

# CITY OF BLOOMINGTON



January 18, 2024 @ 5:30 p.m.  
City Hall, 401 N. Morton Street  
Common Council Chambers, Room #115

<https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDI nWGROTU43dEpXdz09>

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

January 18, 2024 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/0T0j8f0>

**ROLL CALL**

**APPROVAL OF MINUTES:** November 16, 2023

**PETITIONS CONTINUED TO:** February 22, 2024

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-42-23      **Chris Valliant**  
346 S. Buckner Street  
Parcel: 53-08-05-110-018.000-009  
Request: Variance from the attached front loading garage or carport setback  
standard to allow an attached garage/studio space addition to the west side of  
the primary structure. *Case Manager: Katie Ghandi*

V-47-23      **Josie Rice**  
1205 W. East Branch Road  
Parcel: 53-08-05-303-021.000-009  
Request: Variance from driveway pavement width standards to allow a parking  
area in the front yard that exceeds 18 feet in width in the Residential Small Lot  
(R3) zoning district. *Case Manager: Gabriel Holbrow*

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

**\*\*Next Meeting: February 22, 2024**

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa Hirtzel at [hirtzelm@bloomington.in.gov](mailto:hirtzelm@bloomington.in.gov) and provide your name, contact information, and a link to or description of the document or web page you are having problems with.

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 346 S Buckner Street**

**CASE #: V-42-23/VAR2023-11-0017**  
**DATE: January 18, 2024**

**PETITIONER:** Chris Valliant  
 346 S Buckner Street  
 Bloomington, IN 47403

**REQUEST:** Variance from the attached front-loading garage or carport setback standard, to allow an attached garage structure addition to the west side of the in the Residential Small Lot (R3) zoning district.

**REPORT:** This 0.17 acre property is located at 346 S Buckner Street and is zoned Residential Small Lot (R3). This property is surrounded on all sides by single family dwellings also in the Residential Small Lot (R3) zoning district. The existing primary dwelling on this lot was built by the petitioner approximately three years ago.

The petitioner is proposing to construct a two-story addition to the existing dwelling on the site. The 780 square foot ground floor of the addition will serve as a garage and the second floor of the addition will serve as a general studio space that may become an Accessory Dwelling Unit (ADU) in the future. The two-story addition will be attached to the primary dwelling by a roofed, screened porch covered with asphalt shingles.

346 S Buckner Street is a corner lot bordered by public streets South Buckner Street and West Smith Avenue. The definition of a “[lot, corner](#)” is: *a lot having at least two adjacent sides that abut for their full length along streets. Both such lot lines shall be considered front lot lines for the purposes of determining setbacks.* The setback standard for an attached front-loading garage or carport is ten (10) feet behind the primary structure’s front building wall. Because the primary structure’s south wall along W Smith Avenue is considered a front building wall, the standard in the UDO asks that attached front loading garage additions be located ten (10) feet behind this south wall of the primary structure.

The petitioner is proposing to place the attached garage addition at the same distance back from the property line as the primary structure’s front building wall; or, “in-line with” the primary structure’s front building wall. The petitioner must therefore request a variance from the setback standard for an attached front-loading garage or carport.

**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

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

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

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

**PROPOSED FINDING:** The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. No variances from building or fire codes would be involved and the addition would meet all other applicable standards. The Certificate of Appropriateness from the Historic Preservation Commission indicates that the proposed addition to

be compatible with surrounding buildings and the local neighborhood. The petitioner's proposed addition aligns perfectly with both sides of the existing primary structure's building walls, which creates a satisfying appearance of symmetry from S Buckner St.

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

**PROPOSED FINDING:** No adverse impacts to the use and value of immediately surrounding properties as a result of the requested variance are found. Setbacks standards within the UDO are intended to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDO. Setting garage structures behind the front building wall of the home, and thus farther away from public streets, help facilitate greater focus on human occupied spaces and less focus on car-centric spaces along street frontages. However, due the small size of W Smith Ave and the lack of other front doors across W Smith Ave, the placement of the proposed attached garage in-line with the primary structure's front building wall will not negatively affect potential connections or aesthetics with adjacent neighbors across West Smith Avenue. W Smith Ave is a substandard street averaging around 10 feet in width and it's the back yards (not the front yards) of neighboring properties that are immediately adjacent to W Smith Ave. The Certificate of Appropriateness from the Historic Preservation Commission indicates that this proposed addition to be compatible with and will not detract from surrounding buildings in the local neighborhood.

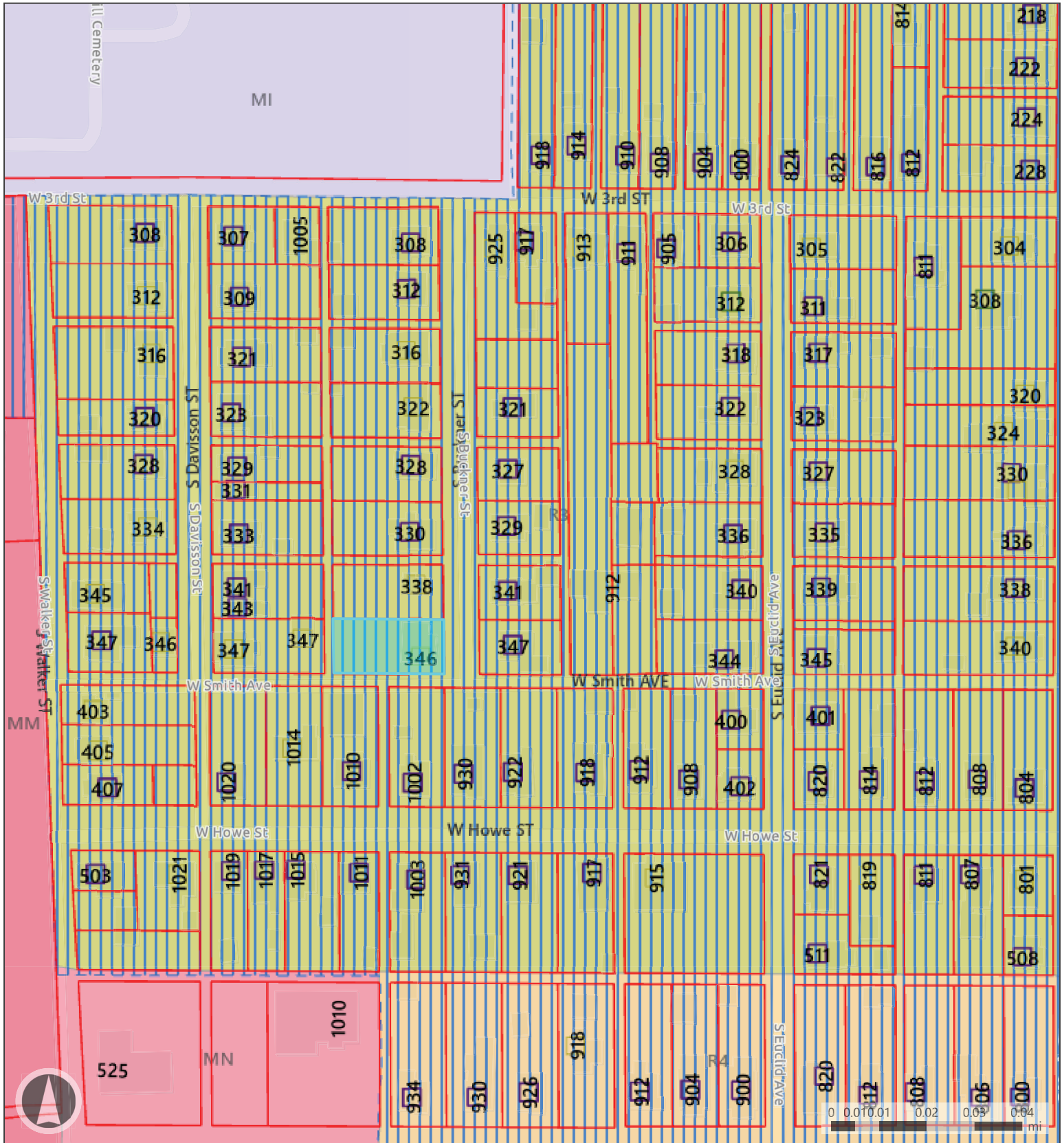
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**PROPOSED FINDING:** The existing home on this property has a prominent front entrance that faces the larger of the two adjacent street frontages and does meet proper front setback requirements. Applying front setback requirements to a second side of this corner lot is unpractical because this side of the home functions as a side and rear property line, for both this property and the majority of surrounding properties, because of the state of Smith Ave and the existing width of its dedicated right-of-way. Although it is a public road, W Smith Ave doesn't serve as a front for almost any other surrounding lot, due to both its size and the fact that all properties in this neighborhood have alternative streets that serve as their street frontage.

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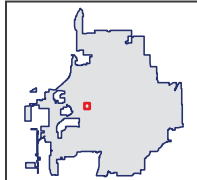
**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-42-23 with the following condition:

1. This approval is for the site design as submitted with this variance application.



**Map Legend**

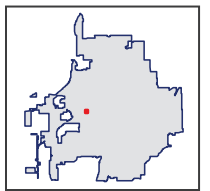
- Parcels
- Contributing
- Bloomington Municipal Boundary
- Mixed-Use
- Rating
- Non-Contributing
- Mixed-Use Institutional
- Residential Small Lot
- Local Historic Districts
- Mixed-Use Medium-Scale
- Residential Urban





**Map Legend**

- Addresses
- Parcels
- Bloomington Municipal Boundary



## Petitioner's Statement

Considerations for petition of Zoning variance for garage at 346 S Buckner.

West Smith Ave. between South Maple St. and South Walker street is comprised of 4 short blocks, meaning that each section of the street is comprised of the short side of the blocks in this end of the neighborhood.

West Smith Ave. for these 4 short blocks has a platted width of 15 feet just slightly more than the alleys in this end of the neighborhood.

There are 26 lots that border W Smith Ave in these 4 blocks, of these only 1 has a W. Smith Ave address. 13 of these lots have a W Howe St address with their rear lot lines bordering W Smith Ave.

There are 11 Garages along W Smith Ave that have set backs ranging from 0 feet to 12 feet.

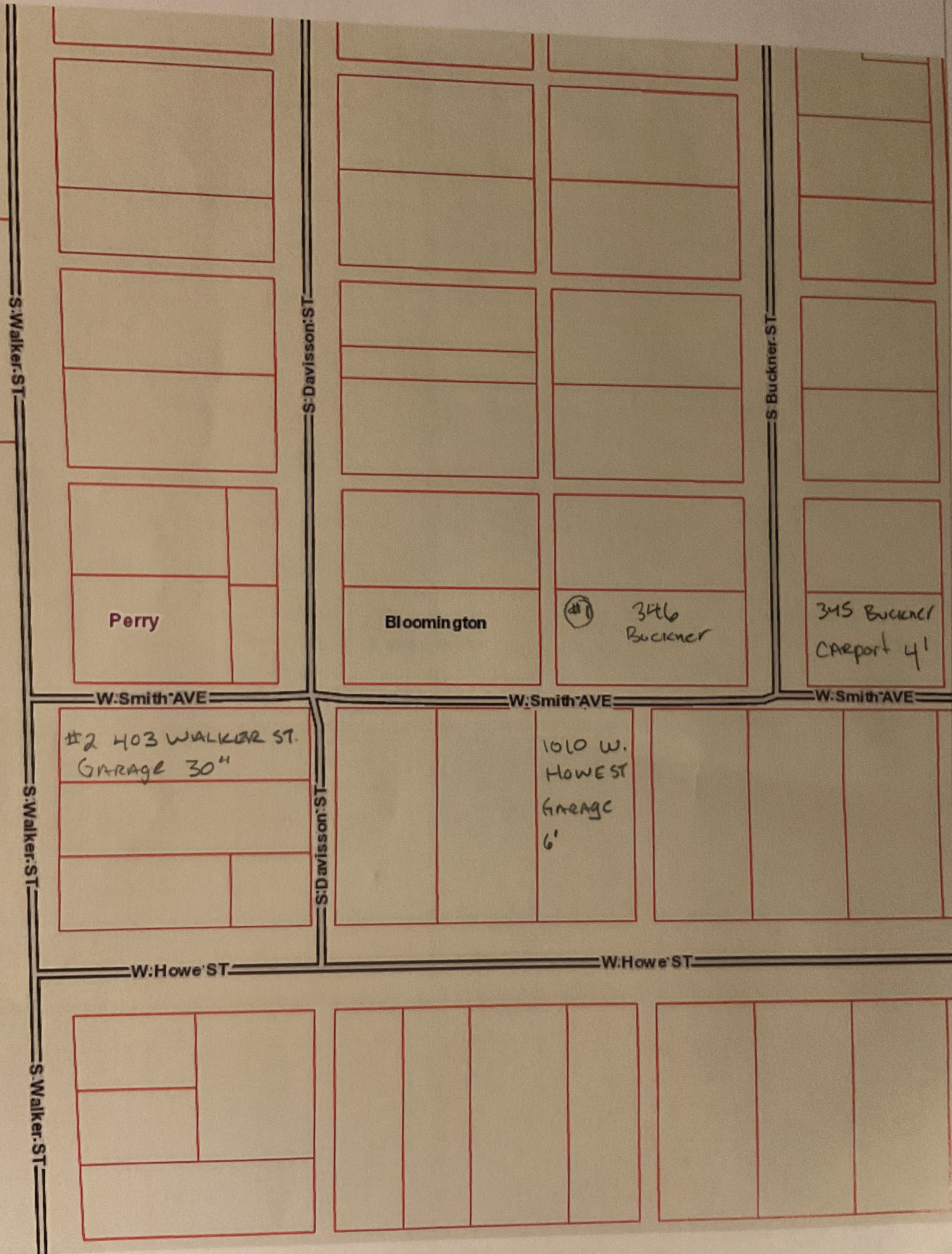
347&1/2 Davison and the subject property at 346 S Buckner are the only structures on this section of W Smith Ave with the largest side yard set backs of 20 feet and 16 feet respectively.

This is only a survey of the structures on this section of W Smith Ave. there are other examples in the neighborhood such as the garage at 346 Rogers which has a front facing garage that is setback about 16 feet from W. Smith Ave. but is approximately 6 feet closer to Smith than the front face of the primary structure.

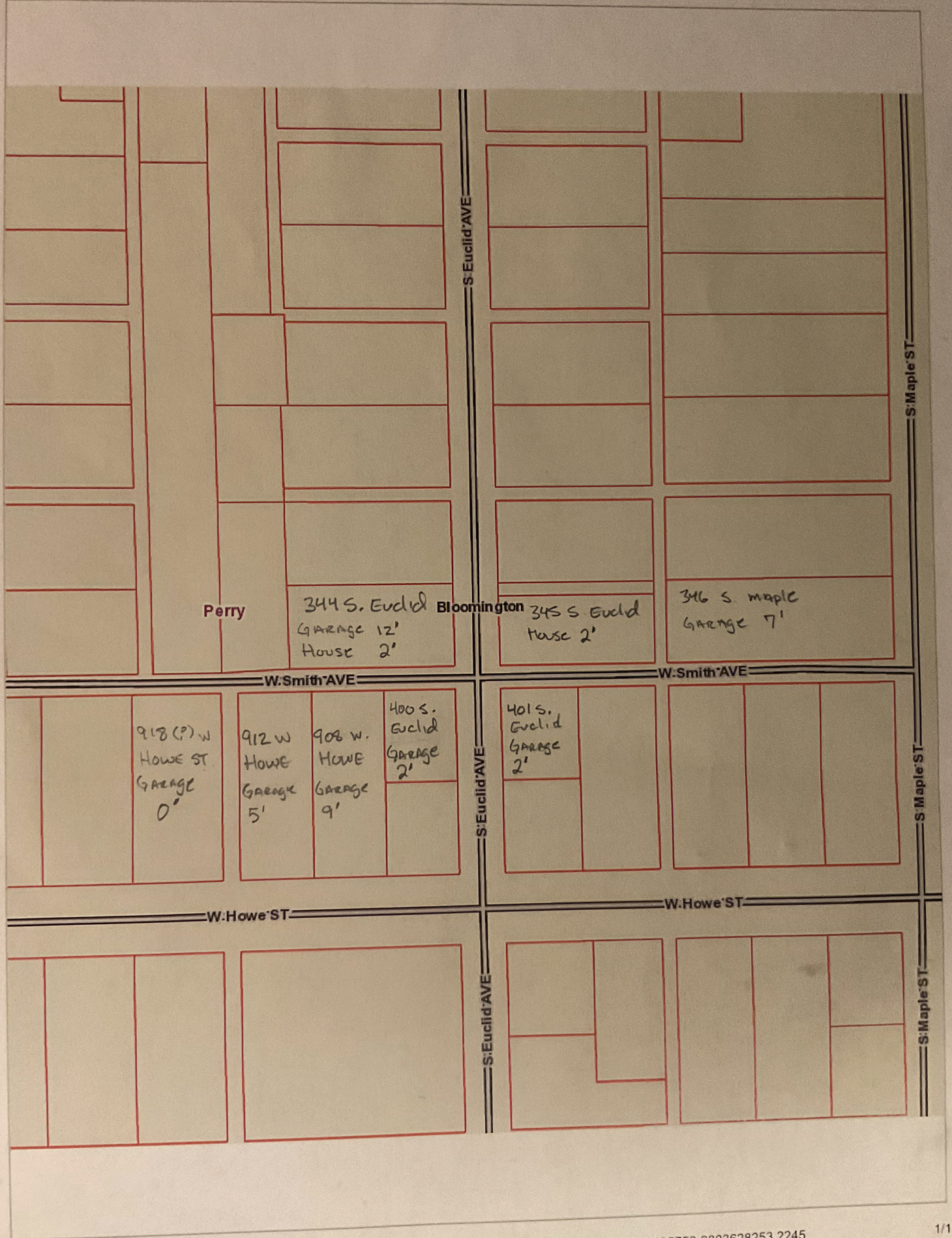
It is understood that the reason for the current zoning of 10 feet behind the front wall of the building facade is to visually hide the garage however W. Smith has been developed as little more than an alley over the years and given that the proposed garage addition will entirely face the side of the garage behind 1010 W Howe street this will reduce most lines of sight to the front of the proposed garage.

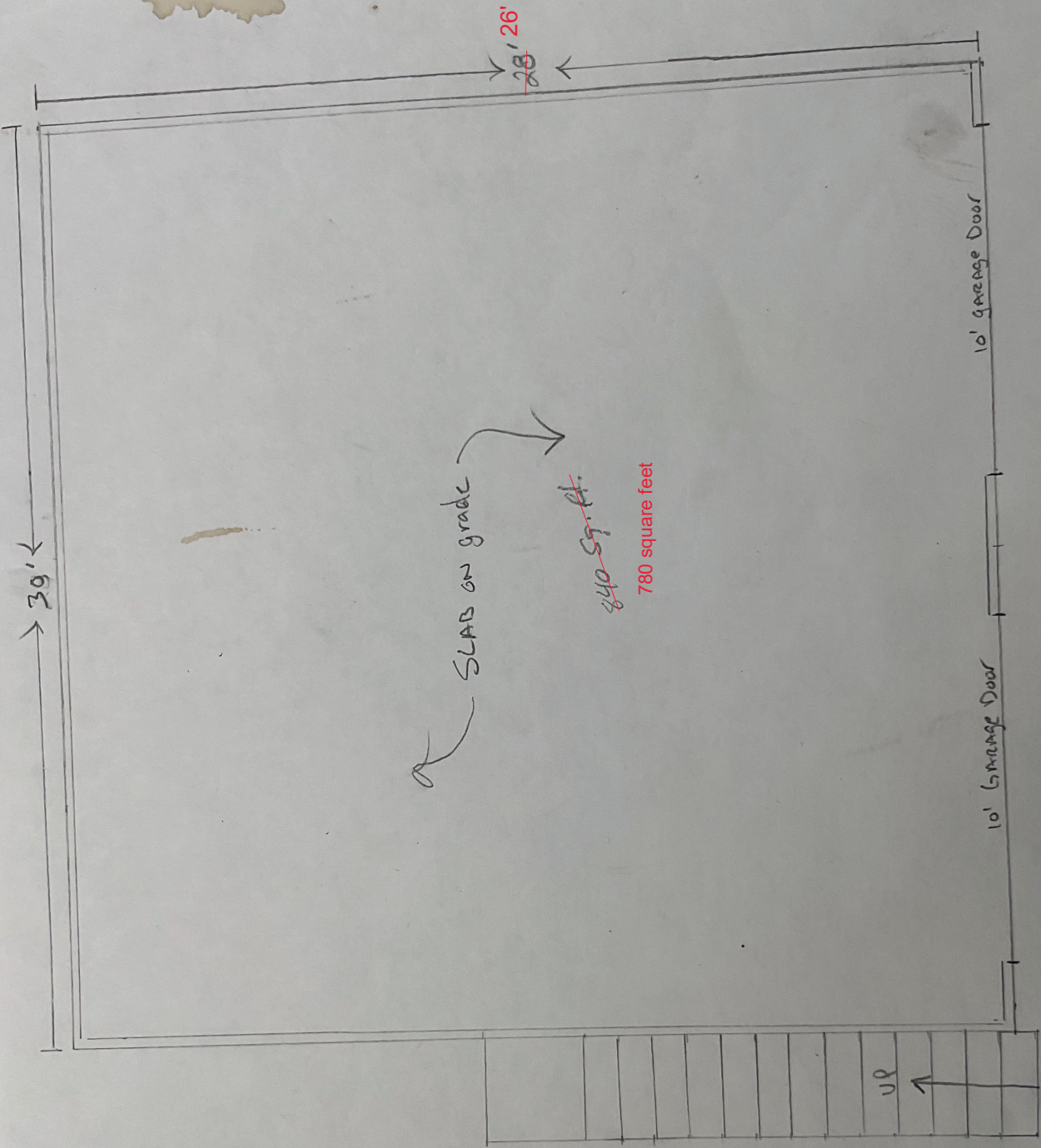
In closing it should also be noted that there appeared to be support from the Historic preservation committee for keeping the garage in line with the current south facing side of the existing structure because it was felt that that would be more in keeping with what might have been the architectural standards of the neighborhood.

It should also be noted that there are buried water, electric and storm drain lines just to the north of the proposed garage location that would make it prohibitive to meet the current setback requirements.

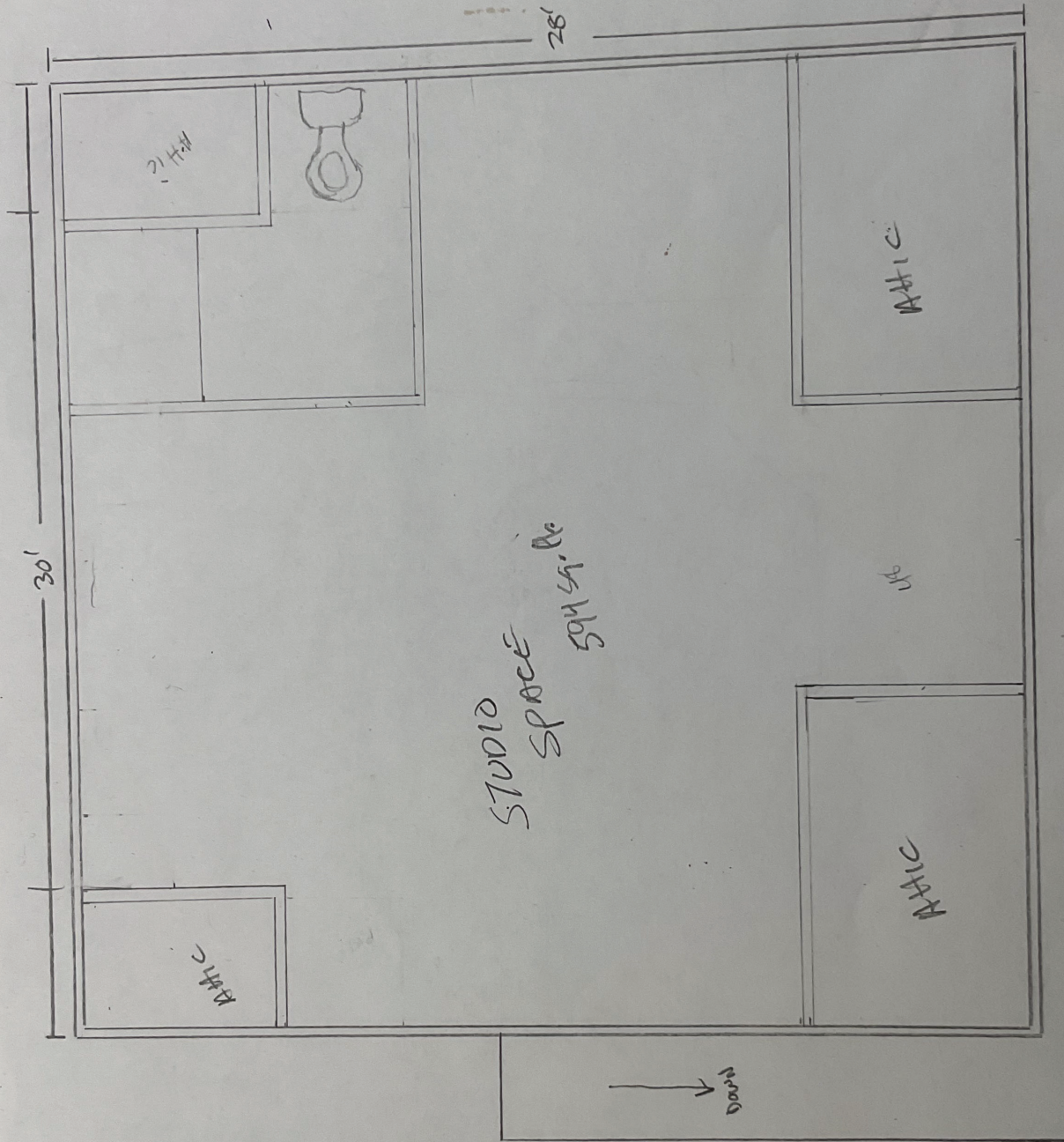




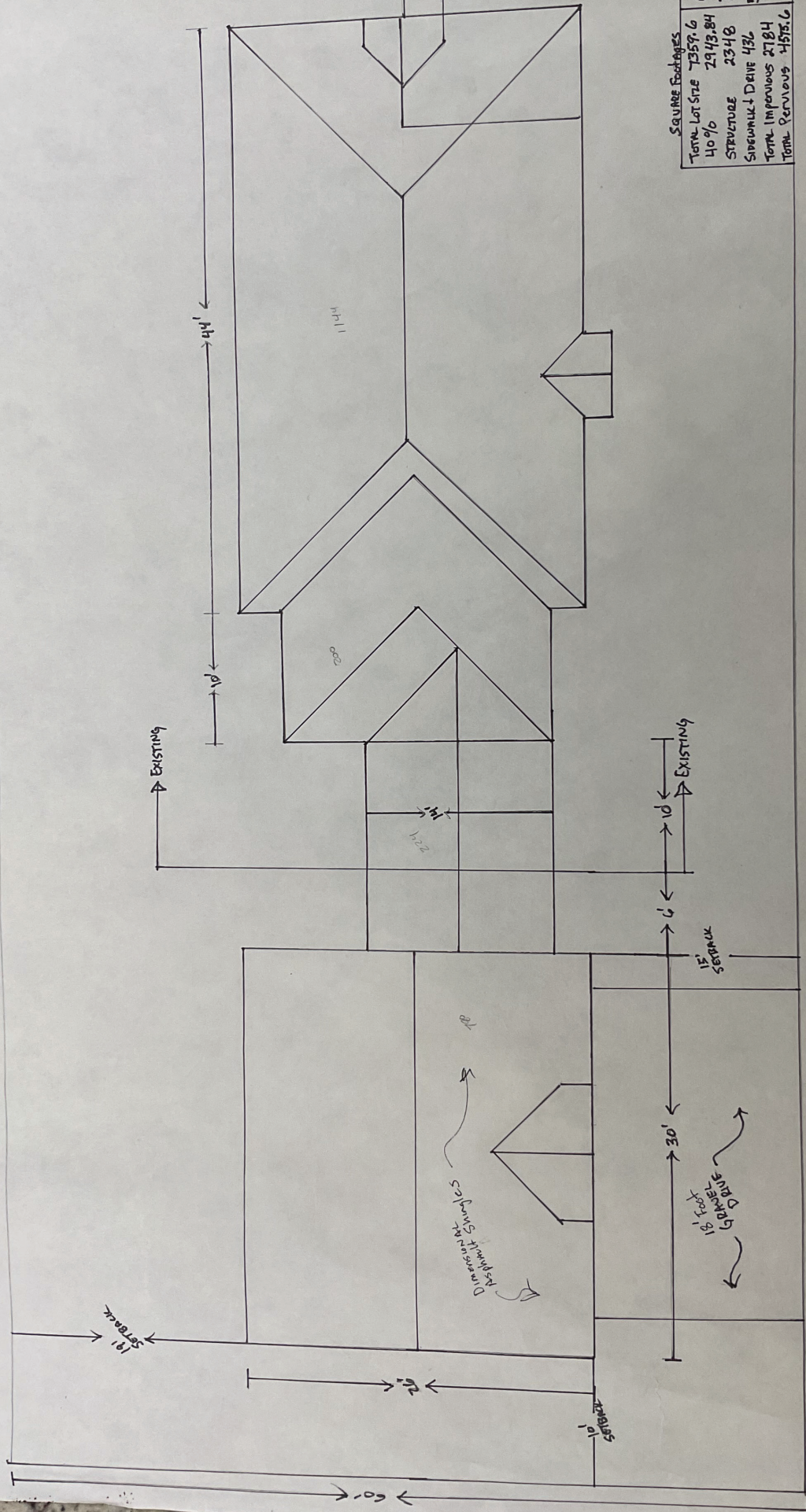




346 S. Buckner



346 S. Buckner ST

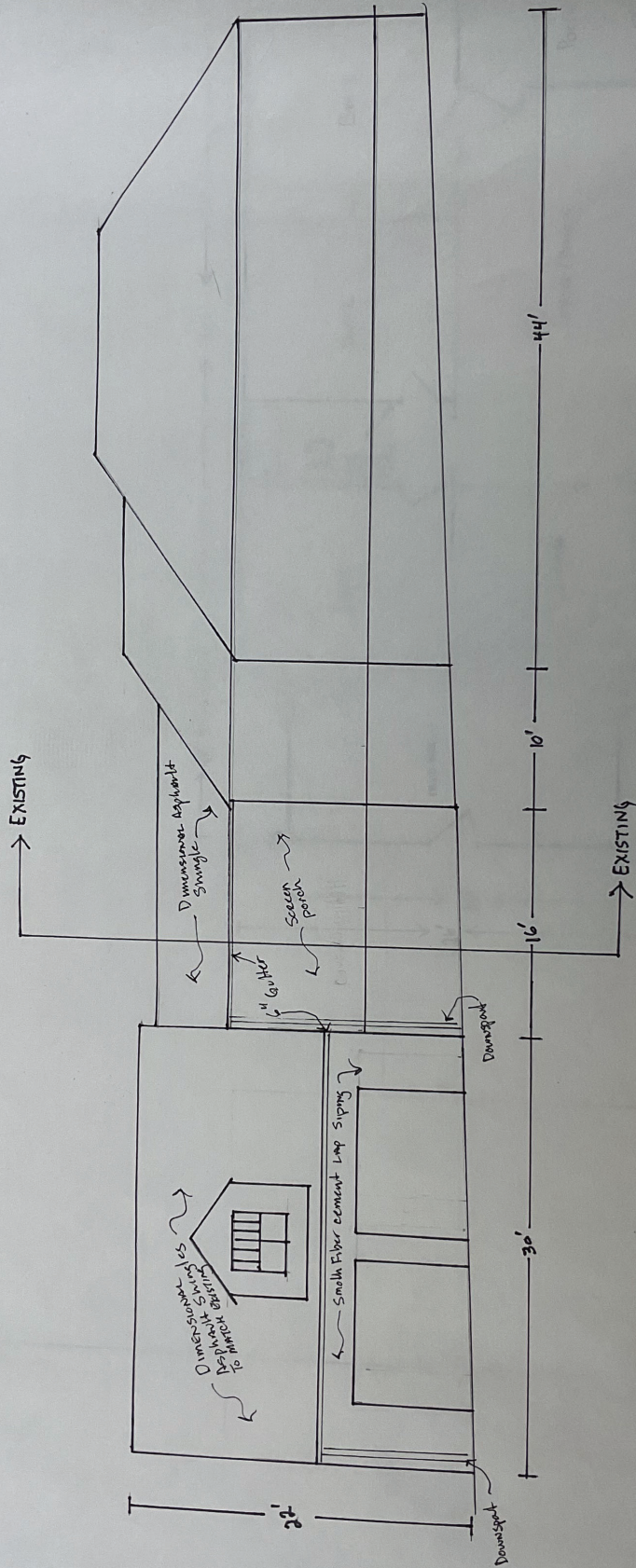


SQUARE FOOTAGES	
TOTAL LOT SIZE	7357.6
40%	2943.04
STRUCTURE	2348
SIDEWALK DRIVE	436
TOTAL IMPROVEMENTS	2784
TOTAL PREVIOUS	4575.6

CHRIS VALLIANT  
 346 S. BUCKNER  
 53-08-05-110-018.00  
 SITE + FLOOR PLAN

SMITH ST

122.66





## **CERTIFICATE OF APPROPRIATENESS**

Issued by the Bloomington Historic Preservation Commission

### Address of Historic Property:

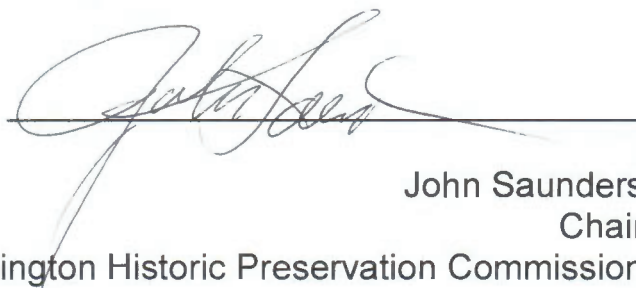
**346 S Buckner St., Bloomington, IN**

### Summary of Work Approval:

- **Addition of a garage to an existing building**

A copy of the complete approved plans may be obtained from the Department of Housing and Neighborhood Development Office Located at City Hall, 401 N. Morton, Suite 130 under case number **COA 23-74**.

This Certificate is effective for two years following the date of issue. Exterior work outside of the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

A handwritten signature in black ink, appearing to read "John Saunders", written over a horizontal line. Below the signature, the name and title are printed.

John Saunders  
Chair  
Bloomington Historic Preservation Commission

Issue Date: **October 26, 2023**

**BLOOMINGTON BOARD OF ZONING APPEALS CASE #: V-47-23 / VAR2023-12-0021**  
**STAFF REPORT**

**DATE: January 18, 2023**

**Location: 1205 W East Branch Road**

**PETITIONER:** Josie Rice  
 1205 W East Branch Road  
 Bloomington, IN

**OWNER:** Jeffrey S. Jones  
 3929 W Roll Avenue  
 Bloomington, IN

**REQUEST:** Variance from driveway pavement width standards to allow a parking area in the front yard that exceeds 18 feet in width in the Residential Small Lot (R3) zoning district

**REPORT:** The property is located near the cul-de-sac end of West East Branch Road (that is, the road named “East Branch” on the west side of town) in the West Pointe subdivision. The property is in the Residential Small Lot (R3) zoning district and contains a detached single-family dwelling. All surrounding properties are also located in the R3 zoning district and either contain detached single-family dwellings or are vacant.

The petitioner is requesting a variance to allow a parking area that they installed in 2021 to address previous parking issues. The property is situated at the elbow where the linear portion of East Branch Road meets the circular cul-de-sac at its end. Because of this location, the property is shaped like a corner lot, with the road to the north and the cul-de-sac to the east (although the property does not fall under the definition of a corner lot in the Unified Development Ordinance (UDO) because technically the road and cul-de-sac are both parts of only one street frontage). The linear (road) portion of the street has approximately 21 feet of paved roadway width within a platted public right-of-way width of 32 feet, while the circular (cul-de-sac) portion has paved area approximately 25 feet in radius within a platted right-of-way radius of 30 feet. Although there is no prohibition against on-street parking on East Branch Road listed in city code, City parking enforcement has issued tickets to vehicles parked in the public right-of-way of East Branch Road based at least partly on the obstruction the parked vehicles caused for City sanitation trucks serving the homes on the street. Additionally, the petitioner states that a stormwater drainage issue “has reduced the available parking directly in front of the property” along the linear (road) portion of the street.

In response to these issues, the petitioner expanded the parking area in 2021. Prior that time, the property had one UDO-compliant driveway approximately 16 feet in width, oriented approximately north-south, connecting the house’s attached garage to the linear (road) portion of the street. The petitioner expanded the parking area to the east to the edge of the circular (cul-de-sac) portion of the street. Measured perpendicularly to the original driveway, the width of expanded parking area (including the original driveway) is approximately 26 feet. However, because the edge of the cul-de-sac is part of the property’s street frontage, the width could be argued to be the total length of the frontage that the parking area touches, wrapping around the cul-de-sac edge, which would be approximately 60 feet.

The Planning and Transportation Department received a complaint on October 22, 2023 about the width of the expanding driveway, and issued a notice of violation (NOV) warning letter to the

property owner and petitioner on November 14, 2023. Following one of the remedy options listed in the NOV warning letter, the petitioner filed for a variance on December 15, 2023 to allow the parking area.

In addition to the width, the existing parking area is not compliant with two UDO standards intended to prevent the gravel surface from spilling onto other areas of the property or into the street. First, per UDO section 20.04.060(i)(7)(A), crushed stone or gravel parking surfaces “shall be contained within a raised, permanent border.” Second, per the following UDO section 20.04.060(i)(7)(B), the driveway apron for a single-family dwelling use on a local street shall be either asphalt or concrete.

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## CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

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

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

**PROPOSED FINDING:** Approval of the requested variance would not be injurious to the public health, safety, morals, and general welfare of the community.

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

**PROPOSED FINDING:** Approval of the requested variance will result in adverse impacts to the use and value of surrounding properties by reducing the aesthetic quality of the subject property’s frontage when viewed from the public street and from neighboring properties. Additionally, the complaint indicates that expanded parking has already caused issues for surrounding 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 narrow roadway width adjacent to the property, the unusual property shape at the elbow where the linear portion of East Branch Road meets the circular cul-de-sac at its end, and the documented drainage issues are features of the property and its surroundings that are peculiar to the property. These peculiar features reduce the area that can be used for UDO-compliant parking area compared to other properties of similar size. However, no practical difficulty is found because a UDO-compliant parking area has in the past provided room to park two vehicles outside as well as one or more vehicles in the attached garage. Because the UDO does not have any minimum parking requirement for detached single-family dwellings, parking for three or more vehicles at the property is consistent with the expectations for this use. Additionally, as in many other areas of the City, parking immediately adjacent to a property in the public right-of-way is not



guaranteed, and a review of aerial imagery shows that vehicles are parked in the right-of-way further west on this block.

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**RECOMMENDATION:** Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-47-23 / VAR2023-12-0021 and deny the requested variance.



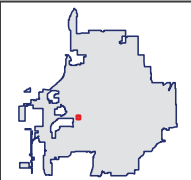
**Map Legend**

- Addresses
- Parcels
- Buildings

- Rating**
- Contributing
  - Non-Contributing

- Pavement
- Drive

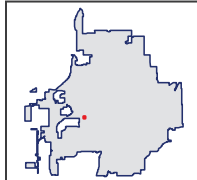
- Parking Lot Type**
- Paved Parking Lot
  - Island; Building





**Map Legend**

- Addresses
- Parcels
- Pavement
- Street Typology**
- Neighborhood Residential
- Zoning District Boundary



12/15/2023

Board of Zoning Appeals

City of Bloomington Planning and Transportation Department

401 N Morton Street, Suite #130

Bloomington, IN 47404

***1205 West East Branch Road***

***R3 Zoning District***

Our property received a notice of violation, due to driveway pavement widths. In 2021, we widened our driveway with an approved surface after receiving a parking notice. This was a costly project that we completed in hope to comply with the city. After speaking with neighbors, we understand this complaint came from the City Sanitation Department as they were unable to turn the trash trucks around in the cul-de-sac adjacent to the property.

The compliant setback is 18 feet, the proposed driveway will be sited 26 feet, and therefore a relaxation of 8 feet is requested.

1205 W E Branch Road is a unique property in the R3 Zoning District. There are 3 factors that make this property unique and acceptable for a variance; the storm water drainage issues, city vehicle route, and the shared cul-de-sac.

Primarily, the property has storm water flooding in the front yard and across from the property. This drainage issue has reduced the available parking directly in front of the property, leaving the cul-de-sac to the right the only area for street parking. Our neighbors directly across have applied for the storm water grant with the city, and were not approved in recent years. We have planted a raingarden in the front of the property using native plants in order to alleviate the flooding issue, however the issue for parking still persists. Secondly, the drainage issue had pushed us to park in the cul-de-sac, creating an issue with the city drivers on their trash route. We have complied with them by moving our cars out of the cul-de-sac, to the extended driveway that is on our property. Lastly the cul-de-sac is home for 3 neighbors, if we extend our parking to the street we would be encroaching on their parking spots creating a hardship for our neighbors, whom we have a current good standing with.

Furthermore, there are 2 factors that would create a hardship for our family if the variance is not approved; accessibility, and financial hardship. Our daughter, 22, has developmental and mobile disabilities. She has difficulty walking on uneven surfaces and needs parking to be connected to concrete or gravel for accessibility. She has difficulty walking on the, often slippery, downslope yard even on the sidewalk she may need someone to guide her if it is icy or raining. With the extended driveway she has direct access to the vehicle. Lastly, we are a large family with growing children, the cost of adding the gravel was a financial hardship for us. If we

were required to move the gravel, and revegetate, it would impact our ability to pay for the daily essentials, housing costs, groceries, utilities, etc.

We absolutely love our home, our neighbors, and our city, we work hard to care for our home to comply with the city and to keep our neighborhood a beautiful place. We are long-term residents of Bloomington and will continue to care for our property and to love our neighbors.

**Josie Rice**

A handwritten signature in black ink that reads "Josie Rice". The signature is written in a cursive style with a prominent initial "J" and a distinct "R".

**3177523824**

I, the undersigned, hereby certify that the within plat is true and correct and represents a survey performed under my direct supervision of part of the southeast quarter of Section 5, Township 3 North, Range 1 West, Monroe County, Indiana, more particularly described as follows:

Part of seminary lot numbers 161 and 164, city of Bloomington, Monroe County, Indiana (Book N, page 504, office of the Recorder) more particularly described as follows:

Commencing at the southeast corner of said lot 164, said point being marked by a P.K. nail, thence NORTH 0 degrees 27 minutes 53 seconds WEST (assumed bearing) 18.54 feet to the point of beginning, said point being marked by a 5/8 inch rebar with yellow plastic cap and also being on the north right-of-way line of Allen Street, thence NORTH 85 degrees 05 minutes 14 seconds WEST along said right-of-way, 663.50 feet, thence NORTH 4 degrees 54 minutes 46 seconds EAST 14.99 feet, thence SOUTH 85 degrees 05 minutes 14 seconds EAST 28.00 feet, thence NORTH 4 degrees 54 minutes 46 seconds EAST 27.30 feet to a point of curvature with a tangent curve, thence northerly and northeasterly along said curve having a radius of 230.00 feet and a central angle of 30 degrees 42 minutes and 20 seconds for a distance of 123.26 feet to a point of tangency, thence NORTH 35 degrees 37 minutes 06 seconds EAST 295.00 feet, thence SOUTH 54 degrees 22 minutes 54 seconds EAST 60.00 feet, thence NORTH 82 degrees 11 minutes 38 seconds EAST 366.40 feet, thence SOUTH 0 degrees 27 minutes 53 seconds EAST 465.46 feet to the point of beginning, containing 5.27 acres, more or less.

Subject to rights-of-way and easements of record including Allen Street and Walker Street.

This subdivision consists of 23 lots numbered 1 thru 23 inclusive, and common area. The size of lots are shown in figures denoting feet and decimal parts thereof.

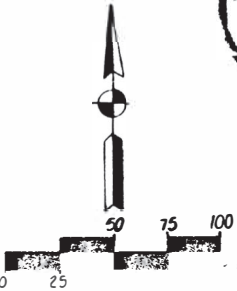
Witness my signature this 22 day of July, 1983.

Stephen L. Smith, Registered Land Surveyor No. 5

# WEST POINTE PHASE ONE

CURVE DATA

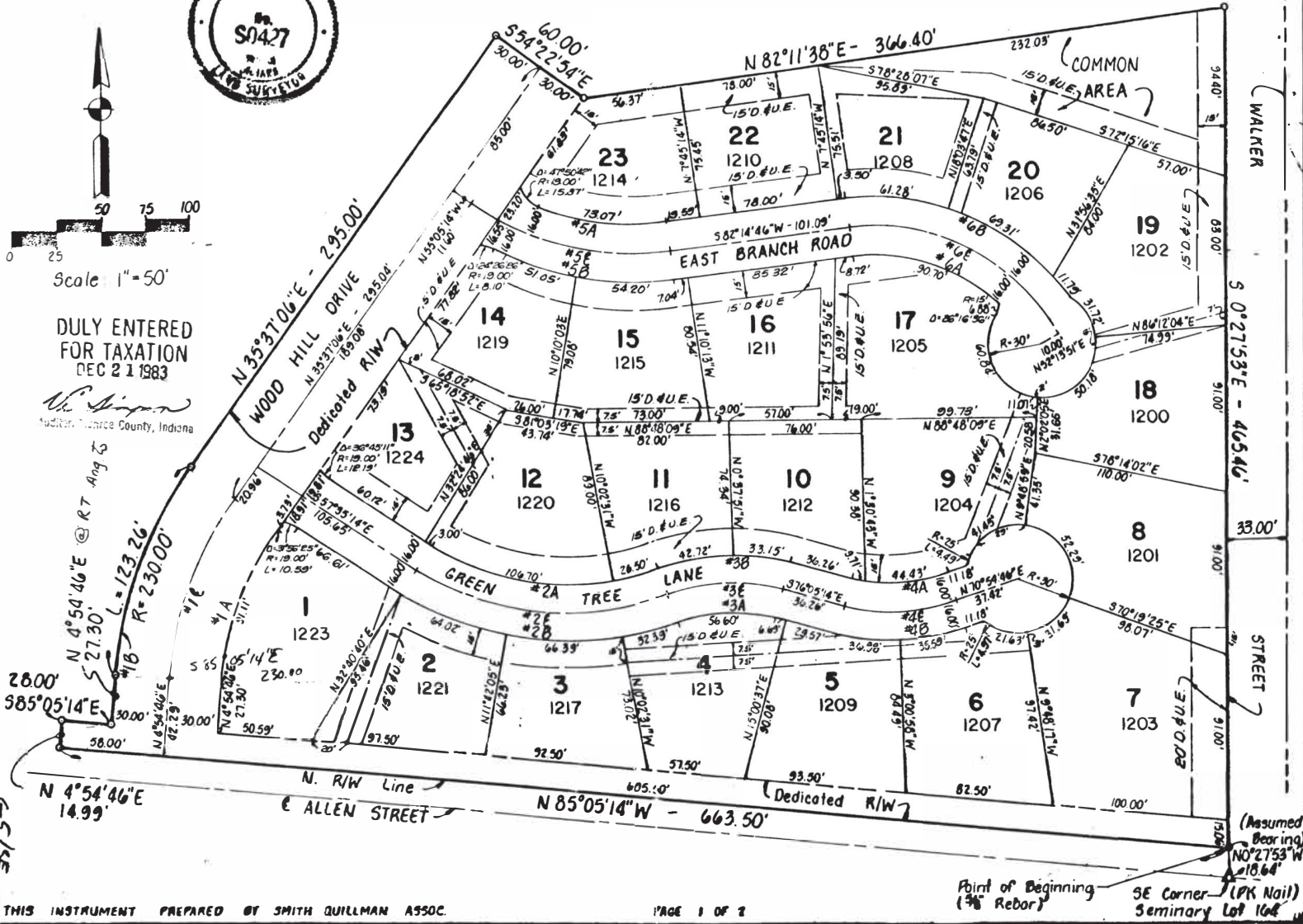
CURVE	R	Δ	L	T	Ch.	E
1A	170.00'	30°42'20"	91.11'	46.68'	90.02'	6.29'
1E	200.00'	30°42'20"	107.18'	54.91'	105.90'	7.40'
1B	230.00'	30°42'20"	123.26'	63.15'	121.79'	8.51'
2A	144.00'	53°00'00"	133.20'	71.80'	128.51'	16.91'
2E	160.00'	53°00'00"	148.00'	79.77'	142.78'	18.78'
2B	176.00'	53°00'00"	162.80'	87.75'	157.06'	20.66'
3A	94.00'	34°30'00"	56.60'	29.19'	55.75'	4.42'
3E	110.00'	34°30'00"	66.24'	34.15'	65.24'	5.18'
3B	126.00'	34°30'00"	75.87'	39.12'	74.73'	5.93'
4A	94.00'	33°00'00"	54.14'	27.84'	53.39'	4.04'
4E	110.00'	33°00'00"	63.36'	32.58'	62.48'	4.72'
4B	126.00'	33°00'00"	72.57'	37.32'	71.57'	5.41'
5A	144.00'	29°04'30"	73.07'	37.34'	72.29'	4.76'
5E	160.00'	42°40'00"	119.14'	62.49'	116.41'	11.77'
5B	176.00'	34°15'50"	105.25'	54.25'	103.69'	8.17'
6A	104.00'	49°58'04"	90.70'	48.46'	87.85'	10.74'
6E	120.00'	67°00'00"	140.32'	79.43'	132.46'	23.90'
6B	136.00'	59°59'05"	142.38'	78.50'	135.97'	21.03'



Scale 1" = 50'

DULY ENTERED FOR TAXATION DEC 21 1983

Monroe County, Indiana





**City of Bloomington  
Planning and Transportation Department**

November 14, 2023

Occupant  
1205 W East Branch Drive  
Bloomington, IN 47403

Jeffrey S Jones  
3929 W Roll Avenue  
Bloomington, IN 47403

**Re: Notice of Violation**

Failure to Comply with Development Standards; Driveway Pavement Widths

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.04.050 [Development Standards & Incentives; Access and Connectivity]** at 1205 W East Branch Drive. Records show that you are the owner or occupant of this property.

The City of Bloomington Planning and Transportation Department received a complaint of a driveway exceeding the allowed width of 18 feet at 1205 W East Branch Rd on 10/22/2023. Staff observed the widened state of the driveway on 10/23/2023 in addition to the prohibited outdoor storage of materials and machinery. A Notice of Violation warning letter dated 10/25/2023 was sent to the property owner and occupant. The letter established a deadline of 11/08/2023 by which the above violations were to be corrected. As of the date of this letter, the property has not been brought into compliance. The property needs to return back to its compliant state of one 18 foot wide maximum driveway (historic image enclosed). Additionally, once the area has been revegetated, the parking of vehicles on an unimproved surface is prohibited per Section 20.03.030(e)(1)(a) [Use-Specific Standards]. This property is in the R3 Zoning District (Residential Small Lot).

According to Unified Development Ordinance UDO **Section 20.04.050(C)(3) [Development Standards & Incentives; Access and Connectivity; Driveways and Access; Driveway and Access Design];**

**(B) Driveway Pavement Widths**

**i. Single-Family, Duplex, Triplex, and Fourplex Residential Uses**

The width of a driveway between the required front building setback and the street shall not exceed 18 feet.

In accordance with UDO Section 20.06.100, a violation of Failure to Comply with Development Standards may result in a one-hundred dollar (\$100) fine. 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).

**If the violation remains unresolved, fines will begin to accrue daily on 11/29/2023 in accordance with above referenced UDO Section 20.06.100 [Enforcement and Penalties] until such a time as the violation is remedied. You have the following options to remedy the situation.**

1. Submit a completion timeline, to return the width and design of the driveway to a compliant state, such as the one seen in the October 2013 image, for review and approval by the Planning and Transportation Department on or before 11/28/2023. **OR,**
2. Make an appointment with a Planner to discuss filing a variance request. The appointment must be on or before 11/22/2023 for the 12/21/2023 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 ten (10) 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](mailto:planning@bloomington.in.gov) or 812-349-3423 with any questions or concerns.

Sincerely,



Joy Brown  
Zoning Compliance Planner, Planning and Transportation Department

Enclosures (4): (3) Photographs, (1) Street-view Image

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  
Beth Cate, Corporation Counsel





Photo 1: Driveway exceeding the allowed width on the northeast side of the property at 1205 W East Branch Drive on 11/09//2023.



Photo 2: Driveway exceeding the allowed width on the northeast side of the property at 1205 W East Branch Drive on 11/09//2023.



Photo 3: Driveway exceeding the allowed width on the northeast side of the property at 1205 W East Branch Drive on 11/09//2023.



Street-View 1: Original, compliant driveway at 1205 W East Branch Drive in October 2013.