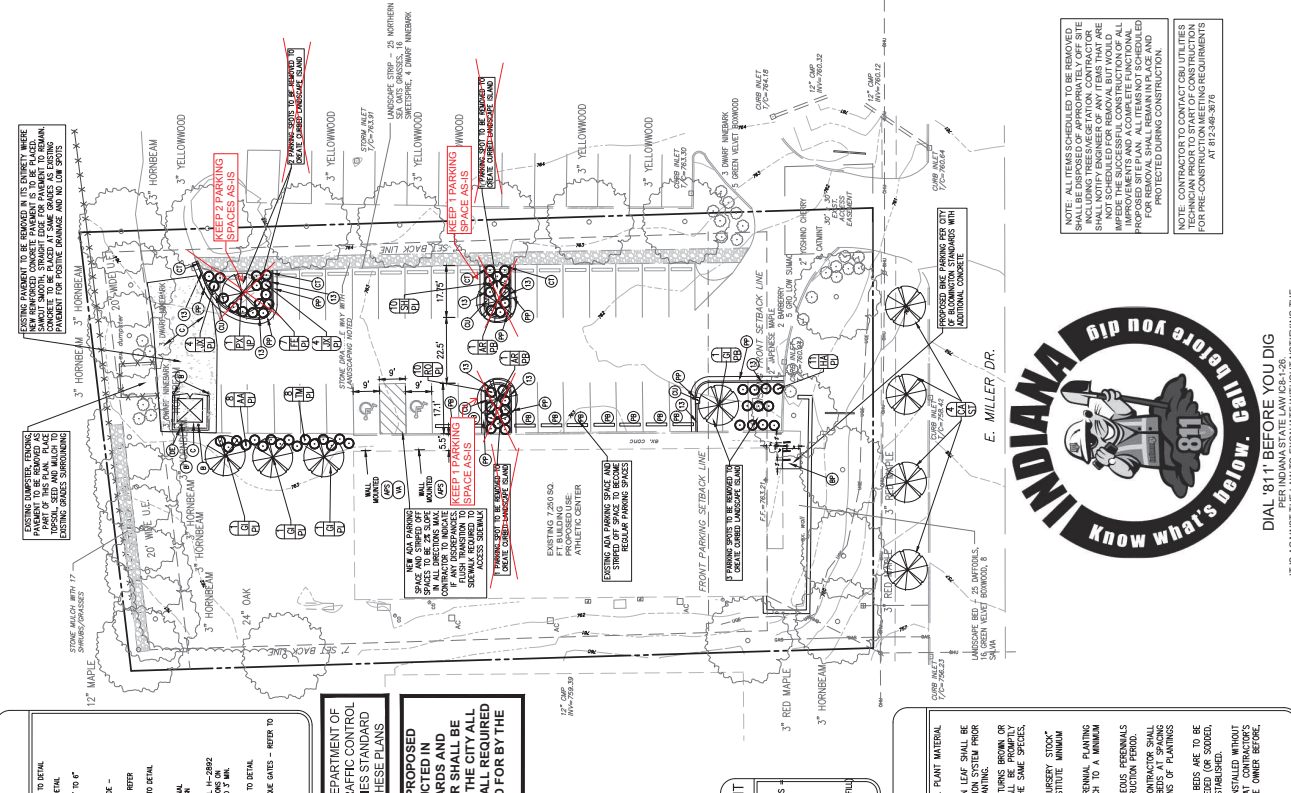
1. ALL PLANT MATERIAL SHALL BE HEALTHY, VIGOROUS CONDITION AND BE FREE OF PESTS AND DISEASES.
2. ALL PLANTS SHALL BE CONTAINERS GROWN OR BALLED AND BURLAPPED AS INDICATED IN THE PLANT LIST.
3. ALL TREES SHALL BE STRAIGHT-TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
4. ALL TREES SHALL BE GUARDED OR STAKED PLUMBS AS SHOWN IN THE DETAILS.
5. ALL PLANTING MUST BE GUARDED OR STAKED PLUMBS AS SHOWN IN THE DETAILS.
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10. THE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIAL FOR THE ENTIRE PERIOD OF ONE (1) YEAR BEGINNING ON THE DATE OF TOTAL ACCEPTANCE OF THE PROJECT.
11. THE CONTRACTOR SHALL MAKE ALL RELOCATIONS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.

SITE LEGEND

1. PROPOSED SIGN PAVEMENT PATCH, 1/2" W.C. - REFER TO DETAIL
2. PROPOSED CONCRETE PAVEMENT - REFER TO DETAIL
3. PROPOSED ASPHALT PAVEMENT - REFER TO DETAIL
4. PROPOSED ASPHALT PAVEMENT WITH 2" SURFACE COURSE - REFER TO DETAIL
5. PROPOSED ASPHALT PAVEMENT WITH 4" SURFACE COURSE - REFER TO DETAIL
6. PROPOSED ASPHALT PAVEMENT WITH 6" SURFACE COURSE - REFER TO DETAIL
7. PROPOSED ASPHALT PAVEMENT WITH 8" SURFACE COURSE - REFER TO DETAIL
8. PROPOSED ASPHALT PAVEMENT WITH 10" SURFACE COURSE - REFER TO DETAIL
9. PROPOSED ASPHALT PAVEMENT WITH 12" SURFACE COURSE - REFER TO DETAIL
10. PROPOSED ASPHALT PAVEMENT WITH 14" SURFACE COURSE - REFER TO DETAIL
11. PROPOSED ASPHALT PAVEMENT WITH 16" SURFACE COURSE - REFER TO DETAIL
12. PROPOSED ASPHALT PAVEMENT WITH 18" SURFACE COURSE - REFER TO DETAIL
13. PROPOSED ASPHALT PAVEMENT WITH 20" SURFACE COURSE - REFER TO DETAIL
14. PROPOSED ASPHALT PAVEMENT WITH 22" SURFACE COURSE - REFER TO DETAIL
15. PROPOSED ASPHALT PAVEMENT WITH 24" SURFACE COURSE - REFER TO DETAIL
16. PROPOSED ASPHALT PAVEMENT WITH 26" SURFACE COURSE - REFER TO DETAIL
17. PROPOSED ASPHALT PAVEMENT WITH 28" SURFACE COURSE - REFER TO DETAIL
18. PROPOSED ASPHALT PAVEMENT WITH 30" SURFACE COURSE - REFER TO DETAIL
19. PROPOSED ASPHALT PAVEMENT WITH 32" SURFACE COURSE - REFER TO DETAIL
20. PROPOSED ASPHALT PAVEMENT WITH 34" SURFACE COURSE - REFER TO DETAIL
21. PROPOSED ASPHALT PAVEMENT WITH 36" SURFACE COURSE - REFER TO DETAIL
22. PROPOSED ASPHALT PAVEMENT WITH 38" SURFACE COURSE - REFER TO DETAIL
23. PROPOSED ASPHALT PAVEMENT WITH 40" SURFACE COURSE - REFER TO DETAIL
24. PROPOSED ASPHALT PAVEMENT WITH 42" SURFACE COURSE - REFER TO DETAIL
25. PROPOSED ASPHALT PAVEMENT WITH 44" SURFACE COURSE - REFER TO DETAIL
26. PROPOSED ASPHALT PAVEMENT WITH 46" SURFACE COURSE - REFER TO DETAIL
27. PROPOSED ASPHALT PAVEMENT WITH 48" SURFACE COURSE - REFER TO DETAIL
28. PROPOSED ASPHALT PAVEMENT WITH 50" SURFACE COURSE - REFER TO DETAIL
29. PROPOSED ASPHALT PAVEMENT WITH 52" SURFACE COURSE - REFER TO DETAIL
30. PROPOSED ASPHALT PAVEMENT WITH 54" SURFACE COURSE - REFER TO DETAIL
31. PROPOSED ASPHALT PAVEMENT WITH 56" SURFACE COURSE - REFER TO DETAIL
32. PROPOSED ASPHALT PAVEMENT WITH 58" SURFACE COURSE - REFER TO DETAIL
33. PROPOSED ASPHALT PAVEMENT WITH 60" SURFACE COURSE - REFER TO DETAIL
34. PROPOSED ASPHALT PAVEMENT WITH 62" SURFACE COURSE - REFER TO DETAIL
35. PROPOSED ASPHALT PAVEMENT WITH 64" SURFACE COURSE - REFER TO DETAIL
36. PROPOSED ASPHALT PAVEMENT WITH 66" SURFACE COURSE - REFER TO DETAIL
37. PROPOSED ASPHALT PAVEMENT WITH 68" SURFACE COURSE - REFER TO DETAIL
38. PROPOSED ASPHALT PAVEMENT WITH 70" SURFACE COURSE - REFER TO DETAIL
39. PROPOSED ASPHALT PAVEMENT WITH 72" SURFACE COURSE - REFER TO DETAIL
40. PROPOSED ASPHALT PAVEMENT WITH 74" SURFACE COURSE - REFER TO DETAIL
41. PROPOSED ASPHALT PAVEMENT WITH 76" SURFACE COURSE - REFER TO DETAIL
42. PROPOSED ASPHALT PAVEMENT WITH 78" SURFACE COURSE - REFER TO DETAIL
43. PROPOSED ASPHALT PAVEMENT WITH 80" SURFACE COURSE - REFER TO DETAIL
44. PROPOSED ASPHALT PAVEMENT WITH 82" SURFACE COURSE - REFER TO DETAIL
45. PROPOSED ASPHALT PAVEMENT WITH 84" SURFACE COURSE - REFER TO DETAIL
46. PROPOSED ASPHALT PAVEMENT WITH 86" SURFACE COURSE - REFER TO DETAIL
47. PROPOSED ASPHALT PAVEMENT WITH 88" SURFACE COURSE - REFER TO DETAIL
48. PROPOSED ASPHALT PAVEMENT WITH 90" SURFACE COURSE - REFER TO DETAIL
49. PROPOSED ASPHALT PAVEMENT WITH 92" SURFACE COURSE - REFER TO DETAIL
50. PROPOSED ASPHALT PAVEMENT WITH 94" SURFACE COURSE - REFER TO DETAIL
51. PROPOSED ASPHALT PAVEMENT WITH 96" SURFACE COURSE - REFER TO DETAIL
52. PROPOSED ASPHALT PAVEMENT WITH 98" SURFACE COURSE - REFER TO DETAIL
53. PROPOSED ASPHALT PAVEMENT WITH 100" SURFACE COURSE - REFER TO DETAIL

THE CURRENT EDITION OF THE INDIANA DEPARTMENT OF TRANSPORTATION MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES & CITY OF BLOOMINGTON UTILITIES STANDARD SPECIFICATIONS IS TO BE USED WITH THESE PLANS

ALL WORK WITHIN EXISTING AND PROPOSED RIGHT-OF-WAY MUST BE CONDUCTED IN ACCORDANCE WITH CITY STANDARDS AND SPECIFICATIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL CITY, STATE, AND FEDERAL PERMITS AND TESTS. ALL REQUIRED TESTS SHALL BE PROVIDED AND PAID FOR BY THE CONTRACTOR



PLANT LIST & LEGEND

LEGEND	NET	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
(Symbol)	AR	RED BARNACLE	RED SNYDER MAPLE	2	2" CAL. 8'8" B&B
(Symbol)	BR	BROWN BARK	SHAW BIRCH	4	2" CAL. 8'8" B&B
(Symbol)	CA	CENTURION	CELTIC ACACIAS	4	2" CAL. 8'8" B&B
(Symbol)	HE	HORSEBEECH	HORSEBEECH	4	2" CAL. 8'8" B&B
(Symbol)	MA	MADONNA	MADONNA	4	2" CAL. 8'8" B&B
(Symbol)	ME	MEDICAL	MEDICAL	4	2" CAL. 8'8" B&B
(Symbol)	MO	MORNING	MORNING	4	2" CAL. 8'8" B&B
(Symbol)	NA	NORWAY	NORWAY	4	2" CAL. 8'8" B&B
(Symbol)	OR	ORANGE	ORANGE	4	2" CAL. 8'8" B&B
(Symbol)	PA	PANAMA	PANAMA	4	2" CAL. 8'8" B&B
(Symbol)	RO	ROBINSON	ROBINSON	4	2" CAL. 8'8" B&B
(Symbol)	TA	TANUS	TANUS	4	2" CAL. 8'8" B&B
(Symbol)	WA	WALNUT	WALNUT	4	2" CAL. 8'8" B&B
(Symbol)	YO	YELLOW	YELLOW	4	2" CAL. 8'8" B&B
(Symbol)	PP	PLANT	PLANT	4	2" CAL. 8'8" B&B

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS & NOTIFY CITY ENGINEER PRIOR TO ANY EXCAVATION. NO PAINT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO COMPLETING ELEVATIONS.

SCALE: 1"=20'

verified by: **BBB**
 528 North Walnut Street
 Bloomington, Indiana 47403
 (317) 339-2905 (Fax)

ARCHITECTURE
 CIVIL ENGINEERING
 PLANNING

BYNUM FAYO & ASSOCIATES, INC.

designed by: **702**
 drawn by: **702**
 sheet no.: **0101**
 project no.: **402233**

THE SITE PLAN

ROYALS FITNESS
 ROYALTY ELITE CHEERLEADING & FITNESS
 122 EAST MILLER DRIVE
 BLOOMINGTON, INDIANA 47401



DIAL '811' BEFORE YOU DIG
 PER INDIANA STATE LAW 36-2-58
 IT'S AGAINST THE LAW TO EXCAVATE WITHOUT NOTIFYING THE
 UNDERGROUND UTILITY LOCATIONS (811) WORKING DAYS
 BEFORE COMMENCING WORK.

From: Angie Collins, Owner of Royalty Elite LLC

To: City of Bloomington Board of Zoning Appeals

All,

Attached is our current parking use assessment based on how we are operating right now in our existing building. This parking doesn't take into account any of the growth I plan for in the gym when we have double the gym square feet after we move to 122 E Miller Dr.

Approving a variance to allow for more parking spaces at 122 E Miller Drive for Royalty Elite does not cause harm or injury.

All requirements with respect to parking setbacks, landscaping specifications, and handicap accessibility are being complied with fully. There is existing parking for 38 total spaces at 122 E Miller Dr. Our request for a variance above the 23 allotted spaces, does not create any new asphalt in the City of Bloomington, nor does allowing us to use the existing spaces adversely affect transportation decisions by my customer base. My business is an all-star competitive cheerleading facility, with a primary service area that spans a 60-mile radius around Bloomington. We are the only facility offering the breadth and scope of teams and classes in the area. Our customers bring their minor children, ages 3-18, to us for competitive cheerleading training. In addition to drawing from all parts of the City of Bloomington, our families drive from as far South as Paoli, Mitchell, and Bedford, as far West as Gosport, Spencer, and Ellettsville, as far North as Martinsville and Mooresville, and as far East as Nashville and Columbus. These are families that multiple times every week are bringing their business into the City of Bloomington - and they need to drive here to do that.

Our current facility is completely inadequate in terms of the parking that my enrollment needs. Every day, we fill our parking lot and use the following as overflow parking: our loading dock, Indiana Oxygen's parking lot and their loading dock after 5pm, Overhead Door's parking lot after 5pm, Aunt Millies bakery's parking lot after 5pm, PennyLane daycare's parking lot behind us after 6pm, and unfortunately all up and down the road (where there is not supposed to be parking). The pictures I have provided attest to this "mess" in our current facility parking lot. When we move to 122 E Miller Dr, we need each and every space that exists after all parking setback and landscaping requirements are met. It is my understanding that we can accomplish all of this and still have xx parking spaces that are currently in existence right now. My current competitive team and class enrollment will necessitate the use all of these spaces each and every day. This was the deciding factor in choosing this location for our new gym home - more parking. Additionally, there is no option of street parking at/around 122 E Miller Drive, no public parking lots/garages, nor are there crosswalks that would allow for my customers (who are minors) to safely cross the street in front of our building. Please remember this is a youth-based business and their safety is my utmost concern.

Approving this variance also does not set any dangerous precedent for the city as additional businesses walk through these same steps. The facts and circumstances of this variance request are unique since this is an existing parking lot - no one is asking to

remove trees, greenspace, etc to pave a new parking lot surface. In fact, more greenspace and landscaping is being added than exists today - and these additions comply with the applicable rules. All we are asking is to use what is already there to support the demonstrated needs of a thriving business - the only business of its kind in the entire city of Bloomington.

The attached demonstrated parking use assessment has been observed each day since June 5, 2023 through to present day (minus the 4th of July Holiday). This is when our new season began with our new teams and classes schedules.

Thank you,

Angie Collins

--

Royalty Elite L.L.C.

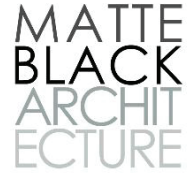
3905 W. Farmer Ave.

Bloomington, IN 47403

E: info@royalty-elite.com

W: www.royalty-elite.com

Petitioner's Statement



122 E MILLER DRIVE

Attention: City of Bloomington Board of Zoning Appeals
 Petitioner: Scott Andrews

Property Description

The property at 122 E Miller Drive contains a 7000 sf steel commercial building that was extensively renovated a few years ago and is currently being remodeled into a fitness center for a new tenant. The tenant, **Royalty Elite, is a competitive cheerleading gym** that offers classes and training as well as competition events for groups of young children and their families from across the South Central Indiana region. **The tenant selected the location and building to better accommodate its growing clientele, namely a larger space and ample parking within the City of Bloomington.** Currently the property contains 38 parking spaces that were utilized by the former fitness tenant (Iron Pit Gym) and these were viewed as desirable and necessary amenities for the new tenant and its anticipated use.

Variance Request

Because the building sat vacant for the past couple of years (in part due to Covid) the new tenant improvement triggered a **Limited Site Compliance** review by the City. As part of that review, it was determined that the site would need to meet all of the parking standards, including the parking maximum as dictated by use. The current **UDO only allows for 23 maximum parking spaces** based on the proposed use (fitness center small), however, given the anticipated demand by the new tenant this will not be adequate (see tenant-provided parking assessment study). **There is no nearby on-street or public parking available** and the tenant hosts regular classes and competitions with visiting clientele that increases parking demand well beyond the allowed maximum. The owner would like to provide as much parking as possible while still meeting the other requirements of the UDO including bike parking, landscaping and parking setbacks and islands. Per the **proposed site plan** (provided by Bynum Fanyo) this would allow for **8 additional parking spaces for a total of 31 parking spaces.**

Thank you for your consideration of this petition.

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

Matt Ellenwood, AIA (on behalf of the petitioner)

MONDAY - Facility Hours 2:00 - 9:30pm				
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
4:00	Private Tumbling Lessons, Stunt Group Privates	6	13	19
4:15	Private Tumbling Lessons, Stunt Group Privates	6	13	19
4:30	Private Tumbling Lessons, Stunt Group Privates	6	13	19
4:45	Private Tumbling Lessons, Stunt Group Privates	6	13	19
5:00	Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	33	10	43
5:15	Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	33	10	43
5:30	Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	33	10	43
5:45	Tiny Novice Team, Youth Novice Team, 2 Tumbling Classes	33	10	43
6:00	Tiny Novice Team, 3 Tumbling Classes	30	10	40
6:15	Tiny Novice Team, 3 Tumbling Classes	30	10	40
6:30	Tiny Novice Team, 3 Tumbling Classes	30	10	40
6:45	Tiny Novice Team, 3 Tumbling Classes	30	10	40
7:00	Jumps Class, Flight School Flexibility Class	43	10	53
7:15	Jumps Class, Flight School Flexibility Class	43	10	53
7:30	3 Tumbling Classes	34	10	44
7:45	3 Tumbling Classes	34	10	44
8:00	3 Tumbling Classes	34	10	44
8:15	3 Tumbling Classes	34	10	44
8:30	Private Tumbling Lessons, Stunt Group Privates	6	13	19
8:45	Private Tumbling Lessons, Stunt Group Privates	6	13	19
9:00	Private Tumbling Lessons, Stunt Group Privates	6	13	19
9:15	Private Tumbling Lessons, Stunt Group Privates	6	13	19
	HIGH PARKING USED			53
	MEDIAN (TYPICAL) PARKING USED			40

TUESDAY - Facility Hours 2:00 - 9:30pm				
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
3:00	South Cheer Practice	30	4	34
3:15	South Cheer Practice	30	4	34
3:30	South Cheer Practice	30	4	34
3:45	South Cheer Practice	30	4	34
4:00	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:15	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:30	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:45	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
5:00	Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
5:15	Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
5:30	Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
5:45	Mini Novice Team, Tiny Prep Team, 2 Tumbling Classes	33	10	43
6:00	Youth 2 Elite Team, 1 Tumbling Class	31	10	41
6:15	Youth 2 Elite Team, 1 Tumbling Class	31	10	41
6:30	Youth 2 Elite Team, 1 Tumbling Class	31	10	41
6:45	Youth 2 Elite Team, 1 Tumbling Class	31	10	41
7:00	Youth 2 Elite Team, Jumps Class, Flight School Flexibility Class	29	10	39
7:15	Youth 2 Elite Team, Jumps Class, Flight School Flexibility Class	29	10	39
7:30	3 Tumbling Classes	34	10	44
7:45	3 Tumbling Classes	34	10	44
8:00	3 Tumbling Classes	34	10	44
8:15	3 Tumbling Classes	34	10	44
8:30	Private Tumbling Lessons, Stunt Group Privates	6	13	19
8:45	Private Tumbling Lessons, Stunt Group Privates	6	13	19
9:00	Private Tumbling Lessons, Stunt Group Privates	6	13	19
9:15	Private Tumbling Lessons, Stunt Group Privates	6	13	19
	HIGH PARKING USED			47
	MEDIAN (TYPICAL) PARKING USED			43

WEDNESDAY - Facility Hours 2:00 - 9:30pm				
ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED	
4:00 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
4:15 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
4:30 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
4:45 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
5:00 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42	
5:15 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42	
5:30 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42	
5:45 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42	
6:00 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42	
6:15 Tiny Prep Team, Junior 3 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	32	10	42	
6:30 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
6:45 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
7:00 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
7:15 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
7:30 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
7:45 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
8:00 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
8:15 Senior 2 Elite Team, Senior 4 Elite Team, 1 Tumbling Class, Private Tumbling Lessons	38	10	48	
8:30 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
8:45 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
9:00 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
9:15 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
HIGH PARKING USED			48	
MEDIAN (TYPICAL) PARKING USED			42	

THURSDAY - Facility Hours 2:00 - 9:30pm				
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
3:00	South Cheer Practice	30	4	34
3:15	South Cheer Practice	30	4	34
3:30	South Cheer Practice	30	4	34
3:45	South Cheer Practice	30	4	34
4:00	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:15	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:30	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
4:45	South Cheer Practice, Private Tumbling Lessons, Stunt Group Privates	35	12	47
5:00	Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
5:15	Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
5:30	Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
5:45	Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
6:00	Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
6:15	Mini Prep Team, Youth 2 Elite Team, 1 Tumbling Class	34	10	44
6:30	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
6:45	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:00	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:15	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:30	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
7:45	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
8:00	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
8:15	Youth 1 Elite Team, Youth Prep Team, 1 Tumbling Class	36	10	46
8:30	Private Tumbling Lessons, Stunt Group Privates	6	13	19
8:45	Private Tumbling Lessons, Stunt Group Privates	6	13	19
9:00	Private Tumbling Lessons, Stunt Group Privates	6	13	19
9:15	Private Tumbling Lessons, Stunt Group Privates	6	13	19
	HIGH PARKING USED			47
	MEDIAN (TYPICAL) PARKING USED			46

FRIDAY - Facility Hours 4:00 - 9:30pm				
	ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED
4:00	Private Tumbling Lessons, Stunt Group Privates	6	13	19
4:15	Private Tumbling Lessons, Stunt Group Privates	6	13	19
4:30	Private Tumbling Lessons, Stunt Group Privates	6	13	19
4:45	Private Tumbling Lessons, Stunt Group Privates	6	13	19
5:00	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
5:15	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
5:30	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
5:45	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
6:00	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
6:15	Open Gym Ages 5-9, Private Tumbling Lessons	22	8	30
6:30	Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
6:45	Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
7:00	Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
7:15	Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
7:30	Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
7:45	Open Gym Ages 10-17, Private Tumbling Lessons	22	8	30
8:00	Open Gym Ages 18+, IU Open Gym	30	4	34
8:15	Open Gym Ages 18+, IU Open Gym	30	4	34
8:30	Open Gym Ages 18+, IU Open Gym	30	4	34
8:45	Open Gym Ages 18+, IU Open Gym	30	4	34
9:00	Open Gym Ages 18+, IU Open Gym	30	4	34
9:15	Open Gym Ages 18+, IU Open Gym	30	4	34
	HIGH PARKING USED			34
	MEDIAN (TYPICAL) PARKING USED			30

SATURDAY - Facility Hours 9:30am - 4:30pm				
ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED	
9:30 Tumble Tots, Stunt Group Privates	14	8	22	
9:45 Tumble Tots, Stunt Group Privates	14	8	22	
10:00 Tumble Tots, Stunt Group Privates	14	8	22	
10:15 Preschool Tumbling, Private Tumbling Lessons	18	8	26	
10:30 Preschool Tumbling, Private Tumbling Lessons	18	8	26	
10:45 Preschool Tumbling, Private Tumbling Lessons	18	8	26	
11:00 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32	
11:15 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32	
11:30 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32	
11:45 Cheer Fundamentals Class, Private Tumbling Lessons	24	8	32	
12:00 2 Tumbling Classes, Private Tumbling Lessons	26	8	34	
12:15 2 Tumbling Classes, Private Tumbling Lessons	26	8	34	
12:30 2 Tumbling Classes, Private Tumbling Lessons	26	8	34	
12:45 2 Tumbling Classes, Private Tumbling Lessons	26	8	34	
1:00 Birthday Parties	30	2	32	
1:15 Birthday Parties	30	2	32	
1:30 Birthday Parties	30	2	32	
1:45 Birthday Parties	30	2	32	
2:00 Birthday Parties	30	2	32	
2:15 Birthday Parties	30	2	32	
2:30 Birthday Parties	30	2	32	
2:45 Birthday Parties	30	2	32	
3:00 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
3:15 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
3:30 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
3:45 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
4:00 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
4:15 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
HIGH PARKING USED			34	
MEDIAN (TYPICAL) PARKING USED			32	

SUNDAY - Facility Hours 10:30am - 9:00pm				
ACTIVITIES	PARKING USED FOR ATHLETES	PARKING USED FOR STAFF	TOTAL PARKING USED	
10:30 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
10:45 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
11:00 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
11:15 Private Tumbling Lessons, Stunt Group Privates	6	12	18	
11:30 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	42	
11:45 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	42	
12:00 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	42	
12:15 Cheerabilities Team/Disabled Athletes & Caregivers	32	10	42	
12:30 Mini Prep Team, Youth 2 Elite Team	30	8	38	
12:45 Mini Prep Team, Youth 2 Elite Team	30	8	38	
1:00 Mini Prep Team, Youth 2 Elite Team	30	8	38	
1:15 Mini Prep Team, Youth 2 Elite Team	30	8	38	
1:30 Mini Prep Team, Youth 2 Elite Team	30	8	38	
1:45 Mini Prep Team, Youth 2 Elite Team	30	8	38	
2:00 Mini Prep Team, Youth 2 Elite Team	30	8	38	
2:15 Mini Prep Team, Youth 2 Elite Team	30	8	38	
2:30 Mini Prep Team, Youth 2 Elite Team	30	8	38	
2:45 Mini Prep Team, Youth 2 Elite Team	30	8	38	
3:00 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
3:15 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
3:30 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
3:45 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
4:00 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
4:15 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
4:30 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
4:45 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
5:00 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
5:15 Youth 1 Elite Team, Junior 3 Elite Team	30	8	38	
5:30 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
5:45 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
6:00 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
6:15 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
6:30 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
6:45 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
7:00 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
7:15 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
7:30 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
7:45 Senior 2 Elite Team, Senior 4 Elite Team	30	8	38	
8:00 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
8:15 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
8:30 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
8:45 Private Tumbling Lessons, Stunt Group Privates	6	13	19	
HIGH PARKING USED			42	
MEDIAN (TYPICAL) PARKING USED			38	