

# CITY OF BLOOMINGTON



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

April 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/1CbfH42>

**ROLL CALL**

**APPROVAL OF MINUTES:** March 21, 2024

**PETITIONS CONTINUED TO:** May 23, 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
- V-27-22      **Cutters Kirkwood 123, LLC**  
113 E. Kirkwood Ave.  
Parcel: 53-05-33-310-062.000-005  
Request: Variances from Downtown Character Overlay standards to allow less  
non-residential area and less large display windows; and a variance from the  
requirement to align with the front setback of an adjacent historic structure in the  
Mixed-Use Downtown zoning district with the Courthouse Square Character  
Overlay (MD-CS). Case Manager: Jackie Scanlan
- V-05-24      **Candi Sipes**  
2303 S Rockport Road  
Parcel: 53-01-51-137-500.000-009  
Request: Variances from accessory structure size standards, accessory structure  
setbacks, driveway width standards, and a determinate sidewalk variance to  
allow construction of a new single-family dwelling structure in the Residential  
Medium Lot (R2) zoning district.  
Case Manager: Gabriel Holbrow

**\*\*Next Meeting: May 23, 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.



- V-10-24      **Ruby Creek Homes**  
 914 N. Oolitic Drive  
 Parcel(s): 53-05-32-201-076.057-005  
 Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi
- V-13-24      **Ruby Creek Homes**  
 918 N. Oolitic Drive  
 Parcel(s): 53-05-32-201-106.058-005  
 Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi
- V-14-24      **Ruby Creek Homes**  
 922 N. Oolitic Drive  
 Parcel(s): 53-05-32-201-077.059-005  
 Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi

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**PETITIONS:**

- V-08-24      **Andrew Huck**  
 2226 East Maxwell Lane  
 Parcel: 53-08-03-100-002.000-009  
 Request: Variance from riparian buffer standards to allow construction of deck stairs and terrace for an existing single-family dwelling in the Residential Medium Lot (R2) zoning district. Case Manager: Gabriel Holbrow
- V-09-24      **Hang Tight, LLC**  
 2002 W. 3<sup>rd</sup> Street  
 Parcel(s): 53-05-31-400-011.000-005, 53-05-31-400-004.000-005  
 Request: Variance to allow disturbance within 25' of the last closed contour of a karst feature for a property in the Mixed-Use Corridor (MC) zoning district. Case Manager: Eric Greulich
- CU-11-24      **Jonathan Brandt Badger & Kaitlin King**  
 815 S. Grant Street  
 Parcel: 53-08-04-301-063.000-009, 015-49480-00  
 Request: Conditional use approval for a home occupation in the Residential Small Lot (R3) zoning district. Case Manager: Katie Gandhi

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

**\*\*Next Meeting: May 23, 2024**

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**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT**

**Location: 2226 East Maxwell Lane**

**CASE #s: V-08-24  
/ VAR2024-03-0026  
DATE: April 18, 2024**

**PETITIONER/OWNER:** Andrew Huck  
2226 East Maxwell Lane  
Bloomington, IN

**REQUEST:** Variance from riparian buffer standards to allow construction of deck stairs and terraces for an existing single-family dwelling in the Residential Medium Lot (R2) zoning district

**REPORT:** The property is located on the south side of East Maxwell Lane, east of South High Street, in the Residential Medium Lot (R2) zoning district. The property contains an existing detached single-family dwelling on approximately 0.6 acres. All surrounding properties are also in the R2 district and contain detached single-family dwellings. To the north of the houses across Maxwell Lane from the property is the shared campus of Binford Elementary School and Rogers Elementary School, which is in the Mixed-Use Institutional (MI) zoning district.

The petitioner seeks a variance from riparian buffer standards to allow rebuilding of an existing deck, installation of new deck stairs and retaining walls, construction of terraces, and other land disturbance in the riparian buffer along a stream on the property.

The stream runs from west to east across the lot, roughly 128 feet south of the edge of Maxwell Lane at its closest and 150 feet at its farthest on the lot. The stream is recognized by City of Bloomington Utilities (CBU) as a privately maintained portion of the city's stormwater infrastructure. In addition to collecting drainage from surrounding land, the stream takes drainage from two CBU-owned culverts under Maxwell Lane upstream of the property as well as from a third CBU-owned culvert under Maxwell Lane downstream of the property. Downstream, the stream flows into a CBU-owned pipe under the cul-de-sac end of South Nota Drive, then continues through a series of open-air segments and CBU-owned segments until it drains into the headwaters of Jackson Creek. Planning and Transportation Department staff is aware of complaints of occasional flooding and other drainage issues at the cul-de-sac of South Nota Drive and surrounding properties.

The riparian buffer standards in the Unified Development Ordinance (UDO) include a set a three graduated buffer zones, each 25 feet wide: streamside zone (zone 1), intermediate zone (zone 2), and fringe zone (zone 3). The streamside zone is the most restrictive of disturbance, but building construction is prohibited in all zones. Altogether, the buffer zones create a 75-foot buffer from the center of the stream where building construction is not allowed. The existing house and deck are partially in the intermediate and fringe zones to the north of the stream. However, the house was constructed in 1977, before the UDO's current riparian buffer standards were established in 2007. As such, the existing house and deck are lawful nonconforming structures and can continue indefinitely. A variance is necessary to allow construction of new elements within the riparian buffers, including a reconstructed deck, retaining walls, stairs, and two levels of terraces. The petitioner has applied for a building permit for the deck replacement along with retaining walls and stairs to the east of the deck. That permit is on hold pending the outcome of this variance petition. For the proposed terraces, there is no active permit application at this time, but the petitioner has plans to construct them sometime in the near future, and so has included the terraces in this variance petition.

The riparian buffer standards include an exception for “platted lots of record of less than one-half acre in size” so that these lots only have to comply with the streamside zone and are exempt from the intermediate zone and fringe zone. In effect, excepted lots have a 25-foot buffer instead of a 75-foot buffer. The exception does not apply to this property in part because at 0.6 acres it is more than one-half acre in size. Other existing houses on the south side of Maxwell Lane are within 75 feet of the stream, whether because their construction pre-dates the establishment of the current riparian buffer standards or because of permits issued in error or because of other circumstances, but none of the existing houses on Maxwell Lane are within 25 feet of the stream.

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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:** Relief from intermediate zone and fringe zone riparian buffers on the north side of the stream will not be injurious to the public hearing, safety, morals, and general welfare of the community. However, relief from the streamside zone riparian buffer would significantly impair the natural absorption and drainage management capacity of the stream, increase erosion, and reduce habitat and connectivity corridors for wildlife in the urban environment.

(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:** Relief from intermediate zone and fringe zone riparian buffers on the north side of the stream will not substantially affect adjacent properties. Other existing houses on the south side of Maxwell Lane are within 75 feet of the stream. However, relief from the streamside zone riparian buffer would exacerbate known drainage problems for affected properties downstream.

(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.*

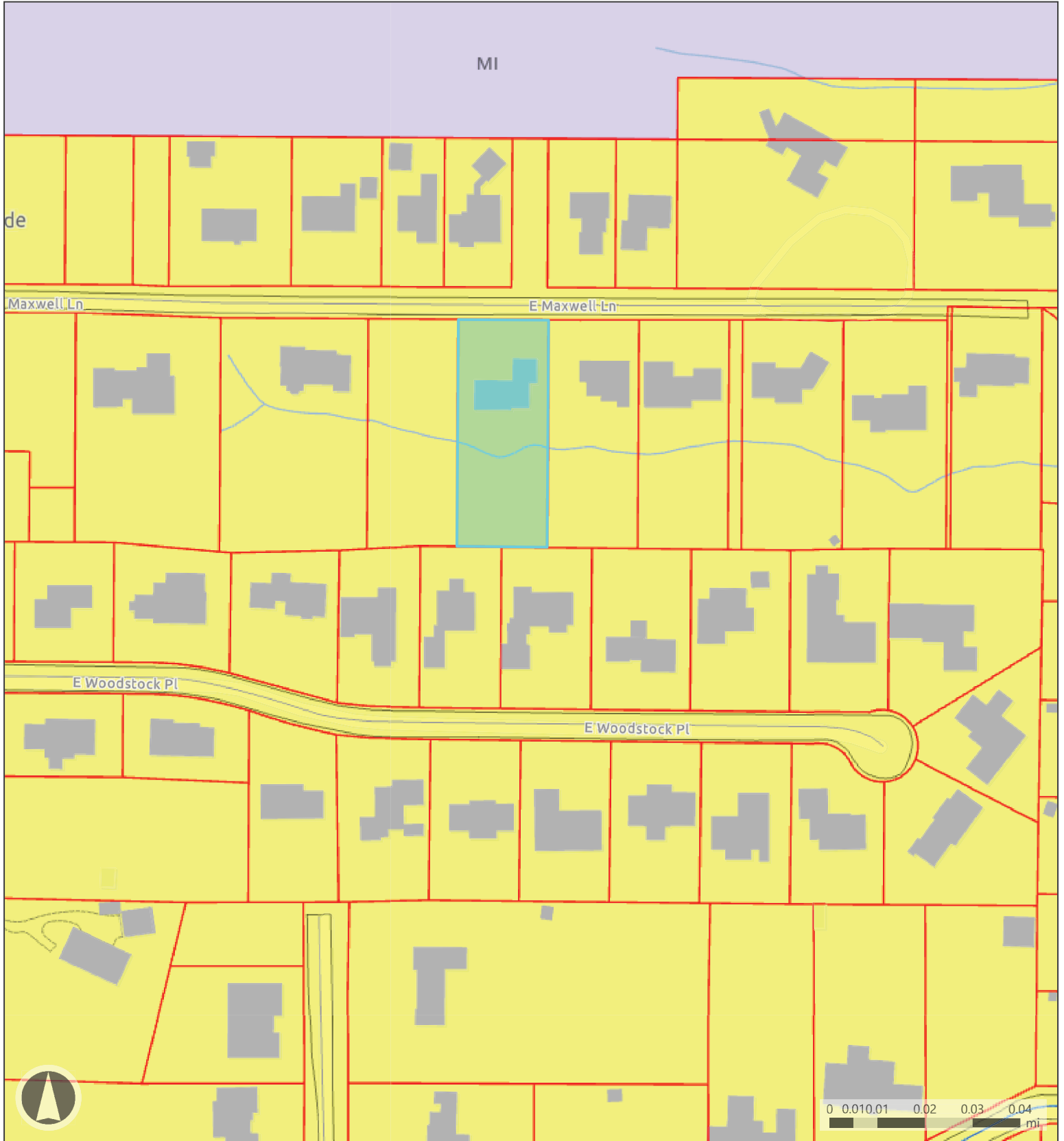
**PROPOSED FINDING:** Practical difficulty is found in the limited buildable area available on the lot outside of all riparian buffer zones, as well as in the lawful existence of the house within the intermediate and fringe zones. The location of the stream near the middle of the lot is a peculiar feature that maximizes the area encompassed by the riparian buffer zones compared to otherwise similar lots that may have a stream near a lot boundary. The existence of the house within the intermediate and fringe zones means that normal upkeep, maintenance, and improvement of the home, including adding stairs for safer egress along the east side of the house and installing retaining walls to address progressive erosion specifically at the

southeast corner of the garage, would be prohibited by strict application of the riparian buffer standards. The size and location of the existing house is similar to other houses in the immediate neighborhood. Relief from the intermediate zone and fringe zone riparian buffers on the north side of the stream is adequate to provide area for the existing house as well as upkeep, maintenance, and improvement of the property. However, no practical difficulty is found as a result of the streamside zone riparian buffer prohibiting construction of a new lower terrace, retaining walls, or steps within 25 feet of the stream. Strict application of only the streamside zone riparian buffer would provide adequate area for upkeep, maintenance, and improvement of the property and would not result in practical difficulties in the use of the property.

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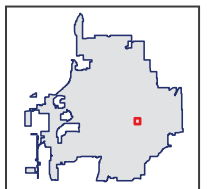
**RECOMMENDATION:** Based upon the report and written findings of fact above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings for V-08-24 / VAR2024-03-0026 and grant the requested variance with the following conditions:

1. This variance grants relief from the requirements of the intermediate zone and fringe zone riparian buffers on the north side of the stream. The property remains subject to all requirements related to the 25-foot streamside zone riparian buffer on both sides of the stream as well as the requirements of all riparian buffer zones on the south side of the stream.
2. Prior to issuance of a certificate of zoning compliance for any building construction on the property, the property owner shall record an easement in a form approved by the Planning and Transportation Department and in accordance with UDO section 20.04.030(f)(3) that covers all land on the lot within 25 feet north of the stream and within 75 feet south of the stream.



**Map Legend**

- |           |               |                          |                         |
|-----------|---------------|--------------------------|-------------------------|
| Parcels   | Drive         | <b>Street Typology</b>   | Waterlines              |
| Buildings | OtherPavement | Neighborhood Connector   | Mixed-Use Institutional |
| Pavement  |               | Neighborhood Residential | Residential Medium Lot  |

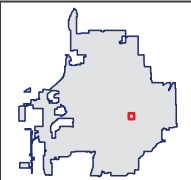






Map Legend

- Parcels
- Waterlines
- Zoning District Boundary





## Petitioner's Statement

Andrew and Michelle Huck

2226 E Maxwell Ln

Bloomington, IN 47401

Three years ago, we purchased the home 2226 E Maxwell Ln. The residence sits on 0.6 acres. A water run-off separates our property in half. I am deeply familiar with this area of our property after working tirelessly to remove invasive bamboo species planted by the previous owner. I have never witnessed standing water in this stream, even following severe rainfall. We are seeking a variance to build a deck and terrace within 75 feet from the existing stream.

The home was originally built in 1974. When the house was purchased, we understood it would require significant investment to improve its quality and safety. A wooden deck currently serves the second floor. Our home inspection performed on January 2021 by House Master stated, "Wood frame deck and joist support structure observed to have improper support spacing, material and installation methods." I have attached photos demonstrating this lack of support and safety risk. We aim to replace this structure with a safer alternative.

Our immediate goal is to replace the current deck, add in retention walls and stairs to the east of the deck. The current deck is 24 feet from the stream. Our newly proposed deck will be 2.5 feet closer to the house, thus 26 feet from the stream. A new staircase and storage closet would be erected on the east of the new deck which will be used for storage of lawn equipment. The staircase is needed to provide a safer egress along the east side of the house. We also plan to include multiple retention walls to reduce the progressive erosion at the southeast corner of our garage. Securing erosion was recommended by Kevin Potter (mechanical engineer). A sidewalk will wrap around the screen porch to connect to the upper terrace. We request two stairs to be placed at 20 feet from the stream to allow for lawnmower access to the grassy area.

Future plans will include completing an upper and lower terrace to the west of the existing deck. The current drawings are rough sketches and not final plans. A tiered terrace will reduce erosion and slow water runoff into the stream. Placing many plant beds will also reduce water entering the stream. The tiered terrace would also help provide safety for our young children by not having a large drop-off behind retaining walls. We aim to complete the terrace project in 2-3 years.

This home is our dream house. We are committed to improving the quality and safety of our home. We appreciate your consideration of our variance petition.

Andrew and Michelle Huck

Summary

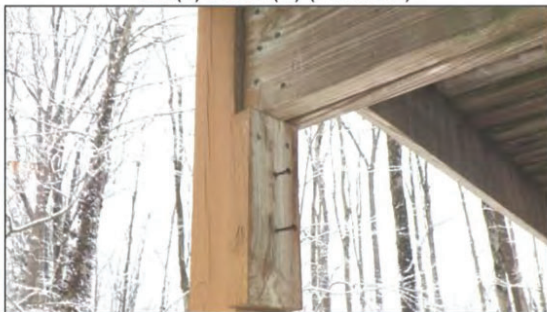
- Existing deck: 24' from stream
- Newly Proposed deck: 2.5' smaller, 26' from stream
- Retention wall, storage closet, and stairs providing deck access on east side of deck



2.6(1) DECK(S) (Picture 2)



2.6(1) DECK(S) (Picture 3)



2.6(1) DECK(S) (Picture 4)



2.6(2) DECK(S) (Picture 1)



KEVIN B. POTTER  
Structural Engineering  
P.O. Box 5563  
Bloomington, IN 47407  
Phone (812) 331-7981  
EMAIL- kevinbpotter@gmail.com

January 20, 2021

Andrew and Michelle Huck  
andrew.huck10@gmail.com

Re: 2226 East Maxwell Lane

Per your request, I recently performed a structural inspection for the residence at 2226 East Maxwell Lane, Bloomington, IN. The results of this inspection are summarized as follows:

1. The garage is 23 feet by 24 feet in area and is attached to the left front corner of the house. The garage floor is in poor condition with exposed rebar and broken concrete at the rebar locations. It appears that water penetrated the slab causing the rebar to rust and expand which in turn caused the concrete to break out. The rebar appears to have been placed too close to the top surface of the concrete floor slab.

#### RECOMMENDATIONS

- a. We recommend complete removal and replacement of the garage floor slab with a 4" minimum thickness concrete floor slab reinforced with welded wire fabric. A plastic vapor barrier should be placed under the entire floor slab. The surface of the floor should slope toward the overhead door. The existing floor drain should be removed and is not required to be replaced of the floor slopes toward the overhead door.
2. Some cracking exists in the brick masonry at the left rear corner of the garage. Elevation measurements found that minimal foundation settlement has occurred in the garage structure. Horizontal movement of the garage foundation walls may have occurred in the past due to pressure from the fill material below the floor slab.

#### RECOMMENDATIONS

- a. Repair all cracked mortar joints in the brick masonry on the garage walls by removing a  $\frac{3}{4}$ " depth of the cracked mortar and replacing with new mortar in layers until the mortar joints are full. (See attached details) Cracks that

extend through the middle of the bricks can be repaired by grinding out a groove along the crack and filling with mortar as shown on the attached repair details.

3. Elevation measurements found that a small amount of foundation settlement has occurred along the rear house wall near the southeast corner of the living room. A crack exists in the exterior brick at this location due to the foundation settlement. We also found floor squeaks near the southwest corner of the dining room which is also related to this movement. The amount of measured foundation movement did not exceed  $\frac{3}{4}$ " which is considered to be within acceptable limits.

#### RECOMMENDATIONS

- a. Repair the cracks in the exterior brick masonry as shown on the attached masonry repair details and as described above.
  - b. The floor squeaks can be repaired by removing the carpet and installing screws through the plywood subfloor and into the floor joists.
4. A fireplace exists along the east wall of the dining room. The weight of the tile materials for the hearth is placing extra weight on the floor joists below. A wall exists in the basement under the south edge of the fireplace above. However, this wall is not a load bearing wall since a gap about 1 inch in height exists between the top of the wall and the bottom of the floor joists.

#### RECOMMENDATIONS

- a. Install wood shims between the bottom of the floor joists and the top of the basement wall in line with the south edge of the fireplace above.
5. The recent home inspection report noted discoloration and staining of the roof decking material as shown on pages 17, 18, and **19** of the inspection report. It is uncertain if there are any active roof leaks. The buyer's representative stated that a roof inspection was scheduled as soon as the snow melted off of the roof. The roof rafter framing appears to be structurally sound with no visible sagging of the roof surface seen from the exterior. The roof rafter sizes appear to meet code requirements for the spans and for the weight being supported.

#### RECOMMENDATIONS

- a. Any active roof leaks should be repaired as soon as possible as well as any visible roof flashing defects which may cause leaks.
- b. The estimated roof shingle life is unknown. At the time when the shingles are removed and replaced, it is standard procedure to remove and replace

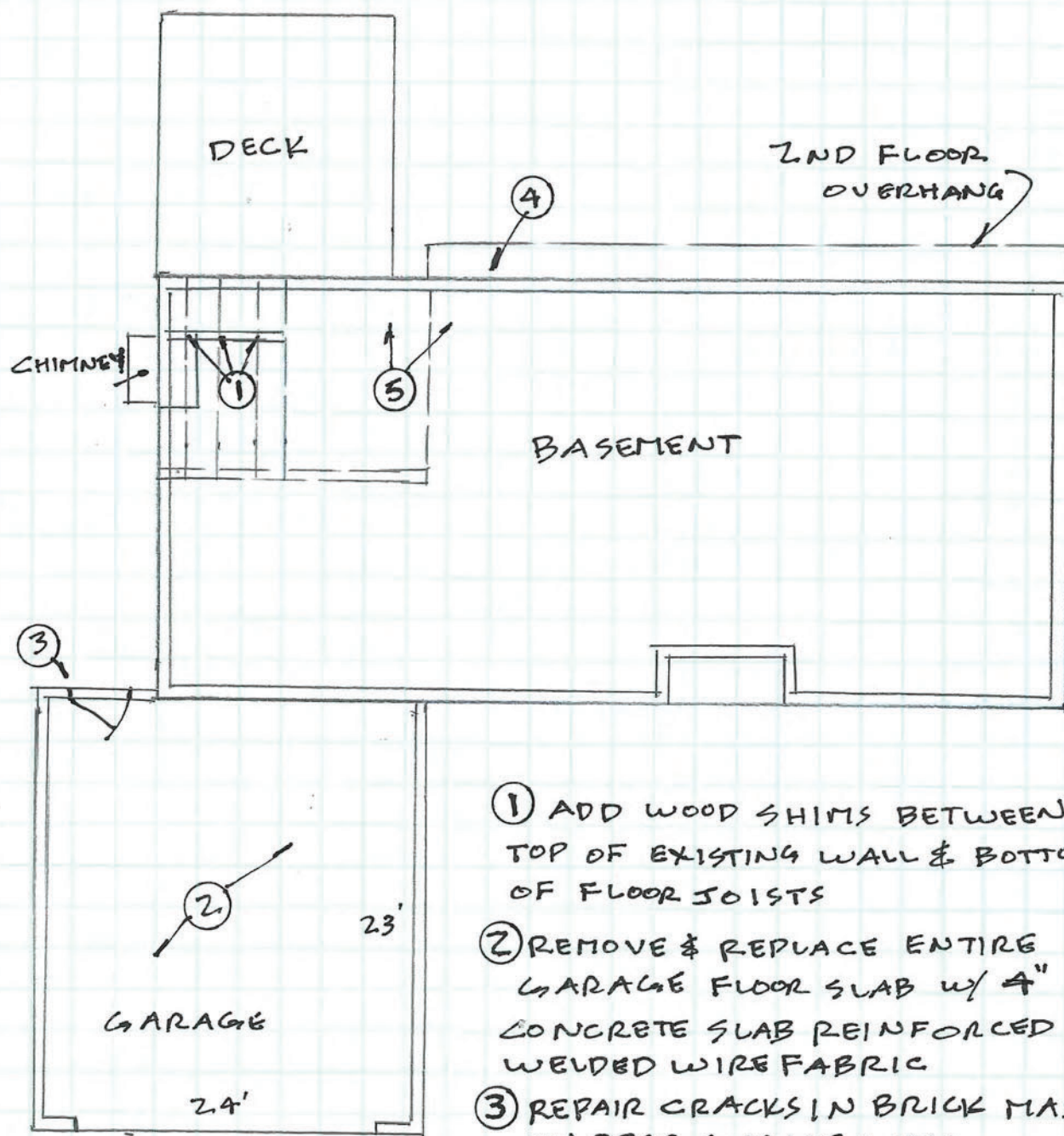


- damaged roof decking. Based on the evidence seen in the attic, a few sheets of roof decking will probably need to be removed and replaced.
- c. We do not recommend placing a second shingle layer over the existing shingles when a new shingle layer is needed. This procedure could add too much weight to the roof and would also not allow inspection and repair of the roof decking.

Please contact us if there are questions.

A handwritten signature in black ink, appearing to read "Kevin B. Potter". The signature is fluid and cursive, with a large loop at the end of the last name.

Kevin B. Potter  
Structural Engineer/ Inspector



- ① ADD WOOD SHIMS BETWEEN TOP OF EXISTING WALL & BOTTOM OF FLOOR JOISTS
- ② REMOVE & REPLACE ENTIRE GARAGE FLOOR SLAB W/ 4" CONCRETE SLAB REINFORCED W/ WELDED WIRE FABRIC
- ③ REPAIR CRACKS IN BRICK MASONRY ON REAR GARAGE WALL
- ④ REPAIR BRICK CRACKS ON REAR HOUSE WALL
- ⑤ REMOVE CARPET & SCREW DOWN SUBFLOOR TO FLOOR JOISTS AS NEEDED TO ELIMINATE SQUEAKS

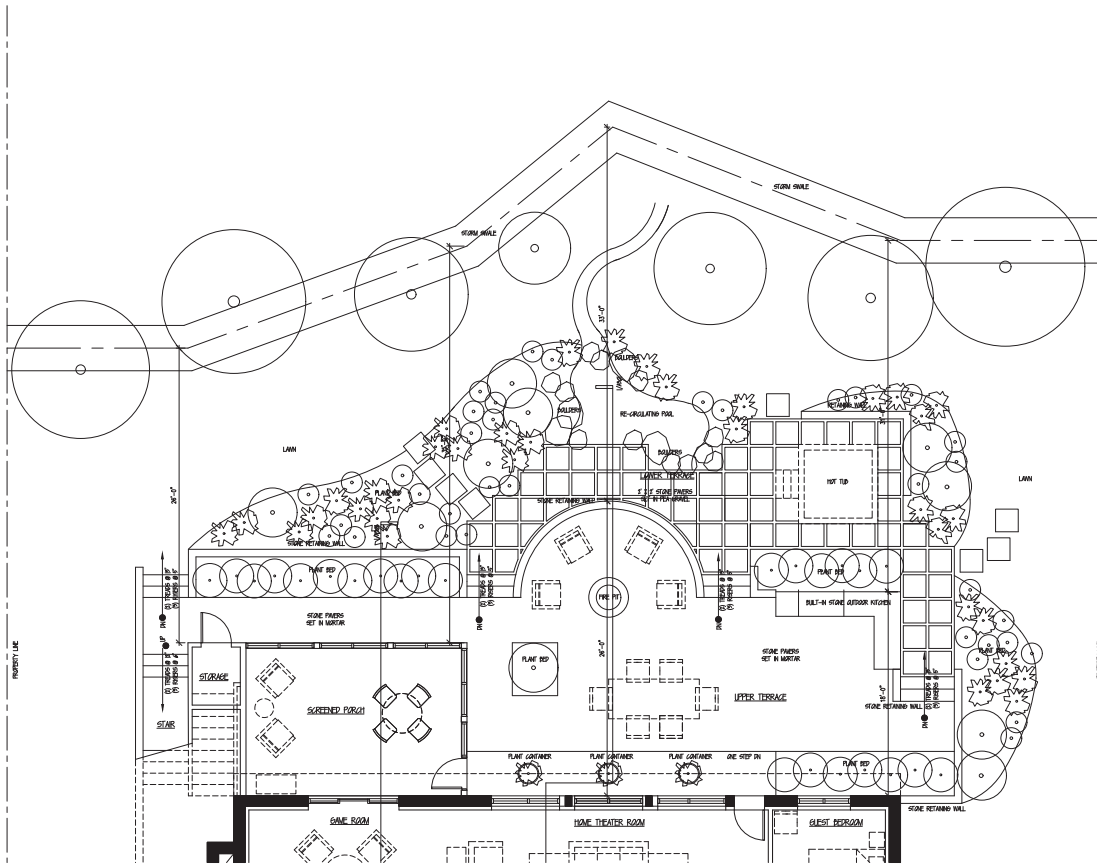
2226 E. MAXWELL LANE  
BLOOMINGTON, IN 47401











1 LOWER LEVEL SITE PLAN  
SCALE: 1/4" = 1'-0"



CERTIFIED

MATHEU ARCHITECTS, P.C.

205 N. College Ave.  
Bloomington, IN 47405  
Tel: 812.339.1238  
Fax: 812.339.1238

These drawings are preliminary and not for construction. They are provided for informational purposes only and are subject to change without notice. The client is responsible for obtaining all necessary permits and approvals. The architect is not responsible for any errors or omissions in these drawings or for any consequences arising therefrom.

HUCK HOUSE RENOVATION  
2226 EAST MAXWELL LANE  
BLOOMINGTON - INDIANA

ARCHITECTS PROJECT NO.: 2210

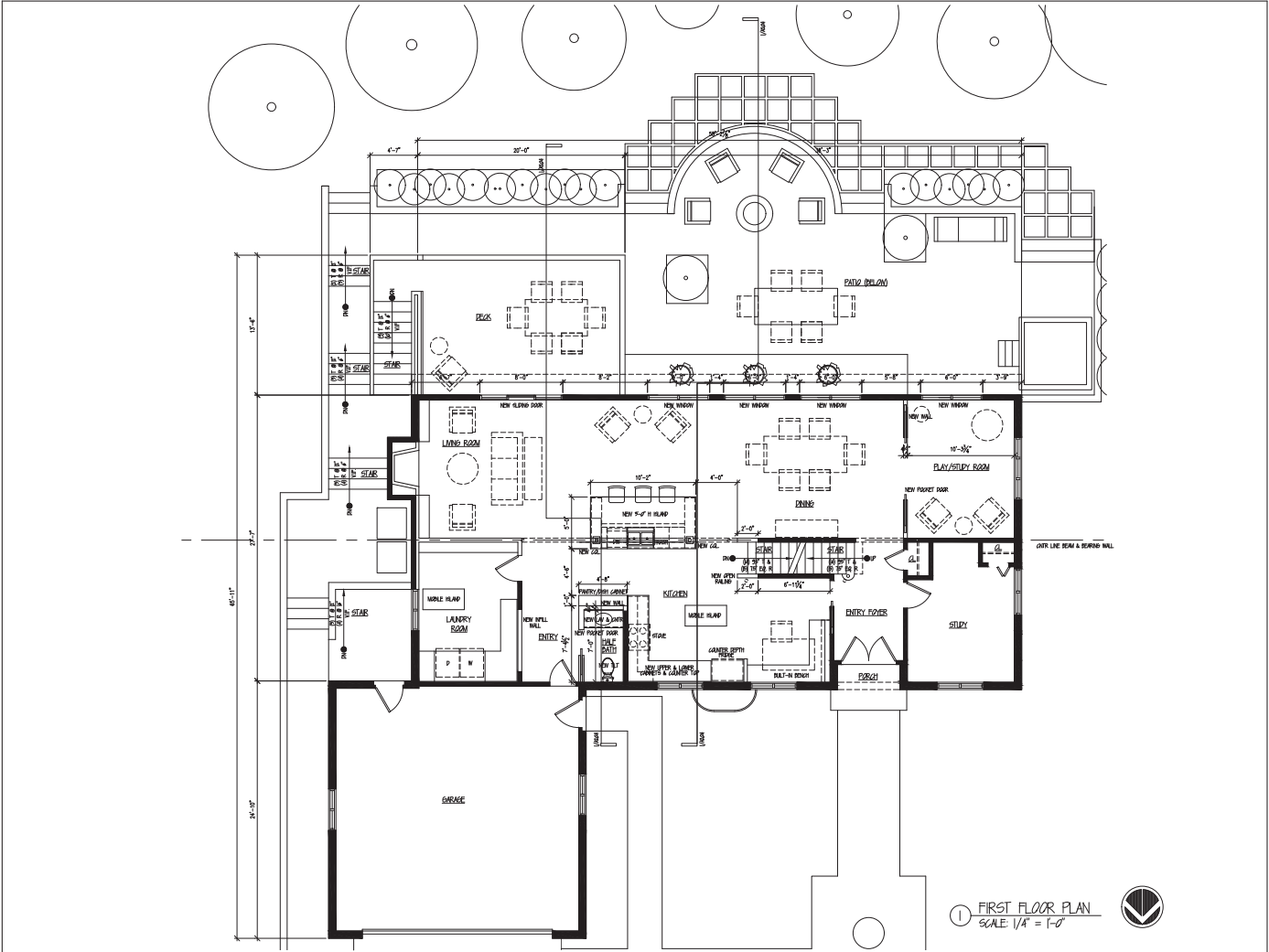
DATE: MARCH 5, 2024

DESIGN DEVELOPMENT

LOWER LEVEL SITE

SHEET NO.

C100



CERTIFIED

**MATHEU ARCHITECTS, P.C.**

205 N. College Ave.  
Bloomington, IN 47405  
Tel: 812.339.1238  
Fax: 812.339.1238

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**HUCK HOUSE RENOVATION**  
2226 EAST MAXWELL LANE  
BLOOMINGTON - INDIANA

ARCHITECTS PROJECT NO.: 2210  
DATE: APRIL 5, 2023

SCHEMATIC DESIGN  
FIRST FLOOR PLAN

SHEET NO. **A101**



**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT  
Location: 2002 W. 3<sup>rd</sup> Street**

**CASE #: V-09-24  
VAR-2024-03-0027  
DATE: April 18, 2024**

**PETITIONER:** Hang Tight, LLC (Aaron Steele)  
714 Leatherwood, Bedford, IN

**CONSULTANTS:** AL Engineering (Alex Rosenberg)  
13000 Middletown Industrial Blvd, Louisville, KY

**REQUEST:** Variance from karst preservation standards to allow disturbance within 25' of the last closed contour of a karst feature for a property in the Mixed-Use Corridor (MC) zoning district.

**REPORT:** This 1.28 acre property is located at 2002 W. 3<sup>rd</sup> Street and is zoned Mixed-Use Corridor (MC). Surrounding land uses include Valhalla Memory Gardens to the north, residential and commercial buildings to the west, a restaurant (Culver's) to the east, and retail (Advance Auto Parts) to the south. This property was formerly used by Master Rental, but all of the buildings associated with that use have been removed.

There is a karst feature located on the property to the south of this site adjacent to the Advance Auto Parts store. The karst feature is located in the southwest corner of the adjacent property. Based on historic contour mapping, the area shown to be within the last closed contours of the karst feature was very large and extended east across Cory Lane and north of 3<sup>rd</sup> Street and encompassed this petition site. A variance (V-55-04) was approved in 2004 to allow disturbance within the karst feature to allow for the adjacent property to be subdivided and developed. A copy of that variance and case file have been included in the packet. As part of that variance request, an extensive geologic survey and analysis was done of the overall area and karst feature to determine an appropriate buffer and extent of the karst feature. As a result of that study, the Board of Zoning Appeals determined that the 838' contour line would be the contour line prohibiting any disturbance. Limited grading was allowed between the 838' contour and the 841' contour. No restrictions were placed on any portion of the site above the 841' contour. During that process the City was also in the initial stages of designing improvements to the W. 3<sup>rd</sup> Street corridor and was planning on installing a stormwater detention feature within a portion of the karst feature to manage stormwater drainage from 3<sup>rd</sup> Street.

Since portions of this petition site lie within the area shown to be within the last closed contour of the karst feature, a variance must be granted to allow disturbance on this property. Existing elevations on this site range from 850' to 862'.

The petitioner is requesting a variance from the karst preservation standards to allow disturbance within 25' of the last closed contour of the karst feature. The proposed variance would allow for the property to be redeveloped in entirety without restrictions related to the adjacent karst feature.

**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. The previous geologic study analyzed the actual extent of the karst feature and sensitive areas surrounding it. The area identified from that study does not extend on this property and is separated from that karst feature by 3<sup>rd</sup> Street. This site will be required to provide storm water detention and water quality improvements before storm water leaves the site. In addition, storm water leaving the site will go through another detention and water quality feature before discharging near the sinkhole.

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

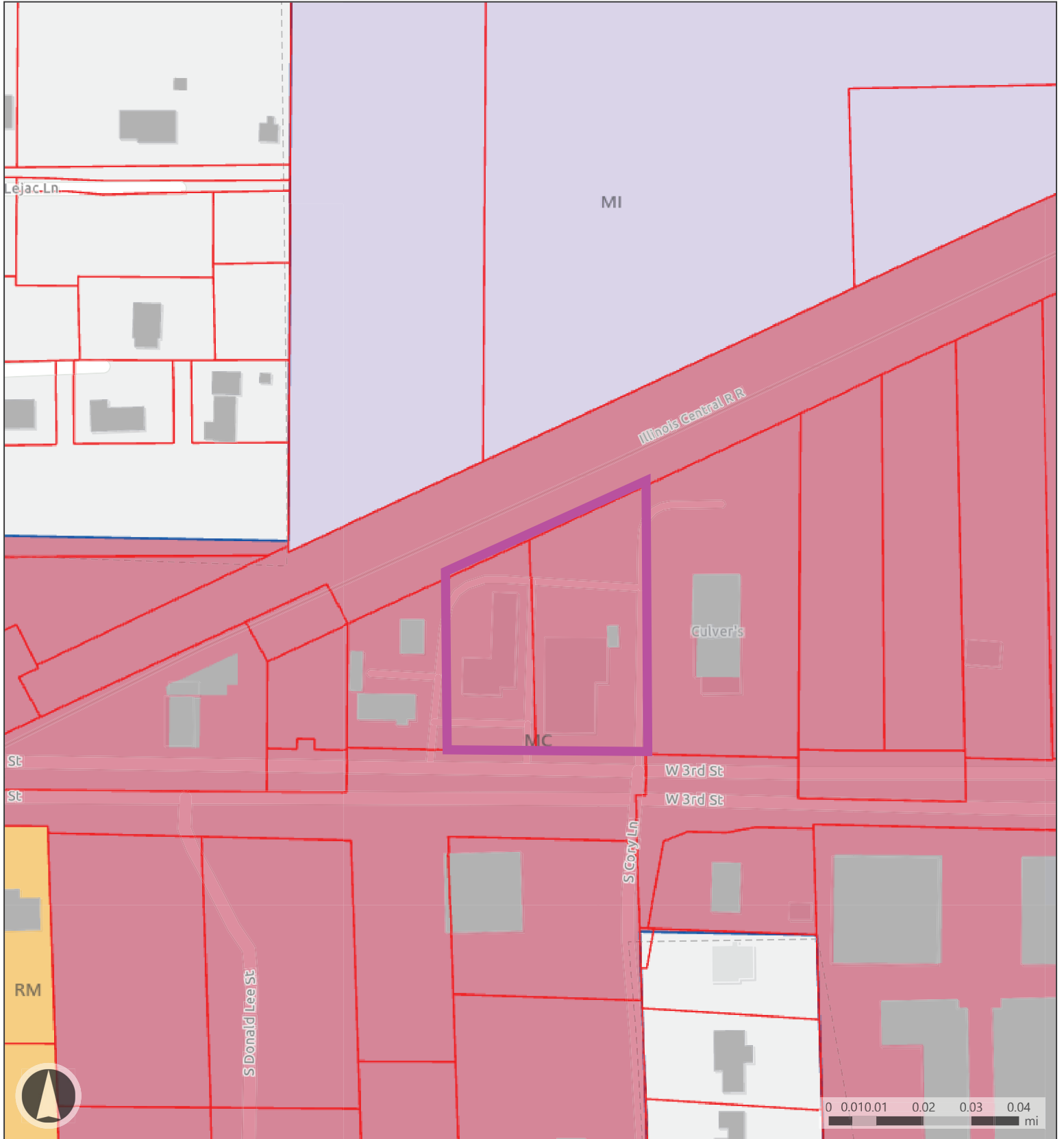
**PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. As mentioned, the portions of the karst feature that are most sensitive to protection are found on the adjacent property to the south of 3<sup>rd</sup> Street and this site was not found to be in the area needed for protection.

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

**PROPOSED FINDING:** The Department does find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as a detailed geologic survey found that the true extent of the karst feature needed for protection does not extend to the last closed contour as historically shown and would restrict development on this property in an area not found to be needed for protection. There has been substantial development within the area shown within the last closed contour including several residential and commercial buildings and including W. 3<sup>rd</sup> Street without any indications of negative impact. The practical difficulties are peculiar to the property in question due to the large size of the karst feature, as measured by the last closed contour and presence of this site well above the area previously defined as the extent of the karst feature through the detailed geological report.

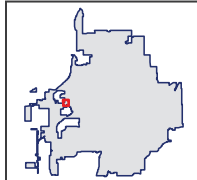
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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-09-24.

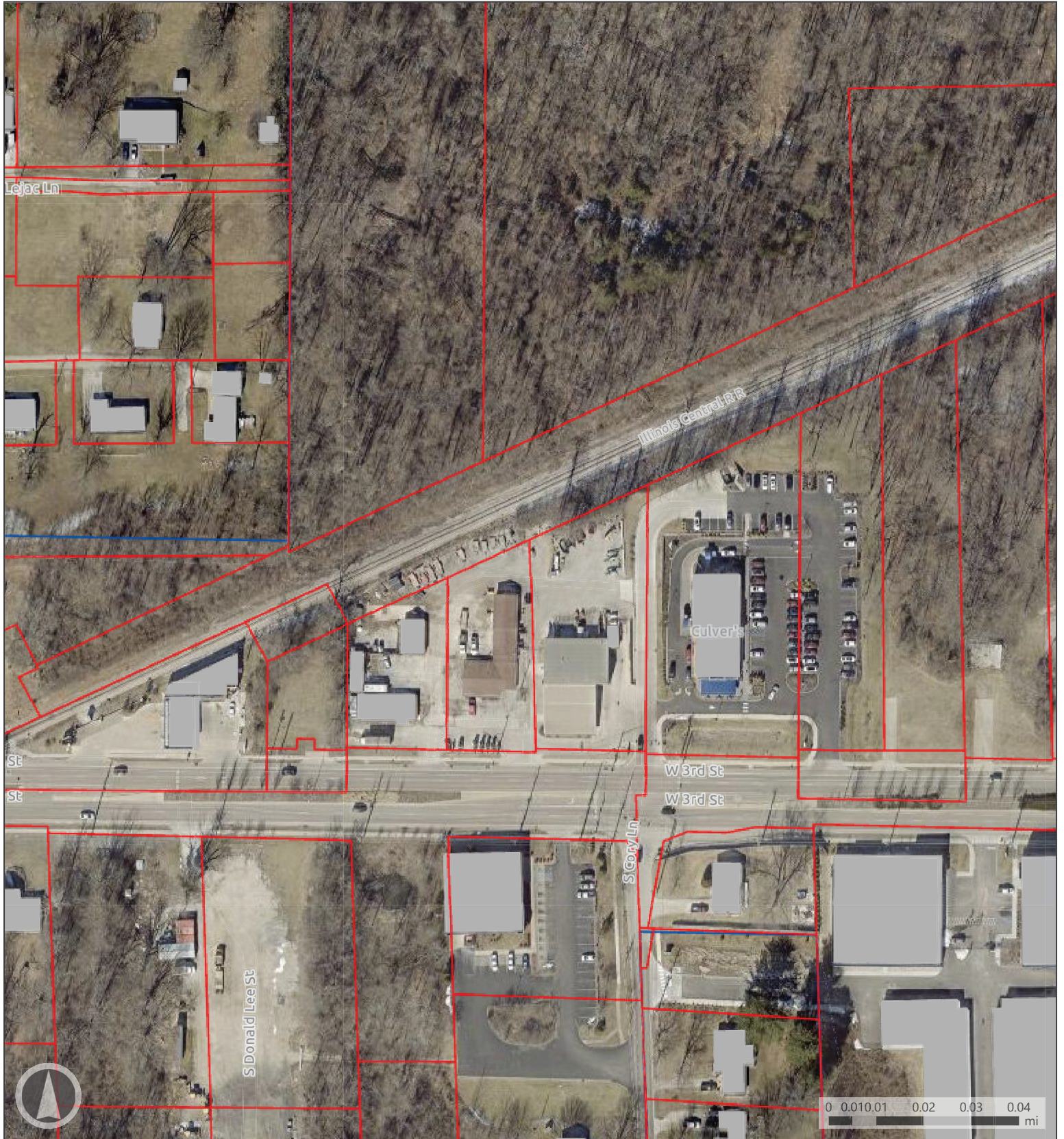


**Map Legend**

- Parcels
- Bloomington Municipal Boundary
- Buildings
- Mixed-Use Institutional
- Mixed-Use Corridor
- Residential Multifamily

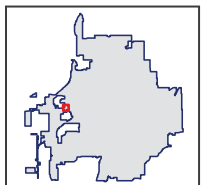




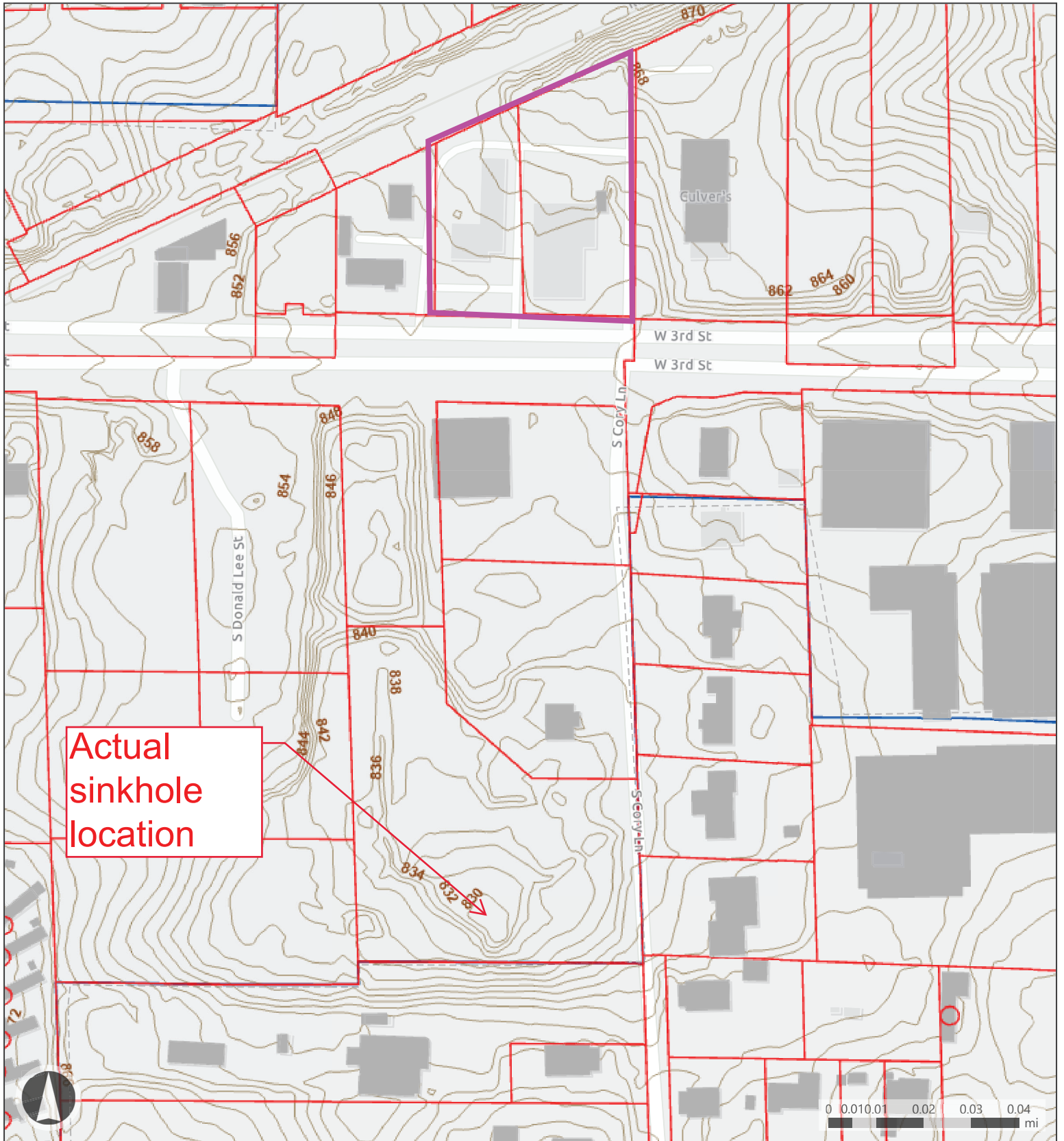


**Map Legend**

- Parcels
- Buildings
- Bloomington Municipal Boundary

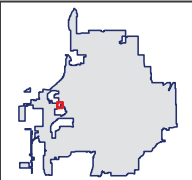


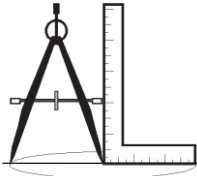




Map Legend

- Parcels
- Buildings
- Contours 2021
- Bloomington Municipal Boundary





ENGINEERING

*AL Engineering, Inc.*  
13000 Middletown Industrial Blvd.  
Suite A  
Louisville, Kentucky 40223  
(502) 254-2245

March 18, 2024

Eric Greulich, Senior Zoning Planner  
City of Bloomington Planning and Transportation Department  
401 N Morton Street, Suite 130  
Bloomington Indiana, 47404

RE: Karst Geology Variance Petition  
2002 W 3rd Street

Dear Eric,

On behalf of my clients, Hang Tight, LLC, in accordance with UDO Section 20.06.040(c) Petition Submittal and Processing we hereby submit a Variance Request from Section 20.04.030(g) Karst Geology requirements.

Attached please find a copy of the Site Plan for the proposed development as well as the required application and supporting documents.

Your consideration in this matter is greatly appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Alex Rosenberg". The signature is written in a cursive, flowing style. Below the signature, the name "Alex Rosenberg, P.E." is printed in a standard black font.

Alex Rosenberg, P.E.

VARIANCE PETITION  
JUSTIFICATION STATEMENTS

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

This approval will not be injurious to the public health, safety, morals, or welfare of the community. Previous studies have shown that development can occur inside the last closed contour of 854 provided the site elevation is above the 24 hour 100 year flood elevation of 841. The lowest elevation of the site is 848. The proposed finished floor elevation is 854.25 well above the flood elevations and just above the last closed contour.

*B. 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.*

This site was previously developed with multiple buildings and multiple access points, did not provide detention for a nearly 100% impervious lot nor were any water quality measures in place. The redevelopment of this site will not negatively impact the adjacent area. The redevelopment of this property will actually improve the area adjacent to the property because this development will provide stormwater detention and treatment to reduce flows and pollutants to the public drainage system.

*C. The strict application of the terms of the zoning 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 variance will relieve practical difficulties.*

The strict application of the terms of the zoning ordinance will result in practical difficulties that are peculiar to the site because last closed contour elevation of 854 encompasses approximately 70 % of the property. The strict code application of this ordinance will limit the buildable area to 0.51 acres. Based on grades and slopes of the property these regulations render the property impossible to develop.

Figure 1. Karst Geology Map

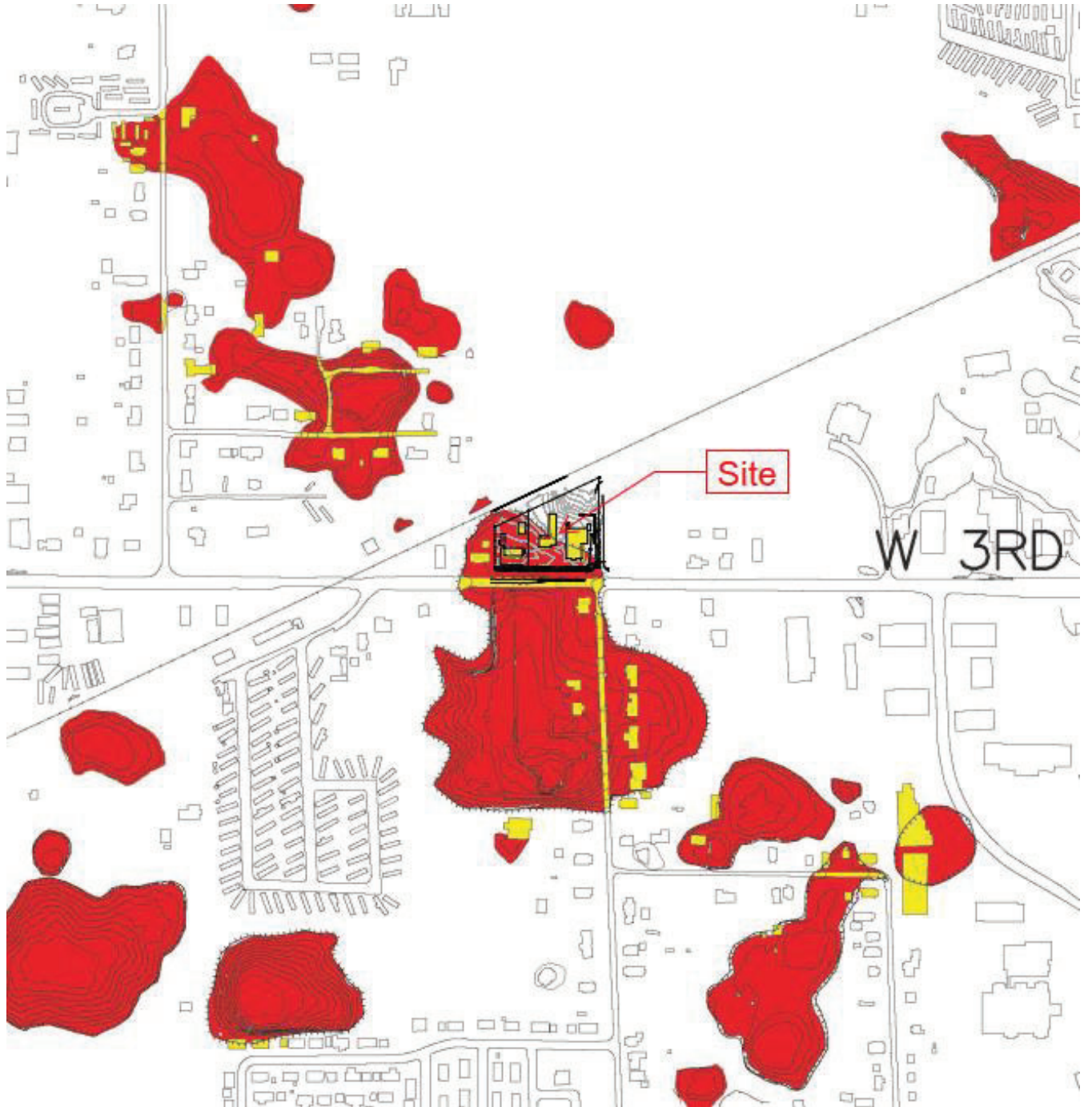




Figure 2. Last Closed Contour Map

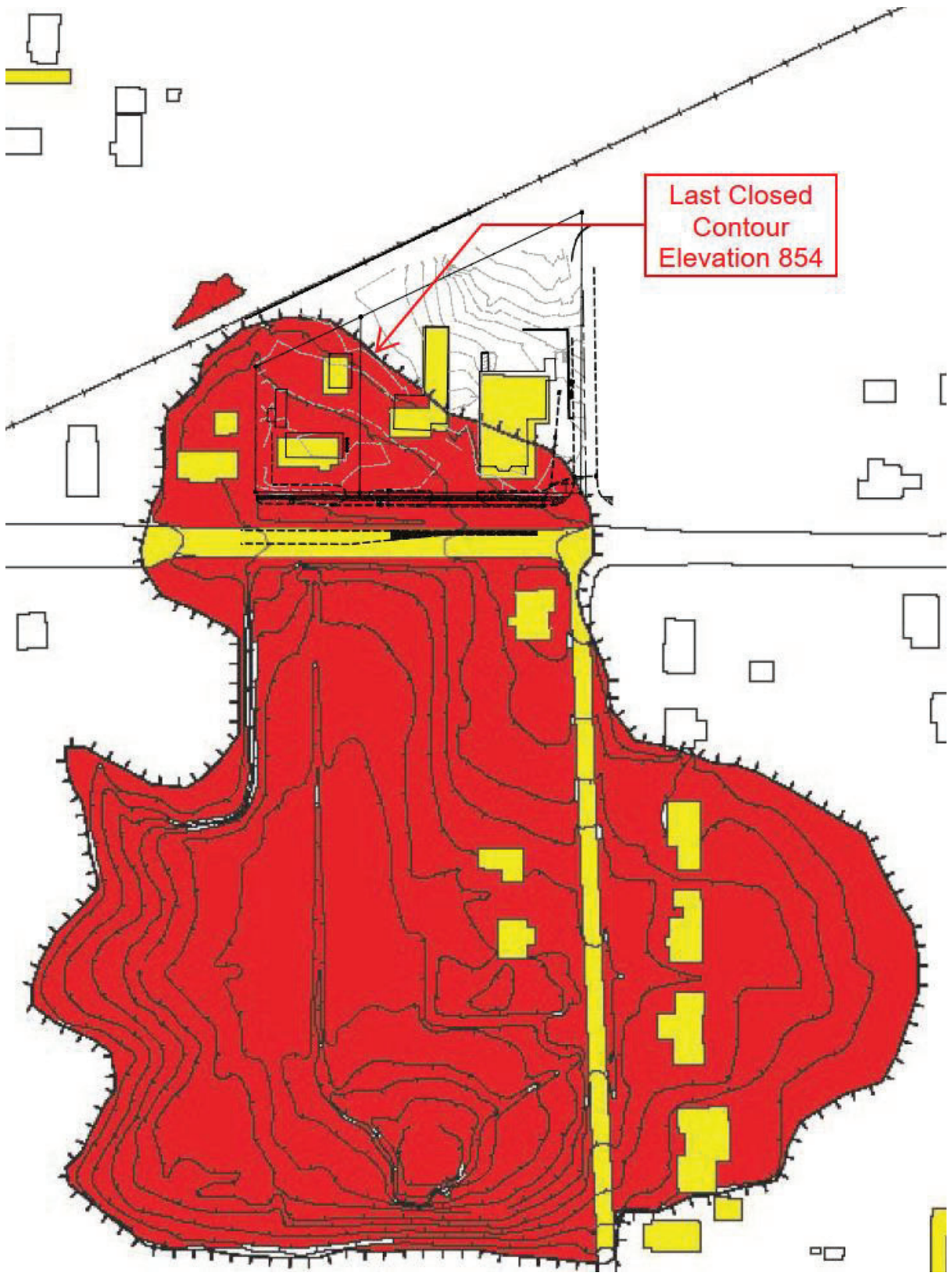


Figure 3. Proposed Grading Map



**UTILITY NOTE**

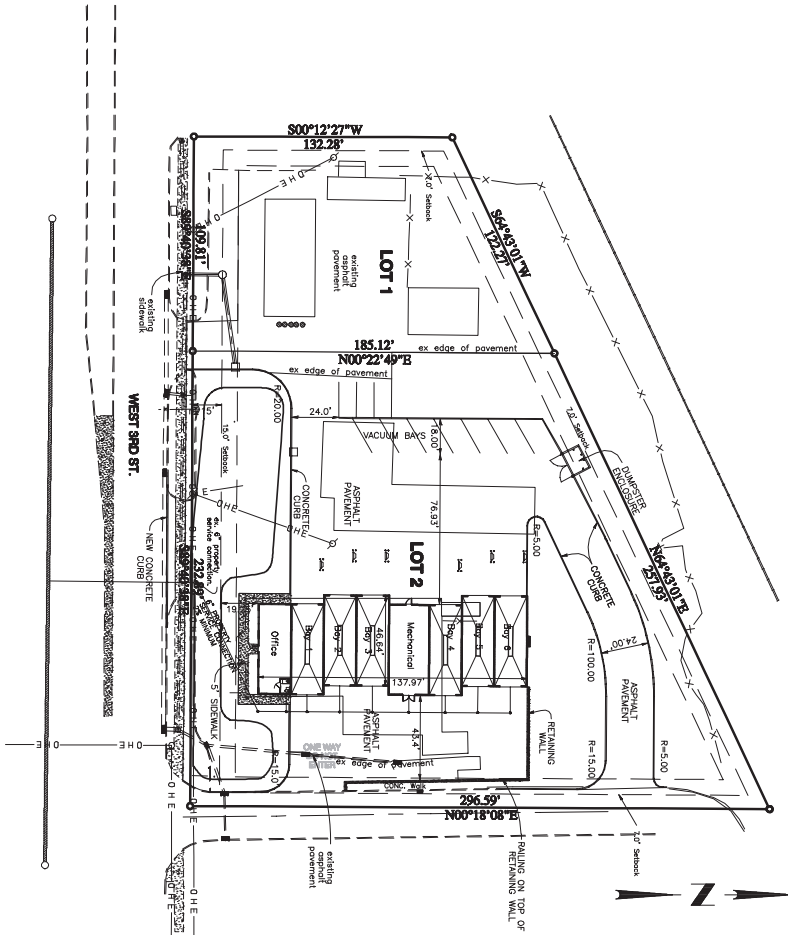
THE UTILITIES ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER IN ADVANCE OF ANY CONSTRUCTION ON THE PROJECT. THIS NOTICE SHALL BE GIVEN IN WRITING TO THE UTILITY PROTECTION CENTER AT LEAST 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT. TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES (UTILITY MAN HOLE CALL CENTER PLEASE STATE THE NATURE OF THE WORK TO BE DONE, THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES BY EXCAVATING AT THE LOCATION OF THE UTILITY MAN HOLE SET FORTH ON THE PLANS AND IN THE TECHNICAL SPECIFICATIONS & SPECIAL PROVISIONS.

**UTILITY NOTES**

1. SUBJECT PROPERTY IS LOCATED WITHIN THE CITY OF BLOOMINGTON.
2. THE EXISTING UTILITIES SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES BY EXCAVATING AT THE LOCATION OF THE UTILITY MAN HOLE SET FORTH ON THE PLANS AND IN THE TECHNICAL SPECIFICATIONS & SPECIAL PROVISIONS.
3. GAS & ELECTRIC SERVICE TO BE COORDINATED WITH UTILITY CO.
4. WATER SERVICE TO BE COORDINATED WITH UTILITY CO.
5. SANITARY SEWER SERVICE BY EXISTING SEWER CONNECTION. CONTRACTOR TO VERIFY WITH UTILITY CO. CAPACITY TESTS MAY APPLY.

**DEVELOPMENT NOTES**

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL FEDERAL, STATE AND LOCAL PERMITS AND APPROVALS NECESSARY TO PERFORM AND COMPLETE THE PROJECT AS SHOWN ON THESE PLANS.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL CONSTRUCTION OF EXISTING UTILITIES WITH THE UTILITY COMPANIES AND TO OBTAIN THE PROJECT'S SCHEDULE. THE HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES SHOWN ON THESE PLANS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND TO COORDINATE ALL CONNECTIONS WITH UTILITY COMPANIES.
3. THE CONTRACTOR SHALL PATCH AND REPAIR ANY DAMAGE TO EXISTING UTILITIES CAUSED BY THE CONSTRUCTION OF THIS PROJECT.
4. WHERE REMEDIATION OR LAND DISTURBING ACTIVITY HAS OCCURRED ON ANY PORTION OF THE SITE, TEMPORARY SITE STABILIZATION MEASURES (SEED AND STRAW MULCH, EROSION CONTROL MATS, ETC.) SHALL BE INSTALLED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. THE CONTRACTOR SHALL MAINTAIN THE EXISTING FLOODPLAIN SYSTEM AND PROVIDE TRAFFIC CONTROL MEASURES AS NEEDED TO DENYIFY CLOSED ENTRANCE/ACCESS POINTS.

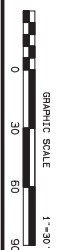
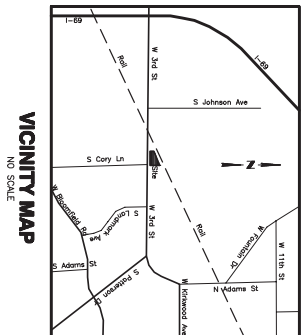


**Site Development Data**

Location:	2008 N. 280 ST., BLOOMINGTON, IN 47408
Legal Description:	0.75 ACRES ±, 2008 N. 280 ST., 31'-9"-1W, 207' N. PLAT 12
Acres:	0.75
Zone:	U-1
Existing Use:	Asphalt Paved
Proposed Use:	Car Wash
Ex. Building Area:	2,880 S.F.
Proposed Building Area:	6,440 S.F.

**Impervious Areas**

Total Site Area:	56,068 S.F.
Existing Impervious Areas:	56,068 S.F.
Proposed Impervious Areas:	0 S.F.
Total Impervious Areas:	56,068 S.F.
Area of Disturbance:	55,128 S.F.



*Handwritten signature and professional seal of the engineer.*

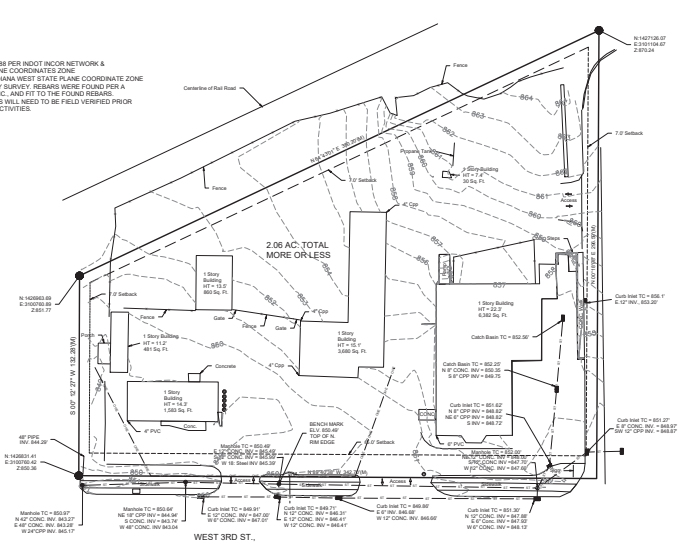


# Steele Topographic Survey

## Sec. 31 & T-9-N, R-1-W.

### Monroe County, Indiana.

**GENERAL NOTES:**  
 - VERTICAL DATUM: NAVD 83 PER INDOT IN30R NETWORK & INDIANA WEST STATE PLANE COORDINATES ZONE  
 - HORIZONTAL DATUM: INDIANA WEST STATE PLANE COORDINATE ZONE  
 - THIS IS NOT A BOUNDARY SURVEY. FEASIBILITIES WERE FOUND PER A PRIOR SURVEY BY SRS, INC. AND FIT TO THE FOUND FEASIBILITIES.  
 - UNDERGROUND UTILITIES WILL NEED TO BE FIELD VERIFIED PRIOR TO ANY CONSTRUCTION ACTIVITIES.



- LEGEND**
- ▲ Section Corner Found (Type as noted)
  - SIF Marker With Cap (Stamped FL382050020 Sat)
  - Station Found
  - Mag nail Set
  - Mag/PR Nail found
  - Railroad Spike found
  - Railroad Spike Set
  - Iron Pipe found
  - Wood Corner Post Found
  - (R) Reused Corner Dimension
  - R/W Right of Way
  - Ferrous
  - Marked
  - Iron
  - Aluminum
  - Concrete

**LAND SURVEYORS CERTIFICATION:**  
 This survey was performed wholly under the direction of Travis A. Norman, a Registered Land Surveyor, and to the best of my knowledge and belief was executed according to the survey requirements stated in 865 Indiana Administrative Code 1-12-1 Minimum Standards for Consent Practice of Land Surveying.

1/16/2023  
 TRAVIS A. NORMAN, PLS    LS#20500020    DATE



**TNG**  
 TRAVIS NORMAN GROUP  
 LAND SURVEYORS

1535 G STREET - BEDFORD, IN - 47421  
 815 S BADE ROAD - BROWNSTOWN, IN - 47220  
 Date: 05/13/23    Drawn by: JSH    Scale: 1" = 30'  
 Plot: 2 of 23-204    Created by: JSH    Sheet 1 of 1

SHEET 2 OF 10

**AL ENGINEERING INC.**  
 CIVIL ENGINEERING & LAND DEVELOPMENT SERVICES  
 1000 N. WASHINGTON ST. SUITE 200  
 BEDFORD, IN 47421  
 (317) 251-1111

**EMORY TRAVIS LLC**  
 REAL ESTATE & LAND DEVELOPMENT SERVICES  
 1000 N. WASHINGTON ST. SUITE 200  
 BEDFORD, IN 47421  
 (317) 251-1111

**CHRISTY CASH**  
 LAND SURVEYOR  
 1000 N. WASHINGTON ST. SUITE 200  
 BEDFORD, IN 47421  
 (317) 251-1111



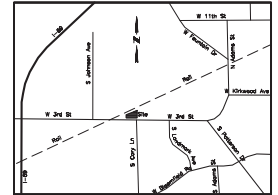
**UTILITY NOTE**

ALL UTILITIES ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER INDIANA 811 (TOLL FREE PHONE NO. 1-800-367-5044), FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY CONSTRUCTION OR DEMOLITION WORK. THE NUMBER WILL BE DISPLAYED TO PROVIDE ACCURATE LOCATIONS OF EXISTING BELOW GROUND UTILITIES (CABLES, ELECTRIC WIRES, GAS & WATER LINES). WHEN CONTACTING THE INDIANA 811 CALL CENTER PLEASE STATE THE NATURE OF THE WORK TO BE DONE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR BECOMING FAMILIAR WITH ALL UTILITY REQUIREMENTS SET FORTH ON THE PLANS AND IN THE TECHNICAL SPECIFICATIONS & SPECIAL PROVISIONS.

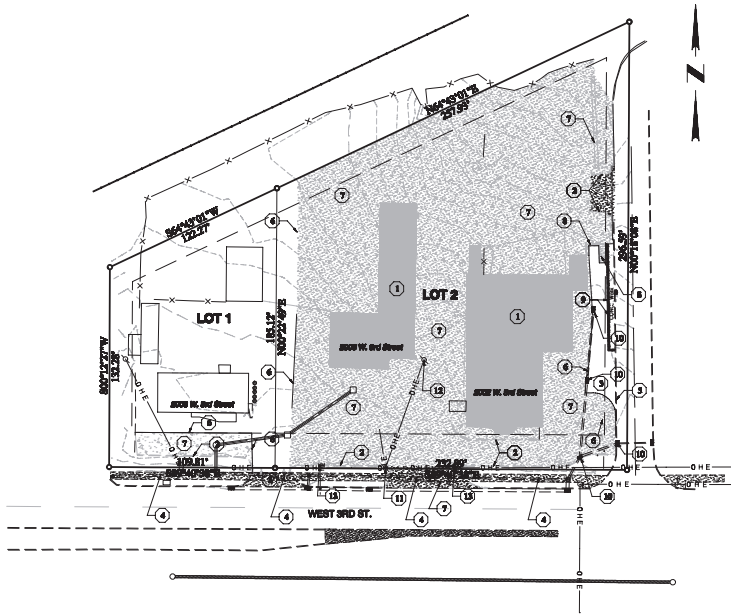


**LEGEND**

- Transformer Pad
- Fire Hydrant
- Property Line
- Underground Electric
- Existing Water Line
- 2" Domestic Water
- 4" Fire Service
- Existing Gas Line
- Existing Gas Line
- Existing Sewering
- Sanitary Sewer PSC with cleanout



**VICINITY MAP**  
NO SCALE

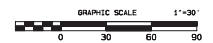


**DEMO KEY NOTES**

1. REMOVE EXISTING BUILDING COMPLETE, INCLUDING FLOOR SLAB AND FOUNDATIONS.
2. REMOVE EXISTING CONCRETE CURB.
3. EXISTING CONCRETE TO REMAIN, PROTECT AS NECESSARY.
4. EXISTING SIDEWALK TO REMAIN, PROTECT AS NECESSARY.
5. EXISTING CURB TO REMAIN, PROTECT AS NECESSARY.
6. CUT EXISTING PAVEMENT WITH A NEAT, STRAIGHT, SAW-CUT LINE.
7. EXISTING PAVEMENT AND SUBGRADE TO BE REMOVED, BACKFILL WITH TOPSOIL AND SEED AND STRIKE TO SUBGRADE.
8. EXISTING STAIRS & RETAINING WALL TO BE REMOVED.
9. EXISTING RETAINING WALL TO REMAIN, PROTECT AS NECESSARY.
10. EXISTING STORM INLETS TO REMAIN, PROTECT AS NECESSARY. PROVIDE ERFC INLET PROTECTION.
11. EXISTING POWER POLE TO BE REMOVED, COORDINATE WITH UTILITY FOR SERVICE DISCONNECT.
12. EXISTING UTILITY VALVES, METERS ETC. TO BE PROTECTED, COORDINATE WITH UTILITY CO.

**DEMOLITION NOTES**

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL FEDERAL, STATE AND LOCAL PERMITS NECESSARY TO PERFORM AND COMPLETE THE PROJECT AS SHOWN ON THESE PLANS.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL CONSTRUCTION ACTIVITIES WITH THE UTILITY COMPANIES SHOWN THAT ACCESS TO WORK AREAS OR SCHEDULE CONFLICTS DO NOT INTERRUPT OR DELAY THE PROJECT'S SCHEDULE.
3. THE HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES SHOWN ARE APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND VERIFY ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND TO COORDINATE ALL CONNECTIONS WITH UTILITY COMPANIES.
4. THE SITE DEMOLITION DRAWING IS INTENDED TO GENERALLY SHOW THE DEMOLITION NECESSARY TO COMPLETE THE PROPOSED WORK. THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS, VISIT AND OBSERVE THE SITE PRIOR TO BEGINNING HIS BID AND SHALL INCLUDE ALL WORK NECESSARY TO ACCORD ON THE PROPOSED WORK, WHETHER SHOWN OR NOT ON THIS DEMOLITION PLAN.
5. THE CONTRACTOR SHALL PATCH AND REPAIR ANY DAMAGE TO EXISTING PROPERTY CAUSED BY DEMOLITION AND/OR CONSTRUCTION ACTIVITIES.
6. METEORIC CORPUSCLES AND OTHER MATERIAL AND DEBRIS SHALL BE INCORPORATED TO ACCEPT AT LANDFILL OR DISPOSAL SITE. DESIGNED TO ACCEPT SUCH MATERIALS OR DEBRIS IN 40 CUBIC YARD TYPICAL VOLUMES BE LEFT IN BUNDLES OR PILES ON OR ADJACENT TO THE SITE. THE CONTRACTOR SHALL BE REQUIRED TO PAY ALL FEES FOR DISPOSAL OF MATERIALS AND DEBRIS.
7. WHERE DEMOLITION OR LAND DISTURBING ACTIVITY HAS CEASED ON ANY PORTION OF THE SITE, TEMPORARY STABILIZATION MEASURES (SEEDS AND SOILS) SHALL BE REQUIRED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
8. PROVIDE TRAFFIC CONTROL MEASURES AS NEEDED TO IDENTIFY CLOSED ENTRANCES/ACCESS POINTS.
9. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL UTILITY DISCONNECTS WITH LOCAL UTILITY COMPANIES PRIOR TO DEMOLITION.



**AL ENGINEERING INC.**  
Civil Engineering & Land Development Services  
1000 N. Meridian St., Suite 100  
Indianapolis, IN 46202  
Phone: 317.633.1111  
Fax: 317.633.1112

**Robert Frank, P.E., C.E.**  
Professional Engineer  
Professional Engineer No. 12123  
Professional Engineer No. 12123

**CHRISTY CASH**  
Civil Engineer  
Professional Engineer No. 12123

**DEMOLITION PLAN**

**Sheet 1 of 10**

**UTILITY NOTE**

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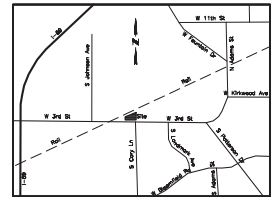


**UTILITY NOTES**

1. SUBJECT PROPERTY IS LOCATED WITHIN THE CITY OF BLOOMINGTON.
2. THE EXISTING UTILITIES SHOWN ARE APPROXIMATE. THE CONTRACTOR SHALL CONTACT THE UTILITY PROTECTION CENTER INDIANA 811 (TOLL FREE) 1-800-367-5544, 48 HOURS IN ADVANCE OF ANY CONSTRUCTION ON THIS PROJECT.
3. GAS & ELECTRIC SERVICE TO BE COORDINATED WITH UTILITY CO.
4. WATER SERVICE TO BE COORDINATED WITH UTILITY CO.
5. SHOWER DRAIN SERVICE BY EXISTING DRAIN CONNECTION; CONTRACTOR TO VERIFY WITH UTILITY CO. CAPACITY FEES MAY APPLY.

**DEVELOPMENT NOTES**

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN ALL FEDERAL, STATE AND LOCAL PERMITS NECESSARY TO PERFORM AND COMPLETE THE PROJECT AS SHOWN ON THESE PLANS.
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL CONSTRUCTION ACTIVITIES WITH THE UTILITY COMPANIES SUCH THAT ACCESS TO WORK AREAS OR SCHEDULE CONFLICTS DO NOT INTERRUPT OR DELAY THE PROJECT'S SCHEDULE.
3. THE HORIZONTAL AND VERTICAL LOCATIONS OF EXISTING UTILITIES SHOWN ARE APPROXIMATE. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO LOCATE AND VERIFY ALL UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND TO COORDINATE ALL CONNECTIONS WITH UTILITY COMPANIES.
4. THE CONTRACTOR SHALL PATCH AND REPAIR ANY DAMAGE TO EXISTING ROADWAY CAUSED BY DEMOLITION AND/OR CONSTRUCTION ACTIVITIES. THE REPAIR SHALL MATCH THE EXISTING PAVEMENT SECTION.
5. WHENEVER REMEDIATION OR LAND RECOVERING ACTIVITY HAS CEASED ON ANY PORTION OF THE SITE, TEMPORARY SITE STABILIZATION MEASURES (SEED AND STRAW) SHALL BE APPLIED AS SOON AS PRACTICAL, BUT NO LATER THAN 14 CALENDAR DAYS AFTER THE ACTIVITY HAS CEASED.
6. PROVIDE TRAFFIC CONTROL MEASURES AS NEEDED TO IDENTIFY CLOSED ENTRY/ACCESS POINTS.



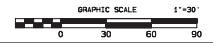
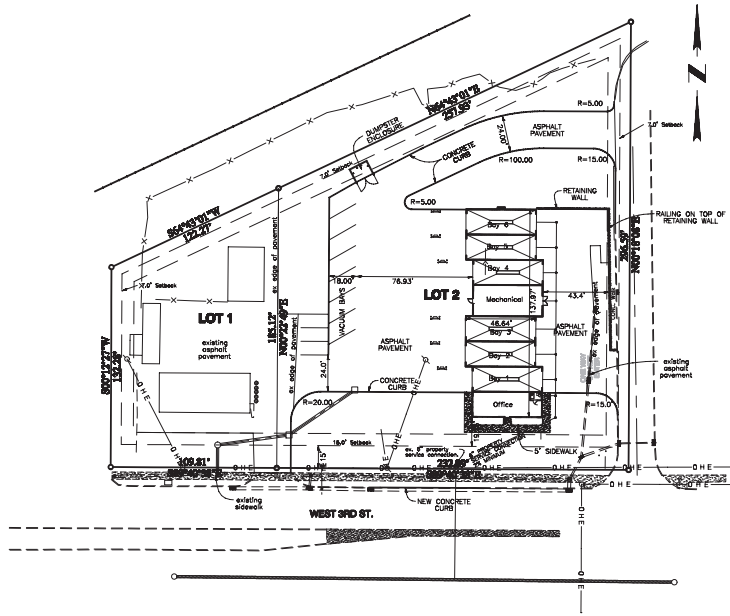
VICINITY MAP  
NO SCALE

**Site Development Data**

LOT #	Location	Legal Description	Parcel Number	Area	Zoning	Existing Use	Proposed Use	Ex. Building Area
LOT 1	2008 W. 3RD ST.	013-33300-00 PR SE SE 31-9-1W .507 A; PLAT 12	01-25-31-400-003000-000	0.40 Acres	1754A SFC	Mixed-Use Corridor	Office	2,890 S.F.
LOT 2	2002, 2006 W. 3RD ST.	013-33300-00 PR SE SE 31-9-1W .587 A; Plat 14	013-33300-00 PR SE SE 31-9-1W .507 A; Plat 12	1.29 Acres	1754A SFC	Mixed-Use Corridor	Car Wash	4,490 S.F.

**Impervious Areas**

Top of Site Area	Existing Conditions	Proposed Conditions	Area of Disturbance
34,206 S.F.	0 S.F.	56,056 S.F.	55,649 S.F.
	Impervious	Impervious	1.23 Area
	Permeable	Permeable	
	Permeable	Permeable	



**AL ENGINEERING INC.**  
 Civil Engineering & Land Development Services  
 1000 W. 10th Street, Suite 200  
 Bloomington, IN 47403  
 Phone: 317.344.1111  
 Fax: 317.344.1112  
 Email: info@al-engineering.com  
**GREEN CANYON CAR WASH**  
 1000 W. 10th Street, Suite 200  
 Bloomington, IN 47403  
**SITE & UTILITY PLAN**  
 SHEET 4 OF 7

### UTILITY NOTE

WQJ DESIGN  
 Required Water Quality Peak Flow Rate  
 Q<sub>p</sub> = C<sub>v</sub>VA where:  
 C = 0.85  
 V = 6.3 MPH  
 A = 1.28 Acres  
 Q<sub>p</sub> = 8.28 cfs

10 Year Storm Peak Flow Rate  
 Q = C<sub>v</sub>VA<sup>1.49</sup>  
 C = 0.82  
 V = 6.78 MPH  
 A = 1.28 Acres  
 Q = 17.43 cfs

Treatment Unit Flow Rate Capacity (Downstream Defender)  
 S<sub>OU</sub> = 8.73 cfs

Total Q<sub>p</sub> = 8.54 cfs

Treatment Unit Flow Rate Capacity (Downstream Defender)  
 S<sub>OD</sub> = 9.23 cfs

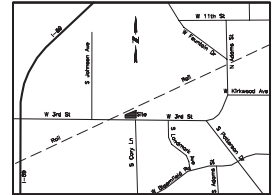
3 Diameter - First Defense High Capacity

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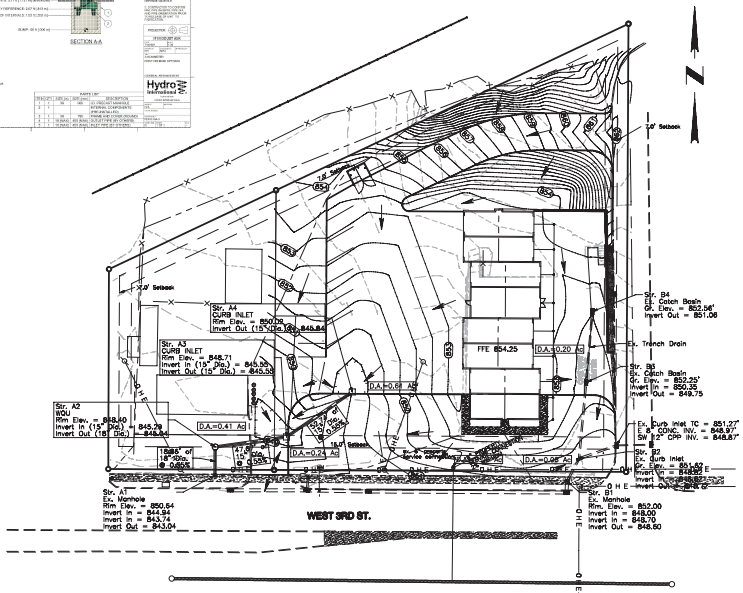
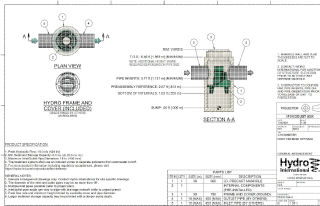


### LEGEND

- Transformer Pad
- Fire Hydrant
- Property Line
- Underground Electric
- Existing Water Line
- 2" Domestic Water
- 4" Fire Service
- Existing Gas Line
- Existing Gas Line
- Existing Sewerline
- Sanitary Sewer PSC with cleanout



VICINITY MAP  
NO SCALE



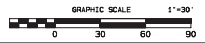
LINE	FROM	Type	Chain	L E	T E	TO	Type	Chain	L E	T E	Tc	Q <sub>ent</sub>	FLOW - Q <sub>p</sub>	DESIGN VELOCITY (ft/s)	DESIGN VELOCITY (ft/s)	CAPACITY (cfs)	PIPE SIZE (IN)	PERCENT SLOPE (%)	LENGTH (FT)									
																				AREA TOTAL	INTENSITY	AREA TOTAL	INTENSITY	AREA TOTAL	INTENSITY			
A	A 1	ex. Manhole	848.04	848.04	A 2	WQJ	848.40	848.04	0.41	1.36	0.85	5.19	6.80	7.95	10.40	1.81	2.02	2.40	6.26	7.68	0.012	4.78	5.11	8.64	15'	0.55	19.86	
A	A 2	WQJ	848.40	845.59	A 3	Curb Inlet	848.71	845.56	0.24	0.85	0.85	5.34	5.84	7.52	10.21	1.07	1.19	1.45	3.82	4.34	5.19	0.012	4.23	4.63	5.19	15'	0.55	47.87
A	A 3	Curb Inlet	848.71	845.56	A 4	Curb Inlet	850.02	845.56	0.81	0.81	0.81	5.30	5.88	7.20	10.00	2.73	3.05	3.73	2.75	3.05	3.73	0.012	4.23	4.20	5.19	15'	0.55	52.34
B	B 1	ex. Manhole	851.00	848.00	B 2	ex. Inlet	851.00	848.00	0.08	0.86	0.86	5.52	6.80	7.49	10.26	0.30	0.40	0.49	1.26	1.89	1.78	0.012	10.17	7.50	2.89	18'	4.26	16.83
B	B 2	ex. Inlet	851.00	848.00	B 3	ex. Inlet	852.25	850.35	0.10	0.80	0.80	5.30	5.88	7.45	10.33	0.45	0.50	0.51	0.80	1.30	1.29	0.012	9.51	6.75	2.97	18'	3.61	30.83
B	B 3	ex. Inlet	852.25	849.75	B 4	ex. Inlet	852.25	851.00	0.10	0.10	0.85	5.30	5.88	7.20	10.00	0.45	0.50	0.51	0.45	0.50	0.51	0.012	6.24	4.50	2.18	8'	2.77	47.25

### GRADING NOTES

- ALL GRADING SHALL BE DONE IN ACCORDANCE WITH RECOMMENDATIONS IN THE SUBMITTAL DOCUMENTS.
- CONTRACTOR SHALL DETERMINE HIS OWN EARTH QUANTITIES AND MAKE HIS BID ACCORDINGLY.
- TOP OF CURB ELEVATION IS 0.5' ABOVE THE 1% DRAIN AND GUT ELEVATIONS ARE TO FINISHED SURFACE (UNLESS OTHERWISE NOTED).
- COMPARISON TO BE DETERMINED USING ASTM LATEST EDITION LABORATORY TEST PROCEDURE.
- THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THESE PLANS MUST BE VERIFIED BY THE CONTRACTOR THROUGH SOURCES OF VARYING RELIABILITY. THE CONTRACTOR'S OBLIGATION IS ONLY TO ACTING CONTRACTOR AND DOES NOT INCLUDE THE TYPES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. A REASONABLE EFFORT HAS BEEN MADE TO LOCATE AND DETERMINE ALL KNOWN UNDERGROUND UTILITIES. HOWEVER, THE ENGINEER CAN NOT ASSUME RESPONSIBILITY FOR THE COMPLETENESS OR ACCURACY OF THESE DETERMINATIONS OF SUCH UNDERGROUND UTILITIES WHICH MAY BE ENCOUNTERED, BUT ARE NOT SHOWN ON THESE PLANS.
- CONTRACTOR SHALL UNDOUBT AND FORCE ALL EXISTING UTILITY AND SERVICE LINES UNLESS THEY ARE TO BE CHANGED ABOVE OR BELOW BY THE NEW FACILITY BEING CONSTRUCTED IN ORDER TO VERIFY THE GRADE AND TO ASSURE THAT THERE IS SUFFICIENT CLEARANCE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY INTERFERENCES WITH ALL EXISTING UTILITIES AND SHALL BE RESPONSIBLE FOR ANY CLEARANCE IF THE CONTRACTOR FAILS TO FOLLOW THIS PROCEDURE. HE WILL BE SOLELY RESPONSIBLE FOR ANY ADVERSE EFFECTS OR MATERIAL REVISIONS OR MODIFICATIONS TO THE DESIGN ARE NECESSARY.
- CALL BEFORE YOU DIG. THE CONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER (INDIANA 811) AT LEAST 48 HOURS IN ADVANCE OF ANY CONSTRUCTION OF THIS PROJECT.
- ALL CONTRACTORS AND SUBCONTRACTORS SHALL IMPLEMENT CONSTRUCTION BEST MANAGEMENT PRACTICES TO PROTECT STORM QUALITY AND PREVENT POLLUTANTS ENTERING THE PUBLIC STORM DRAIN. FAILURE WILL RESULT IN THE ISSUANCE OF CORRECTION NOTICES, CITATIONS, OR STOP ORDERS.
- ADJUSTMENTS TO MAINTAINING THE ELEVATIONS OR MAKING LOT CORNERS TO ACHIEVE EARTHWORK BALANCE SHALL BE MADE ONLY WITH APPROVAL OF THE ENGINEER.

### EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- All site disturbing activities, regardless of site, shall prevent the erosion of sediment and soil particles from the site or adjacent areas. Erosion control measures, such as silt fences, sediment basins, and other erosion control measures, shall be installed and maintained throughout the construction period. Erosion control measures shall be installed and maintained throughout the construction period.
- For site disturbing activities that occur adjacent to environmentally sensitive areas, erosion control measures, such as silt fences, sediment basins, and other erosion control measures, shall be installed and maintained throughout the construction period. Erosion control measures shall be installed and maintained throughout the construction period.
- Waste and unused building materials (e.g., garbage, debris, cleaning wastes, concrete waste, etc.) shall be stored in a secure container and properly disposed of in a suitable location. Erosion control measures shall be installed and maintained throughout the construction period.
- All storm inlets shall be protected with best management practices meeting accepted design criteria, standards and specifications.
- All erosion control measures shall be installed by the contractor and inspected and approved by the City Planning and Transportation Department before any site disturbing activity and maintained throughout the construction period. Erosion control measures shall be installed and maintained throughout the construction period.
- Disturbed areas that are not planted with grass or other vegetation shall be permanently seeded or mulched within seven days.
- Land disturbing activities shall be performed in a construction sequence that minimizes the area of land left exposed at any one time. Construction sequencing shall be subject to the approval of the City Planning and Transportation Department.



**AI ENGINEERING INC.**  
 Civil, Mechanical & Land Development Services  
 1000 W. 10th St., Suite 200  
 Bloomington, IN 47403  
 Phone: 317.344.1111  
 Fax: 317.344.1112  
 Email: info@ai-engineering.com  
 Website: www.ai-engineering.com  
**Robert J. J. G.**  
 Project Engineer  
**Gregory J. J. G.**  
 Project Engineer  
**DRAINAGE PLAN**  
 SHEET 5 OF 10

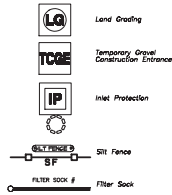


**UTILITY NOTE**

ALL UTILITIES ON THESE PLANS ARE APPROXIMATE. INDIVIDUAL SERVICE LINES ARE NOT SHOWN. THE CONTRACTOR OR SUBCONTRACTOR SHALL NOTIFY THE UTILITY PROTECTION CENTER INDIANA 811 (TOLL FREE PHONE NO. 1-800-367-5044), FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY CONSTRUCTION OR DIGGING. THE NUMBER WILL BE DISPLAYED TO PROVIDE ACCURATE LOCATION OF EXISTING BELOW GROUND UTILITIES (GAS, CABLE, ELECTRIC WIRES, GAS & WATER LINES). WHEN CONTACTING THE INDIANA 811 CALL CENTER PLEASE STATE THE NATURE OF THE WORK TO BE DONE, THE CONTINUM SET FORTH ON THE PLANS AND ALL TECHNICAL SPECIFICATIONS & SPECIAL PROVISIONS.

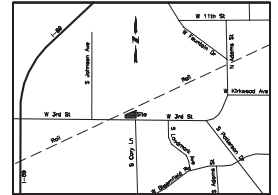


**BMP LEGEND**



**CONSTRUCTION PHASING AND BMP DESCRIPTIONS OF ACTIVITY**

- PRE-CONSTRUCTION PHASE**
1. THE SUPERINTENDENT TO CONTACT LOCAL EPCO INSPECTOR TO SCHEDULE A PRE-CONSTRUCTION MEETING AT THE SITE.
  2. EPCO IS LOCATION OF WHICHEVER EPCO AND INSPECTION LOGS.
  3. INSPECT SITE'S PHYSICAL CHARACTERISTICS SHOULD HAVE MAJOR IMPACT ON THE SITE.
- INITIAL PERIMETER CONTROLS**
1. INSTALL TEMPORARY COVER, CONSTRUCTION ENTRANCE.
  2. INSTALL CONCRETE BARRIERS.
  3. INSTALL INLET PROTECTIONS 1-3 AT EXISTING STRUCTURES.
  4. INSTALL FILTER SOCKS 1-3.
  5. INSTALL PERIMETER SILT FENCES 1-2.
- INTERIM EROSION AND SEDIMENT CONTROL PHASE**
1. EROSION SOCKS AT ALL MATERIAL LOBBY BUILDING PAD.
  2. PLACE SURROUNDING ROCK IN PAD AREA.
  3. INSTALL UNDERGROUND UTILITIES.
  4. FINALIZE CURB & PAVEMENT ACTIVITIES.
- STABILIZATION AND LANDSCAPING**
1. REMOVE ALL TEMPORARY CONTROL BMPs AND STABILIZE ANY AREAS DISTURBED BY THESE MEASURES WITH EROSION CONTROLS.
  2. PERFORM FINAL SEEDING AND LANDSCAPING.
  3. MONITOR STABILIZED AREAS UNTIL FINAL STABILIZATION IS REACHED.



**VICINITY MAP**  
NO SCALE

**EROSION PREVENTION AND SEDIMENT CONTROL NOTE**

**Current Preferred Practices**  
All land-disturbing activities, regardless of size, shall prevent an erosion or sediment or any other sediment of size or conveyed from the site. All erosion or sediment control measures shall be installed prior to any land-disturbing activity. All erosion or sediment control measures shall be installed prior to any land-disturbing activity. All erosion or sediment control measures shall be installed prior to any land-disturbing activity.

**Environmental Features**  
For land-disturbing activities that occur adjacent to environmentally sensitive areas including but not limited to steep slopes, streams, floodplains, and riparian buffers, erosion control measures, such as sediment barriers and reduced flowlines for soil stabilization, shall be installed, as determined by the Planning and Transportation Director.

**Waste and Material Storage**  
All waste and unused building materials (e.g., garbage, debris, cleaning materials, concrete walls, rebar, rebar, or hazardous materials) shall be properly stored or disposed of in facilities approved and designed for the containment of these materials while minimizing air, soil, and water pollution to the maximum degree practicable.

**Trapping**  
All storm drains shall have sediment control devices or crushed stone streets, access drives, and parking areas of sufficient size and thickness to prevent sediment from being trapped into public or private streets. Such areas shall be maintained at sufficient size and thickness throughout the duration of the construction activity on site. Any material that leaves the site is a violation of this SOO.

**Drain Inlet Protection**  
All storm drains shall be protected with best management practices meeting accepted design criteria, standards and specifications.

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

**Ground Cover**  
Slopes that are not for development shall be planted with grass or other vegetation ground cover that complies with SOO (SOO.5.0.0.0) (Recent List (consistency)).

**Inspector**  
All erosion control measures shall be installed by the developer and inspected and approved by the City Planning and Transportation Department before land-disturbing activity. The inspector shall maintain a log of all inspections and follow their self-maintenance schedule throughout construction as outlined in SOO (SOO.5.0.0.0) (Recent List (consistency)).

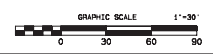
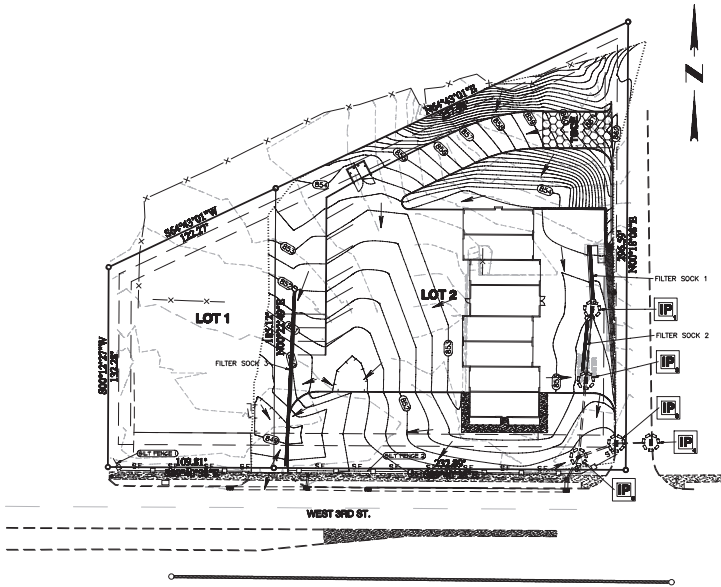
**Finished Grade**  
Disturbed areas that are at finished grade after installed utilities shall be permanently seeded or mulched within seven days.

**Unfinished Grade**  
Areas that have undergone land-disturbing activities and are not yet at finished grade, and that have no construction activity for 15 days or more, shall be established with temporary vegetation, seed, and/or straw, or other measures approved by the City.

**Soil Stabilization**  
All soil stabilization shall be protected by erosion control barriers and areas that remain exposed for seven days or more shall be seeded, covered, or protected.

**Plastic Netting**  
Under no circumstances shall plastic netting or mesh be used on site for any type of permanent landscaping or erosion control.

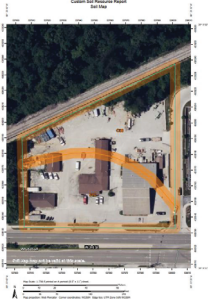
**Sequence of Land-Disturbing Activity**  
Land-disturbing activity shall be performed in a construction sequence that minimizes the area of bare soil exposed at any one time. Construction sequencing shall be subject to the approval of the City Planning and Transportation Department.



DATE: 08/15/2017  
 PROJECT: 171107000 - 171107000  
 SHEET: 6 OF 10  
 DRAWN BY: J.C.G.  
 CHECKED BY: J.C.G.  
 APPROVED BY: J.C.G.  
 PROJECT MANAGER: J.C.G.  
 PROJECT ENGINEER: J.C.G.  
 PROJECT ARCHITECT: J.C.G.  
 PROJECT LANDSCAPE ARCHITECT: J.C.G.  
 PROJECT CIVIL ENGINEER: J.C.G.  
 PROJECT ELECTRICAL ENGINEER: J.C.G.  
 PROJECT MECHANICAL ENGINEER: J.C.G.  
 PROJECT PLUMBING ENGINEER: J.C.G.  
 PROJECT STRUCTURAL ENGINEER: J.C.G.  
 PROJECT ENVIRONMENTAL ENGINEER: J.C.G.  
 PROJECT GEOTECHNICAL ENGINEER: J.C.G.  
 PROJECT TRANSPORTATION ENGINEER: J.C.G.  
 PROJECT SURVEYING ENGINEER: J.C.G.  
 PROJECT CONSTRUCTION ENGINEER: J.C.G.  
 PROJECT SAFETY ENGINEER: J.C.G.  
 PROJECT QUALITY ENGINEER: J.C.G.  
 PROJECT COMMUNITY DEVELOPMENT ENGINEER: J.C.G.  
 PROJECT HISTORIC PRESERVATION ENGINEER: J.C.G.  
 PROJECT ARCHITECTURAL ENGINEER: J.C.G.  
 PROJECT INTERIOR DESIGNER: J.C.G.  
 PROJECT FURNITURE DESIGNER: J.C.G.  
 PROJECT LIGHTING DESIGNER: J.C.G.  
 PROJECT SIGNAGE DESIGNER: J.C.G.  
 PROJECT AV DESIGNER: J.C.G.  
 PROJECT SECURITY DESIGNER: J.C.G.  
 PROJECT ACCESSIBILITY DESIGNER: J.C.G.  
 PROJECT ENERGY DESIGNER: J.C.G.  
 PROJECT SUSTAINABILITY DESIGNER: J.C.G.  
 PROJECT WELLNESS DESIGNER: J.C.G.  
 PROJECT USER EXPERIENCE DESIGNER: J.C.G.  
 PROJECT RESEARCH DESIGNER: J.C.G.  
 PROJECT ANALYTICS DESIGNER: J.C.G.  
 PROJECT DATA SCIENCE DESIGNER: J.C.G.  
 PROJECT ART DESIGNER: J.C.G.  
 PROJECT PHOTOGRAPHY DESIGNER: J.C.G.  
 PROJECT VIDEO DESIGNER: J.C.G.  
 PROJECT AUDIO DESIGNER: J.C.G.  
 PROJECT GAMES DESIGNER: J.C.G.  
 PROJECT SOFTWARE DESIGNER: J.C.G.  
 PROJECT SYSTEMS DESIGNER: J.C.G.  
 PROJECT NETWORK DESIGNER: J.C.G.  
 PROJECT SECURITY DESIGNER: J.C.G.  
 PROJECT COMPLIANCE DESIGNER: J.C.G.  
 PROJECT LEGAL DESIGNER: J.C.G.  
 PROJECT FINANCIAL DESIGNER: J.C.G.  
 PROJECT MARKETING DESIGNER: J.C.G.  
 PROJECT SALES DESIGNER: J.C.G.  
 PROJECT CUSTOMER SERVICE DESIGNER: J.C.G.  
 PROJECT HUMAN RESOURCES DESIGNER: J.C.G.  
 PROJECT TRAINING DESIGNER: J.C.G.  
 PROJECT OPERATIONS DESIGNER: J.C.G.  
 PROJECT LOGISTICS DESIGNER: J.C.G.  
 PROJECT SUPPLY CHAIN DESIGNER: J.C.G.  
 PROJECT PROCUREMENT DESIGNER: J.C.G.  
 PROJECT RISK MANAGEMENT DESIGNER: J.C.G.  
 PROJECT BUSINESS DEVELOPMENT DESIGNER: J.C.G.  
 PROJECT STRATEGY DESIGNER: J.C.G.  
 PROJECT INNOVATION DESIGNER: J.C.G.  
 PROJECT RESEARCH AND DEVELOPMENT DESIGNER: J.C.G.  
 PROJECT TESTING DESIGNER: J.C.G.  
 PROJECT DEPLOYMENT DESIGNER: J.C.G.  
 PROJECT SUPPORT DESIGNER: J.C.G.  
 PROJECT DOCUMENTATION DESIGNER: J.C.G.  
 PROJECT COMMUNICATIONS DESIGNER: J.C.G.  
 PROJECT PUBLIC RELATIONS DESIGNER: J.C.G.  
 PROJECT MEDIA DESIGNER: J.C.G.  
 PROJECT SOCIAL MEDIA DESIGNER: J.C.G.  
 PROJECT CONTENT DESIGNER: J.C.G.  
 PROJECT COPYWRITING DESIGNER: J.C.G.  
 PROJECT EDITING DESIGNER: J.C.G.  
 PROJECT DESIGNER: J.C.G.

Construction Plan - General Plan Elements (Section A)

- A1 - Index of the location of required plan elements in the construction plan. See attached Construction Plan, Sheet C-1 Cover, for index.
- A2 - A vicinity map depicting the project site location in relationship to recognizable local landmarks, towns, and major roads. See attached Construction Plan, Sheet C-1 Cover, for vicinity map and USGS map.
- A3 - Narrative of the nature and purpose of the project: Commercial Use - Redevelopment. Removal of existing buildings and construction of a 6 bay car wash. Existing sidewalk along W. 3rd Street to remain. Access to the site is by common shared access to the east and west adjacent properties.
- A4 - Latitude and longitude to the nearest fifteen (15) seconds: Latitude: 39° 9' 55" Longitude: 86° 33' 36". See attached Construction Plan, Sheet C-1 Cover, for vicinity map coordinate location.
- A5 - Legal description of the project site: Section 32 & 7-9-N, R-1-w, Monroe County, Indiana. Refer to deed for meets and bounds description.
- A6 - 11 x 17 inch plot showing building lot numbers/boundaries and road layout/names: The reduced size plot of the project is intended to be a basic representation of the project layout. See attached plans.
- A7 - Boundaries of the one hundred (100) year floodplains, roadway fringes, and roadways: Per FEMA Panel: 1810500141D, Effective date: 12/17/2010, the subject parcel is not located within any floodplain or floodway.
- A8 - Land use of all adjacent properties: Adjacent property to the west is vacant. Adjacent property to the North is Indiana Railroad. Adjacent property to the east is a commercial fast food restaurant.
- A9 - Identification of a U.S. EPA approved or established TMDL: Total Maximum Daily Load (TMDL) Lower Salt Creek TMDL. Approval Date: September 9 2018. Watershed Management Plan (WMP): Lower Salt Creek WMP. Approval date: 11/15/2022.
- A10 - Name(s) of the receiving water(s): Salt Creek (0512020803) Subwatershed (H&C12); Jackson Creek Clear Creek (0512020803) Region: SouthWest Region (4)
- A11 - Identification of discharges to a water on the current 303(b) list of impaired waters and the pollutant(s) for which it is impaired: None.
- A12 - Soils map of the predominate soil types: Cldso.



- A13 - Identification and location of all known wetlands, lakes, and water courses on or adjacent to the project site (construction plan, existing site layout): None.
- A14 - Identification of any other state or federal water quality permits or authorizations that are required for construction activities: Applying for a Notice of Intent permit to the Indiana Department of Environmental Management for NPDES General Permit Rule 327 IAC 2-9.9 (Rule 3).
- A15 - Identification and delineation of existing cover, including natural buffers: None.
- A16 - Existing site topography at an interval appropriate to indicate drainage patterns: See attached Construction Plan, Sheet C-2 Survey.
- A17 - Location(s) where run-off enters the project site: Sheet flow enters the site from the North. Approximately 0.3 Acres.
- A18 - Location(s) where run-off discharges from the project site prior to land disturbance: See attached Construction Plan, Sheet C-5 Drainage Plan.
- A19 - Location of all existing structures on the project site: See attached Construction Plan, Sheet C-2 Demolition Plan.
- A20 - Existing permanent retention or detention facilities, including manmade wetlands, designed for the purpose of stormwater management: None.
- A21 - Locations where stormwater may be directly discharged into ground water, such as abandoned wells, sinkholes, or karst features: None.
- A22 - Size of the project area expressed in acres: Site Area: 1.68 Acres.
- A23 - Total expected land disturbance expressed in acres: Area of Disturbance: 1.23 Acres.
- A24 - Proposed final topography: See attached Construction Plan, Sheet C-5 Drainage Plan.
- A25 - Locations and approximate boundaries of all disturbed areas: See attached Construction Plan, Sheet C-6 EPSC Plan.
- A26 - Locations, size, and dimensions of all stormwater drainage system such as culverts, stormwater sewer, and conveyance channels: See attached Construction Plan, Sheet C-5 Drainage Plan.
- A27 - Locations of specific points where stormwater and non-stormwater discharges will leave the project site: See attached Construction Plan, Sheet C-5 Drainage Plan.
- A28 - Location of all proposed site improvements, including roads, utilities, lot delineation and identification, proposed structures, and common areas: See attached Construction Plan, Sheet C-5 Drainage Plan. No off-site improvements are proposed.
- A29 - Location of all on-site and off-site soil stockpiles and borrow areas: See attached Construction Plan, Sheet C-5 Drainage Plan. No stockpile, borrow or disposal areas are proposed.
- A30 - Construction support activities that are expected to be part of the project: No support activities are proposed. Building material storage will be adjacent to building pad.
- A31 - Location of any in-stream activities that are planned for the project including, but not limited to, stream crossings and pump-around: None.

Stormwater Pollution Prevention - Construction Component (Section B)

- B1 - Description of the potential pollutant generating sources and pollutants, including all potential non-stormwater discharges: Combined Staging Area—small fueling activities, minor equipment maintenance, sanitary facilities, and hazardous waste storage. Materials Storage Area—general building materials, solvents, adhesives, paving materials, paints, aggregates, trash, and so on. Construction Activity—paving, curb/gutter installation, and concrete pouring. Concrete Washout Area.
- B2 - Stable construction entrance locations and specifications: The entrance to the project is in the north east corner of the property. This entrance will be used on the construction entrance. See attached Construction Plan, Sheet C-6 EPSC Plan.
- B3 - Specifications for temporary and permanent stabilization: See attached Construction Plan, Sheet C-6 EPSC Plan.
- B4 - Sediment control measures for concentrated flow areas: See attached Construction Plan, Sheet C-6 EPSC Plan.
- B5 - Sediment control measures for sheet flow areas: See attached Construction Plan, Sheet C-6 EPSC Plan.
- B6 - Run-off control measures: See attached Construction Plan, Sheet C-6 EPSC Plan.
- B7 - Stormwater outlet protection location and specifications: See attached Construction Plan, Sheet C-6 EPSC Plan.
- B8 - Grade stabilization structure locations and specifications: Not applicable.
- B9 - Dewatering applications and management methods: No dewatering activities are anticipated. If dewatering becomes necessary on site, sump pumping is recommended in combination with a sediment filter.
- B10 - Measures utilized for work within waterbodies: Not applicable.
- B11 - Maintenance guidelines for each proposed stormwater quality measure: See attached Construction Plan, Sheet C-6 EPSC Plan and Details.
- B12 - Planned construction sequence that describes the implementation of stormwater quality measures in relation to land disturbance: See attached Construction Plan, Sheet C-6 EPSC Plan for sequencing.
- B13 - Provisions for erosion and sediment control on individual residential building lots regulated under the proposed project: Not applicable.
- B14 - Material handling and spill prevention and spill response plan meeting the requirements in 327 IAC 2-6.1: Diesel fuel may be present on site during construction operations. All precautions will be taken to prevent any spill to occur. Any spill should be minimal and will be cleaned up immediately according to IDEM rules for spills and clean up.
- B15 - Material handling and storage procedures associated with construction activity: On-Site personnel will be present during construction operations. Precautions will be implemented to manage wastes or unused building materials including, but not limited to garbage, debris, cleaning wastes, wastewater, concrete or cementitious washout water, mortar/masonry products, soil stabilizers, lime stabilization materials, and other substances. Wastes and unused building materials will be disposed of in accordance with all applicable statutes and regulations.

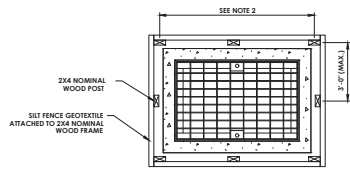
Stormwater Pollution Prevention - Post-construction Component (Section C)

- C1 - Description of pollutants and their sources associated with the proposed land use: Post construction pollutants could include oil, grease, antifreeze, brake fluid, brake dust, rubber fragments, gasoline, diesel fuel and other hydrocarbons, metals from vehicular and other sources, gts, trash.
- C2 - Description of proposed post-construction stormwater measures: The Car Wash itself is designed to minimize the generation of Post-Construction pollutants with drains and internal grease traps. Surface stormwater is collected in an underground storm system and flows through a manufactured water quality unit to treat the stormwater and collect suspended solids from the runoff.
 

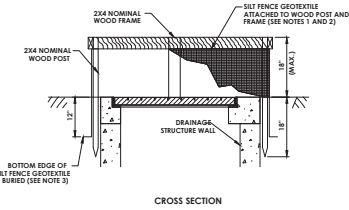
Required Water Quality Peak Flow Rate		15 Year Storm Peak Flow Rate	
Qp = CTA where	C = CTA where	Q = CTA where	Q = CTA where
C = 0.8	C = 0.8	10 Yr	100 Yr
I = 0.5 mph	I = 0.5 mph	A = 1.02	A = 1.02
A = 1.00 Acres	A = 1.00 Acres	L = 5.3	L = 7.2 mph
Qp = 0.84 cfs	Q = 0.84 cfs	O = 11.43	O = 23.87 cfs
- C3 - Plan details for each stormwater measure: See attached Construction Plan, Sheet C-5 Drainage Plan.
- C4 - Sequence describing stormwater measure implementation: See attached Construction Plan, Sheet C-6 EPSC Plan.
- C5 - Maintenance guidelines for proposed post-construction stormwater measures: See attached Construction Plan, Sheet C-6 EPSC Plan. Maintenance per manufacturer specifications.
- C6 - Entity that will be responsible for operation and maintenance of the post-construction stormwater measures: Maintenance of all stormwater pollution prevention measures will be the responsibility of the project owner. The maintenance guidelines consist mostly of good clean up measures. Any grassed or vegetated areas that experience erosion from rainfall events should be repaired and seeded or sodded as soon as possible. Trash or litter should be picked up and properly disposed to prevent it from getting into the storm drainage system and downstream waterways. Erosion of the proposed ditches should be addressed as soon as it becomes visible by filling the areas with suitable soil and/or sod to stabilize the area. Any build up of erosion should be removed and disposed of properly for the entire site. Pavement areas should be monitored for pollutants such as oil, antifreeze, brake fluid and any other items that could possibly build up on the surface should be removed. Also, monitor the pavement for sediment from disturbed areas. If any sediment exists on the paved roadway it should be removed and disposed of properly.

AL ENGINEERING, INC. 1000 N. SHILOH ROAD, SUITE 100, JACOBSVILLE, IN 47530

AL ENGINEERING, INC.  
 1000 N. SHILOH ROAD, SUITE 100, JACOBSVILLE, IN 47530  
 PROJECT NO. 2023-001  
 SHEET NO. 7 OF 10  
 DATE: 11/15/2023  
 DRAWN BY: J.C.G.  
 CHECKED BY: J.C.G.  
 APPROVED BY: J.C.G.  
 PROJECT: Lower Salt Creek WMP



**PLAN**  
**DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY**  
**(SILT FENCE)**

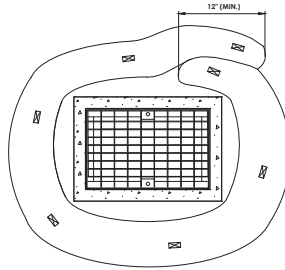


**CROSS SECTION**

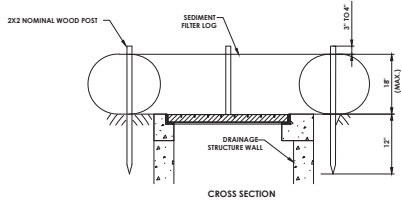
**NOTES:**

- APPROVED SILT FENCE GEOTEXTILES E737-01 ARE LISTED ON THE DEPARTMENT'S APPROVED LIST. SILT FENCE GEOTEXTILES SHALL BE A SINGLE CONTINUOUS PIECE TO ELIMINATE JOINTS. OVERLAP GEOTEXTILE ENDS TO THE NEXT POST.
- SPACE POSTS EVENLY AROUND INLET WITH A MAXIMUM SPACING OF 3'. WIRE MESH MAY BE REQUIRED BEHIND GEOTEXTILE TO PROVIDE SUPPORT. POSTS SHALL BE DRIVEN CLOSE TO THE INLET TO MINIMIZE EXPOSED SOIL BETWEEN THE INLET AND THE PRACTICE. DRIVE POSTS A MINIMUM OF 18" INTO GROUND (SILT FENCE).
- SILT FENCE GEOTEXTILE SHALL BE EMBEDDED 12" AND BACKFILLED. GEOTEXTILE SHALL BE SECURELY FASTENED TO POSTS AND FRAME.
- MEASURES SHALL BE INSPECTED AFTER EVERY RUNOFF EVENT AND REPAIRED AS NECESSARY. SEDIMENT SHALL BE REMOVED WHEN IT REACHES ONE-HALF THE MEASURE HEIGHT (STORAGE CAPACITY). SEDIMENT SHALL BE DISPOSED OF AS UNSUITABLE MATERIALS.
- MAXIMUM DRAINAGE AREA TO THE PRACTICE SHALL NOT EXCEED ONE ACRE.
- AN MCOOT APPROVED PRE-MANUFACTURED UNIT MAY BE SUBSTITUTED.

**DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY**  
**(SILT FENCE)**



**PLAN**  
**DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY**  
**(FIBER ROLL)**

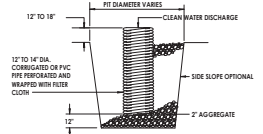


**CROSS SECTION**

**SEDIMENT FILTER LOG NOTES:**

- POSTS SHALL BE DRIVEN CLOSE TO THE INLET TO MINIMIZE EXPOSED SOIL BETWEEN THE
- INLET AND THE PRACTICE. DRIVE POSTS A MINIMUM OF 12" (SEDIMENT FILTER LOG).
- SEDIMENT FILTER LOGS SHALL BE SECURED TO THE SOIL SURFACE WITH WOODEN POSTS SPACED A MAXIMUM OF 2' APART. WHEN USED ON A PAVED SURFACE, THE LOG ENDS SHALL BE FASTENED WITH PLASTIC TIES OR IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
- MEASURES SHALL BE INSPECTED AFTER EVERY RUNOFF EVENT AND REPAIRED AS NECESSARY. SEDIMENT SHALL BE REMOVED WHEN IT REACHES ONE-HALF THE MEASURE HEIGHT (STORAGE CAPACITY). SEDIMENT SHALL BE DISPOSED OF AS UNSUITABLE MATERIALS.
- MAXIMUM DRAINAGE AREA TO THE PRACTICE SHALL NOT EXCEED ONE ACRE.

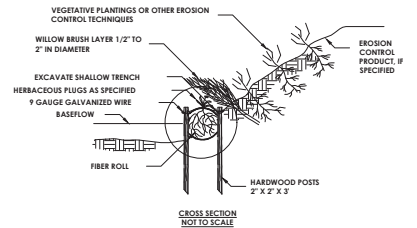
**DRAINAGE STRUCTURE INLET PROTECTION - TEMPORARY**  
**(FIBER ROLL)**



**NOTES:**

- THIS DETAIL IS OFFERED AS A SUGGESTION TO THE CONTRACTOR. THE CONTRACTOR SHALL SUBMIT DETAILS ON PROPOSED WATER DISCHARGE CONTROL TO THE ENGINEER FOR APPROVAL PRIOR TO COMMENCING WITH WORK.
- FIT DIMENSIONS ARE OPTIONAL.
- A BASE OF 2" AGGREGATE SHOULD BE PLACED IN THE FIT TO A DEPTH OF 12". AFTER INSTALLING THE STANDPIPE, THE FIT SURROUNDING THE STANDPIPE SHOULD BE BACKFILLED WITH 2" AGGREGATE.
- THE STANDPIPE SHOULD EXTEND 12" TO 18" ABOVE THE TOP OF THE FIT.
- THE STANDPIPE SHOULD BE WRAPPED WITH FILTERCLOTH BEFORE INSTALLATION. IF DESIRED 1/4" TO 1/2" HARDWARE CLOTH MAY BE PLACED AROUND THE STANDPIPE PRIOR TO ATTACHING THE FILTERCLOTH. THIS WILL INCREASE THE RATE OF WATER SEEPAGE INTO THE PIPE.
- THE COST FOR THE APPROVED WATER DISCHARGE CONTROL MEASURES SHOULD BE INCLUDED IN THE BID PRICE FOR ITEM 552.07.
- IF DISCHARGE IS NOT CLEAN, THE CONTRACTOR WILL HAVE TO PROVIDE A SEDIMENTATION BASIN. SEDIMENTATION DETAILS WILL HAVE TO BE APPROVED BY THE ENGINEER PRIOR TO USE.

**WATER DISCHARGE CONTROL**



**CROSS SECTION**  
**NOT TO SCALE**

- EXCAVATE A SHALLOW TRENCH SLIGHTLY BELOW BASEFLOW OR A 4" TRENCH ON SLOPE CONTOURS.
- PLACE THE ROLL IN THE TRENCH AND ANCHOR WITH 2" X 2" POSTS PLACED ON BOTH SIDES OF THE ROLL AND SPACED LATERALLY ON 2' TO 4' CENTERS. TRIM THE TOP OF THE POSTS EVEN WITH THE EDGE OF THE ROLL, IF NECESSARY.
- NOTCH THE POSTS AND TIE TOGETHER ACROSS THE ROLL WITH 9 GAUGE GALVANIZED WIRE OR 1/4" DIAMETER BRAIDED NYLON ROPE.
- PLACE SOIL EXCAVATED FROM THE TRENCH BEHIND THE ROLL AND HAND TAMP. PLANT WITH SUITABLE HERBACEOUS OR WOODY VEGETATION AS SPECIFIED ELSEWHERE IN THE CONTRACT DOCUMENTS. VEGETATION SHALL BE PLACED IMMEDIATELY ADJACENT TO THE ROLL TO PROMOTE ROOT GROWTH INTO THE FIBER. HERBACEOUS VEGETATION, IF SPECIFIED, SHALL BE PLANTED INTO THE FIBER ROLL.

**FIBER ROLL - TEMPORARY**

ADAPTED FROM DETAILS PROVIDED BY: USDA - NRCS,  
NEW YORK STATE DEPARTMENT OF TRANSPORTATION,  
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,  
NEW YORK STATE SOIL & WATER CONSERVATION COMMITTEE

37

DATE: \_\_\_\_\_

REVISION: \_\_\_\_\_

**AL ENGINEERING INC.**  
Civil Engineering & Land Development Services  
1000 Valley Road, Suite 200  
Roseton, NY 11775  
Tel: 607-735-3333  
Fax: 607-735-3334  
www.al-engineering.com

**GREEN CANAL**  
CANAL WATER  
CONTROL PRODUCT, IF SPECIFIED

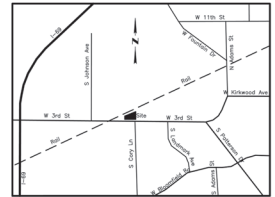
**EMERY TRAK TAC**  
Erosion Control Product, If Specified

**DETAILS**

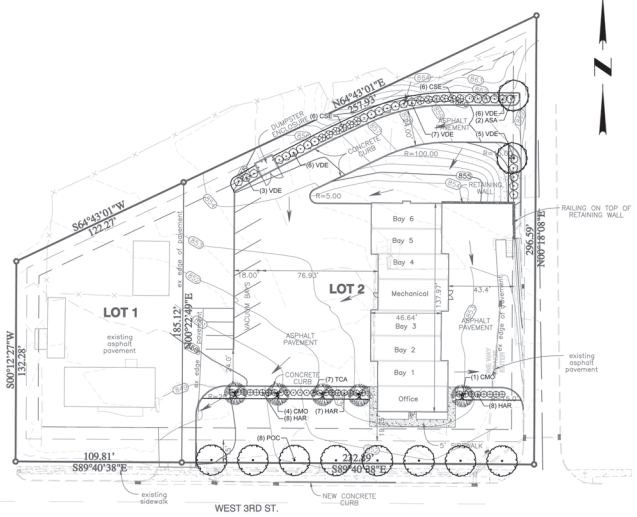
**FORM 0**  
**C-9**  
SHEET 8  
OF 10

**PLANT MATERIALS SCHEDULE**

DECIDUOUS TREES	CODE	BOTANICAL NAME	COMMON NAME	CONT	CAL	SPACING	QTY
	ASO	Acer saccharum 'Green Mountain'	Sugar Maple	88B	2" cal	As Shown	2
	CMO	Crataegus mollis	Dowry Hawthorn	88B	2" cal	As Shown	5
	POC	Platanus occidentalis	Sycamore	88B	2" cal	As Shown	8
SHRUBS	CODE	BOTANICAL NAME	COMMON NAME	CONT	SIZE	SPACING	QTY
	CSE	Cornus sericea	Red-Twig Dogwood	88B	24" min	6' on center	12
	HAR	Hydrangea arborescens 'Annabelle'	Annabelle Hydrangea	88B	24" min	4' on center	23
	TCA	Taxus canadensis	Canadian Yew	88B	24" min	4' on center	7
	VDE	Viburnum dentatum	Arrowwood Viburnum	88B	24" min	6' on center	27



**VICINITY MAP**  
NO SCALE



**SITE DEVELOPMENT DATA**

LOT 1	LOT 2
Address: 2008 & 2010 W. 3rd St	Address: 2002 W. 3rd Street
Area: 0.40 AC (17,464 SF)	Area: 1.29 AC (56,056 SF)
Zoning: MC	Zoning: MC
Existing Use: Office	Existing Use: Retail/Office
Proposed Use: Office	Proposed Use: Car Wash

**IMPERVIOUS AREAS (LOT 2)**

Total Site Area	56,056 S.F.
Existing Conditions	0 S.F.
Impervious	56,056 S.F.
Proposed Conditions	33,600 S.F. 59.8%
Impervious	22,454 S.F. 40.1%
Area of Disturbance	47,648 S.F.

**LANDSCAPE DATA**

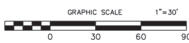
Total Site Area	56,056 SF (1.29 AC)
Street Trees Required:	8
Street Trees Provided:	8
Parking Lot Buffer Yard:	none
Subject Property & Adjacent Properties Zoned:	MC

Parking Lot Landscaping	8
Proposed Parking Spaces:	8
Parking Lot Perimeter Trees Required:	7 (1 per 4 spaces)
Parking Lot Perimeter Trees Provided:	7
Parking Lot Perimeter Shrubs Required:	24 (3 per space)
Parking Lot Perimeter Shrubs Provided:	33
Landscape Bumpouts, Islands & Endcaps Required:	none

Plan Prepared By



Indiana PLA No: LA21200024



**AL ENGINEERING INC.**  
Professional Engineer  
1000 N. W. 10th St., Suite 400  
West Palm Beach, FL 33411  
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Fax: 561-833-1112  
www.al-engineering.com

**Hang Tight, LLC**  
710 W. 3rd Street  
Bloomington, IN 47403

**GREEN CLEAN CAR WASH**  
Bloomington, Indiana, 47403

**LANDSCAPE PLAN**

DATE: 07/27/2021  
DRAWN BY: J. HARRIS  
CHECKED BY: J. HARRIS  
SCALE: AS SHOWN  
SHEET: 7  
OF: 8

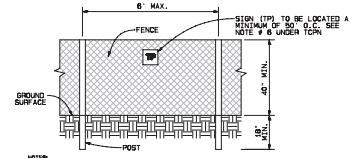
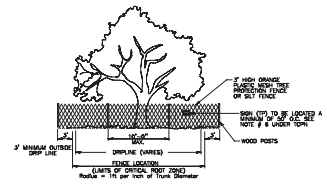
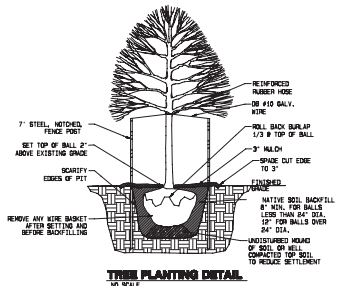
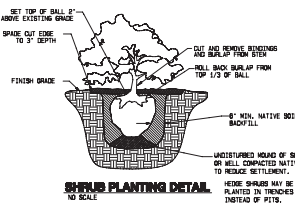


**GENERAL NOTES:**

- A. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SOIL PROTECTION AND DUST CONTROL MEASURES PRIOR TO AND DURING CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN THE NEIGHBOR'S PROPERTY THROUGHOUT THE CONSTRUCTION PERIOD TO PREVENT EROSION OF SOIL AND ENTRY OF SOIL-SEALING MATERIAL AND AIRBORNE DUST INTO ADJACENT PROPERTIES AND INTO THE PUBLIC STORMWATER FACILITIES.
- B. EXCAVATION AND DISPOSAL OF MATERIAL SHALL BE DONE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- C. THE CONTRACTOR SHALL MAINTAIN AND PROTECT TREES AND SHRUBS NOT BEING REMOVED INCLUDING THEIR ROOTS. TREE PROTECTION FENCING SHALL BE USED AT THE SPRING LINE OF ALL TREES AND SHRUBS WITHIN 50 FEET OF CONSTRUCTION EXCEPT AS SHOWN ON PLANT LANDSCAPE ARCHITECT SHALL REVIEW AND APPROVE ALL TREE PROTECTION FENCING PRIOR TO THE COMMENCEMENT OF CONSTRUCTION. FENCING SHALL REMAIN IN PLACE UNTIL THE PLANT MATERIALS FOLLOWING CONSTRUCTION. MATERIALS SHALL NOT BE STOCKPILED WITHIN THIS BUFFER AREA AND VEHICLES AND OTHER EQUIPMENT SHALL NOT BE OPERATED THERE TO AVOID COMPACTION.
- D. FEETTER ROOTS SHALL NOT BE CUT IN AN AREA EQUAL TO TWICE THE TREE MEASURED AT ABOVE THE GROUND IN ANY DIRECTION. IN EXTREMELY CASES, A COMPENSATION SHALL BE PAID TO THE OWNER. ALL CUTTINGS FROM THE TREE SHALL BE REMOVED TO NEARBY SPACES. IF NECESSARY, THE ONLY CUTTINGS TO THE REQUIREMENT WILL BE THOSE SPECIFICALLY ALLOWED BY THE LANDSCAPE ARCHITECT. SPECIFICATIONS AS INDICATED ON PLANS.
- E. TREE TRUNKS AND EXPOSED ROOTS DAMAGED DURING EQUIPMENT OPERATIONS SHALL BE REPAIR ACCORDANCE WITH AGRICULTURAL STANDARDS. DAMAGED TREE TRUNKS SHALL BE CUT BACK TO THE NEXT LIVING BRANCH OR FURROW SCISSOR AT THE BRANCH COLLAR.
- F. ALL PLANTS SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN AS SPECIFIED. NO CONTAINER GROWN STOCK WILL BE ACCEPTED IF ROOT BOUND. ALL ROOT BOUNDING MATERIAL, MAKE OF SYNTHETICS OR PLASTIC SHALL BE REMOVED AT TIME OF PLANTING.
- G. LANDSCAPE ARCHITECT RESERVES THE RIGHT TO SELECT ANY AND ALL PLANT MATERIAL, TREES NOT ACCEPTABLE. ADDITIONALLY, ALL PLANT MATERIAL SHALL BE REVIEWED BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.
- H. ANY PROPOSED PLANT SUBSTITUTIONS SHALL BE APPROVED BY THE LANDSCAPE ARCHITECT.
- I. ALL PLANTS AND STAKES SHALL BE SET PLUMB UNLESS OTHERWISE SPECIFIED.
- J. REMOVE TOP 1/2 BURLAP, PAPER, WIRE, AND OTHER NON-Biodegradable MATERIALS FROM THE ROOT BALLS AFTER FINAL POSITIONING.
- K. ALL PLANT MATERIALS SHALL CONFORM TO THE STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN AND SHALL HAVE PASSED ANY INSPECTIONS REQUIRED UNDER STATE REGULATIONS.
- L. ALL BALDCHED AREA ARE TO BE SHADE CUT TO A DEPTH OF 4" AT AN 45 DEGREE ANGLE FROM THE FINISHED GRADE BACK TOWARD THE TREE. THE ENGINEER IS TO REVIEW THIS PROCEDURE WITH THE ENGINEER CONTRACTOR PRIOR TO BEGINNING ANY EDGING WORK.
- M. ALL SHARPENED TENDRILS SHALL HAVE A MIN OF 5/8" TO 1" WITH A PERCENT ORGANIC MATERIAL MAXIMUM AND BE FREE OF STUBS. 1/2" DIAMETER OR LARGER ROOTS, PLANTS, CLAY LAMINAE OR OTHER MATERIALS HURDLE TO PLANT GROWTH.
- N. TREES AND SHRUBS SHALL BE MULCHED IN HARDWOOD MULCH TO A DEPTH OF 3" AFTER SETTING.
- O. ALL PLANTS SHALL BE WATERED THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING. ALL PLANTS SHALL THEN BE WATERED WEEKLY, IF NECESSARY, DURING THE FIRST GROWING SEASON.
- P. EVERGREEN TREES 2' OR HIGHER SHALL BE PLANTED AND STAKED AS SHOWN BY TYPICAL TREE PLANTING DETAIL.
- Q. WORKS EXISTING SOIL TO PROMOTE HEALTHY PLANT GROWTH. TEST SOIL TO DETERMINE PROPER SOIL AMENDMENTS. SOIL TEST TO BE PERFORMED BY QUALIFIED TESTING AGENCY. TEST RESULTS TO BE SUBMITTED TO LANDSCAPE ARCHITECT.

**GENERAL LANDSCAPE NOTES:**

1. GRASS OR GRASS/CLOVER SHALL BE PLANTED ON ALL PORTIONS OF THE LANDSCAPE BUFFER AREA (LBA) NOT OCCUPIED BY OTHER LANDSCAPE MATERIAL.
2. THE GROUND PLANE OF ALL INTERIOR LANDSCAPE AREAS (LIA) SHALL BE PLANTED USING EITHER SHRUBS, GRASS/CLOVER, OR TURF.
3. EXISTING TREES AND PLANT MATERIAL ARE BEING USED TO MEET LANDSCAPE CODE REQUIREMENTS. IF ANY TREES OR SHRUBS VEGETATION ARE OR ARE REMOVED THEY WILL BE REPLACED AS PER THE LANDSCAPE CODE REQUIREMENTS (IF APPLICABLE).
4. IT WILL BE THE RESPONSIBILITY OF THE PROPERTY OWNER TO PERPETUALLY MAINTAIN ALL LANDSCAPE AREAS AND ASSOCIATED PLANT MATERIAL, INCLUDING UNDER LAND DEVELOPMENT CODE REGULATIONS. THE PROPERTY OWNER SHALL ALSO BE RESPONSIBLE FOR MAINTAINING THE VERGE AND ASSOCIATED TREES WITHIN THE VERGE UNLESS THE AGENCY HAVING JURISDICTION OVER THE VERGE ASSUMES THAT RESPONSIBILITY.
5. ALL UNHEALTHY OR DEAD PLANT MATERIAL SHALL BE REPLACED WITHIN ONE YEAR, OR BY THE NEXT PLANTING PERIOD, WHICHEVER COMES FIRST. WHILE OTHER DEFECTIVE PLANT MATERIAL SHALL BE REPLACED OR REPAIRED WITHIN THREE (3) MONTHS.
6. ALL PLANT MATERIAL LOCATED WITHIN A UTILITY EASEMENT THAT IS DAMAGED OR REMOVED DUE TO WORK REQUIRED BY THE UTILITY COMPANY SHALL BE IMMEDIATELY REPLACED BY THE OWNER.
7. STREET TREES SHALL BE PLANTED IN A MANNER THAT DOES NOT AFFECT PUBLIC SAFETY AND MAINTAINS PROPER SIGHT DISTANCES (IF APPLICABLE).
8. ALL SERVICE STRUCTURES SHALL BE SCREENED IN ACCORDANCE WITH UNIFIED DEVELOPMENT ORDINANCE.



NOTES:  
 1. THE FENCE SHALL BE LOCATED A MINIMUM OF 3 FEET OUTSIDE THE DRAIN LINE.  
 2. THE FENCE SHALL BE BRUSHED WITH SHARPENED BRUSH POINTS ON WOOD PORTS WITH  
 3. A PRELIMINARY CHECK SHALL BE MADE OF THE FENCE.  
 4. THE FENCE SHALL BE 40" PLASTIC OR PLYWOOD.

39

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 Fax: (405) 521-1112  
 Email: info@al-engineering.com

**Robert Frank, P.E.**  
 Project Engineer  
 License No. 10000

**CHRISTY CASH**  
 Civil Engineer  
 License No. 10000

**LANDSCAPE ARCHITECTS**  
 License No. 10000

SHEET 8 OF 8

CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS

VARIANCE FINDINGS

Case # V-55-04 Date 1/20/05  
 Petitioner: Don Crowder  
 Location of Property: 302 S. Cory Lane  
 Variance Requested: To allow disturbance within 25 ft. of the last closed contour of a karst feature.  
 Variance Voted On: \_\_\_\_\_  
 Conditions: per staff #6 amended

The Board adopts the Findings recommended by the staff and presented in the staff report,  
 or

The Board's findings for those criteria on which the Board disagrees with the staff report are as noted under each criterion below. With the exception(s) of those findings noted below, the Board adopts the findings recommended by the staff and presented in the staff report.

1. Standards for Variances from Development Standards: A variance from development standards may be approved only upon a determination in writing that:
  - (A) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of property; that the practical difficulties are peculiar to the property in question; that the variance will relieve the practical difficulties;
  - (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
  - (C) The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
2. Standards for Granting Variances of Use: A variance of use may be approved only upon a determination in writing that:
  - (A) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
  - (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
  - (C) The need for the variance arises from some condition peculiar to the property involved;
  - (D) The strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
  - (E) The approval does not interfere substantially with the Comprehensive Plan.

In the event that a request for a use variance involves adaptive re-use of a historic structure, the community's interest in preservation of historic sites may be used to determine conformance with the above criteria, but only in areas no eligible for the "Historic Adaptive Reuse" conditional use.

Voting Record:

Approved 3:1

Motion to adopt the findings as noted above was initiated  
 by: Silberstein

Seconded by: Rece

The written findings above accurately reflect the findings of the Board.

Chairperson: [Signature]

*BZA minutes are transcribed in a summarized manner. Audiotapes are available in the Planning Department for reference. Videotapes are also available for viewing in the Audio-visual (CATS) Department (phone #349-3111 or E-mail address: [moneill@monroe.lib.in.us](mailto:moneill@monroe.lib.in.us)) of the Monroe County Public Library, 303 E. Kirkwood Ave.*

The Board of Zoning Appeals (BZA) met in the City Council Chambers at 5:30 p.m., members present: Murray, Pece, Seeber and Silberstein (Aquila absent).

**REPORTS, RESOLUTIONS & COMMUNICATIONS:**

• **Election of Officers for the year 2005.**

**\*\*Seeber nominated Milan Pece to serve as president and Jim Silberstein to serve as vice president. The entire Board was in favor of this nomination.**

Patrick Shay, Development Review Manager, stated that the Environmental Commission (EC) has requested additional speaking time for the one and only petition on the agenda, which is V-55-04. **\*\*Seeber moved to allow the (EC) an additional 20 minutes of speaking time. Silberstein seconded. Motion carried unanimously.**

**CASE CONTINUED TO: February 17, 2005**

- CU/V-59-04 **Bob Bland**  
 115 W. 1<sup>st</sup> Street  
 Request: Conditional use approval to allow the placement of fill and building construction in an urban floodway. Also requested is a variance from front yard building setback requirements.

**APPROVAL OF MINUTES: December 16, 2004**

**\*\*Murray moved to adopt the minutes as distributed. Seeber seconded. Motion carried unanimously.**

**PETITION:**

- V-55-04 **Don Cowden**  
 302 S. Cory Lane  
 Request: Variance to allow disturbance within 25 feet of the last closed contour of a karst feature.

Eric Greulich (Zoning Planner) presented the staff report. In 1996 the petitioner filed for preliminary plat approval for an 8-lot commercial subdivision, but that case was withdrawn. Then in 2001, a grading permit was issued to allow a limited amount of grading on the site; however the permit was never used by the property owner. In 2003, a new grading permit was issued that limited grading to

portions of the site above the determined flood elevation of 838'. This elevation was used to define the rim of the sinkhole and establish a disturbance limit. No land use or site plan approval for development was granted. Fill material was then placed on the site by the owner. The petitioner, Don Cowden, is now coming forward with a variance request from the Zoning Ordinance restriction that prohibits construction of buildings or pavement within 25 feet of a last closed contour of a surface karst feature. A variance is necessary in order to develop a parcel of land located at the southwest corner of W. 3<sup>rd</sup> Street and S. Cory Lane. This property currently consists of three parcels and is zoned Arterial Commercial or (CA). Surrounding land uses were cited. Two questions arise from this request. Should the site be developed? If so, what protection measures should be taken to allow this development? This area of the City is known to have many karst features. Within a half-mile radius surrounding this site there are approximately 20 sinkholes or karst features ranging in size from a few feet to over 1,000 feet long. The majority of the petitioner's site is located within a karst feature that has been identified by their consultant as a "blind valley" that is approximately 12.5 acres in size. It also encompasses approximately 80% of the property. To that end, this leaves only 2 acres of land along the west side of the site that lies outside of the last closed contour. Greulich explained that it would be difficult to develop these 2 acres due to the long, narrow shape that lies outside of the last closed contour. This variance is being requested by the petitioner in order to subdivide the commercial property into 8 lots, and to allow for a more site-specific approach in determining the sinkhole protection area. Currently there are four single-family houses that sit on the property and all four would be removed as part of this project. One thing to note is the creation of Lot #3. This lot would be dedicated to the City for construction of the stormwater detention area and its future maintenance. The detention pond would serve this property and a future 3<sup>rd</sup> Street widening project that the City will be doing. The remaining 7 lots would be used for future commercial development. As previously stated, Earth Tech identified this karst feature as a "blind valley". The petitioner commissioned Earth Tech to prepare a geotechnical report analyzing the existing site and giving recommendations for appropriate karst protection standards. This study concluded that the majority of the site is NOT encumbered by the functional sinkhole, but rather the larger "blind valley" feature. The petitioner plans to direct all of the stormwater drainage through the site. It will be collected at various points at biofiltration islands. These islands will temporarily store the water and improve water quality through plantings and other designs. Once the stormwater has been directed through the site, it will empty into the main two-stage detention pond located along 3<sup>rd</sup> Street. This stormwater will further go through increased water quality improvements before being released to the south. As required by the City of Bloomington Utilities Department, post-development runoff rates must be equal to pre-development runoff rates. So the discharge rate leaving or entering the sinkhole is not going to be any different than how it currently sits now. As part of the geotechnical report made by John Bassett (Earth Tech), he made several conclusions and recommendations for the development of this site. Staff has reviewed those and made some additional



recommendations to improve upon protection measures. Staff recommended increasing the **“no disturbance limit”** to 838' versus 835', which is more restrictive than Earth Tech's recommendation. As part of this petition, the petitioners prepared a hydraulic model of the site, which allowed them to look at what elevation water would rise to if the sinkhole was plugged. This elevation was determined to be 841'. Staff agrees with Earth Tech that there be no net loss in storage area below the 841' elevation. Also, with the petitioners grading proposal as-is, there would be very limited grading within that area. Practical difficulty associated with the lot is the fact that only a small amount (20%) is able to be developed. Further, there is a fair amount of land that is unable to be used due to its odd shape and related development standards. Greulich stated that 14 houses and over 1,000 linear feet of roadway have been constructed in this area over the past 50 years. No known negative impacts have been created by this development. The site has been stable for many years, and it's reiterated in Earth Tech's report that some development is appropriate given the protection measures outlined. Staff agrees with those protection measures, including the modifications suggested by Staff. Staff recommends approval of V-55-04 based on the written findings, including the 6 conditions outlined in the staff report. This includes a revision to #6, **“Access to this property shall be restricted to one shared access onto S. Cory Lane and two shared access to W. 3<sup>rd</sup> Street.”**

Mike Carmin is representing the petitioner. In 1996 almost everything was below grade. The houses along Cory Lane were essentially at-grade, but there has been a lot of fill activity that has taken place since then. The fill activity that was done at this location was finally brought from other development sites that Mr. Cowden had underway. Most of this came from the project at Smith Pike and Highway 46. The 2001 grading permit to do the “fill” lapsed because the petitioner wasn't ready to move the material at that time. The 2003 permit was, in many respects, a renewal of the one done in 2001 that lapsed. Regarding the Environmental Commission's report, denial of this variance request will not protect the sinkhole. Currently, there is no protection of the sinkhole other than the vegetation that grows naturally. Part of the proposed plan is to have active, creative protection of the sinkhole. In fact, they believe the plan actually enhances the protection and use of the sinkhole for what it does---serving the drainage area. Approval of this request will not open the “flood gates” for other requests. He urged the Board to approve this request.

Seeber asked for Staff's thoughts. He thinks this project is similar to the Canterbury project.

Micuda said Canterbury is somewhat different than this project because Canterbury also included a 50 acre tract for subdivision. Canterbury also dealt with individual sinkhole features as well as a large area of closed contours. To that end, there was a lot more flexibility, and Staff opted to protect the “blind valley” because it was easier to do with such a large parcel. However, this situation is not the same. With this case, the surface karst feature virtually

encompasses the whole property. This case is very unique and different from Canterbury. Micuda emphasized that the Zoning Ordinance does need to be addressed. Staff expects to address the “karst” issue and how better to deal with it in the Zoning Ordinance update in 2005. He said the Board is not being asked to revisit that issue. Mr. Cowden applied for a permit in 2001 – he opted to not go forward. He came back in 2003 to renew the permit. It didn't feature parking or buildings at that time.

Seeber: The 2001 permit was appropriate to issue?

Micuda said the 2001 permit was under a less restrictive regulation when it was issued to Mr. Cowden.

Seeber asked about no “net loss” of storage at the 841' contour. Does that factor in new impervious surface?

Greulich said within the 841' contour there are three portions of the site where only grading is proposed. There are no proposed buildings or parking in those areas. The petitioner has made up for any fill that has been below the 841' contour by taking out more area.

Seeber said it seems like it's a lake back there. He worried about rainfall and whether or not the site would be able to handle it.

Phil Tapp, Bledsoe Tapp & Riggert, said there was a hydraulic study done a few years ago that used a certain storm event. It was computed by assuming that nothing was going out of the sinkhole, and you analyze at that time future development. Future development is accounted for in the runoff coefficients. A few years ago when this was done it used a 2-hour, 100-year storm event to compute the volume of water based on some development for this property (the computed number was the 838' elevation). He said when Bledsoe, Tapp, and Riggert re-evaluated this property a few months ago, a 24-hour rainfall, 100-year storm event was used which is going to generate more water. He said they also applied a fully developed runoff coefficient, so that particular volume would already account for the increase due to development.

Seeber: So a 100-year storm, 24-hour rain event is a pretty rare thing? (Tapp said it is pretty rare).

Seeber: So we've never hit the 841' mark or if we have where does the water drain?

Greulich said it would ultimately drain into the sinkhole; however it would be temporarily ponded on the property.

Seeber views this as a small lake and said it will never overflow based on the calculations given to the Board. The water will always stay on-site? (Greulich said yes).

Greulich added that the pond does easily.

Tapp agreed that it ponds easily, but after a day or so the water is taken out pretty quick. He believes the proposed plan in terms of the water treatment facility and biofiltration is a good approach to water quality. The water system is going to do a lot of chasing around and filtering of the water off parking lots and buildings. This water will be filtered twice and discharged back through the karst feature. It is a simple system – it's not high-tech.

Silberstein wondered if the issue of "practical difficulty" would be used in the future on other karst features that are in similar zoning districts.

Greulich thinks the most outstanding aspect with this is the large amount of the site that the sinkhole consumes. Some of the other karst features in the area are located in back yards of single-family neighborhoods, and those will continue and will remain. The commercial zoning along 3<sup>rd</sup> Street doesn't have many karst features. The rest of the karst features are located in single-family neighborhoods. This situation is unique in that a large amount of the property is taken up by the sinkhole.

Silberstein said it's for people to say, "There isn't much developable land on this property, where is my variance?"

Greulich said this is the first time in 10 years that this situation has ever come up. There have been lots of properties throughout the City that have sinkholes that we (the Planning Department) have successfully steered people away from. In this case, it's extremely difficult to work with the ordinance and still use the property.

Tom Micuda, Planning Director, followed up by saying in that instance it's a "buyers beware" situation. In this situation, the petitioner purchased the property under a previous Zoning Ordinance, which was not as restrictive as this one.

Silberstein said in this case the property has been a down-zoning of the property while he owned it?

Micuda said in this case the zoning has always been commercial, but the regulations that governed development have gotten more restrictive over time. In Staff's opinion, this is a unique situation. This is the most permissive zoning and one would expect some development to occur.



Seeber: The City's deriving some benefit from this because of the road project for West 3<sup>rd</sup> Street? (Greulich: Yes).

**Public Comment:**

Heather Reynolds, Vice-chair of the Environmental Commission (EC), would like to make it clear that the commission is recommending denial of this variance. She said the EC memorandum outlines their main issues of concern. This petition is in direct conflict with the Zoning Ordinance Section 20.06.05.02 (D) 2 (C). The EC views this as a large sinkhole and the petitioner's consultant views it as a "blind valley". This petition is also in direct conflict with Monroe County's Zoning Ordinance Section 829-6 and Section 829-3-C-2. The petitioner has also redefined the rim. Instead of an 853' blind valley line, their 838' line would be for a 2-hour event of a 100-year storm. She believes the petitioning process, over the past 4 years, has been far from transparent. In March 2001, Don Cowden is issued a grading permit. On October 4, 2001 the Mayor (John Fernandez) signed into law the current karst ordinance. On July 12, 2002, the Planning Department sent Mr. Cowden a letter. In 2002, fill was placed on lots 3, 4, and 5. Granting this variance would set a dangerous precedent. There are many other areas that could be purchased. The structural integrity of the buildings and proposed detention pond is a concern. The EC is uncomfortable with the plan for the City to buy and assume liability, and also to assume responsibility for building and maintaining the proposed detention pond, swallow hole, and water quality of the karst system. The plan to widen 3<sup>rd</sup> Street is really a separate issue. The City of Bloomington zoning ordinances are not for show and to be applied only when it's convenient. The detention pond hasn't overflowed in the past; however, the site hasn't had impermeable surface in the past either.

A representative from the League of Women Voters read a written statement into the record (*please refer to the case file*).

Isabelle Piedmont is speaking on behalf of the Monroe County Green Party. Approval of this variance would be perpetuating a mistake. The petitioner should have been fully aware that the majority of this parcel was on a sinkhole when he purchased it. Karst topography is not an area where it's smart to build upon. Nature needs to be respected, and just because "we" own land it doesn't mean it's appropriate to develop it.

Lucille Bertuccio is opposed to this petition and urged the Board to deny it. She doesn't understand why the City has to be concerned whether or not a petitioner gets the full amount of money that he expected to get from his property. Speculation is a gamble with a parcel of land---you might make a killing and you might not. She has a problem with the Planning Department, and in this case, doesn't think it's the correct way to run a Planning Department.

**Rebuttal:**

Mike Carmin said when Mr. Cowden bought this property the existing rules didn't exist. He is offended by comments made from the public that alluded to secret meetings between the planning staff and the petitioner. No such meetings occurred. He said this project is being done with great sensitivity.

**Board Comments:**

Murray: So the Board has two things to decide. Should the site be developed?

Micuda said the Board is making a determination that should you waive the strict application of the ordinance, then some portion of the site would be developed.

Murray said the second question is how should the site be protected?

Micuda said the biggest question is whether or not you should waive the ordinance. We're not rendering a site plan or a subdivision approval.

Silberstein said are we supposed to assume that the City would need some sort of project like this with the 3<sup>rd</sup> Street widening?

Micuda: In this case, the City is dealing with a similar issue as the private sector developer in that the City is contemplating widening the roadway within this "blind valley" area.

Silberstein: Would this retention project be as extensive if the City were to just widen the road? Are we taking over a bigger project than we need to because we're also assuming the cost of maintaining it?

Micuda said it's a difficult question to answer. The detention basin being put forward with this proposal, is not only trying to address what's happening on this property, but also trying to address a City road project in the area.

Silberstein said it's hard for him to believe that widening the road would have the same impact on this karst feature that commercial lots around the property would.

Phil Tapp said you would still be talking about a pond, but not the biofiltration system that is proposed with this project.

Silberstein: The developer is going to install the system.

Micuda anticipates that the City of Bloomington would install the system, if allowed to.



Silberstein: The City would be picking up the tab for it?

Micuda said it would be incorporated as a City expense.

Tapp said not the biofiltration system. The City will not be installing the piping for each site specific lot, the landscaping, or owning and maintaining those things. As stated earlier, very little maintenance is required for the biofiltration system. The City is just going to be involved in the detention area that's going to be installed up along 3<sup>rd</sup> Street.

Justin Wyckoff, Manager of Engineering, said the City had two options with this project. The first option was to take all of the stormwater (slightly east of Cory and further west of the railroad tracks) and pipe it through the hill at Cory, all the way down past Landmark. This option would be a very extensive project. The other option was to use this as detention, which is a significant savings. We're not here to waste the public's money—we're looking at potential cost savings.

Murray: Is this property grandfathered under the old language?

Trish Bernens, Legal Counsel, said the new requirements apply. This land isn't grandfathered. The issue is at what point is it unlawful to say to the property owner, "You can't develop because we have this regulation in place." That has something to do with investment backed expectations at the time of purchase. It also has something to do with the ability of the City to justify the stringency of the regulation. Is it more stringent than we need to achieve the goals as applied to this piece of property, which is so constrained with the size of the sinkhole? The property owner is definitely subject to the new regulations. We have a recommendation that's based on the variance criteria, and the Planning Staff has outlined their reasons for why they think the variance criteria are met in this case. In addition, the mitigation measures that they're recommending satisfy the goals of the regulations.

Silberstein: How long has the petitioner owned the parcel?

Carmin said he thinks since 1993.

Shay said everything the Planning Staff has shows that he's owned the property since approximately 1994.

Pece said he supports the variance.

Silberstein said he feels better about this petition just knowing that the City gets something out of it and that it's not just benefiting an individual citizen.

**\*\*Silberstein moved approval of V-55-04 based on the written findings, including the six conditions outlined in the staff report. This includes a**



change to condition #6, *“Access to this property shall be restricted to one shared access onto S. Cory Lane and two shared accesses to West 3<sup>rd</sup> Street.”*

**Pece seconded.**

Seeber said he supports the plan.

**Roll Call: 3:1 - Approved (Murray opposed).**

Meeting adjourned @ 7:30 p.m.

**GENERAL APPLICAT**  
**CITY OF BLOOMINGTON PLANNING DEPARTMENT**  
**P.O. Box 100, City Hall**  
**Bloomington, IN 47402**  
**(812) 349-3423**

**PLAN COMMISSION**  
**PLAT COMMITTEE**  
**BOARD OF ZONING APPEALS**  
**HEARING OFFICER**

**CASE #** V-55-04  
**FILING DATE** 10/11/04  
**HT ACCT. #** 118797  
**FILING FEES \$** 200  
**FIRST HEARING** 11/18/04  
**SECOND HEARING** N/A

*Rec'd # 32885*

Applicant's Name	<u>Don Cowden</u>	Phone	<u>336.8530</u>
Address of Property	<u>2103 W. 3<sup>rd</sup> St. (181A); 302/314/316 S. Cory Ln. (181C); no address for 181B</u>		
Owner's Name	<u>Donald L. Cowden (181A/181B) &amp; Don Cowden Enterprises (181C)</u>	Phone	<u>336.8530</u>
Address	<u>3111 Venture Blvd., PO Box 2177, Bloomington, I 47402-2177</u>		
Counsel or Consultant	<u>Bledsoe Tapp &amp; Riggert, Inc.</u>	Phone	<u>336.8277</u>
Address	<u>1351 W. Tapp Road, Bloomington, Indiana 47403</u>		

Application (check one and cite relevant sections of Code if applicable):

1. Change of Zone from \_\_\_\_\_ to \_\_\_\_\_
2. Site Plan Review \_\_\_\_\_
3. Planned Unit Development (preliminary plan) \_\_\_\_\_
4. Planned Unit Development (final plan) \_\_\_\_\_
5. Preliminary Plat Review \_\_\_\_\_
6. Final Plat Review \_\_\_\_\_
7. Proposal to extend Sanitary Sewer Service \_\_\_\_\_
8. Appeal from Administrative Decision (attach copy) \_\_\_\_\_
9. Conditional Use (specify type) \_\_\_\_\_
10. **Variance (specify type)** \_\_\_\_\_

From Section 20.06.05.02 Standards for Sites Having Environmental Constraints—Karst Terrain, Wetlands, Steep Slopes, Water Resources to allow soil disturbance within 25 feet of the last closed contour line of a surface karst feature.

**This application must be accompanied by all required submittals and plan elements, as indicated for the requested approval. Applicants are required to meet with a Staff Planner to review their request prior to filing an application. No applications will be accepted without prior Staff consultation. Staff reserves the right to schedule hearing dates for petitions subject to complete submittals and pre-application Staff level review. Notices to adjacent property owners should not be mailed until hearing dates have been confirmed.**

I (we) agree that the applicant will notify all adjacent property owners per the notification rules (9/9/98) and that the mail is at the applicant's expense.

I (we) further agree that the planning department will cause a legal notice of this application to be published in a paper having general circulation in Bloomington at the applicant's expense.

I (we) certify that all foregoing information is correct and that I (we) are the owners (legal agents for owners) of property subject to this application.

If applicant is other than recorded owner, an affidavit designating authority to act on owner's behalf, must accompany this application.

Signature Shelli Ygles Date 10-08-2004 Staff Initial JCZ

PETITION SITE LOCATION INFORMATION:

Township	: Perry
Section	: 6
Lot#	: 181A, 181B, 181C
Subdivision Name	: Seminary Lot
Address	: 2103 W. 3 <sup>rd</sup> St. & 302/314/316 S. Cory Lane
Acres	: 2.78 (181A); 2.22 (181B); & 4.46 (181C)
Zoning	: Commercial Arterial

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SCOPE OF WORK:

See submittal letter.



**BOARD OF ZONING APPEALS  
STAFF REPORT  
Location: 302 S Cory Lane**

**CASE #: V-55-04  
DATE: January 20, 2005**

**PETITIONER:** Don Cowden  
2103 W 3<sup>rd</sup> Street, Bloomington

**REQUEST:** The petitioner is requesting a variance from section 20.06.05.02 (D) which states *"For non-residentially zoned areas, any land disturbing activity, including the construction of buildings or pavements over, or within a minimum of twenty-five feet from the last closed contour line of a surface karst feature is prohibited."*

**HISTORY:** This 9.46 acre site is located at the southwest corner of W 3<sup>rd</sup> Street and S Cory Lane and is zoned Arterial Commercial (CA). Surrounding land uses include a dog kennel and single family residential homes to the south and east, commercial to the north, and single and multi-family structures to the west. The property contains scattered trees, a central drainage way, open field areas, and a karst feature (known as a sinkhole) located in the southeast corner of the property. The overall site is comprised of 3 lots with 4 vacant single family houses. Although these homes have been in place for many years, the property has been marketed and prepared in anticipation of future commercial development. Previous activity has occurred as follows:

- 1996- Don Cowden files request (DP-29-96) for preliminary plat approval for an eight lot commercial subdivision of 9.46 acres. Case withdrawn.
- 2001- Grading permit was issued to allow limited grading on the site. This permit was never used by the property owner.
- 2003- New grading permit issued that limits grading to portions of the site above the determined flood elevation of 838'. This elevation was used to define the rim of the sinkhole and establish a disturbance limit. No land use or site plan approval for development was granted. Fill material was then placed on the site by the owner.

**REPORT SUMMARY:** At the time of the 1996 subdivision request, the Zoning Ordinance required that "for non-residentially zoned areas, disturbance within 25' of the last closed contour should be avoided to the maximum extent possible". This language was revised in 2001 to prohibit disturbance within 25' of the last closed contour (as shown on GIS) for both residential and non-residential zoning districts. This preservation approach has proven effective for the majority of sinkholes within the City's jurisdiction. The language of the Zoning Ordinance for karst protection allows a quick, accurate definition of the boundaries required to protect sinkholes and other related features.

This area of the City is known to have many karst features. Within a half-mile radius surrounding this site there are approximately 20 sinkholes or karst features ranging in

size from a few feet to over 1,000 feet long. The majority of the petitioner's site is located within a karst feature that has been identified by their consultant as a "blind valley". This blind valley is approximately 12.5 acres in size and encompasses 7.4 acres (~80%) of the 9.46 acre site, leaving only a small amount of land (2 acres) along the west side of the site that lies outside of the last closed contour. Development of the 2 acres would also prove difficult due to the long, narrow shape that lies outside of the last closed contour. The variance is being sought to allow for a more site specific approach in determining the sinkhole protection area while allowing for a reasonable development to occur in the future.

The petitioner is requesting a variance from the Zoning Ordinance prohibition of any land disturbing activity within 25' of the last closed contour of a karst feature in order to subdivide this commercial property into eight lots. One of these lots (Lot #3) would be used for stormwater detention and conservation of the sinkhole/swallet feature while the remaining 7 lots would be used for future commercial development. Lot #3 would be dedicated to the City for construction of the detention area and its future maintenance. A preliminary site plan has been brought forth for an Advanced Auto Parts retail store on Lot #4 of the proposed subdivision and is pending the outcome of this variance request.

Although the current karst protection requirement allows for a quick, easily defined preservation boundary, it does not take into account unique situations where there are closed topographic contours that are not integral parts of a sinkhole, but rather part of natural drainage ways that have formed adjacent to a karst feature. In these situations, a hydrologic model of the karst feature is potentially a more appropriate way to determine a preservation boundary. This approach is used in the County's Zoning Ordinance in an attempt to address development proximate to larger karst features. This hydrologic model determines the elevation of flood waters, assuming no drainage from the karst feature, to determine the area needed to maintain existing conditions and provide future protection. To that end, Staff required the petitioner to submit a karst study to be done by a geologist including recommendations for any future development.

To satisfy this requirement, the petitioner commissioned EarthTech to prepare a geotechnical report (Exhibit #1) analyzing the existing site and giving recommendations for appropriate karst protection standards. This study concluded that the majority of the site is not encumbered by the functional sinkhole, but rather the larger "blind valley" feature. When lot numbers are used in the geotechnical report, please note that the previous lot layout was used for that study. A copy of the previous layout is included in this packet for reference. The report offers several recommendations for development and protection:

1. **Soil Stability-** Due to field observations, the study indicates that to "preserve the drainage in the swallet area and potential damage to structures from potential soil piping", a permanent no-disturbance limit of the 835' contour elevation be utilized. The disturbance would include structures, parking, or cut/fill activities. Although no unstable soils are expected to be found at elevations higher than the

835' contour, EarthTech recommends that future structures utilize additional borings at footer locations as a "precautionary measure".

2. **Potential Flooding-** The study indicates that if the karst opening were 100% plugged, and sustained a 100 year – 24 hour storm event, the flood level of the sinkhole area would be near the 841' elevation contour. Therefore it was recommended that no new fill be placed between the 835' and the 841' contour elevations. This would ensure a consistent storage volume in the area.
3. **Protection of Swallet Area-** The study does not find it appropriate to apply a 25-foot buffer requirement to the entire blind valley feature. The study finds the 835' contour elevation would provide an appropriate setback and protection area for the swallet feature. It also determined that a more functional approach to preservation requirements should be used for the larger blind valley area. The suggested method would require building pads to be located no lower than 4' above the determined flood elevation of 841'. Therefore, no structures would be permitted below the 845' contour elevation.

Upon review of the report, Staff proposes the following construction restrictions be required to provide protection to the karst feature while allowing an appropriate amount of development of the property:

**838' contour elevation- no disturbance limit;** no land disturbing activity, including the placement of new buildings or pavement, should be allowed below this elevation. This number is more restrictive than EarthTech's report recommendation of 835'.

**841' contour elevation- no loss of storage capacity is allowed;** grading and filling should be allowed to occur between the 838' and 841' contour elevation as long as the existing storage volume is preserved. (i.e. no net change). This elevation is the determined water surface elevation for a 100 year – 24 hour storm event assuming the sinkhole is plugged.

**845' contour elevation - minimum elevation of building pads;** this elevation should be the minimum elevation utilized for building construction. This is four feet above the determined 100-year flood event.

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#### **ADDITIONAL SITE ISSUES:**

**3<sup>rd</sup> Street Widening:** This site is contained within the scope of work for upcoming improvements to W 3<sup>rd</sup> Street. As part of this project the City will be widening and improving the road in order to improve the poor service level. Construction is anticipated to start early in 2006. As part of this project, W. 3<sup>rd</sup> Street will be widened to include two travel lanes in each direction, a median and bike lane will be installed, new sidewalks and tree plots will be established, and a signalized intersection at Cory Lane will be installed. As part of the City's project, a stormwater detention pond has been



proposed at this location to manage existing drainage. The detention pond has been sized to accommodate not only drainage from 3<sup>rd</sup> Street, but also all of the drainage from the petitioner's proposed lots. This pond will be located on proposed lot #3 and would be owned by the City of Bloomington. The Engineering Department has stated that construction of the stormwater detention pond could begin ahead of the overall 3<sup>rd</sup> Street project to accommodate development of the adjacent commercial lots. The Board members should note that both sides of W 3<sup>rd</sup> Street adjacent to this site lie within the Blind Valley's closed contours. As a result, no widening of W 3<sup>rd</sup> Street or stormwater detention could take place at this location without a variance.

**Other Environmental Issues:** A large amount of the mature trees on the property are located on the 2.53 acre lot #3, the majority of which would remain undisturbed. Any vegetation lost on lot #3 will be replaced with a specially designed water quality improvement project to handle stormwater entering the sinkhole feature. This detention pond design would be coordinated with the Environmental Commission, and the Planning and Engineering departments.

**Stormwater Management:** Stormwater drainage on each lot will be collected and routed through specially designed biofiltration islands that will both temporarily perform a storage function and improve water quality through natural filtration before being discharged into the main detention pond. In addition, per City of Bloomington Utilities (CBU) standards, the post-development runoff rate will not exceed the pre-development runoff rate.

**Access:** Staff recommends the site be developed with one shared access point on W 3<sup>rd</sup> Street and one shared access point on S Cory Lane. As part of the work to 3<sup>rd</sup> Street, the City will be installing a median thus creating a right in/right out situation. A full access point will be placed on Cory Lane to access the two lots on the east side of the site. Both internal access roads will be private.

**Right-of-Way Dedication/Easements:** The petitioner will dedicate the required amount of right-of-way for both W 3<sup>rd</sup> (50 feet from centerline) and for S Cory Lane (27.5 feet from centerline) with the final plat. Ingress and egress access easements will be provided for access to all lots. Other conservation and drainage easements would also be dedicated with the future plat of this parcel.

**Sidewalks and Street Trees:** As part of the 3<sup>rd</sup> Street project new sidewalks and street trees will be installed along the 3<sup>rd</sup> Street frontage and a portion of the Cory Lane frontage. A pedestrian bridge and monolithic sidewalk is anticipated at the crossing of the sinkhole at the southeast corner of the property. Staff would recommend that sidewalk also be required along the internal streets.

**Utilities:** An existing sanitary sewer line is located on the property and crosses a portion of the karst feature. This line may need to be relocated and will be reviewed by City of Bloomington Utilities. Final approval from CBU is required prior to final plat approval.

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**CRITERIA AND FINDINGS****SECTION 20.05.05.00 Variances**

Standards for variances. The regulations for this zoning ordinance shall not be varied unless findings based on evidence are made in each specific case that affirm each of the following criteria:

Standards for granting variances from development standards: A variance from development standards may be approved only upon determination in writing that:

*A. The strict application of the terms of the zoning 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 variance will relieve practical difficulties.*

**Staff's Finding:** The strict application of the terms of the zoning ordinance will result in practical difficulties that are peculiar to the site because it would allow only 20% of the 9.46 acre property to be utilized for construction. This ordinance application is questionable because within the 12.5 acres encompassed by the closed contour lines of the Blind Valley, 14 houses and over 1,000 linear feet of roadway have been constructed over the past 50 years. Additionally, strict code application would create an area located outside of the closed contour that would be impossible to reasonably develop due to its narrow shape.

*B. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

**Staff's Finding:** Staff does not find adverse impacts associated with this petition. The blind valley in question has had previous development within the last closed contour. As previously stated, there have been several homes and streets that have been constructed in this area. No known negative impacts have been created by this development. Furthermore, the petitioner's consultant study indicates that development could occur reasonably on this site even during a 100-year flooding event that causes the sinkhole to cease functioning as a drainage outlet.

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

**Staff's Finding:** This approval will not be injurious to the public health, safety, morals, or welfare of the community. Karst protection has long been a priority in maintaining good public health and welfare through minimizing the impacts to the City's water quality and property loss due to dangerous placement of structures in close proximity to sinkholes. Only due to the unique factors associated with this case does staff find development within the last closed contour supportable. In addition, not only will the stormwater detention requirement be met, the proposed staged biofiltration pond and



biofiltration islands will provide redundant water quality mitigation measures, thus furthering public health policy.

An approval of this petition would also further the welfare of the community by facilitating the future improvements to W 3<sup>rd</sup> Street and associated stormwater mitigation that will be needed with that project. The future plat will help provide needed right-of-way and property that has been previously identified as ideal for detention.

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**CONCLUSION:** Although Bloomington contains a number of karst features, there are fewer such blind valleys as that which is contained on this site. This situation is further complicated by the zoning that is placed on this property. The property has long been zoned for high-intensity commercial use. The past and present owners of the property have long anticipated a reasonable use for similar commercial development as other properties along the W 3<sup>rd</sup> Street corridor. If no development, or even 20% of the area was only permitted to be developed, the City would be at risk of a "property taking". Potential determination of a taking is even more possible when a geotechnical study is available that states that a more practical, site specific approach to protection of the karst feature is more appropriate. Staff finds that this variance case is a unique situation that does not jeopardize the City's restrictive approach to sinkhole protection.

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**RECOMMENDATION:** Based on the written findings above, staff recommends approval of this petition with the following conditions:

1. No land disturbing activities with the exception of revegetation and construction of the biofiltration ponds is permitted below the 838' contour elevation.
2. No net loss in storage area is permitted below the 841' contour elevation.
3. No building pads may be located below the 845' contour elevation.
4. 3 borings each will be done on lots #1, 2, 6, 7, & 8 to determine bedrock depth and soil stability prior to plat approval.
5. Borings will be done at all proposed building foundations prior to building permit issuance.

*Amended \**

6. Access to this property shall be restricted to one shared access onto S. Cory Lane and one shared access to W. 3<sup>rd</sup> Street. *plus an entrance only for Advance Auto Parts on 3<sup>rd</sup> Street.*



# Bledsoe Tapp & Riggert, Inc.

Quality Land Surveying and Civil Engineering Services

BEN E. BLEDSOE, L.S.  
PHILIP O. TAPP, L.S.  
WILLIAM S. RIGGERT, P.E.  
BERNARD A. GUERRETTAZ, L.S.

December 21, 2004

**Eric Greulich**  
**City of Bloomington Planning Department**  
**401 N. Morton, P.O. Box 100**  
**Bloomington, IN 47402-0100**

RE: Third Street & Cory Lane Project  
Variance Request for Karst Constraints and  
Eight Lot Single-Family Subdivision

**Eric:**

On behalf of the petitioners, Donald L. Cowden and Don Cowden Enterprises, we are respectfully requesting to be placed on the January 20, 2005, Board of Zoning Appeals agenda for the approval of the variance request from Standard 20.06.05.02 and the February 7, 2005, Plan Commission agenda for approval of final plan and preliminary plat approval for an eight (8) lot single-family subdivision at the corner of West 3<sup>rd</sup> Street and S. Cory Lane.

Attached with this letter are the following:

- Preliminary Plat (4 @ 24" x 36" and 1 @ 8½" x 11)
- Grading Plan (4 @ 24" x 36" and 1 @ 8½" x 11)
- Revised Bloomington Board of Zoning Appeals Notice of Public Hearing
- Revised Bloomington Plan Commission Notice of Public Hearing
- Revised List of Interested Parties

Do not hesitate to call our office if you require any further clarification.

Sincerely,



Shelli Yoho, Admin. Assistant  
Bledsoe Tapp & Riggert, Inc.

xc: Don Cowden  
File #4873

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DEC 21 2004

BY:.....

V-55-04  
Petitioner's Statement

# Bledsoe Tapp & Riggert, Inc.

Quality Land Surveying and Civil Engineering Services

59  
BEN E. BLEDSOE, L.S.  
PHILIP O. TAPP, L.S.  
WILLIAM S. RIGGERT, P.E.  
BERNARD A. GUERRETTAZ, L.S.

October 11, 2004

Eric Greulich  
City of Bloomington Planning Department  
401 N. Morton, P.O. Box 100  
Bloomington, IN 47402-0100

RE: Variance Request for Karst Constraints – 3<sup>rd</sup> Street & Cory Lane Project

Eric:

On behalf of the petitioners, City of Bloomington Department of Engineering Services, Donald L. Cowden and Don Cowden Enterprises, we are respectfully requesting a variance to Section 20.06.05.02 Standards for Sites Having Environmental Constraints-Karst Terrain.

This variance request is being made to solidify a decision by the City of Bloomington that was made a few years back that established the karst feature elevation in question as 838. The original elevation shown for this karst area is an 852 elevation.

The projects being proposed in this area that are affected by this variance request are the West 3<sup>rd</sup> Street widening improvements and the subdivision and development of the Cowden property at the southwest corner of 3<sup>rd</sup> Street and Cory Lane.

When you look at the topography within the 852 elevation, there are numerous small swallow holes or subkarst features within the 852 area. This elevation and request deals with one of the features within the 852 elevation area.

The determination to use the 838 elevation for this karst feature was made by the City of Bloomington Drainage Engineer. If this elevation is used, then no disturbance of the feature would be required. The only impact would be additional stormwater volume that would be properly filtered prior to releasing to the karst feature. Previous permits for grading and filling in this area were based on this determination.

Please place this item on the Board of Zoning Appeals agenda for October 21, 2004.

Attached with this letter are the following:

- Application form and application fee (\$200.00)
- Plan Set (4 @ 24" x 36" and 1 @ 8½" x 11)

Do not hesitate to call our office if you require any further clarification.

Sincerely,



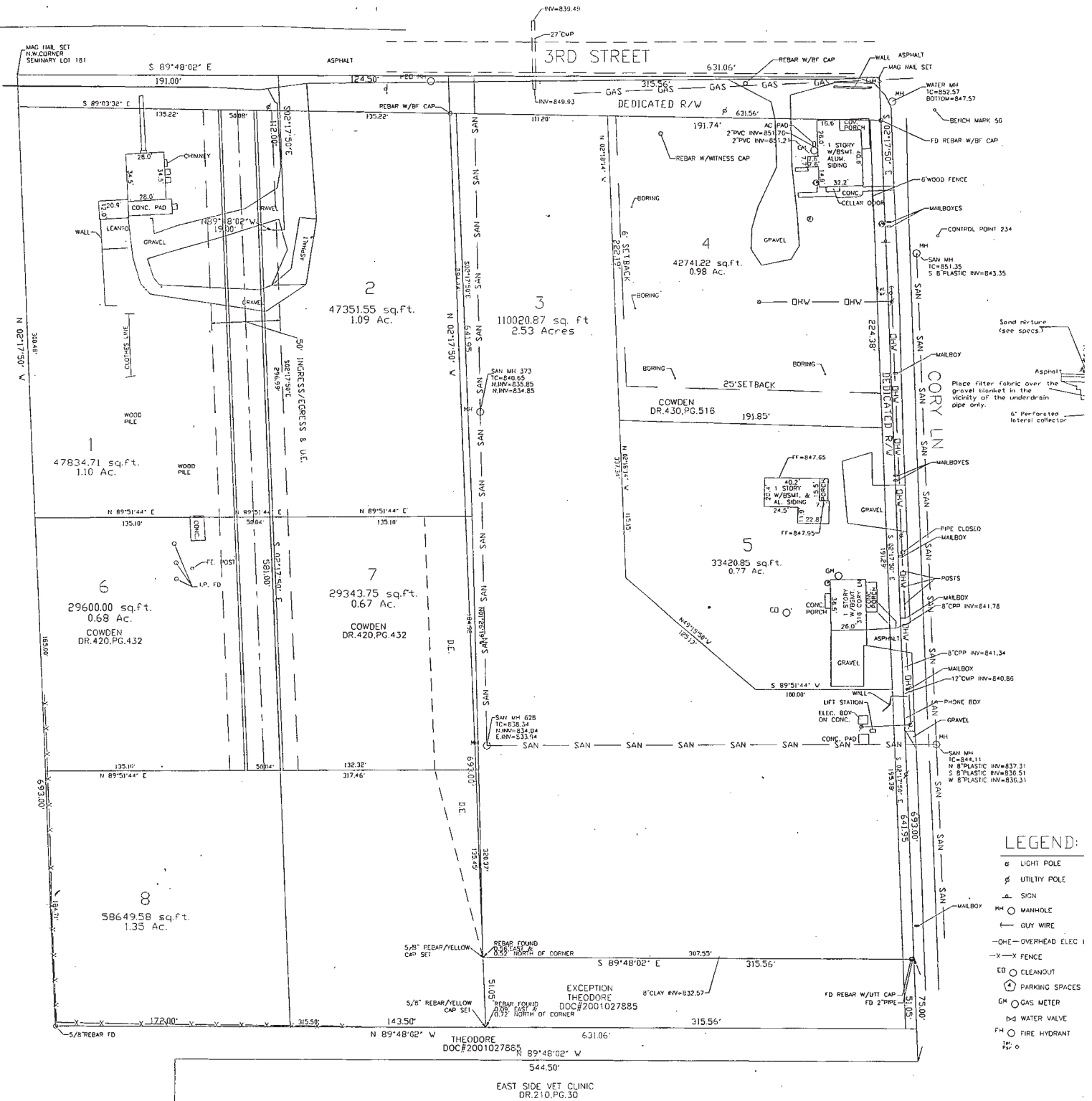
Philip O. Tapp, L.S.  
Bledsoe Tapp & Riggert, Inc.

xc: Justin Wykoff  
Don Cowden  
Mike Carmin  
File #4873

**V-55-04 Petitioner's Statement**

S:\Dplus\data\00004873\Admin\VARIANCE LETTER

# PRELIMINARY PLAT 3rd Street & Cory Lane



**LEGEND:**

- LIGHT POLE
- ⊕ UTILITY POLE
- △ SIGN
- MH ○ MANHOLE
- GUY WIRE
- O— OVERHEAD ELEC
- X- FENCE
- EO ○ CLEANOUT
- PARKING SPACES
- GM ○ GAS METER
- W-WATER VALVE
- FM ○ FIRE HYDRANT
- 

**SITE PLAN  
V-55-04  
(NEWLY REVISED)  
LOT LAYOUT**

9



## MEMORANDUM

**TO:** City of Bloomington Board of Zoning Appeals

**FROM:** Environmental Commission

**THROUGH:** Linda Thompson, Senior Environmental Planner

**DATE:** January 14, 2005

**SUBJECT:** V- 55 - 04 Third St. & Cory Lane Sinkhole

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This memorandum contains environmental information and recommendations regarding a variance from the Bloomington Municipal Code, 20.06.05.02 Standards for Sites Having Environmental Constraints -Karst Terrain, Wetlands, Steep Slopes, Water Resources. The Bloomington Environmental Commission (EC) has reviewed the petition and has the following comments and recommendations that should be considered prior to a decision on the variance. The comments that are italicized behind the symbol "►" are the EC's highest priorities.

### **Site Description:**

The site of about ten (10) acres lies within a single sinkhole. This is depicted clearly on aerial photographs from 1939 viewed in three dimensions with a stereo zoom transfer scope, and on the U.S.G.S. 7.5 topographic map Bloomington Quadrangle from 1956. (See attachment 1). Although this information makes the fact that this is a sinkhole indisputable, the EC confirmed it through an independent, world-renowned karst consultant, P.E. LeMoreaux, and the Indiana Geological Survey.

Past dye-trace results show that this sinkhole is a direct, stormwater conduit to Stoney Springs East, adjacent to Twin Lakes City Park. In fact, in one study of this sinkhole-spring system, the dye traveled from the sinkhole to the spring the quickest of all the dye traces performed in the study area. (See attachment 2). From "A Karst Groundwater Study To Delineate The Quarry Spring Basin Groundwaters Near The Lemon Lane Landfill, West-Central Bloomington, Indiana" James Fitch, Jr., 1994). This indicates a direct route that performs the least amount of filtration of the underground streams in this study area.

The Third and Cory sinkhole is not unusual in its breadth or depth. It is one of the larger ones within the municipal boundaries. However, to the west and the north of this site are sinkholes more than twice its size, and still within the municipal boundary. This sinkhole is surrounded by additional sinkholes and springs of all sizes, and is part of a vast underground system.

## **Environmental Concerns and Recommendations:**

A.) The EC recommends denial of the variance for many reasons. The following outlines the main reasons.

1. ► *The overwhelming reason for recommending denial of this variance is that the petition is in direct conflict with the City's Zoning Ordinance (ZO) because the site lies, both horizontally and vertically, within a sinkhole (small exception on far west side). By allowing one developer to disregard the ZO sets the precedence for anyone else to as well. The Bloomington Municipal Code (BMC) clearly states under 20.06.05.02 (d) Environmental Review Plan for Karst Terrain (C);*

*"For non-residentially zoned areas, any land disturbing activity, including the construction of buildings or pavements over, or within a minimum of twenty-five feet from the last closed contour line of a surface karst feature is prohibited. The last closed contour line will be defined as shown on the City of Bloomington's Geographic Information System (GIS)."*

*This ordinance was promulgated Oct.4, 2001. The EC is uncertain why or how the ordinance was previously disregarded and on Jan. 31, 2003 a Certificate of Zoning Compliance (application # C02-358, grading –Engineering # C02-GRD-021) was issued by the City. Subsequently, most of the northern portion of the sinkhole was filled. The EC finds no justification to continue this behavior, and believes it would be irresponsible of them to agree with approval of this proposal.*

2. ► *Of high concern to the EC is that in 2003 the Planning staff decided not to follow the ZO, and create a new criterion for this sinkhole and the variance without any public input. This was a large policy issue. The EC had no knowledge of it, therefore had no input on this action at the time. Because this creates the impression of impropriety, the EC would like some assurance that this will not be repeated.*

3. ► *The EC believes that there is no way to avoid an unwanted precedent for filling in other sinkholes if this after-the-fact variance is granted.*

4. ► *Although the land owner has already filled part of the sinkhole, the current after-fill contour lines show that the site is still below and within the 25 ft. buffer of the last closed contour (between 850' and 860' amsl). Therefore, regardless of the fill, the plan still does not comply with the ZO with respect to karst features. The EC believes that because the ordinance became effective before both the grading permit and this variance were requested, there is no justification for considering a denial of this variance a "taking" of property.*

5. ► *The BMC Zoning Ordinance (20.06.05.02) also states that an Environmental Review Plan for Karst Terrain shall be submitted. Included in the*



Plan shall be "A comprehensive report by a geotechnical consultant or professional engineer..." The EC believes that neither the geotechnical report nor the Plan was comprehensive enough to make a scientific decision on the validity of building inside a sinkhole. (See attachment 3). At the least, there still needs to be geophysical research completed to prove that the area around the swallow hole and the proposed detention pond will be able to hold water and have the structural integrity to hold all the added weight. The EC bases this belief on the vast experience of the Commissioners, reports compiled by other consulting companies that specialize in karst issues, and the fact that three other swallow holes currently exist on the property.

6. ► The EC is very uncomfortable with the plan that the City buy and assume responsibility for the detention pond, the swallow hole, and the water quality in a karst system, for a private developer.

7. ► The EC believes that the most recent plan submitted is too vague to make a recommendation on. There is no current grading plan: it appears that some lots are too small for development and water quality BMPs; and there is no information on the size and effectiveness of the "biofiltration islands" depicted.

8. ► The EC believes that allowing this one-time ZO change will not meet the City's ZO, but the County's as well. At least two rules have been disregarded. The first is filling in a sinkhole. The second is eliminating the buffer zone than the County.

9. ► The EC requests proof, via the petitioner, from EPA that this swallow hole is not classified as a class V injection well. It also requests proof that the site does not need a 401 Certification from IDEM.

10. The EC has concerns about the lack of environmental protection measures proposed for the subdivision plan and one site plan. However, because this meeting is intended to address only the zoning variance, the EC will not elaborate on these shortfalls.

*John Bassett @meeting*

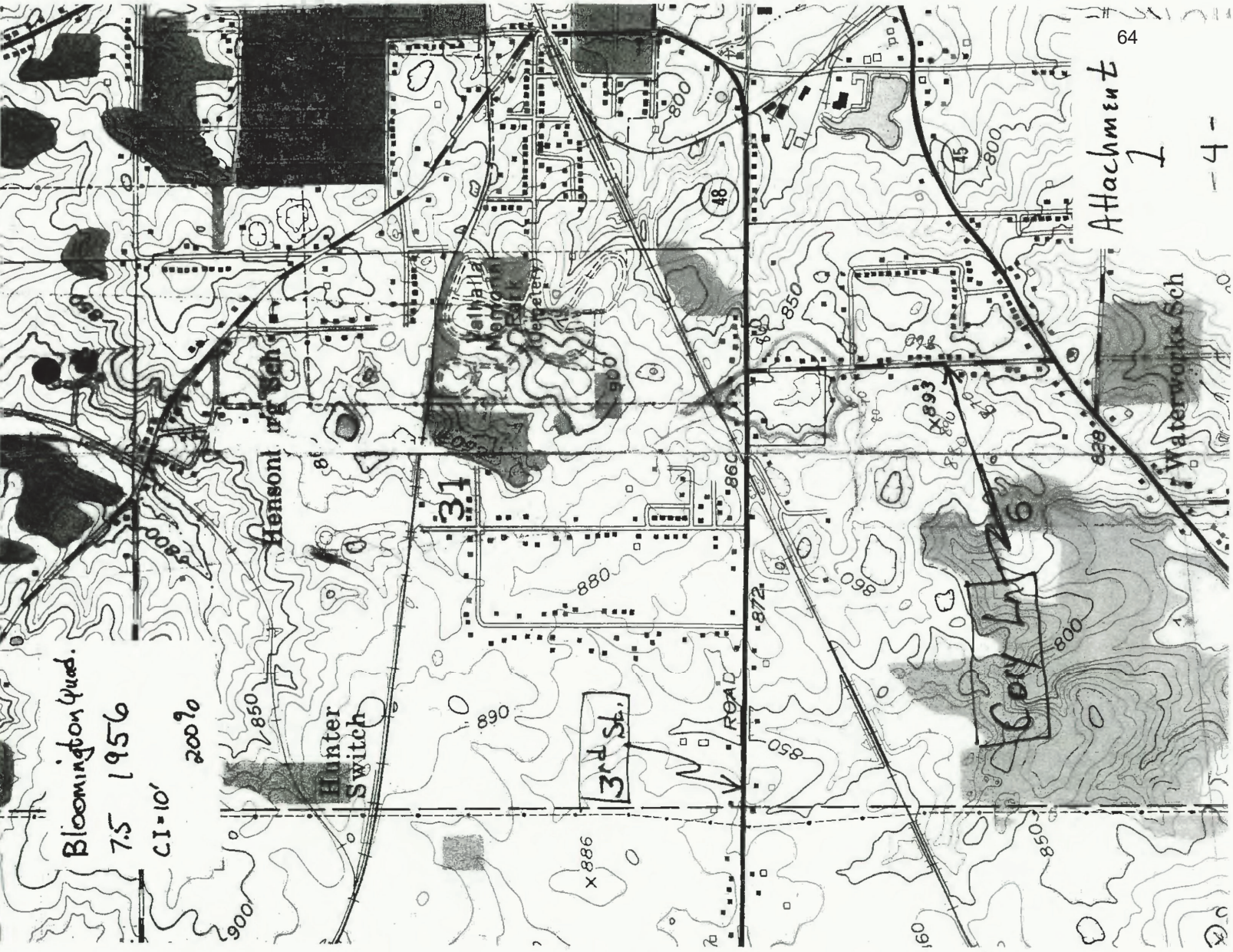
*Thursday*

*Borings*



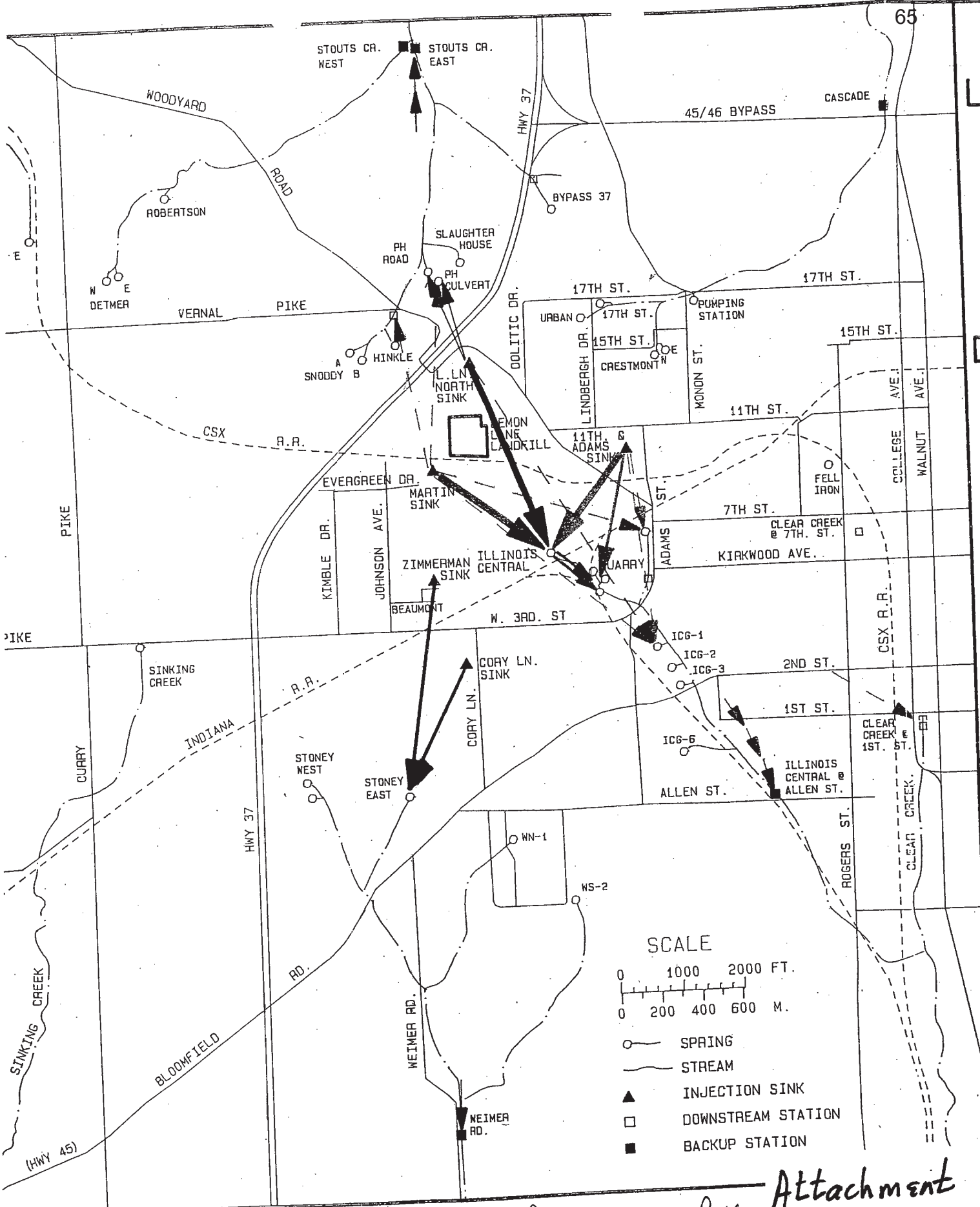
Bloomington Quad.  
7.5 1956

CI-10' 20070



64  
Attachment  
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-4-

LOC  
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DYE



Dye Tracing Pattern Attachment  
2

# Memorandum

**Date:** 6 December 2004

**To:** John Bassett and Phil Tapp

**From:** Environmental Commission Planning Subcommittee

**Through:** Linda Thompson

**Subject:** Information that the EC Planning Subcommittee expects to see from an Environmental Review Plan for Karst Terrain as described in CoB Municipal Code 20.06.05.02

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## **What is needed in an Environmental Review Plan for Karst Terrain**

Taken from 20.06.05.02 (in black)

Environmental Commission, Planning Subcommittee's comments (in green)

20.06.05.02(d) Environmental Review Plan for Karst Terrain.

(1) Required review plans shall include the following:

- (1)(A) An engineering audit (a methodical examination and review)
- identify karst features
  - identify limitations that karst features impose on site development

This will require a geophysical investigation. The investigation results need to show at least the following:

1. A karst inventory for the whole watershed. This site is an integral part of a regional system, and does not stand alone. This includes all karst features (sinkholes, springs, grikes, underground water conduits, fracture liniments, voids, caves, etc.) expressed on the surface and the subsurface. So far, four swallow holes have been identified on the site, and within the Cory Lane sinkhole.
2. After identifying the karst features, the stormwater and groundwater flow patterns must be identified and mapped.
3. The bedrock topography and bedrock voids.



4. Physical and chemical descriptions of the bedrock and potential dissolutional and structural behavior.

5. Description of proof that the subsurface bedrock is stable enough for fill and development. (now that fill is there, and the future with added fill and development).

6. Description of proof that the fill is stable and strong enough for buildings and infrastructure. Show the logs that should have been kept during the fill process that cite thickness of fill layers, how compaction was achieved between each layer, percent moisture, where the fill came from, soil type, etc.

Recommendations for technologies that could be used include:

- Natural Potential (NP)
- Electrical Resistivity Tomography (ERT)
- Seismic
- Electromagnetic (EM)
- Microgravity
- Infrared Thermal Scanning
- Dye Tracing
- Exploratory Boring
- Exploratory Coring
- Ground-penetrating radar (although, the clay-rich fill is probably too thick at this site to use this method)

(1)(B) A building & structure site plan for the zoning lot.

1. The zoning lot is the whole ten acres. Show all information requested herein for the whole ten acres.

(1)(C) Statement indicating mitigation measures.

Topographical site plan indicating mitigation measures.

1. Provide the Control Plan, and DNR permit for the current fill. This is to show the mitigation measures that were used when fill was placed in the sinkhole.

2. Provide the response to the RAI issued from Planning Dept for #C01-089. Request #3: "The submitted grading plan indicates that numerous tree species exist on site. Please identify tree species by type and size (dbh) and indicate which trees will be preserved."

(2)(C) For non-residentially zoned areas, any land disturbing activity, including the construction of buildings or pavements over, or within a minimum of 25 ft. from the last closed contour line of a surface karst feature is prohibited.

The last closed contour is defined by CoB's GIS.

1. Use a one-foot contour interval to identify the swallow holes in your own survey.

2. Explain why an exception should be made for this site considering this is a private business project and is not considered a "public benefit" as a road-widening project would be.

(2)(D) stormwater discharge into sinkholes shall not be increased over preexisting rate.

1. Calculate both discharge volume and discharge velocity. (Discharge = the volumetric flow of water through a given cross section ( $\text{ft}^3/\text{sec.}$ ): Discharge velocity = the rate of discharge of water through a porous medium per unit of total area perpendicular to the direction of flow ( $\text{ft}/\text{sec.}$ )).

Sinkholes shall not be utilized for stormwater detention.

1. Because any stormwater detention proposed for this site will be within a sinkhole, describe how the proposed detention basins will be superior to a typical detention basin, and why a variance should be granted to allow this sinkhole to be utilized for stormwater detention.

(2)(E) Stormwater runoff from paved areas or structures (roof tops) shall not directly enter a sinkhole. Drainage plans shall be designed to route runoff through vegetative filters or other filtration measures before it enters a sinkhole.

1. Explain mitigation BMPs. Also, show plans for ensuring that any future development on all lots will employ BMPs current for the time.

(2)(F) Flow of surface water to a sinkhole shall not be substantially reduced from preexisting conditions.

See D above.

(2)(G) Spring or cave entrances shall not be modified

1. Show that filling this sinkhole and covering much of it with impervious material will not modify Stoney Springs East. This must include background/ baseline data on water coming out of Stoney Springs East and any other springs identified.

(2)(I) A comprehensive report shall be provided describing:

stormwater drainage design

1. This design must be superior to average designs because the entire site is within a sinkhole. The EC believes that the sinkhole should not have previously received

any fill, and that plans should not have been made to develop within a sinkhole. Because these have already been done, extra environmental and structural measures should be employed. This belief is not to punish the developer, but to show through example that with extra, state-of-the-science practices, developing in a sinkhole can be accomplished successfully.

#### retention

1. This must catch more than first flush detention. Design assuming a 500-year rain event.

#### erosion control

1. Show sediment controls, construction and post construction water quality plans that will demonstrate that the runoff is clean before it leaves the site. In addition to your plan, provide a copy of the erosion control plan that will be submitted to DNR required by Rule 5.

#### stormwater quality mitigation measures

1. In addition to the mitigation measures you plan to use, include re-vegetation of lot 8 and the entire riparian buffer of the stream (lot 3 at least) with native, facultative and/or facultative wetland plants.



# MEMO

**Date:** December 3, 2004  
**To:** Phil Tapp  
**From:** John Bassett  
**Subject:** Karst Feature Review

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This memorandum summarizes investigations undertaken by Earth Tech regarding the identification of karst features on tract of land located at the southwest corner of West Third Street and Cory Lane, Bloomington, Indiana. This report is provided in partial fulfillment of the requirement of Section 20.06 of the City of Bloomington Planning Code.

The investigated tract consists of approximately 11.0 acres of Seminary Lot 181. A new preliminary plat has divided the property into eight Lots (Figure 1, Lots 1 to 8). Field inspections of the property were conducted on October 18 and December 2, 2004 to identify and characterize karst features.

## Identification of Karst Features

Identified karst features are shown on Figure 1.

### *Feature 1 – Blind Valley*

Most of the property is located within a small *blind valley* type of karst feature. This type of karst feature is similar to a normal surface valley, except that the stream in such a valley is pirated into subsurface solution conduits at one, or several places along the channel length. Through time, as the upstream portion of the valley deepens a pronounced threshold develops in the stream channel where the stream sinks. The point where the stream sinks is referred to as a *swallet*. Eventually, the valley area becomes an entirely closed depression, like a sinkhole, and is “blind” in the downstream direction below the principal *swallet* features. The well-known Cave Creek and Sinking Creek drainage basins in Monroe County are larger scale examples of a blind valley.

A blind valley has a “rim” elevation similar to a sinkhole. The “rim” elevation may be defined as the elevation of the highest closed topographic contour. Examination of City of Bloomington GIS mapping indicates that the rim elevation of the blind valley is at an elevation of about 853 feet msl. The lowest elevation on the rim is located east of Cory Lane. All but the extreme western part of the property is below this elevation (Figure 1).



The drainage area of the blind valley consists of about 38.4 acres. Within this area all drainage is interval through dissolution conduits in the karstic limestone. There is no surface outflow from this drainage basin.

Several areas of fill soil occur within the rim of the blind valley. The limits of these fill areas are noted on Figure 1. The fill area on Lots 1 and 2 has raised the surface elevation to about 854 feet asl, or slightly higher than the blind valley rim elevation. This fill has been in place for several years. Smaller fill areas are located in the northeast portion of Lot 7 and the southwest portion of Lot 8. This fill consists primarily of broken concrete rubble and soil. The fill is heavily vegetated and is quite old. The fill area on Lots 3, 4 and 5 was placed in about 2002 and is primarily soil. The top of this fill is below the blind valley rim elevation.

### ***Feature 2 – Swallet***

The blind valley appears to drain to a single well-defined terminal swallet (Feature 2). This feature is located in the southern portion of Lot 8 and consists of soil slump about three feet deep and eight feet in diameter. Discharge to the swallet occurs primarily from a well-defined channel flowing south from Third Street through Lots 3 and 8. A flow of about 20 gallons per minute was observed in the channel during the site visit on October 18. About one-half of this flow was observed to be entering the Feature 2 terminal swallet. Flow loss in the channel was observed generally along the last 120 feet of the channel length beginning just downstream from a pronounced eastward bend in the channel.

### ***Pseudokarst Features***

Two small soil slumps features were located in the extreme northwest corner of Lot 3 near West Third Street (Figure 1). The largest of these features is about 5 feet by 2 feet by 2 feet deep and appears to be associated with roadway drainage entering an area of rubble fill. Course rubble fill is evident in the soil slumps and it appears that the soil slumps are related to soil piping through coarse fill rather than through karst conduits. These features are not true karst features.

### ***Subterranean Drainage***

The discharge point for the Feature 1 blind valley and the Feature 2 swallet has been established by dye tracing and is known to be Stoney East Spring. The dye trace was conducted on May 18, 1992. A total of four pounds of direct yellow 96 (DY96) were injected into water ponded in the terminal swallet area at 12:32 hours (Fitch, 1994). The dye was detected at Stoney East Spring, 2,300 feet to the southwest by 15:50 hours. The magnitude of the dye detection was about 400 times the background dye concentration and was a very clear positive result. The travel time, about three hours, is indicative of



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rapid ground water flow in a dissolution conduit. The dye appeared at no other monitored location (Fitch, 1994).

### Recommendations

The principal karst related factors to development of the property are potential flooding, soil stability, protection of the swallet karst feature area, and stormwater quality.

#### *Potential Flooding*

The downstream end of the blind valley area near the swallet Feature 2 is known to flood after heavy rains. Flooding of the area is most likely related to limited capacity of the swallet area to accept stormwater discharges. No floodplain area has been designated in this area by the Federal Emergency Management Agency (FEMA, June 17, 1991), but planning activities should consider the flooding elevation, and building pads should be set above the expected 100-year flood level.

Previous calculations by others have indicated a 100 year- 2 hour flood level of about 838 feet. The swallet area inundated to this level is indicated on Figure 1. Calculations performed by Bledose, Tapp and Riggert assuming no outflow from the swallet and the current topographic plan indicate a 100 year – 2 hour level of 837.8 feet, and a 100 year – 24 hour level of 841.4 feet. Flooding to this level would inundate the swallet area to a depth of about 15 feet. Temporary flooding of the swallet area will be a nuisance, and a potential safety issue.

It is recommended that no new fill be placed below the 841 foot contour. This will prevent restriction of the flood storage volume in the swallet area. It is further recommended that all building pads should be placed at an elevation of at least 845 feet to avoid future flooding potential.

#### *Soil Stability*

Soil stability due to piping may be a problem in karstic terrains. This situation may be particularly problematic in sinkhole bottom and swallet areas. Feature 2 is the only soil piping feature noted in the property, but soil pipes may occur elsewhere in the swallet area. It was noted that water began to be lost from the surface channel 120 feet away from the swallet Feature 2. Such water infiltration could induce piping, and therefore the swallet area should be avoided for all construction. I suggest the use of a permanent no-disturbance setback area based on the 835 foot contour. This will act to preserve the drainage in the swallet area and potential damage to structures from potential soil piping.

It is also recommended that foundation conditions be evaluated for all major buildings placed on the platted lots. Foundation conditions should be evaluated by soil borings advanced to the limestone bedrock. Such borings are useful in evaluating the presence of soft, raveled soils indicative of soil piping. Raveled soil conditions are not expected



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outside of the immediate swallet area and the soil borings to bedrock are a precautionary measure.

### *Protection of Swallet Area*

The swallet Feature 2, located in the downstream end of the Feature 1 blind valley is an integral part of the drainage system and must be kept open to provide for surface water drainage. This feature serves as natural storm sewer inlet point. I recommend that the 25 foot horizontal setback specified in Section 20.06 D.2 be expanded to include the total area below 835 foot contour. I do not believe it is appropriate to apply a 25 foot horizontal setback criteria to the entire Feature 1 blind valley area. An appropriate setback for Feature 1 should be based on a vertical setback above the maximum anticipated flooding level, similar to that currently utilized in Section 829 of the Monroe County Zoning Ordinance.

4' above

### *Detention Basin and Water Quality Mitigation*

Piped stormwater drainage to sinkholes should be avoided. Discharge of piped stormwater to sinkhole bottom areas may act to promote soil piping and collapse at or downstream of the discharge point.

### *References*

- FEMA, June 17, 1991, Flood Insurance Rate Map, Panel 180169 0025 C.
- Fitch, James R., 1994, A Karst Groundwater Study to Delineate the Quarry Spring Basin Groundwaters Near the Lemon Lane Landfill, West-Central Bloomington, Indiana: Indiana University Department of Geological Sciences, MA Thesis, 154p.



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# MEMO

**Date:** January 6, 2004  
**To:** Phil Tapp  
**From:** John Bassett  
**Subject:** Response to EC Subcommittee Comments, Karst Feature Review, Third Street and Cory Lane

---

This document provides a response to certain comments provided by the City of Bloomington EC Planning Subcommittee regarding the requirements for a City of Bloomington Municipal Code Section 20.06 environmental review plan for karst terrain, as contained in a memorandum dated December 6, 2004. The memorandum specifically addresses requirements for a property located at West Third Street and Cory Lane that contains a large sinkhole, or blind valley type of karst feature.

A karst environmental review of the property has been completed and results of the review are contained in a memo dated December 3. Much of the information requested by the EC is contained in that memo.

## **20.06.05.02(d)(1)(A) Engineering Audit**

### **Comment 1. Karst Inventory for the Whole Watershed**

Response: It is agreed that the karst features on the property are an integral part of the watershed, or karst drainage system. The December 3 memo indicates that all drainage from a 38.4 acre watershed drains to a well-defined terminal swallet at the downstream end of the blind valley. It further identifies the resurgence point for the site drainage as being Stony East Spring, and provides the travel time through the underground flow routes.

A total of 11 acres of the watershed were examined during the field inspection. I know of no caves, or other karst features within the remainder of the watershed that would materially impact the results of the audit.

### **Comment 2. Stormwater and groundwater flow patterns must be identified and mapped**



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*Letter from John Bassett*

45

Phil Tapp  
January 6, 2005  
Page 2 of 3

Stormwater and groundwater flow patterns in karst terrain are usually mapped using dye tracer tests. The principal swallet area on site has been dye traced, and the results of that test are discussed in the December 3 memo.

### **Comment 3. Bedrock topography and bedrock voids**

Depth to bedrock has been evaluated by several on site geotechnical borings on Lot 4, and additional borings have been recommended for new buildings constructed on any of the site lots. The Lot 4 soil boring results were distributed to the planning staff during the December 6 meeting. The borings show the bedrock occurs at depths of 24 to 26 feet on this lot. The upper 5 to 8 feet of this material is recently placed fill. No voids or apparent raveled soils were encountered in any of the soil borings.

Depth to bedrock in other parts of the property is expected to be similar.

Small bedrock voids undoubtedly exist beneath the property. The largest bedrock voids will be associated with the main dissolution conduits draining south to Stony East Spring. This voids will not underlie the developed portions of the property. Generally, the principal problem with developing around karst features is voids in the soil and not voids in the bedrock. Soil borings to bedrock prior to construction may be used to locate these.

### **Comment 6. Description of proof that the fill is stable using various technologies**

The December 3 memo suggested that foundation conditions be evaluated for all major buildings on site using soil borings. We recommended that foundation conditions should be evaluated by soil borings advanced to the limestone bedrock. Such borings are useful in evaluating the presence of soft, raveled soils indicative of soil piping. Raveled soil conditions are not expected outside of the immediate swallet area. This area will be avoided for construction. Soil borings to bedrock are viewed as a precautionary measure and are good engineering practice when construction occurs on filled areas.

The EC memorandum provided a list of recommended technologies for evaluating subsurface conditions that include the recommended soil boring strategy. Several of the recommended technologies, such as natural potential, resistivity tomography, seismic, electromagnetic survey, microgravity, and ground penetrating radar are non-invasive geophysical procedures that have been used in karst settings, with varying degrees of success, to detect voids. Some of these may be regarded as fine investigatory tools, but ultimately foundation conditions are evaluated using soil boring data, as recommended in the December 3 memo. Soil borings provide the most definitive geotechnical data related to site construction.



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Phil Tapp  
January 6, 2005  
Page 3 of 3

**20.06.05.02(d)(2)(C) For non-residentially zoned areas, any land disturbing activity, including the construction of buildings or pavements over, or within a minimum of 25 feet from the last closed contour line of a surface karst feature is prohibited.**

This criteria unnecessarily restricts use of the property. I suggest that a more appropriate setback criteria for large sinkholes such as this is to use a vertical setback above the anticipated flooding level as calculated for a 100-year recurrence interval and assuming no outflow from the sinkhole. This was the method used to establish the 841-foot flood level, and is the methodology used by Section 829 of the Monroe County Planning Ordinance.

The December 3 memo suggests a vertical setback of 4 feet above the 100-year 24-hour flood level of 841 feet and that no new fill be placed below 841 feet.

**20.06.05.02(d)(2)(E) Stormwater runoff from paved areas or structures shall not directly enter a sinkhole. Drainage plans shall be designed to route runoff through vegetative filters or other filtration measures before it enters a sinkhole.**

Stormwater mitigation measures should and will be employed for this development. It is probably desirable to coordinate drainage treatment for this parcel with treatment associated with the West Third Street widening project. The sinkhole flooding area will not be used for stormwater detention. 841

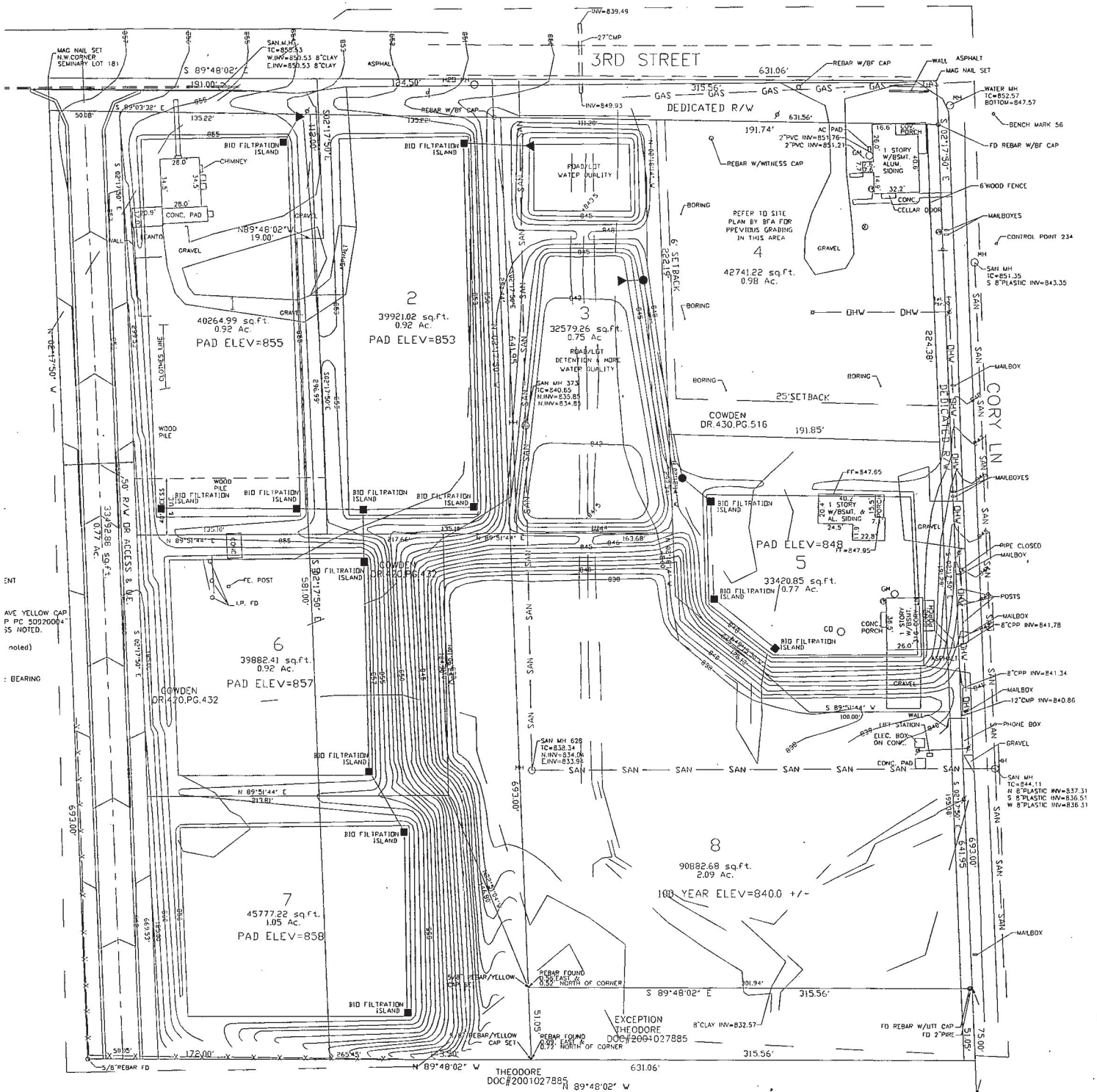
**20.06.05.02(d)(2)(G) Spring or cave entrances shall not be modified.**

There are no spring or cave entrances on the property. The December 3 memo recommends a no-disturbance area below the 835-foot contour to protect the primary swallet feature on the property.



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# PRELIMINARY PLAT 3rd Street & Cory Lane



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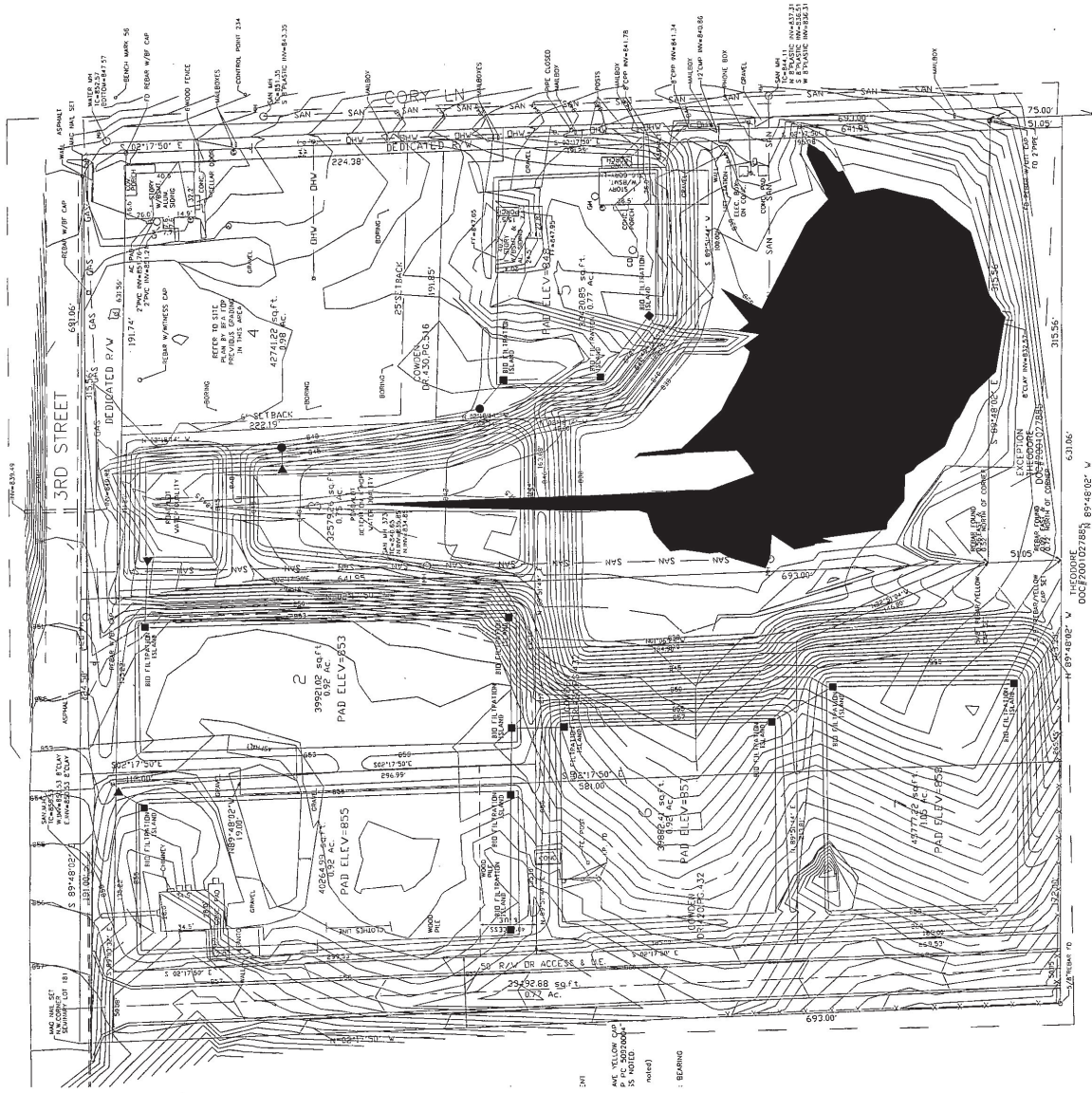
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noted.

: BEARING

V-55-04  
PREVIOUS LOT  
LAYOUT USED  
FOR KARST STUDY (10)

PRELIMINARY PLAT  
3rd Street & Cory Lane



V-55-04  
EXISTING 878'  
CONTOUR ELEVATION



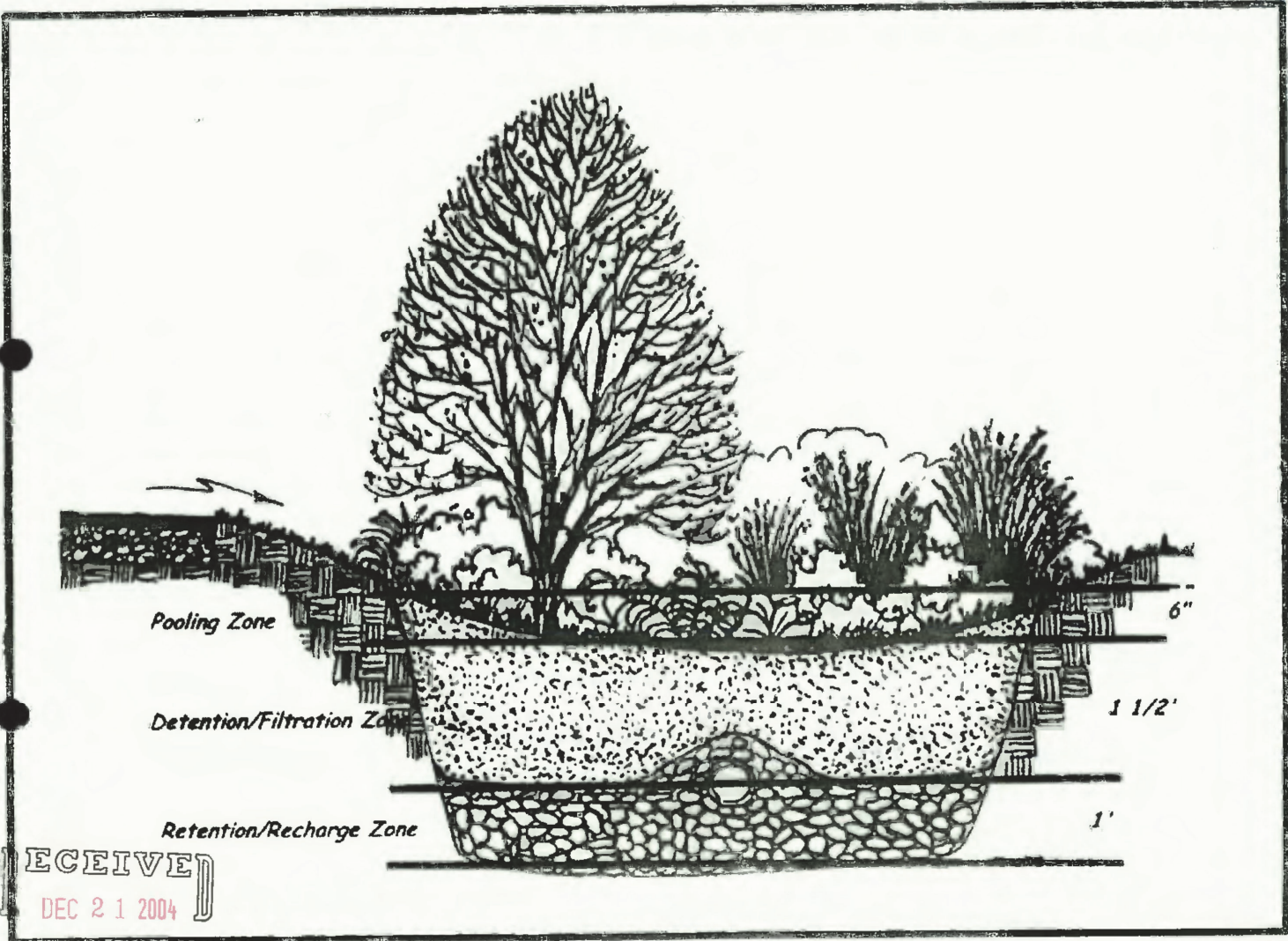
EAST SIDE VET. CLINIC  
DR. F. O. PG. 30

THEODORIC  
0006700/02/2008 85+4802' V  
544.50'

DATE: 11/15/11  
BY: J. C. MOORE  
SCALE: AS SHOWN  
NOTES:  
1. BEARING



V-55-04  
Biofiltration Island



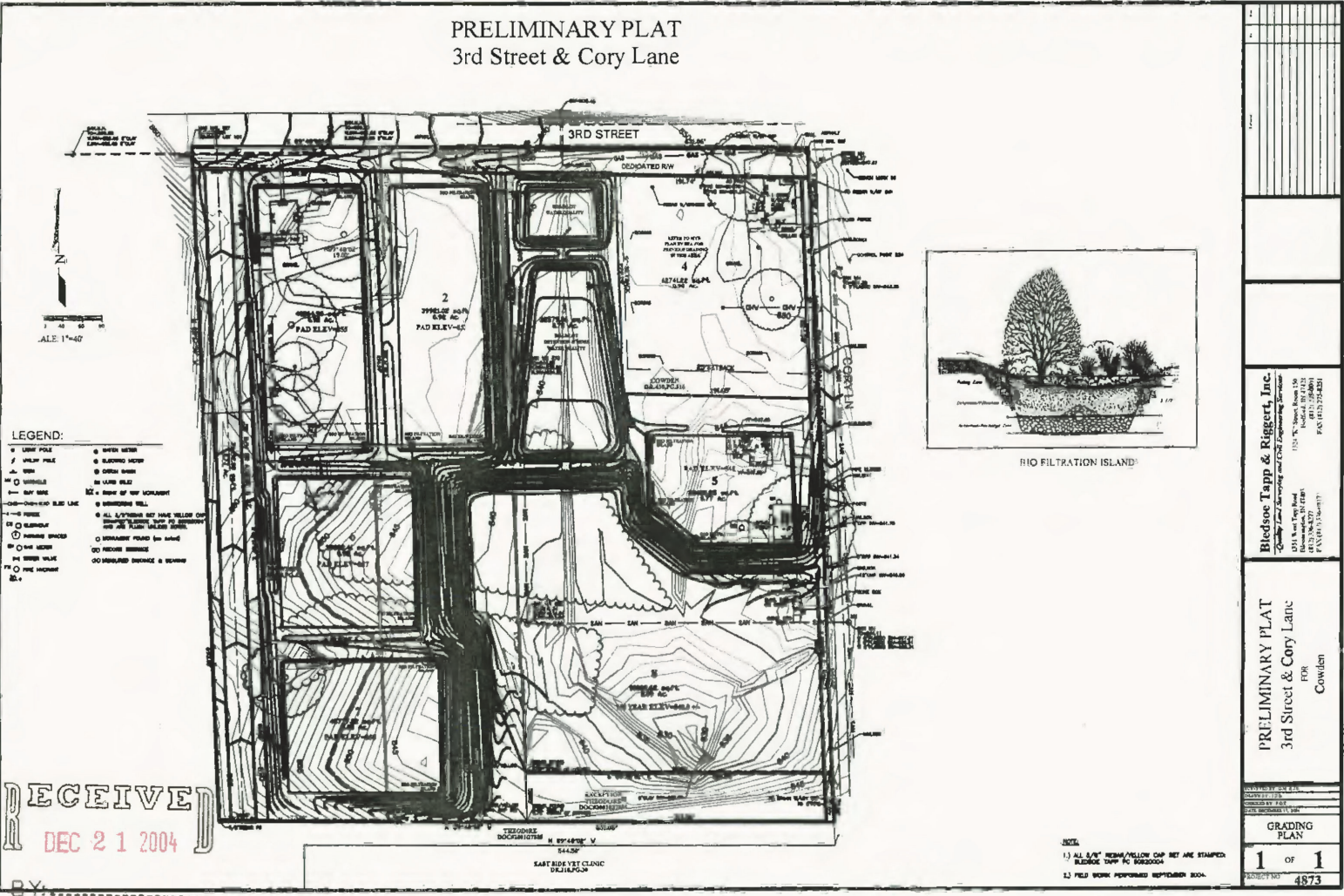
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DEC 21 2004

BY:.....





# PRELIMINARY PLAT 3rd Street & Cory Lane

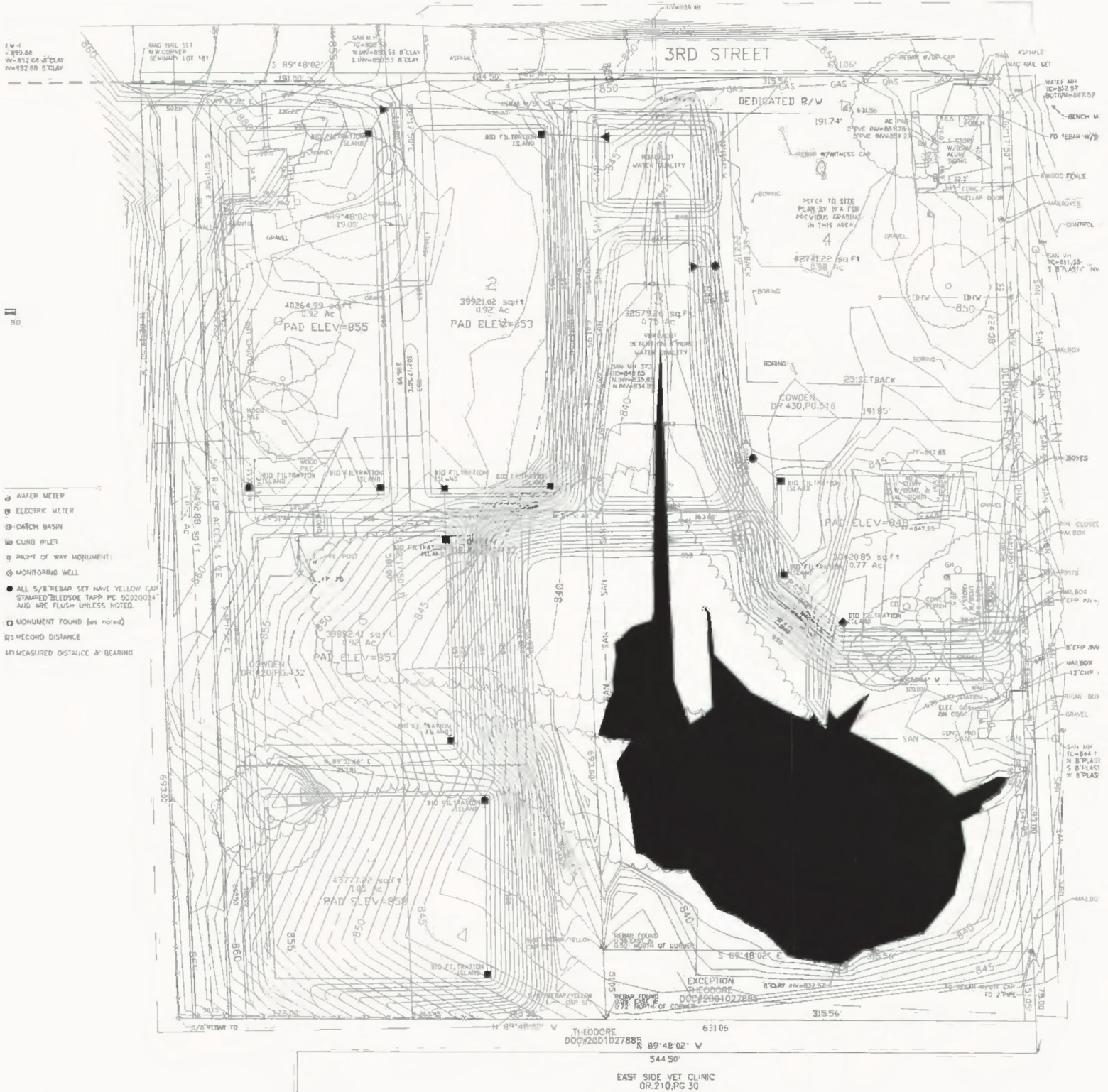


**RECEIVED**  
DEC 21 2004

<p><b>Bledsee Tapp &amp; Riggert, Inc.</b>  <i>Quality Land Surveying and Civil Engineering Services</i>        1115 N. West Street, Suite 108        Houston, TX 77028        P: (713) 781-4200        F: (713) 781-4201</p>	
<p>PRELIMINARY PLAT        3rd Street &amp; Cory Lane        FOR        Cowilan</p>	
<p>GRADING        PLAN</p>	
<p>1 OF 1</p>	
<p>4873</p>	



# PRELIMINARY PLAT 3rd Street & Cory Lane



1 M = 1" = 800.00  
N=852.68 S CLAY  
N=852.68 S CLAY

11 80

- WATER METER
- ⊕ ELECTRIC METER
- ⊙ CATCH BASIN
- ⊞ CURB INLET
- ⊙ MONUMENT FOUND (see notes)
- ⊙ MONUMENT FOUND (see notes)
- ⊙ RECORD DISTANCE
- ⊙ MEASURED DISTANCE & BEARING

THEODORE  
DOC#2001027885  
N 89°48'02" W  
544.50'  
EAST SIDE VET CLINIC  
DR. 210, PG 30

# MEMO

**Date:** January 6, 2004  
**To:** Phil Tapp  
**From:** John Bassett  
**Subject:** Response to EC Subcommittee Comments, Karst Feature Review, Third Street and Cory Lane

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This document provides a response to certain comments provided by the City of Bloomington EC Planning Subcommittee regarding the requirements for a City of Bloomington Municipal Code Section 20.06 environmental review plan for karst terrain, as contained in a memorandum dated December 6, 2004. The memorandum specifically addresses requirements for a property located at West Third Street and Cory Lane that contains a large sinkhole, or blind valley type of karst feature.

A karst environmental review of the property has been completed and results of the review are contained in a memo dated December 3. Much of the information requested by the EC is contained in that memo.

## **20.06.05.02(d)(1)(A) Engineering Audit**

### **Comment 1. Karst Inventory for the Whole Watershed**

Response: It is agreed that the karst features on the property are an integral part of the watershed, or karst drainage system. The December 3 memo indicates that all drainage from a 38.4 acre watershed drains to a well-defined terminal swallet at the downstream end of the blind valley. It further identifies the resurgence point for the site drainage as being Stony East Spring, and provides the travel time through the underground flow routes.

A total of 11 acres of the watershed were examined during the field inspection. I know of no caves, or other karst features within the remainder of the watershed that would materially impact the results of the audit.

### **Comment 2. Stormwater and groundwater flow patterns must be identified and mapped**



Phil Tapp  
January 6, 2005  
Page 2 of 3

Stormwater and groundwater flow patterns in karst terrain are usually mapped using dye tracer tests. The principal swallet area on site has been dye traced, and the results of that test are discussed in the December 3 memo.

### **Comment 3. Bedrock topography and bedrock voids**

Depth to bedrock has been evaluated by several on site geotechnical borings on Lot 4, and additional borings have been recommended for new buildings constructed on any of the site lots. The Lot 4 soil boring results were distributed to the planning staff during the December 6 meeting. The borings show the bedrock occurs at depths of 24 to 26 feet on this lot. The upper 5 to 8 feet of this material is recently placed fill. No voids or apparent raveled soils were encountered in any of the soil borings.

Depth to bedrock in other parts of the property is expected to be similar.

Small bedrock voids undoubtedly exist beneath the property. The largest bedrock voids will be associated with the main dissolution conduits draining south to Stony East Spring. This voids will not underlie the developed portions of the property. Generally, the principal problem with developing around karst features is voids in the soil and not voids in the bedrock. Soil borings to bedrock prior to construction may be used to locate these.

### **Comment 6. Description of proof that the fill is stable using various technologies**

The December 3 memo suggested that foundation conditions be evaluated for all major buildings on site using soil borings. We recommended that foundation conditions should be evaluated by soil borings advanced to the limestone bedrock. Such borings are useful in evaluating the presence of soft, raveled soils indicative of soil piping. Raveled soil conditions are not expected outside of the immediate swallet area. This area will be avoided for construction. Soil borings to bedrock are viewed as a precautionary measure and are good engineering practice when construction occurs on filled areas.

The EC memorandum provided a list of recommended technologies for evaluating subsurface conditions that include the recommended soil boring strategy. Several of the recommended technologies, such as natural potential, resistivity tomography, seismic, electromagnetic survey, microgravity, and ground penetrating radar are non-invasive geophysical procedures that have been used in karst settings, with varying degrees of success, to detect voids. Some of these may be regarded as fine investigatory tools, but ultimately foundation conditions are evaluated using soil boring data, as recommended in the December 3 memo. Soil borings provide the most definitive geotechnical data related to site construction.



A Tyco International Ltd. Company



Phil Tapp  
January 6, 2005  
Page 2 of 3

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A Tyco International Ltd. Company

Phil Tapp  
January 6, 2005  
Page 3 of 3

**20.06.05.02(d)(2)(C) For non-residentially zoned areas, any land disturbing activity, including the construction of buildings or pavements over, or within a minimum of 25 feet from the last closed contour line of a surface karst feature is prohibited.**

This criteria unnecessarily restricts use of the property. I suggest that a more appropriate setback criteria for large sinkholes such as this is to use a vertical setback above the anticipated flooding level as calculated for a 100-year recurrence interval and assuming no outflow from the sinkhole. This was the method used to establish the 841-foot flood level, and is the methodology used by Section 829 of the Monroe County Planning Ordinance.

The December 3 memo suggests a vertical setback of 4 feet above the 100-year 24-hour flood level of 841 feet and that no new fill be placed below 841 feet.

**20.06.05.02(d)(2)(E) Stormwater runoff from paved areas or structures shall not directly enter a sinkhole. Drainage plans shall be designed to route runoff through vegetative filters or other filtration measures before it enters a sinkhole.**

Stormwater mitigation measures should and will be employed for this development. It is probably desirable to coordinate drainage treatment for this parcel with treatment associated with the West Third Street widening project. The sinkhole flooding area will not be used for stormwater detention. 841

**20.06.05.02(d)(2)(G) Spring or cave entrances shall not be modified.**

There are no spring or cave entrances on the property. The December 3 memo recommends a no-disturbance area below the 835-foot contour to protect the primary swallet feature on the property.



A Tyco International Ltd. Company

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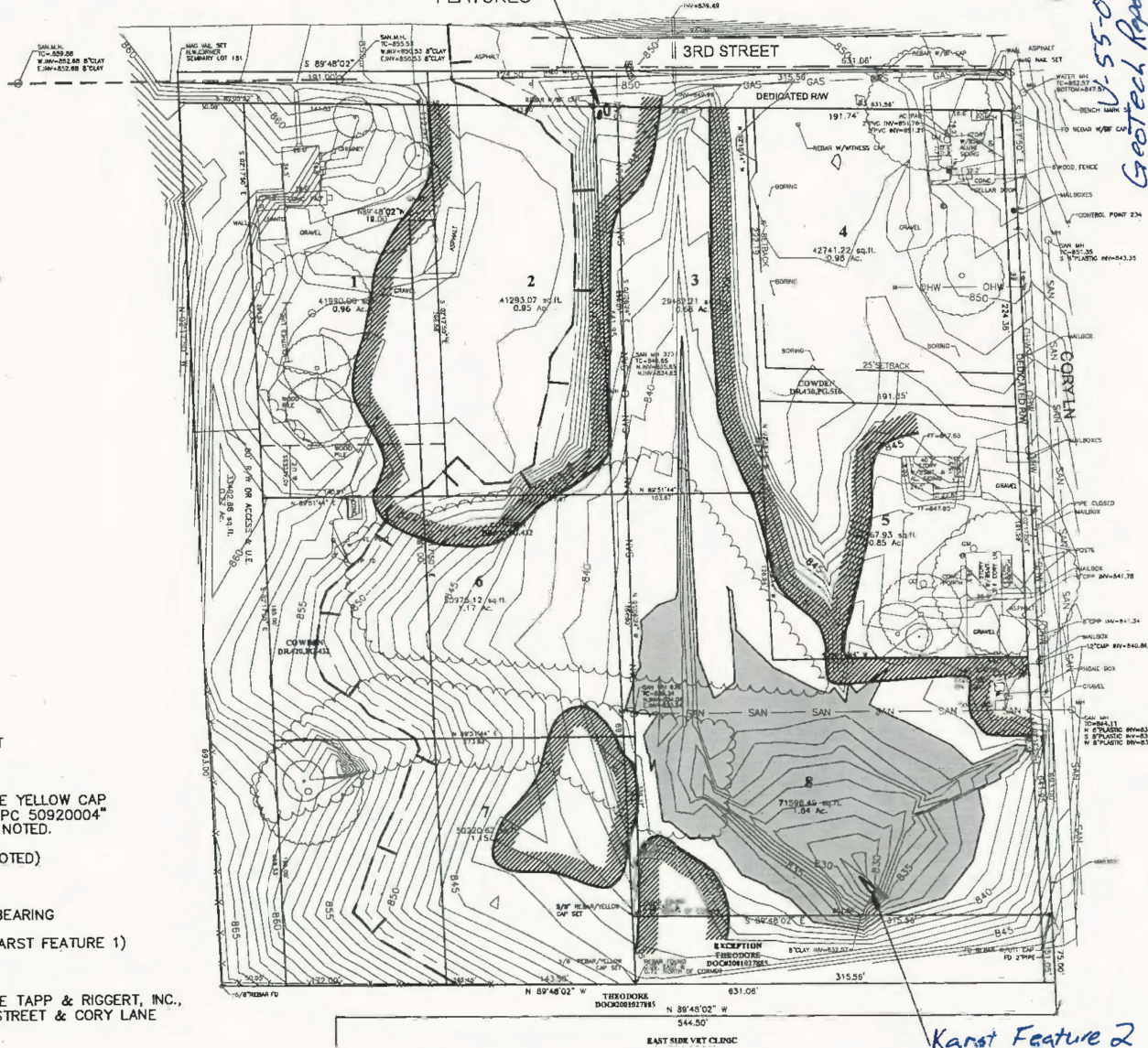
V-55-04 (21)  
GeoTech Report 2



LEGEND:

- LIGHT POLE
  - UTILITY POLE
  - SIGN
  - MANHOLE
  - GUY WIRE
  - OVERHEAD ELEC LINE
  - FENCE
  - CLEANOUT
  - PARKING SPACES
  - GAS METER
  - WATER VALVE
  - FIRE HYDRANT
  - WATER METER
  - ELECTRIC METER
  - CATCH BASIN
  - CURB INLET
  - RIGHT OF WAY MONUMENT
  - MONITORING WELL
  - ALL 5/8" REBAR SET HAVE YELLOW CAP STAMPED "BLEDSOE TAPP PC 50920004" AND ARE FLUSH UNLESS NOTED.
  - MONUMENT FOUND (AS NOTED)
  - (R) RECORD DISTANCE
  - (M) MEASURED DISTANCE & BEARING
  - RIM OF BLIND VALLEY (KARST FEATURE 1)
  - ▨ AREA OF FILL
- BASE MAP FROM BLEDSOE TAPP & RIGGERT, INC., PRELIMINARY PLAT, 3rd STREET & CORY LANE

PSEUDOKARST FEATURES



877

U-55-04

Geotech Report-1



181A  
181B  
Sem.

404109

Warranty Deed 420 PAGE 432

This Indenture Witnesseth, That GEORGE R. WILLIAMS and BETTY L. WILLIAMS, husband and wife

of Monroe County, in the State of Indiana  
Convey and Warrant to DONALD L. COWDEN

of Monroe County, in the State of Indiana, for and in consideration  
of One Dollar (\$1.00) and other valuable consideration not herein expressed,  
the receipt whereof is hereby acknowledged, the following described Real Estate in Monroe  
County in the State of Indiana, to-wit:

Part of Seminary Lot One Hundred Eighty-one (181), being a part of Section Six (6), Township Eight (8) North, Range One (1) West, bounded and described as follows: Beginning at the Northwest corner of the said Seminary Lot One Hundred Eighty-one (181), the same being the center line of the Whitehall Pike, and running thence East on, over, and along the center line of said Whitehall Pike, One Hundred Ninety-one (191) feet, and to an iron pin; thence South One Hundred Twelve (112) feet; thence West Nineteen (19) feet; thence South Five Hundred Eighty-one (581) feet, and to an established fence line, and to a point One Hundred Seventy-two (172) feet East of the West line of said Seminary Lot; thence West One Hundred Seventy-two (172) feet, and to the West line of said Seminary Lot; thence North Six Hundred Ninety-three (693) feet, to the place of beginning. Containing Two and Seventy-eight Hundredths (2.78) acres, more or less.

Part of Seminary Lot One Hundred Eighty-one (181), being a part of Section Six (6), Township Eight (8) North, Range One (1) West, bounded and described as follows, to-wit: Beginning at an iron pin One Hundred Ninety-one (191) feet East of the Northwest corner of said Seminary Lot One Hundred Eighty-one, the same being the center line of Whitehall Pike, and running thence East one, over, and along the center line of the said Whitehall Pike One Hundred Twenty-four and five-tenths (124.5) feet, thence South Six Hundred Nihnty-three (693) feet, thence West One Hundred Forty-three and Five-tenths (143.5) feet, thence North Five Hundred Eighty-one (581) feet, thence East Nineteen (19) feet, thence North One Hundred Twelve (112) feet, to the place of beginning. Containing Two and Twenty-two Hundredths (2.22) acres, more or less.

Subject to the second installment of taxes for the year 1993, due and payable in November, 1994, and all subsequent taxes.

Subject to the right-of-way of a County Road along the North side of the above described real estate.

Subject to an Electric Pole Line Easement recorded April 13, 1948 in Deed Record 104 at page 399, in the Office of the Recorder of Monroe County, Indiana.

DULY ENTERED FOR TAXATION

RECORDED A.M. 9:22 P.M.

181C 89

# WARRANTY DEED

430 516

500999

This indenture witnesseth that

MARTHA SAILORS EAST (20%), CAROL ANN EAST JONES and PAUL DOUGLAS JONES, husband and wife (40%), and GARY WILLIAM EAST and JANET M. SURFACE EAST, husband and wife (40%),

of Monroe County in the State of Indiana

Convey and warrant to

DON COWDEN, Enterprises

of Monroe County in the State of Indiana

RECORDED  
A.M. \_\_\_\_\_ P.M. 3:26

JAN 26 1995

*Jim Fisher*  
RECORDER MONROE CO., IN

for and in consideration of One and No/100 Dollars (\$1.00) the receipt whereof is hereby acknowledged, the following Real Estate in Monroe County in the State of Indiana, to wit:

See Exhibit "A" Attached

SUBJECT TO the 2nd installment of real estate taxes for the year 1994, due and payable in November, 1995, and all subsequent taxes and assessments.

SUBJECT TO all liens, leases, easements, assessments, and legal rights of way of record.

The undersigned hereby represents that based upon their best knowledge and belief, and based upon their period of ownership thereof, this real estate is not "property" as defined in Indiana Code 13-7-22.5-6, and has not been used as a landfill or dump, and contains no underground storage tanks or toxic or hazardous waste or materials, and that no disclosure statement under Indiana Code 13-7-22.5-1, et. seq. (Indiana Responsible Property Transfer Law), is required for this transaction.

Dated this 26th Day of January, 1995

DULY ENTERED  
FOR TAXATION

JAN 26 1995

*Margaret Co.*  
Auditor Monroe County, Indiana

*Martha Sailors East*  
Martha Sailors East

*Gary William East*  
Gary William East

*Janet M Surface East*  
Janet M. Surface East

*Carol Ann East Jones*  
Carol Ann East Jones

*For Easement see 2000/1310  
Jim Fisher Rec 10-13-00*

430 518

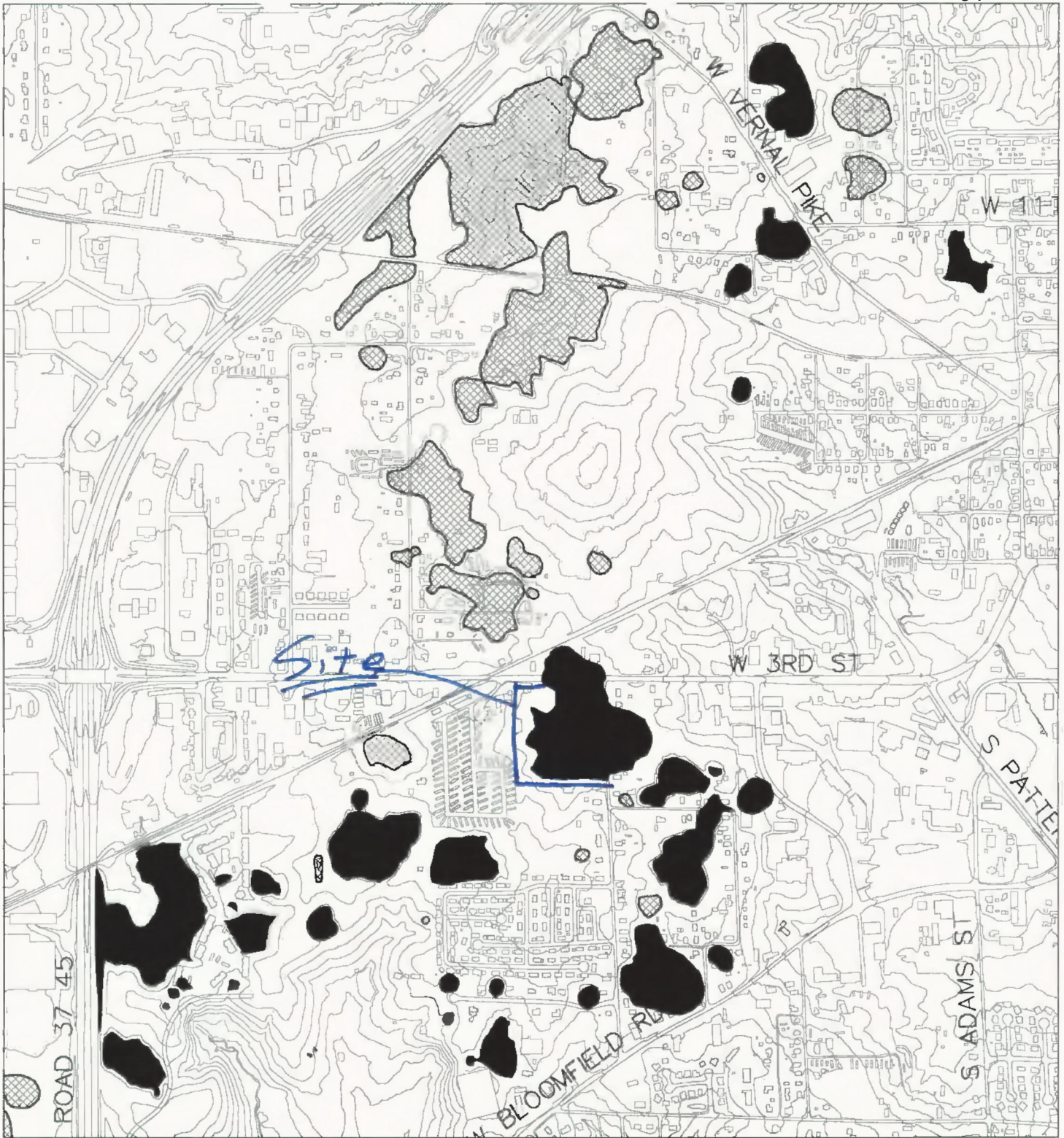
## EXHIBIT "A"

The following described Real Estate located in Monroe County, Indiana:

The East half of the North ten (10) acres of Seminary Lot Number 181 in Perry Township, Monroe County, Indiana, containing five (5) acres, more or less; EXCEPTING THEREFROM a part of Seminary Lot Number 181 in Monroe County, Indiana, bounded and described as follows, to-wit: Beginning at a point on the East line of said Seminary Lot Number 181, 716.95 feet South of the Northeast corner of said Seminary Lot, running thence North 75 feet, running thence West 315.5625 feet, running thence South 75 feet and to the land formerly owned by Nevada Myers, running thence East 315.5625 feet and to the place of beginning.

END OF EXHIBIT "A"





V-55-04

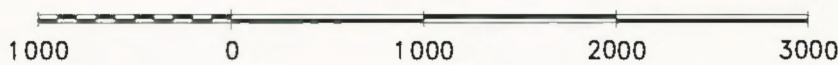
Don Cowden

Board of Zoning Appeals

Surrounding karst features and contours

By: greulice

13 Jan 05



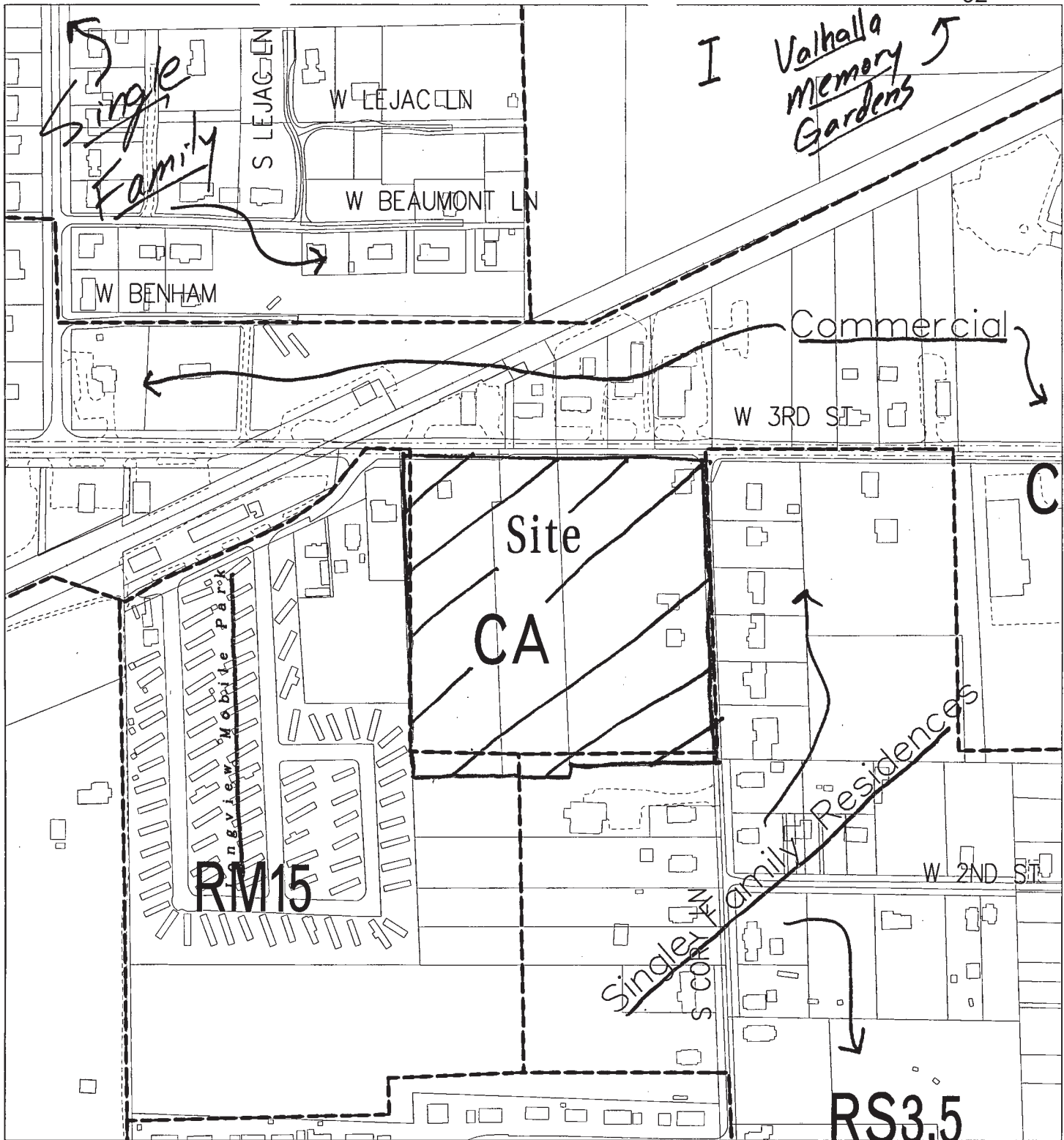
City of Bloomington  
Planning



Scale: 1" = 1000'

For reference only; map information NOT warranted.

12



V-55-04

Don Cowden

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

13 Jan 05



City of Bloomington  
Planning

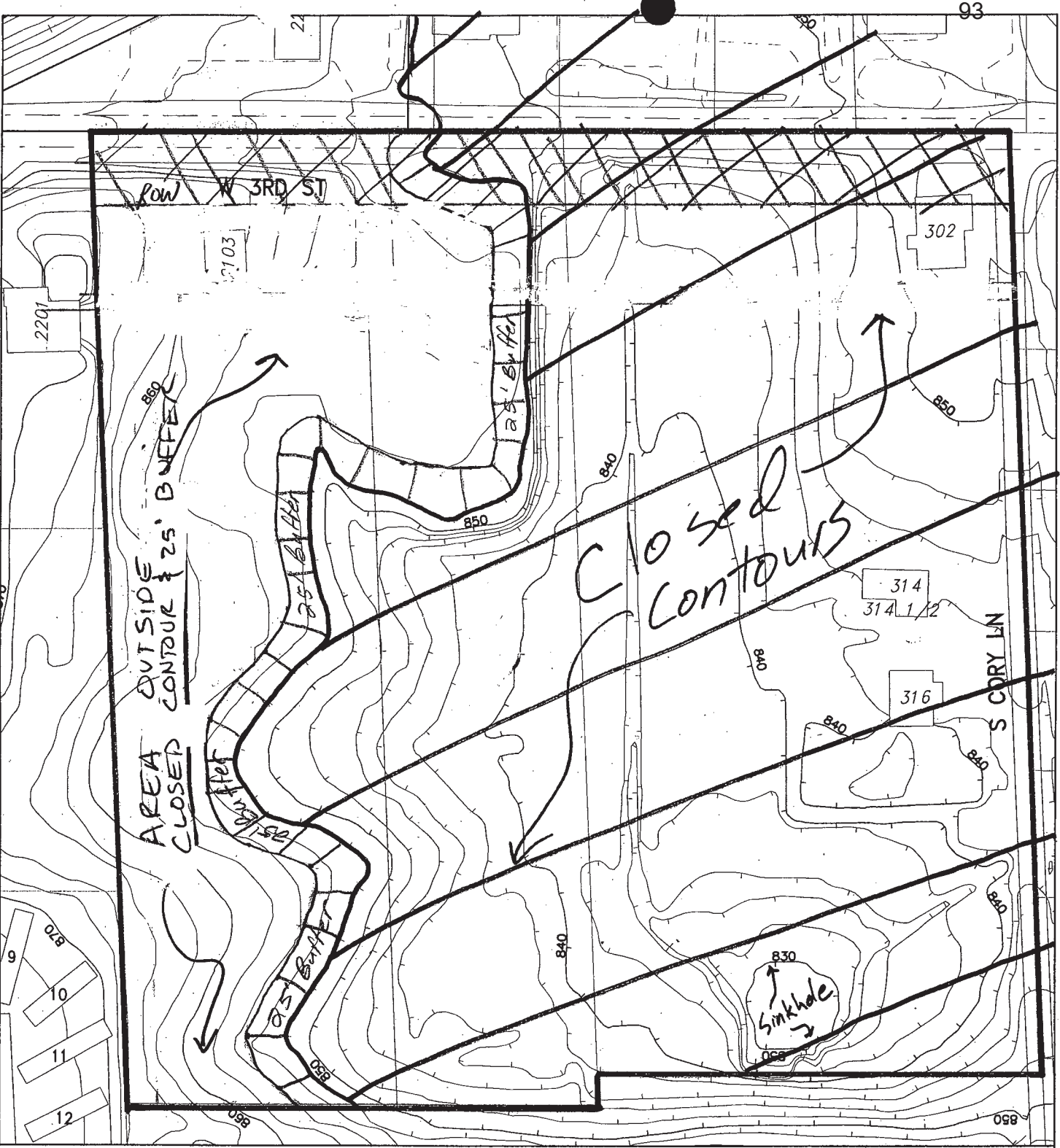


Scale: 1" = 300'

For reference only; map information NOT warranted.

17





Area remaining outside buffer = ~ 2 acres

By: greulice  
1 Oct 04



City of Bloomington  
Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

13

V-55-04  
Karst Protection Area



CASE #V-55-04

**NOTICE OF PUBLIC HEARING**

The Board of Zoning Appeals of Bloomington, Indiana has been petitioned to **request a variance to allow disturbance within 25 feet of the last closed contour of a karst feature.**

For the property located at: **2103 W. 3<sup>rd</sup> St. (181A); 302/314/316 S. Cory Ln. (181C); no address for 181B.**

A public hearing will be held on this request on November 18, 2004 at 5:30 p.m. The public hearing will be held in the **Council Chambers, located in Room 115, of Showers Center City Hall at 401 N. Morton Street** and may be continued from time to time as may be found necessary.

The hearing will be for the purpose of exchanging information and questioning the petitioner about the request. The Board will then vote on final disposition of the request. The proposal is on file and may be examined at the Planning Office in Showers City Hall.

Said hearing will be held in accordance with the provisions of Indiana Code 36-7-4-100 et. seq., the Bloomington Municipal Code, and the Rules of the Board of Zoning Appeals. All persons interested in this request may be heard at the time and place as herein set out. Written or verbal objections filed with the Planning Department prior to the hearing will be considered.

**THE BOARD OF ZONING APPEALS  
CITY OF BLOOMINGTON, INDIANA**

PETITIONER: Don Cowden  
PUBLICATION DATE: 11/8/04

**BOARD OF ZONING APPEALS**

Leah Leahy  
Legal Advertising  
P.O. Box 909  
Bloomington, IN. 47402

Re: Legal Advertising  
Classified Ad Department

Dear Leah:

**Please publish the enclosed Notice of Public Hearing on: 11/8/04**

The billing statement should be directed to the:

XXX           Petitioner's account with the Herald Times. #118797

Planning Department - Please call the Planning Dept. with the billing amount for this ad. We will ask the petitioner to pay you directly.

City of Bloomington Mastercard #5472-0690-0025-1135 – Expiration 07/07  
(Please fax a PAID receipt when credit card is used to: 349-3535).

PETITIONER'S NAME: Don Cowden

Phone: 336-8530           Case # V-55-04

Thank You.

Sincerely,

Carmen Lillard  
Executive Assistant

## AFFIDAVIT OF NOTICE TO INTERESTED PARTIES OF PUBLIC MEETING OF THE BLOOMINGTON BOARD OF ZONING APPEALS

STATE OF INDIANA            )  
COUNTY OF MONROE        ) SS:

I, MICHELLE E. YOHO, BEING FIRST DULY SWORN, DO HEREBY CERTIFY THAT A CORRECTED NOTICE TO INTERESTED PARTIES OF THE PUBLIC MEETING BY THE BLOOMINGTON BOARD OF ZONING APPEALS, to consider the petition of: Donald L. Cowden & Don Cowden Enterprises  
(Name of Person on application)

Requesting: Variance from Section 20.06.05.02 Standards for Sites Having Environmental Constraints - Karst Terrain.. to allow soil disturbance within 25' of the last closed contour line of a surface karst feature

Located at: 2103 W. 3<sup>rd</sup> St & 302/314/316 S. Cory Lane

Was sent by REGULAR FIRST CLASS MAIL to the last known address of all INTERESTED PARTIES as defined by the *Bloomington Board of Zoning Appeals* (A list of Interested Parties and a copy of said notice are attached and made part of this affidavit).

Said notices were deposited by me in the United States Mail on the 21<sup>st</sup> day of December, 2004, being at least ten (10) days prior to the date of the Public Meeting (January 20, 2005).

I swear and affirm under penalties for perjury that the foregoing representations are true.

Michelle E. Yoho  
Michelle E. Yoho

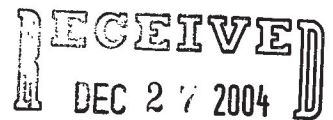
State of Indiana            )  
County of Monroe        ) SS:

Sworn and subscribed to before me this 21<sup>st</sup> day of December, 2004.

Amy May  
Amy May, Notary Public

Residing in Monroe County  
My Commission expires: October 26, 2011

xc: File #4873



BY:.....



# **Bledsoe Tapp & Riggert, Inc.**

*Quality Land Surveying and Civil Engineering Services*

BEN E. BLEDSOE, L.S.  
PHILIP O. TAPP, L.S.  
WILLIAM S. RIGGERT, P.E.  
BERNARD A. GUERRETTAZ, L.S.

## **REVISED** **BLOOMINGTON BOARD OF ZONING APPEALS** **Notice of Public Hearing**

The **Bloomington Board of Zoning Appeals** will hold a public hearing at 5:30 p.m., Thursday, **January 20, 2005**, in the **Council Chambers** of the **Showers Center City Hall**, 401 N. Morton Street, Bloomington, Indiana to consider the petition of Donald L. Cowden and Don Cowden Enterprises for the purpose of variance request from Section 20.06.05.02 Standards for Sites Having Environmental Constraints – Karst Terrain, Wetlands, Steep Slopes, Water Resources to allow soil disturbance within twenty-five (25) feet of the last closed contour line of a surface karst feature for the property located at 2103 W. 3<sup>rd</sup> Street & 302/314/316 S. Cory Lane, and to which you are an adjacent property owner.

Under the provisions of Indiana Law, you may appear and speak on the merits of this proposal at the public hearing to be held at the time and date as set out herein. The hearing may be continued from time to time as may be found necessary. You may also file written comments with the Plan Commission in the Planning Department office, where the petition is on file and may be examined by interested persons. If you have any questions concerning this matter, you may telephone the Petitioner (at the below listed number) or the City Planning Department office at 812/349-3423.

### **City of Bloomington Plan Commission**

City of Bloomington, Dept. of Engineering Services  
Donald L. Cowden  
c/o Philip O. Tapp, L.S.  
Bledsoe Tapp & Riggert, Inc.  
**Petitioner/Counsel for Petitioner**

1351 West Tapp Road  
Bloomington, IN 47403

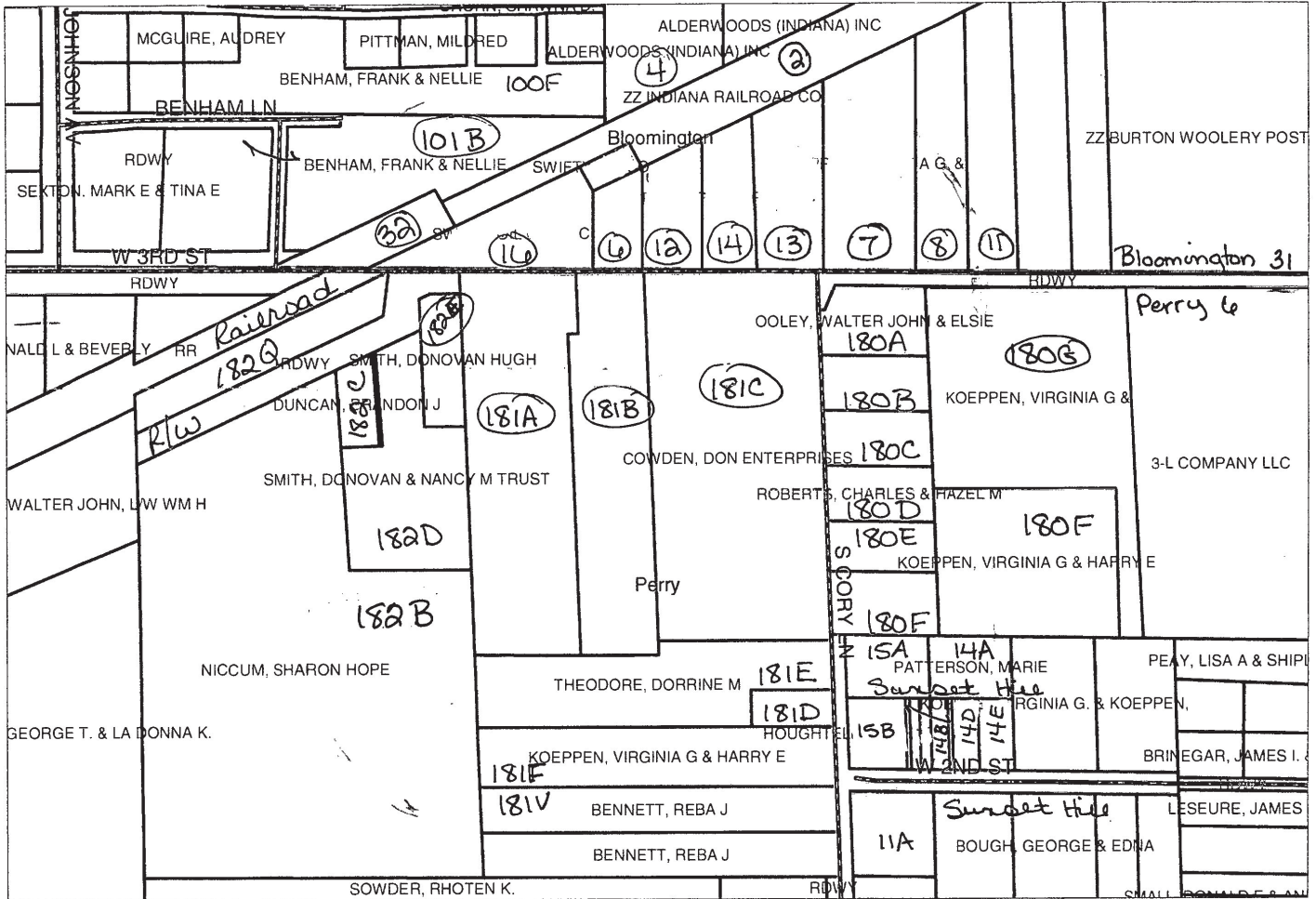
#### **Address**

812/336-8277  
Fax: 812/336-0817

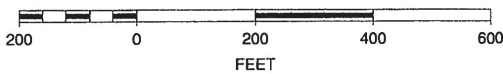
#### **Phone**

xc: Job #4873

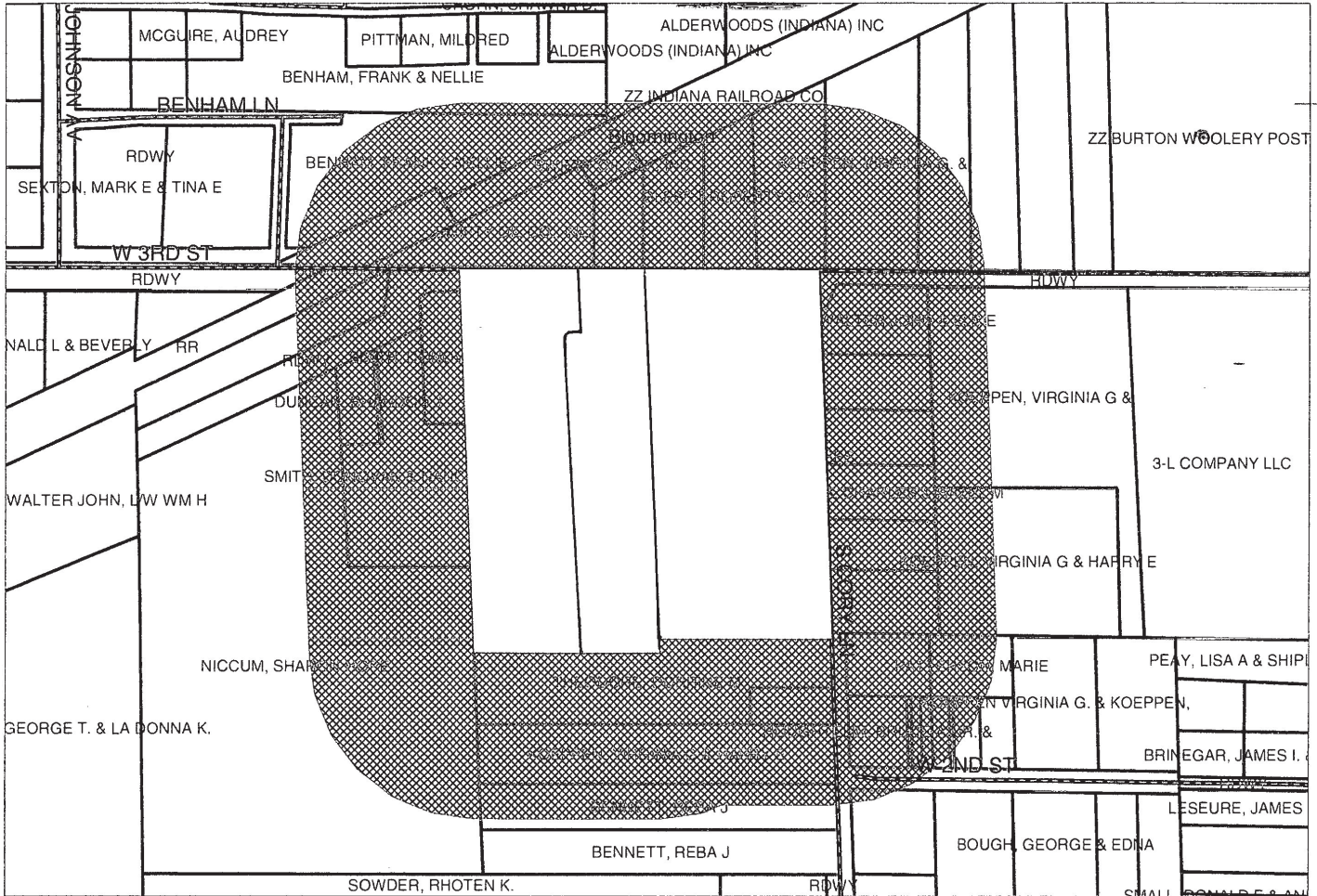
# Third & Cory Rezone - Job #4873



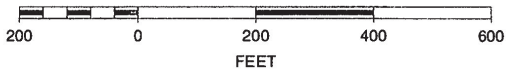
SCALE 1 : 2,987



# Third & Cory Rezone - Job #4873



SCALE 1 : 2,987





RESEARCH LOG: FILE #4873

THIRD &amp; CORY SUBDIVISION (PERRY TWP. - SEC. 6)

REVISED: NOV. 30, 2004

PARCEL NUM	OWNER NAME	PROPERTY ADDR	LEGAL DESCRIPTION
015-65390-00	COWDEN, DON ENTERPRISES	302 S CORY LN	SEM PT LOT 181 (4.46A)
	PO BOX 2177	316 S. CORY LN	PLAT 181C
	BLOOMINGTON, IN 47402-2177		
015-65370-00	COWDEN, DONALD L.	2103 W. 3RD ST	SEMINARY PT LOT 181 2.78A
	PO BOX 2177		PLAT 181A
015-65380-00	BLOOMINGTON, IN 47402-2177	w. 3RD ST	SEMINARY PT LOT 181, 2.22A
			PLAT 181B
012-28590-00	ALDERWOODS INC.		PT W1/2 SE 31-9-1W
	PMB 6126, 250 H STREET		6.50A
	BLAINE, WA 98230-4033		PLAT 4
015-65300-00	BAUGH, DONALD	2221 W 3RD ST	SEMINARY PT 182 (PT NW NE 6-8-1W)
	2099 E BETHEL LANE		0.80A, PLAT 182Q
013-53320-00	BLOOMINGTON IN 47408	2230 W. 3RD ST.	PT SW SE 31-9-1W, 0.38A, PLAT 32
014-09890-00	BENNETT, REBA J.	604 S. CORY LN	SEMINARY PT LOT 181
	604 S. CORY LN		PLAT 181V
	BLOOMINGTON IN 47403		
012-02150-00	BENHAM, FRANK & NELLIE REV. TRUST	2320 S JOHNSON	MAPLE GROVE BABY FARMS
013-53000-00	9375 E 400 N	AVE	PT LOT 100, PLAT 100F
	BROWNSBURG IN 46112		PT LOT 101, 1.92A, PLAT 101B
013-53280-00	BLESS PROPERTY LLC	2006 W. 3RD ST	PT S1/2 SE 31-9-1W .60A, PLAT 14
013-53290-00	107 MAPLETON DR	2088 W. 3RD ST	PT SW SE 31-9-1W, .52A, PLAT 12
	BEDFORD IN 47421	2012 W. 3RD ST.	
013-53300-00	CITY OF BLOOMINGTON	2101 W. 3RD ST	PT SW SE 31-9-1W .33A, PLAT 6
013-53240-00	PO BOX 100	1910 W. 3RD ST.	PT SE SE 31-9-1W, 1.00A, PLAT 11
	BLOOMINGTON IN 47402-0100		
013-53250-00	CITY OF BLOOMINGTON	1914 W. 3RD ST	PT SE SE 31-9-1W 1.00A, PLAT 8
	BOARD OF PUBLIC WORKS		
	PO BOX 100		
	BLOOMINGTON IN 47402-0100		
014-06460-00	COMBS, JAMES A.	1916 W. 2ND ST.	SUNSET HILL PT. LOT 14
	1916 W 2ND ST		120 X 63
	BLOOMINGTON IN 47403		PLAT 14E
014-03510-00	DAVIS, JERRY L	W. 2ND ST	SUNSET HILL PT LOT 14
	1924 W. 2ND ST		PLAT 14D
	BLOOMINGTON IN 47403		
014-07520-00	DAVIS, JERRY LEE & BRENDA	1924 W. 2ND ST	SUNSET HILL PT LOTS 14 & 15
	1924 W. 2ND ST		PLAT 14B
	BLOOMINGTON IN 47403		
015-65330-00	DUNCAN, BRANDON J	2205 W. 3RD ST	SEM PT LOT 182, 0.24A, PLAT 182C
015-65340-00	3225 S ROGERS ST	W. 3RD ST.	SEM PT LOT 182, 0.02A (6' STRIP),
	BLOOMINGTON IN 47403		PLAT
014-09940-00	EASTSIDE VETERINARY CLINIC INC	504 S. CORY LN	SEMINARY PT LOT 181 (.21A)
	PO BOX 1480		PLAT 181D
	BLOOMINGTON IN 47402-1480		

RESEARCH LOG: FILE #4873

THIRD &amp; CORY SUBDIVISION (PERRY TWP. - SEC. 6)

REVISED: NOV. 30, 2004

PARCEL NUM	OWNER NAME	PROPERTY ADDR	LEGAL DESCRIPTION
014-12670-00	GOODALL, JAMES E. & SUSIE I.	405 S. CORY LN	SEM PT LOT 180, .50A
	405 S. CORY LN		PLAT 180E
	BLOOMINGOTN IN 47401		
014-03390-00	HOUGHTELIN, BRUCE A. JR. & TINA L.	505 S. CORY LN	SUNSET HILL PT LOT 15
	4021 GLEN OAK DRIVE		PLAT 15B
	BLOOMINGTON IN 47403		
014-16470-00	HOWARD, WILLIAM H & MARGARET M	311 S. CORY LN	SEM PT LOT 180, 196'X 100' .45A
	311 S. CORY LN		PLAT 180C
	BLOOMINGTON IN 47403		
013-22530-02	INDIANA RAILRD CO		PT SE SE 31-9-1W
	PO BOX 2464		PLAT 2
	INDIANAPOLIS IN 46206-2464		
014-09880-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST	508 S. CORY LN	SEMINARY PT LOT 181, PLAT 181F
013-53260-00	PO BOX 1480	W. 3RD ST.	PT SE SE 31-9-1W, 1.48A, PLAT 7
014-19160-00	BLOOMINGTON IN 47402-1480	409 S CORY LN	SEM. PT LOT 180, .50A, PLAT 180F
14-19180-00		409 S. CORY LN	SEM. PT LOT 180, 2.18A, PLAT 180H
015-65410-00		508 S. CORY LN	SEM. PT LOT 180, 3.46A, PLAT 180G
014-34890-00	MITCHELL, JAYNE E.	307 S. CORY LN	SEM PT LOT 180, 100'X 196' .45A
	307 S CORY LN		PLAT 180B
	BLOOMINGTON IN 47403		
013-53270-00	MRC PROPERTIES LLC	2002 W. 3RD ST	PT SE SE 31-9-1W .88A, PLAT 13
	107 MAPLETON DR		
	BEDFORD IN 47421		
015-65320-00	NICCUM, SHARON HOPE	2215 W 3RD ST	SEMINARY PT LOT 182, 9.85A
	21 N 200 W		PLAT 182B
	LEBANON IN 46052		
015-65400-00	OOLEY, WALTER JOHN & ELSIE	301 S. CORY LN	SEM PT LOT 180, .50A, PLAT 180A
	301 S CORY LN		
	BLOOMINGTON IN 47403		
014-25200-00	PATTERSON, MARIE	413 S. CORY LN	SUNSET HILL N1/2 LOT 14, PLAT 14A
014-25210-00	413 S CORY LN		SUNSET HILL N1/2 LOT 15, PLAT 15A
	BLOOMINGTON IN 47403		
014-38020-00	PILGRIM HOLINESS CHURCH, TRUSTEES OF	609 S CORY LN	SUNSET HILL PT LOT 11, PLAT 11A
	609 CORY LN		
	BLOOMINGTON IN 47403		
014-27970-00	ROBERTS, CHARLES & HAZEL M	315 S. CORY LN	SEM PT LOT 180, PLAT 180D
	315 S CORY LN		
	BLOOMINGTON IN 47403		
015-65350-00	SMITH, DONOVAN & NANCY M TRUST	2203 W. 3RD ST.	SEM PT LOT 182, 1.58A, PLAT 182D
	2203 W 3RD ST		
	BLOOMINGTON IN 47403		

RESEARCH LOG: FILE #4873		THIRD & CORY SUBDIVISION (PERRY TWP. - SEC. 6)	
REVISED: NOV. 30, 2004			
PARCEL NUM	OWNER NAME	PROPERTY ADDR	LEGAL DESCRIPTION
015-65360-00	SMITH, DONOVAN HUGH 4900 ARLINGTON RD BLOOMINGTON IN 47404	2201 W. 3RD ST.	SEM PT LOT 182, 0.39A, PLAT 182E
013-53310-00	SWIFTY OIL CO., INC	2200 W. 3RD ST	PT SW SE 31-9-1W .45A & .22A
013-53335-00	PO BOX 1002 SEYMOUR IN 47274-1002		PLAT 16 PT SW SE 31-9-1W, 0.04A, PLAT 1
014-09960-00	THEODORE, DORRINE M 1719 WINSLOW RD BLOOMINGTON IN 47401	500 S. CORY LN	SEMINARY PT LOT 181 (1.67A), PLAT 181E



Variance

will need to  
be redone

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES  
OF PUBLIC MEETING OF THE BLOOMINGTON  
BOARD OF ZONING APPEALS**

STATE OF INDIANA            )  
COUNTY OF MONROE        ) SS:

I, MICHELLE E. YOHO, BEING FIRST DULY SWORN, DO HEREBY CERTIFY THAT A CORRECTED NOTICE TO INTERESTED PARTIES OF THE PUBLIC MEETING BY THE BLOOMINGTON BOARD OF ZONING APPEALS, to consider the petition of: City of Bloomington Dept. of Engineering Services, Donald L. Cowden, Don Cowden Enterprises (Name of Person on application)


Requesting: Variance from Section 20.06.05.02 Standards for Sites Having Environmental Constraints - Karst Terrain.. to allow soil disturbance within 25' of the last closed contour line of a surface karst feature

Located at: 2103 W. 3<sup>rd</sup> St & 302/314/316 S. Cory Lane

Was sent by REGULAR FIRST CLASS MAIL to the last known address of all INTERESTED PARTIES as defined by the *Bloomington Board of Zoning Appeals* (A list of Interested Parties and a copy of said notice are attached and made part of this affidavit).

Said notices were deposited by me in the United States Mail on the 8<sup>th</sup> day of October, 2004, being at least ten (10) days prior to the date of the Public Meeting (October 21, 2004).

I swear and affirm under penalties for perjury that the foregoing representations are true.

  
Michelle E. Yoho

State of Indiana            )  
County of Monroe        ) SS:

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Amy May, Notary Public

Residing in Monroe County  
My Commission expires: October 26, 2011

xc: File #4873

S:\Dplus\data\00004873\Admin\CITY BZA.AFF.wpd

## BLOOMINGTON BOARD OF ZONING APPEALS

### Notice of Public Hearing

The **Bloomington Board of Zoning Appeals** will hold a public hearing at 5:30 p.m., Thursday, October 21, 2004, in the **Council Chambers** of the **Showers Center City Hall**, 401 N. Morton Street, Bloomington, Indiana to consider the petition of The City of Bloomington Department of Engineering Services, Donald L. Cowden and Don Cowden Enterprises for the purpose of variance request from Section 20.06.05.02 Standards for Sites Having Environmental Constraints—Karst Terrain, Wetlands, Steep Slopes, Water Resources to allow soil disturbance within twenty-five (25) feet of the last closed contour line of a surface karst feature for the property located at 2103 W. 3<sup>rd</sup> Street & 302/314/316 S. Cory Lane, and to which you are an adjacent property owner.

Under the provisions of Indiana Law, you may appear and speak on the merits of this proposal at the public hearing to be held at the time and date as set out herein. The hearing may be continued from time to time as may be found necessary. You may also file written comments with the Plan Commission in the Planning Department office, where the petition is on file and may be examined by interested persons. If you have any questions concerning this matter, you may telephone the Petitioner (at the below listed number) or the City Planning Department office at 812/349-3423.

### **City of Bloomington Plan Commission**

City of Bloomington, Dept. of Engineering Services  
Donald L. Cowden  
c/o Philip O. Tapp, L.S.  
Bledsoe Tapp & Riggert, Inc.  
**Petitioner/Counsel for Petitioner**

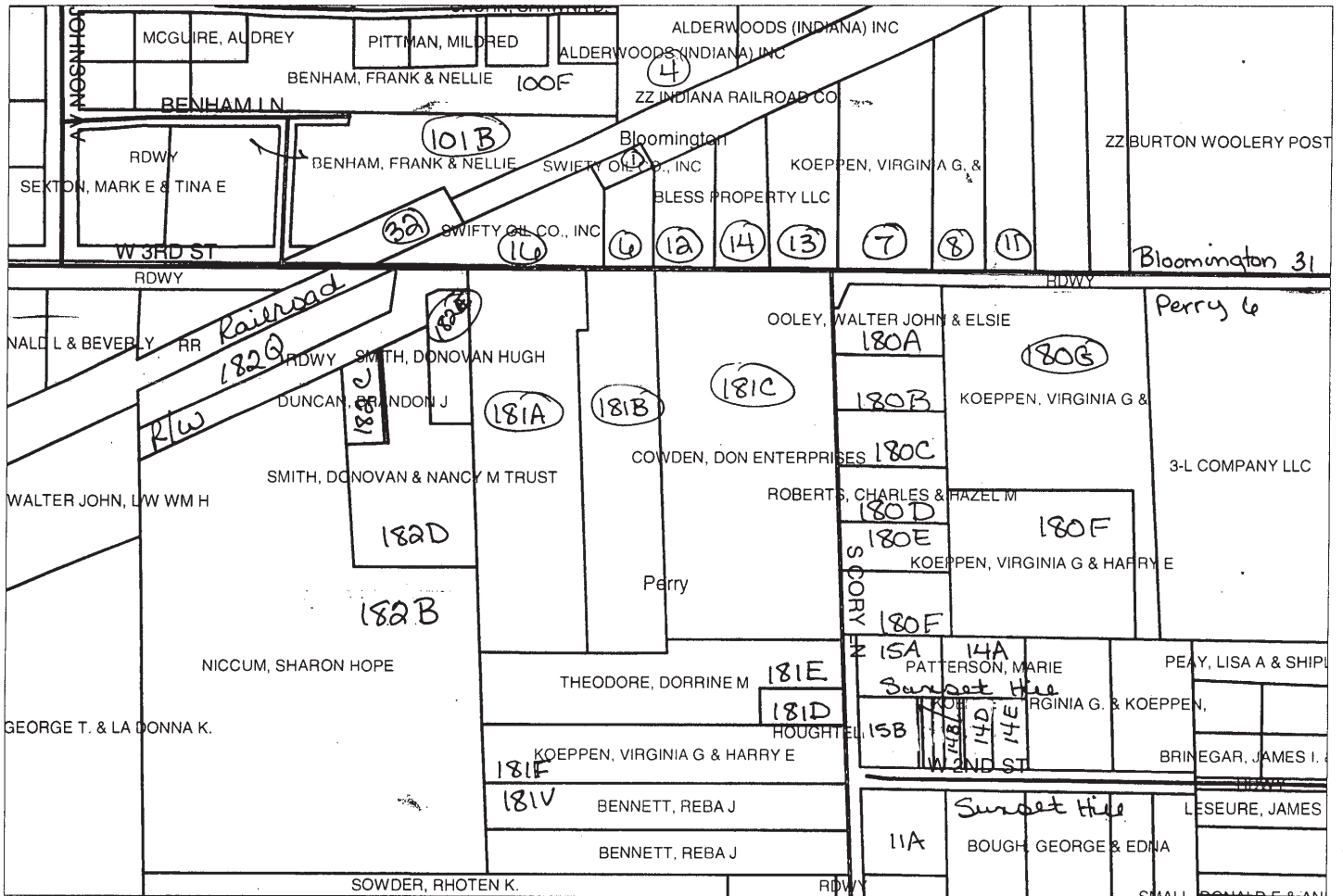
1351 West Tapp Road  
Bloomington, IN 47403  
**Address**

812/336-8277  
Fax: 812/336-0817  
**Phone**

xc: Job #4873



# Third & Cory Rezone - Job #4873

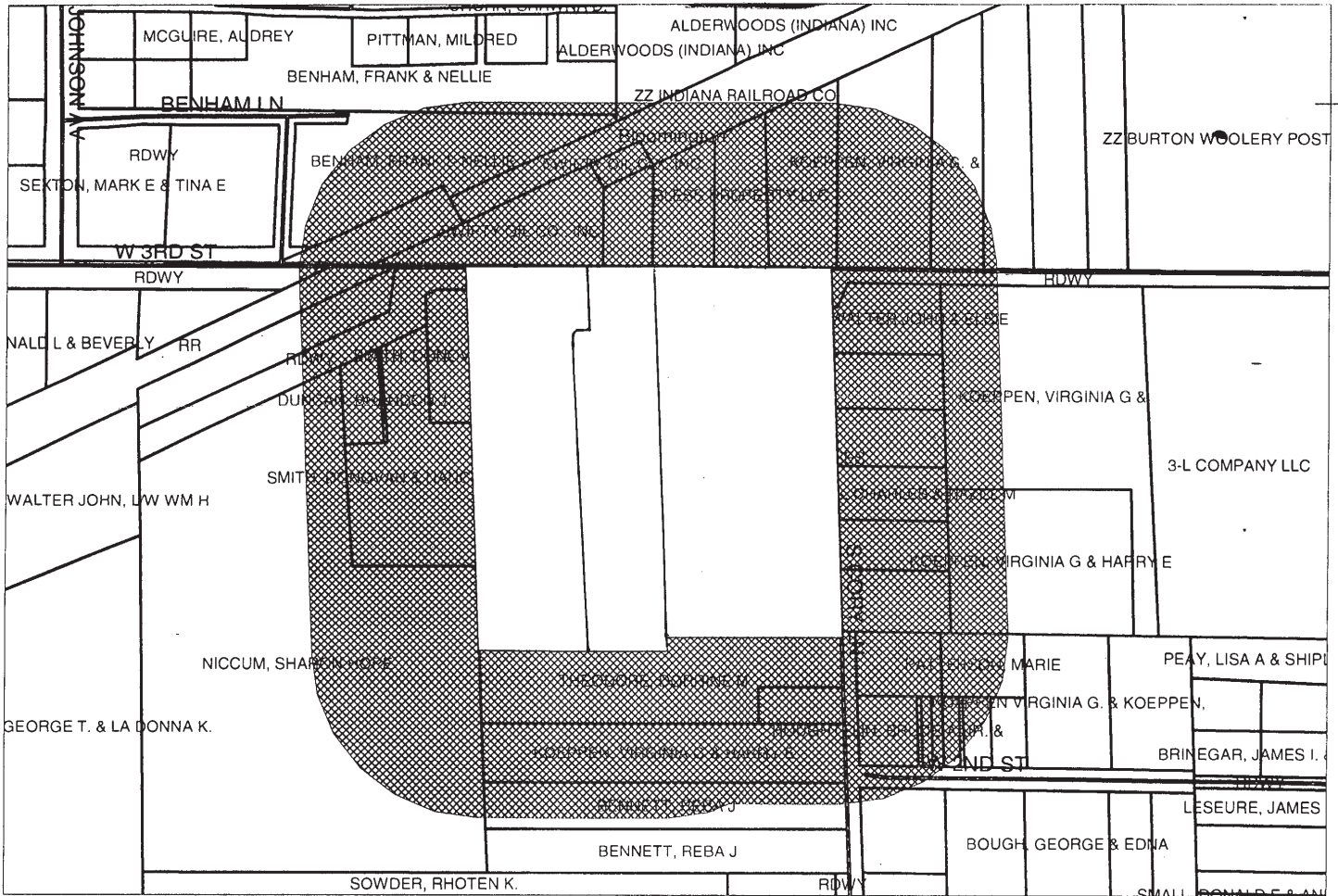


SCALE 1 : 2,987



# Third & Cory Rezone - Job #4873

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SCALE 1 : 2,987



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RESEARCH LOG: FILE #4873 THIRD & CORY SUBDIVISION (PERRY TWP. - SEC. 6)

PARCEL NUM	OWNER NAME	PROPERTY ADDR	LEGAL DESCRIPTION
015-65390-00	COWDEN, DON ENTERPRISES	302 S CORY LN	SEM PT LOT 181 (4.46A)
	PO BOX 2177	316 S. CORY LN	PLAT 181C
	BLOOMINGTON, IN 47402-2177		
015-65370-00	COWDEN, DONALD L.	2103 W. 3RD ST	SEMINARY PT LOT 181 2.78A
	PO BOX 2177		PLAT 181A
	BLOOMINGTON, IN 47402-2177		
015-65380-00	COWDEN, DONALD L.	W. 3RD ST	SEMINARY PT LOT 181 2.22A
	PO BOX 2177		PLAT 181B
	BLOOMINGTON, IN 47402-2177		
012-28590-00	ALDERWOODS INC.		PT W1/2 SE 31-9-1W
	PMB 6126, 250 H STREET		6.50A
	BLAINE, WA 98230-4033		PLAT 4
015-65300-00	BAUGH, DONALD	2221 W 3RD ST	SEMINARY PT 182 (PT NW NE 6-8-1W)
	2099 E BETHEL LANE		0.80A
	BLOOMINGTON IN 47408		PLAT 182Q
014-09890-00	BENNETT, REBA J.	604 S. CORY LN	SEMINARY PT LOT 181
	604 S. CORY LN		PLAT 181V
	BLOOMINGTON IN 47403		
012-02150-00	BENHAM, FRANK & NELLIE REV. TRUST	2320 S JOHNSON	MAPLE GROVE BABY FARMS
	9375 E 400 N	AVE	PT LOT 100
	BROWNSBURG IN 46112		PLAT 100F
013-53000-00	BENHAM, FRANK & NELLIE REV. TRUST	2310 W. 3RD ST	MAPLE GROVE BABY FARMS
	9375 E 400 N		PT LOT 101, 1.92A
	BROWNSBURG IN 46112		PLAT 101B
013-53280-00	BLESS PROPERTY LLC	2006 W. 3RD ST	PT S1/2 SE 31-9-1W .60A
	107 MAPLETON DR		PLAT 14
	BEDFORD IN 47421		
013-53290-00	BLESS PROPERTY LLC	2008 W. 3RD ST	PT SW SE 31-9-1W .52A, PLAT 12
	107 MAPLETON DR	2012 W. 3RD ST	
	BEDFORD IN 47421		
013-53300-00	CITY OF BLOOMINGTON	2101 W. 3RD ST	PT SW SE 31-9-1W .33A
	PO BOX 100		PLAT 6
	BLOOMINGTON IN 47402-0100		
013-53250-00	CITY OF BLOOMINGTON	1914 W. 3RD ST	PT SE SE 31-9-1W 1.00A, PLAT 8
	BOARD OF PUBLIC WORKS		
	PO BOX 100		
	BLOOMINGTON IN 47402-0100		
014-06460-00	COMBS, JAMES A.	1916 W. 2ND ST.	SUNSET HILL PT. LOT 14
	1916 W 2ND ST		120 X 63
	BLOOMINGTON IN 47403		PLAT 14E



RESEARCH LOG: FILE #4873 THIRD & CORY SUBDIVISION (PERRY TWP. - SEC. 6)

PARCEL NUM	OWNER NAME	PROPERTY/ADDR	LEGAL DESCRIPTION
014-03510-00	DAVIS, JERRY L 1924 W. 2ND ST BLOOMINGTON IN 47403	W. 2ND ST	SUNSET HILL PT LOT 14 PLAT 14D
014-07520-00	DAVIS, JERRY LEE & BRENDA 1924 W. 2ND ST BLOOMINGTON IN 47403	1924 W. 2ND ST	SUNSET HILL PT LOTS 14 & 15 PLAT 14B
014-09940-00	EASTSIDE VETERINARY CLINIC INC PO BOX 1480 BLOOMINGTON IN 47402-1480	504 S. CORY LN	SEMINARY PT LOT 181 (.21A) PLAT 181D
014-12670-00	GOODALL, JAMES E. & SUSIE I. 405 S. CORY LN BLOOMINGOTN IN 47401	405 S. CORY LN	SEM PT LOT 180, .50A PLAT 180E
014-03390-00	HOUGHTELIN, BRUCE A. JR. & TINA L. 4021 GLEN OAK DRIVE BLOOMINGTON IN 47403	505 S. CORY LN	SUNSET HILL PT LOT 15 PLAT 15B
014-16470-00	HOWARD, WILLIAM H & MARGARET M 311 S. CORY LN BLOOMINGTON IN 47403	311 S. CORY LN	SEM PT LOT 180, 196'X 100' .45A PLAT 180C
013-22530-02	INDIANA RAILRD CO PO BOX 2464 INDIANAPOLIS IN 46206-2464		PT SE SE 31-9-1W PLAT 2
014-09880-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	508 S. CORY LN	SEMINARY PT LOT 181 PLAT 181F
013-53260-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	W. 3RD ST	PT SE SE 31-9-1W 1.48A PLAT 70
014-19160-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	409 S. CORY LN	SEM PT LOT 180 .50A PLAT 180F
014-19180-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	409 S. CORY LN	SEM PT LOT 180, 2.18A PLAT 180H
015-65410-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	1909 W. 3RD ST	SEM PT LOT 180 3.46A PLAT 180G
014-34890-00	MITCHELL, JAYNE E. 307 S CORY LN BLOOMINGTON IN 47403	307 S. CORY LN	SEM PT LOT 180, 100'X 196' .45A PLAT 180B

## RESEARCH LOG: FILE #4873      THIRD &amp; CORY SUBDIVISION (PERRY TWP. - SEC. 6)

PARCEL NUM	OWNER NAME	PROPERTY ADDR	LEGAL DESCRIPTION
013-53270-00	MRC PROPERTIES LLC 107 MAPLETON DR BEDFORD IN 47421	2002 W. 3RD ST	PT SE SE 31-9-1W .88A, PLAT 13
015-65320-00	NICCUM, SHARON HOPE 21 N 200 W LEBANON IN 46052	2215 W 3RD ST	SEMINARY PT LOT 182, 9.85A PLAT 182B
015-65400-00	OOLEY, WALTER JOHN & ELSIE 301 S CORY LN BLOOMINGTON IN 47403	301 S. CORY LN	SEM PT LOT 180, .50A PLAT 18A
014-25200-00	PATTERSON, MARIE 413 S CORY LN BLOOMINGTON IN 47403	413 S. CORY LN	SUNSET HILL N1/2 LOT 14 PLAT 14A
014-25210-00	PATTERSON, MARIE 413 S CORY LN BLOOMINGTON IN 47403	413 S. CORY LN	SUNSET HILL N1/2 LOT 15 PLAT 15A
014-38020-00	PILGRIM HOLINESS CHURCH, TRUSTEES OF 609 CORY LN BLOOMINGTON IN 47403	609 S CORY LN	SUNSET HILL PT LOT 11 PLAT 11A
014-27970-00	ROBERTS, CHARLES & HAZEL M 315 S CORY LN BLOOMINGTON IN 47403	315 S. CORY LN	SEM PT LOT 180 180D
013-53310-00	SWIFTY OIL CO., INC PO BOX 1002 SEYMOUR IN 47274-1002	2200 W. 3RD ST	PT SW SE 31-9-1W .45A & .22A PLAT 16
013-53335-00	SWIFTY OIL CO., INC PO BOX 1002 SEYMOUR IN 47274-1002		PT SW SE 31-9-1W .04A PLAT 1
014-09960-00	THEODORE, DORRINE M 1719 WINSLOW RD BLOOMINGTON IN 47401	500 S. CORY LN	SEMINARY PT LOT 181 (1.67A), PLAT 181E

**AFFIDAVIT OF NOTICE TO INTERESTED PARTIES  
OF PUBLIC MEETING OF THE BLOOMINGTON  
BOARD OF ZONING APPEALS**

STATE OF INDIANA            )  
COUNTY OF MONROE        ) SS:

I, MICHELLE E. YOHO, BEING FIRST DULY SWORN, DO HEREBY CERTIFY THAT A CORRECTED NOTICE TO INTERESTED PARTIES OF THE PUBLIC MEETING BY THE BLOOMINGTON BOARD OF ZONING APPEALS, to consider the petition of: City of Bloomington Dept. of Engineering Services, Donald L. Cowden, Don Cowden Enterprises (Name of Person on application)

Requesting: Variance from Section 20.06.05.02 Standards for Sites Having Environmental Constraints - Karst Terrain.. to allow soil disturbance within 25' of the last closed contour line of a surface karst feature

Located at: 2103 W. 3<sup>rd</sup> St & 302/314/316 S. Cory Lane

Was sent by REGULAR FIRST CLASS MAIL to the last known address of all INTERESTED PARTIES as defined by the *Bloomington Board of Zoning Appeals* (A list of Interested Parties and a copy of said notice are attached and made part of this affidavit).

Said notices were deposited by me in the United States Mail on the 8<sup>th</sup> day of October, 2004, being at least ten (10) days prior to the date of the Public Meeting (October 21, 2004).

I swear and affirm under penalties for perjury that the foregoing representations are true.

Michelle E. Yoho  
Michelle E. Yoho

State of Indiana            )  
County of Monroe        ) SS:

Sworn and subscribed to before me this 13<sup>th</sup> day of October, 2004.

Amy May  
Amy May, Notary Public

Residing in Monroe County  
My Commission expires: October 26, 2011

xc: File #4873





**BLOOMINGTON BOARD OF ZONING APPEALS**  
**Notice of Public Hearing**

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Under the provisions of Indiana Law, you may appear and speak on the merits of this proposal at the public hearing to be held at the time and date as set out herein. The hearing may be continued from time to time as may be found necessary. You may also file written comments with the Plan Commission in the Planning Department office, where the petition is on file and may be examined by interested persons. If you have any questions concerning this matter, you may telephone the Petitioner (at the below listed number) or the City Planning Department office at 812/349-3423.

**City of Bloomington Plan Commission**

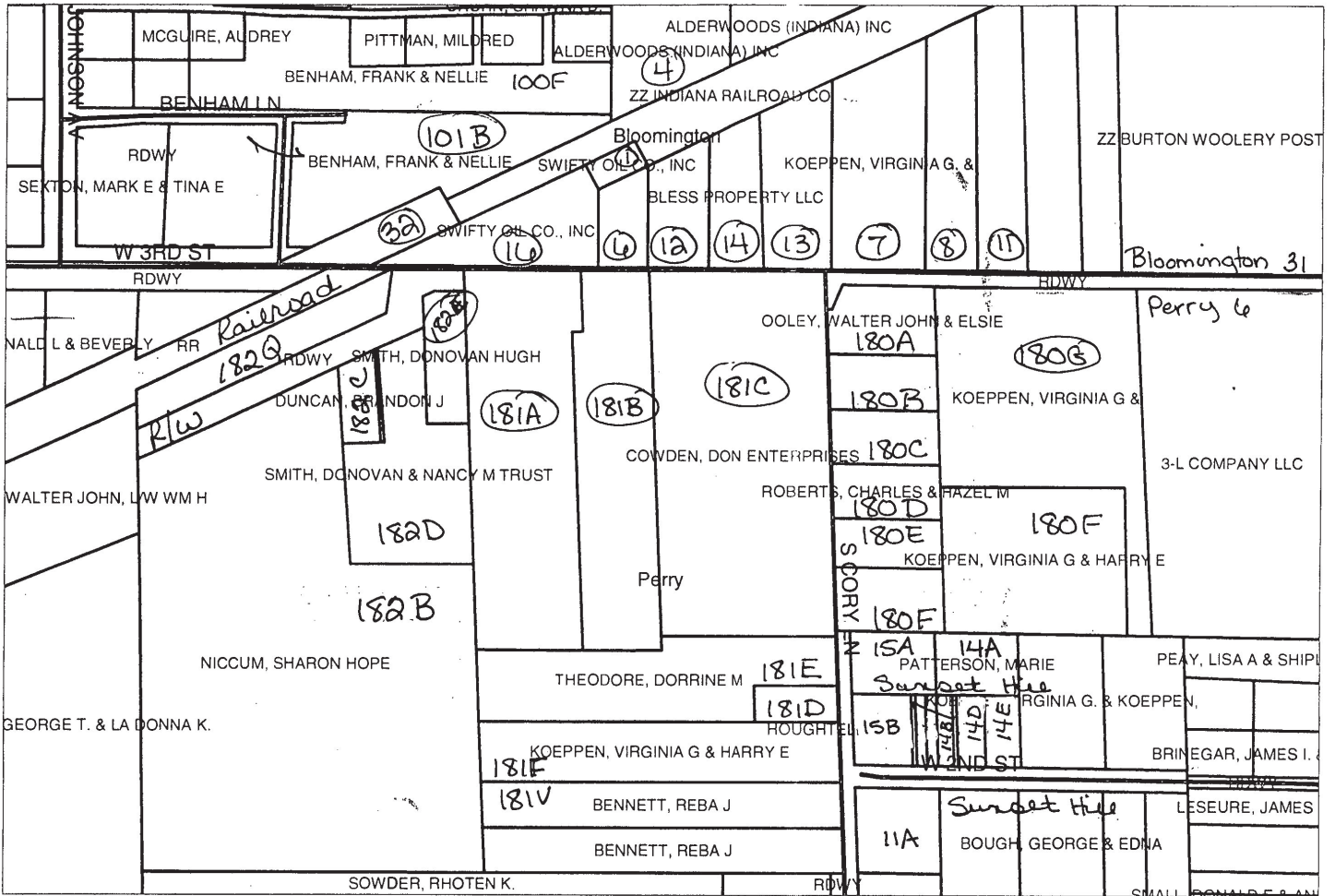
City of Bloomington, Dept. of Engineering Services  
Donald L. Cowden  
c/o Philip O. Tapp, L.S.  
Bledsoe Tapp & Riggert, Inc.  
**Petitioner/Counsel for Petitioner**

1351 West Tapp Road  
Bloomington, IN 47403  
**Address**

812/336-8277  
Fax: 812/336-0817  
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xc: Job #4873

# Third & Cory Rezone - Job #4873

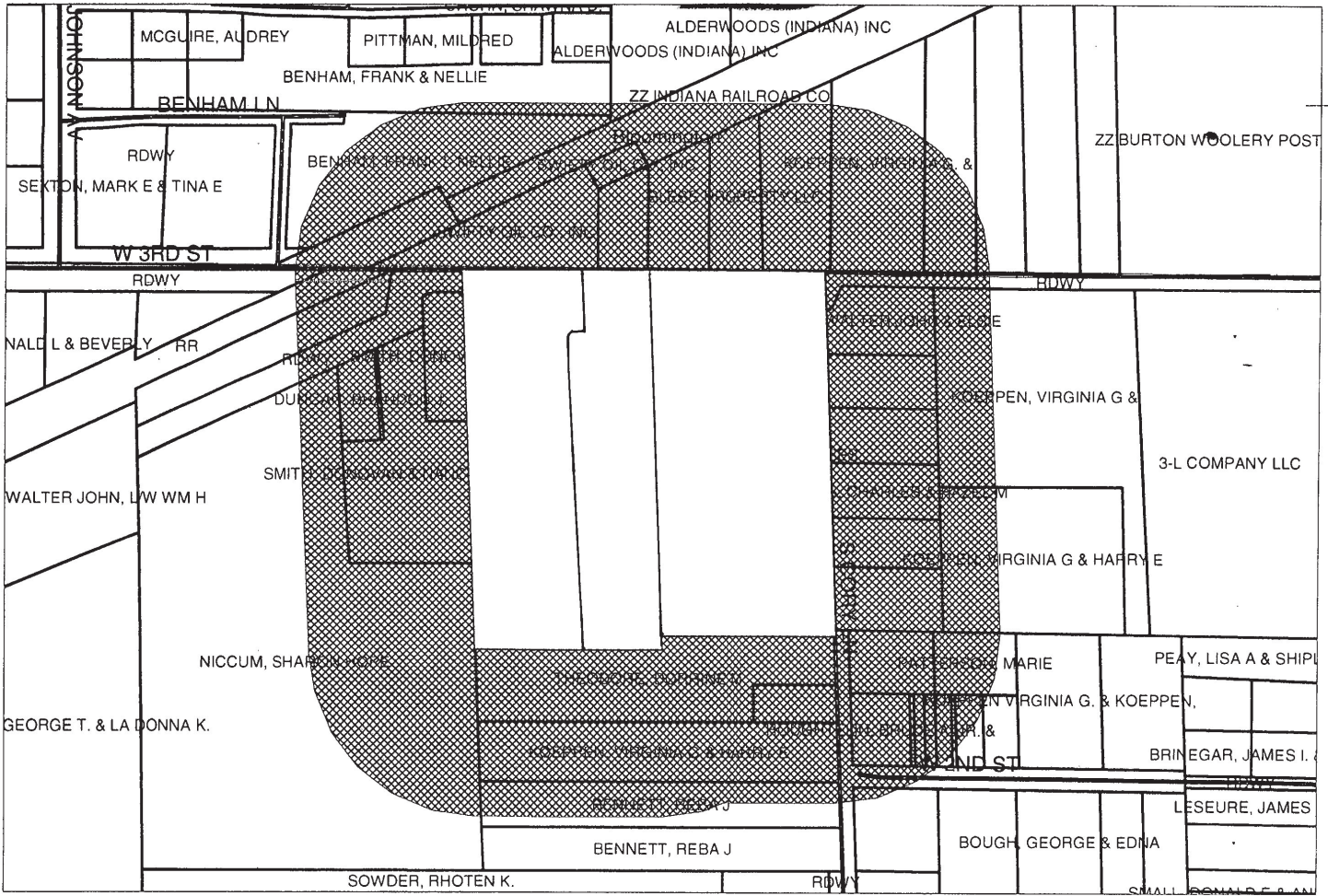


SCALE 1 : 2,987

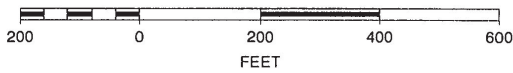


# Third & Cory Rezone - Job #4873

114



SCALE 1 : 2,987



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**RESEARCH LOG: FILE #4873      THIRD & CORY SUBDIVISION (PERRY TWP. - SEC. 6)**

PARCEL NUM	OWNER NAME	PROPERTY ADDR	LEGAL DESCRIPTION
015-65390-00	COWDEN, DON ENTERPRISES PO BOX 2177 BLOOMINGTON, IN 47402-2177	302 S CORY LN 316 S. CORY LN	SEM PT LOT 181 (4.46A) PLAT 181C
015-65370-00	COWDEN, DONALD L. PO BOX 2177 BLOOMINGTON, IN 47402-2177	2103 W. 3RD ST	SEMINARY PT LOT 181 2.78A PLAT 181A
015-65380-00	COWDEN, DONALD L. PO BOX 2177 BLOOMINGTON, IN 47402-2177	W. 3RD ST	SEMINARY PT LOT 181 2.22A PLAT 181B
012-28590-00	ALDERWOODS INC. PMB 6126, 250 H STREET BLAINE, WA 98230-4033		PT W1/2 SE 31-9-1W 6.50A PLAT 4
015-65300-00	BAUGH, DONALD 2099 E BETHEL LANE BLOOMINGTON IN 47408	2221 W 3RD ST	SEMINARY PT 182 (PT NW NE 6-8-1W) 0.80A PLAT 182Q
014-09890-00	BENNETT, REBA J. 604 S. CORY LN BLOOMINGTON IN 47403	604 S. CORY LN	SEMINARY PT LOT 181 PLAT 181V
012-02150-00	BENHAM, FRANK & NELLIE REV. TRUST 9375 E 400 N BROWNSBURG IN 46112	2320 S JOHNSON AVE	MAPLE GROVE BABY FARMS PT LOT 100 PLAT 100F
013-53000-00	BENHAM, FRANK & NELLIE REV. TRUST 9375 E 400 N BROWNSBURG IN 46112	2310 W. 3RD ST	MAPLE GROVE BABY FARMS PT LOT 101, 1.92A PLAT 101B
013-53280-00	BLESS PROPERTY LLC 107 MAPLETON DR BEDFORD IN 47421	2006 W. 3RD ST	PT S1/2 SE 31-9-1W .60A PLAT 14
013-53290-00	BLESS PROPERTY LLC 107 MAPLETON DR BEDFORD IN 47421	2008 W. 3RD ST 2012 W. 3RD ST	PT SW SE 31-9-1W .52A, PLAT 12
013-53300-00	CITY OF BLOOMINGTON PO BOX 100 BLOOMINGTON IN 47402-0100	2101 W. 3RD ST	PT SW SE 31-9-1W .33A PLAT 6
013-53250-00	CITY OF BLOOMINGTON BOARD OF PUBLIC WORKS PO BOX 100 BLOOMINGTON IN 47402-0100	1914 W. 3RD ST	PT SE SE 31-9-1W 1.00A, PLAT 8
014-06460-00	COMBS, JAMES A. 1916 W 2ND ST BLOOMINGTON IN 47403	1916 W. 2ND ST.	SUNSET HILL PT. LOT 14 120 X 63 PLAT 14E

**RESEARCH LOG: FILE #4873      THIRD & CORY SUBDIVISION (PERRY TWP. - SEC. 6)**

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014-19160-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	409 S. CORY LN	SEM PT LOT 180 .50A PLAT 180F
014-19180-00	KOEPPEN, VIRGINIA G & HARRY E., TRUST PO BOX 1480 BLOOMINGTON IN 47402-1480	409 S. CORY LN	SEM PT LOT 180, 2.18A PLAT 180H
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## RESEARCH LOG: FILE #4873 THIRD &amp; CORY SUBDIVISION (PERRY TWP. - SEC. 6)

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015-65400-00	OOLEY, WALTER JOHN & ELSIE 301 S CORY LN BLOOMINGTON IN 47403	301 S. CORY LN	SEM PT LOT 180, .50A PLAT 18A
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014-25210-00	PATTERSON, MARIE 413 S CORY LN BLOOMINGTON IN 47403	413 S. CORY LN	SUNSET HILL N1/2 LOT 15 PLAT 15A
014-38020-00	PILGRIM HOLINESS CHURCH, TRUSTEES OF 609 CORY LN BLOOMINGTON IN 47403	609 S CORY LN	SUNSET HILL PT LOT 11 PLAT 11A
014-27970-00	ROBERTS, CHARLES & HAZEL M 315 S CORY LN BLOOMINGTON IN 47403	315 S. CORY LN	SEM PT LOT 180 180D
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013-53335-00	SWIFTY OIL CO., INC PO BOX 1002 SEYMOUR IN 47274-1002		PT SW SE 31-9-1W .04A PLAT 1
014-09960-00	THEODORE, DORRINE M 1719 WINSLOW RD BLOOMINGTON IN 47401	500 S. CORY LN	SEMINARY PT LOT 181 (1.67A), PLAT 181E





INDIANA DEPARTMENT OF TRANSPORTATION

**RICHARD L. PHILLBAUM, L.A.**  
LANDSCAPE ARCHITECT  
DESIGN DIVISION

100 N. SENATE AVENUE, ROOM N642  
INDIANAPOLIS, IN 46204-2216

(317) 232-5151

FAX: (317) 233-4929

E-MAIL: [rphillabaum@indot.state.in.us](mailto:rphillabaum@indot.state.in.us)

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**BLOOMINGTON BOARD OF  
ZONING APPEALS STAFF REPORT****CASE #: CU-11-24 / USE2024-03-0042  
DATE: April 18, 2024****LOCATION: 815 S Grant St (parcel #53-08-04-301-063.000-009)**

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**OWNER:** Kelly Ely  
815 S Grant St  
Bloomington, IN 47401**PETITIONER:** Jonathan Brandt Badger & Kaitlin King  
408 E Dodds St  
Bloomington, IN 47401

---

**REQUEST:** The petitioner is requesting conditional use approval for a home occupation in the Residential Small Lot (R3) zoning district.

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**REPORT:** This .32-acre property is located at 815 S Grant St and is zoned Residential Small Lot (R3) zoning district. This property contains a residential home and the use of this property is Dwelling, Single Family (detached). All adjacent properties are also zoned R3 and adjacent land uses are also all Dwelling, Single Family (detached).

The petitioner is proposing to use two existing bedrooms in the property at 815 S Grant as home office space for Katie King, LCSW, PMH-C to provide individual consultation and certification services to help professionals and other licensed therapists. The property is adjacent to the owner's second residence and the owner and her spouse will be residing at both connected properties 12 months out of the year with their four children and retired grandparents.

No new interior or exterior remodel, structural or aesthetic alteration are required as part of this Home Occupation proposal. The Home Occupation will be conducted in approximately 30% of the home and would involve one to two client visits each hour between 9:00 am and 7:00pm. Visitors will park on the property - on the owner's driveway, and the operator and nonresident employee will not require parking at the property.

Staff received six phone calls/emails from unique neighbors inquiring about this petition. Two of the phone calls expressed a neutral opinion; however, four neighbors expressed objection for this proposal and three of them wrote formal letters opposing this proposal, which are attached in the packet below.

Title 20 [defines a Home Occupation](#) use as: *"An activity or occupation carried on within a dwelling or approved residential accessory structure by members of the family occupying the dwelling and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, unless this UDO states that the activity or occupation is not treated as a Home Occupation"*



The Home Occupation Use is permitted by Title 20 of the Bloomington Municipal Code as an [Accessory Use, which is defined as](#): “An activity that is conducted or located on the same zoning lot as the primary building or use served, except as may be specifically provided elsewhere in this UDO; is clearly and customarily incidental to, subordinate in purpose to, and serving the primary use; and is either in the same ownership as the primary use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of the primary use.”

Conditional Use approval for this Home Occupation proposal is required because it is not an exempted Home Occupation use. It is not exempted from the conditional use approval process because this Home Occupation proposal involves customers visiting and parking vehicles on the premises.

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**HOME OCCUPATION STANDARDS:** BMC 20.03.030(6) lists requirements, as follows:

1. **Operator Residency Required:** The operator of the proposed Home Occupation has indicated that they will reside in the dwelling unit, as well as in addition to their residence at 408 E Dodds St. While the two properties have adjoining backyards, they are distinct properties, not one property with two homes.
2. **Maximum Number of Nonresident Employees:** The proposed Home Occupation will have one (1) nonresident employee. The petitioner is proposing one (1) nonresident employee. However, the petitioner has previously mentioned having more staff and the Department has heard concerns from the neighbors that more employees will utilize the site.
3. **Maximum Floor Area:** The proposed Home Occupation is conducted inside the home, taking up approximated 30% of the footprint of the home (300 square feet).
4. **Multiple Home Occupations:** There are no other approved Home Occupations operating at this property.
5. **Residential Character:** There will not be any exterior changes. Any interior changes needed will be made within a portion of the home and will not change the exterior residential character of the dwelling unit. The petitioner proposes 1-2 visitors each hour to park on the existing driveway. While visitors to a typical residence are hard to quantify, 20 visitors a day is not within a typical residential character.
6. **Location and Entrance:** The proposed home occupation use will not interfere with the provision of any off-street parking.
7. **Outdoor Display and Storage:** The proposed Home Occupation will not include outdoor display of goods, materials, supplies, or equipment.
8. **Sales and Rentals Prohibited:** The proposed Home Occupation will not include any sales or rentals.
9. **Off-street Parking and Loading:** No additional driveway is required to serve the Home Occupation. However, the petitioner proposes 1-2 visitors each hour to park on the existing driveway. If 2 visitors are present on site while 2 additional visitors are arriving for the next appointments, 4 spaces are needed. It is unclear how the existing driveway will facilitate that turnover. The operator of the home occupation and the nonresident employee will not require parking at the property.

10. Hours of Operation: The proposed Home Occupation will not have client visits outside of the permitted hours of 8:00 am and 8:00 pm. The petitioner proposes operating between the hours of 9:00 am and 7:00 pm.
11. Commercially Licensed Vehicles: The proposed Home Occupation will not require the operator to have a commercial driver's license.
12. Deliveries: The proposed Home Occupation will not require deliveries.
13. Signage: The proposed Home Occupation will not display signage outside the home.

## CRITERIA AND FINDINGS

The Hearing Officer or Board of Zoning Appeals shall review the conditional use permit petition and approve, approve with conditions, or deny the petition in accordance with Section 20.06.040(d)(7)), based on the general approval criteria in Section 20.06.040(d)(6), and the additional criteria applicable to conditional uses in Section 20.06.040(d)(6).

### 20.06.040(d)(6) Approval Criteria

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

- i. Compliance with this UDO*
- ii. Compliance with other applicable regulations*
- iii. Compliance with Utility, Service, and Improvement Standards*
- iv. Compliance with prior approvals*

**PROPOSED FINDING**: The petition proposes is utilize an existing building with existing utilities and services and shall comply with utility, service, and improvement standards. No other applicable regulations nor prior approvals are known. Though, residency is not defined by the UDO, this petition may not comply with Home Occupation use-specific standards, which include that “*operator residency is required – that the operator of the Home Occupation shall reside in the dwelling unit.*” This petition does not clearly comply with the UDO’s definition of a home occupation because it is unclear whether or not the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling. The intention behind a home occupation allowance in the UDO is so that residents may utilize their residences to run small businesses that are not the primary use of the property. While the petitioner seems to be making the argument that they can have two buildings on different properties with different addresses as their primary residence, the UDO, in multiple places, requires allows that there is only one. Establishing primary residency can be difficult, but if and when the petitioner can produce a homestead exemption for this property, the Department will find that requirement satisfied.

### 20.06.040(d)(6) Approval Criteria

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

**PROPOSED FINDING:** This proposal supports the local entrepreneurship and access to mental health services goals in the Comprehensive Plan. It provides a service within walking distance of many homes and potential clients, which supports the city's goals to increase walkability. However, it is less clear that this proposal supports the many goals of the Comprehensive Plan related to housing, as it seems to propose the conversion of a residence to a business in a residential area.

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

**PROPOSED FINDING:** Adequate public service capacity exists. The petitioner believes that sufficient parking for this Home Occupation is available on the owner's property. However, no allowance for overlap of appointments has been included and the petitioner is saying they will both live on the property and that they will not park there. There is on-street parking available on Grant Street; although, Grant Street is only wide enough for two cars at a time. The property is located only .20 miles from an arterial road and there is vehicle access to this property. There is no pedestrian-only access to this property; however, due to the size of the streets and the traffic calming efforts in this neighborhood, the existing streets are walkable for pedestrians.

- iii. *Minimizes or Mitigate Adverse Impacts –*
  1. *The proposed use and development shall 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 shall 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:** This proposed use does not result in damage to natural, scenic, or historic features. Some nuisance related to noise, smoke, odors, vibrations, lighting, or hours of operation will occur due to the visitors to the site. This proposal could have impacts to the residential character of the neighborhood, both because it appears that the primary use of the site may inadvertently be non-residential, and because of the narrower streets in front of and leading to this property. The road in front of the property and leading to the arterial road are only 18 feet wide and several traffic calming projects have been installed in this neighborhood already, in order to increase safety and slow cars that pass through the neighborhood streets. Additionally, there are limited sidewalks in this neighborhood, so pedestrians must often share the road with cars. No pre-submittal neighborhood meeting was required.

- iv. *Rational Phasing Plan - If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space,*



*and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.*

**PROPOSED FINDING:** There is no phasing plan for this proposal.

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**CONCLUSION:** The Home Occupation rules are intended to allow small businesses to be run at residential properties as accessory to the primary residential purposes. These businesses should not detract from the residential character of the property, and should not have detrimental effects on the surrounding properties. Based on the information provided at this time, the Department finds that this proposed use does not meet the Use-Specific Standards for a Home Occupation, the general approval criteria and the conditional use criteria, as described in the Unified Development Ordinance.

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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 and deny CU-11-24 / USE2024-03-0042.



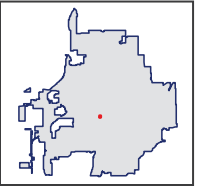
**Map Legend**

- Addresses
- Parcels
- Pavement

- Current
- City Maintained Streets

**Street Typology**

- Neighborhood Residential
- Bloomington Municipal Boundary









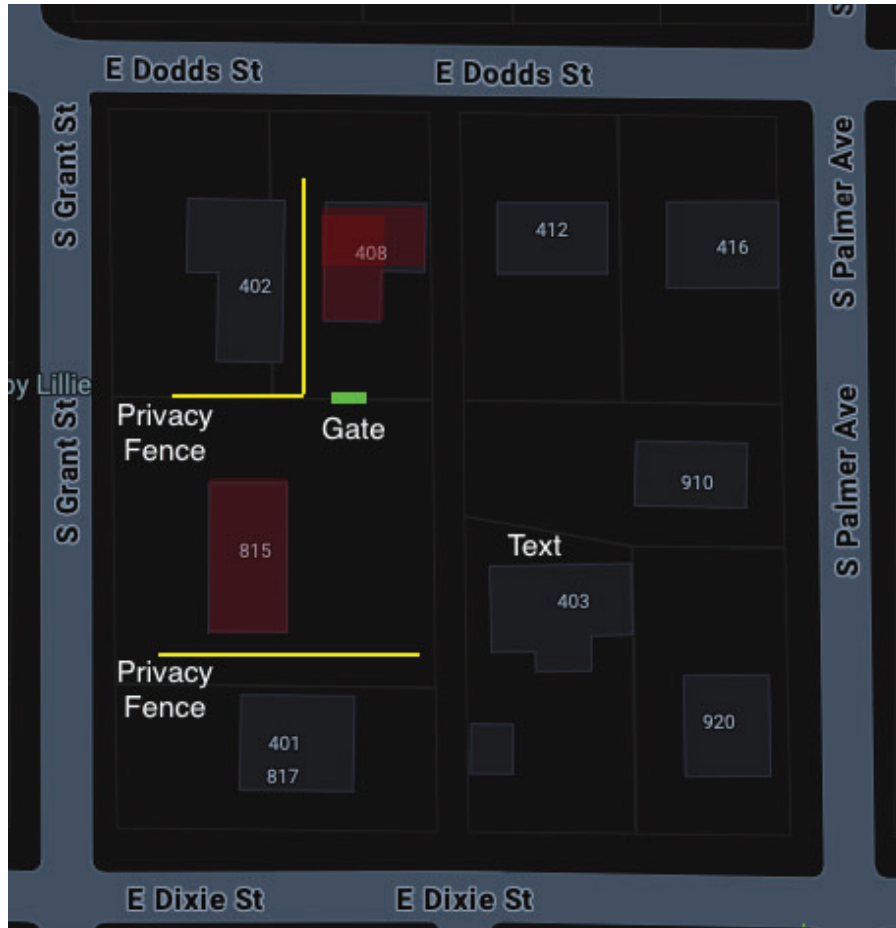
March 25, 2024

Jonathan Brandt Badger and Katie King - 408 E Dodds St Bloomington IN 47401

Petitioner's Statement

## **DESCRIPTION OF PROJECT**

The proposed project is for two existing bedrooms in the property at 815 S Grant Street (R3) to be utilized as home office space for owner Katie King, LCSW, PMH-C to provide individual consultation and certification services to helping professionals and other licensed therapists, within the constraints of all Home Occupation guidelines for an R3 property as described in section 20.03.030(g)(6) in the Bloomington Unified Development Ordinance. The property is adjacent to the owner's second residence, and 815 S Grant will be legally considered the owner's primary residence. The owner and her spouse will be residing at both connected properties 12 months out of the year with their four children and retired grandparents. The additional property was acquired to meet the family's need for additional living space, while space and financial constraints do not allow for additional living space to be added at 408 E Dodds. A privacy fence is being installed next to the properties in order to prevent any disturbance to neighbors by family members walking between properties. Map included below for reference.



## JUSTIFICATION FOR CONDITIONAL USE APPROVAL

The proposed use and development must be consistent with the Comprehensive Plan and may not interfere with the achievement of the goals and objectives of the Comprehensive Plan;

**Proposed use is consistent with the following goals and objectives of the Comprehensive Plan:**

### INCLUSIVITY:

**Policy 1.1.2: Continue and enhance programs that embrace Bloomington's diversity of cultures, languages, gender orientations, and abilities, and support populations that have traditionally been excluded.**

### HEALTH AND SAFETY:

**Policy 1.2.1: Facilitate access to mental health services. ECONOMIC DEVELOPMENT:**

**Support local entrepreneurship  
Enhance Public Safety  
Enhance Public Health**

**Reduce shortage of health care professionals Increase Entrepreneurial Activity**

**Increase annual self-employment rates**

**Increase annual number of locally-owned business formations URBAN ECOLOGY**

**Goal 3.4 Increase the areas of native shrubs, trees, and herbaceous plants to increase ecosystem services associated with green infrastructure, including improved soil, air, and water quality and increased carrying capacity of pollinators, birds, and other wildlife.**

**Policy 3.4.2: Eliminate, to the greatest extent feasible, invasive plant and animal species.**

## **AIR QUALITY AND EMISSIONS**

**Goal 3.6 Protect local air quality from pollutants.**

**Policy 3.6.1: Ensure that the air we breathe is safe for all Bloomington residents and visitors.**

**Policy 3.7.2: Reduce vehicle miles traveled per capita**

**Goal 5.2 Housing Planning and Design: Guide growth, change, and preservation of residential and business areas through planning policies that create and sustain neighborhood character and green space, and that build a sense of community, civic involvement, and neighborhood pride.**

**Policy 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.**

**Policy 5.2.5: Encourage the development of small-scale commercial developments close to all neighborhoods to serve the daily needs of residents.**



**Policy 5.2.6: Existing residential neighborhoods, or any portions of a neighborhood having a consistent built character, should be maintained at their prevailing pattern of development, building distribution, and scale. This built character may be complemented by both traditional and contemporary architecture**

**Goal 6.5 Protect Neighborhood Streets: Protect neighborhood streets that support residential character and provide a range of local transportation options.**

**Policy 6.5.2: Balance vehicular circulation needs with the goal of creating walkable and bike-friendly neighborhoods.**

**Policy 6.6.4: Encourage provision of covered bicycle parking.**

**-Prioritize the growth of local non-service sector employers, meaning businesses that meet economic demand generated outside the community, through strategies that sustain a positive business climate for long term employment opportunities.**

**-Implement projects that reduce community vulnerability -Encourage healthy lifestyles in the community**

**-Supporting comprehensive community services and economic vibrancy**

**-Invest in diverse, high quality economic development that provides equitable job opportunities to our residents, supports an entrepreneurial small business climate, enhances the community's role as a regional hub, and is responsive towards larger concerns of sustainability**

**-Embrace all of our neighborhoods as active and vital community assets that need essential services, infrastructure assistance, historic protection, and access to small-scaled mixed-use centers**

**-Support safe, efficient, accessible, and connected transportation with emphasis on public transit, walking and biking to enhance options to reduce our overall dependence on the automobile.**

b. The proposed use and development will not create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights;

**Proposed use does not include any of the above.**

c. The proposed use and development will not have an undue adverse impact upon adjacent property, the character of the area, or the public health, safety and general welfare;

**Proposed use does not include any activities to impact any of the above.**

d. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;

**Proposed use does not include any activities to impact any of the above.**

e. The proposed use and development will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets; **Proposed use would involve one to two client visits each hour between 9:00 am and 7:00pm.**

f. 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;

**Proposed use does not include any activities to impact any of the above.**

g. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood;

**Proposed use does not include any activities to impact any of the above.**

h. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeals' determination, shall not be approved;

**Proposed use does not include signage of any kind.**

i. The proposed use and development complies with the additional Use-Specific Standards for a home-occupation, as described in Chapter 20.03.030(g)(6):

### **Operator Residency Required**

The operator of the Home Occupation shall reside in the dwelling unit.

**The operator of the Home Occupation shall reside in the dwelling unit.**

### **Maximum Number of Nonresident Employees**

Any Home Occupation shall be permitted a maximum of one employee who does not reside in the dwelling unit.

**Proposed use is to include the operator and one additional nonresident licensed mental health counselor.**

### **Maximum Floor Area**

For Home Occupations located within a primary structure no more than 50 percent of the total interior floor area of the dwelling unit may be used in connection with the Home Occupation.

**Proposed use is for 300 square feet out of 1,050 total square feet.**

### **Residential Character**

There shall not be any interior or exterior, structural or aesthetic alterations that change the residential character of the dwelling unit within which the Home Occupation operates.

**Proposed use does not include any activities to impact any of the above.**

### **Outdoor Display and Storage**

Outdoor display of goods, materials, supplies, or equipment is prohibited.

**NA**

### **Sales and Rentals Prohibited**

Direct sales and/or rentals of products from the property on which the Home Occupation is located is prohibited, except that incidental sales of products related to personal services provided through the Home Occupation are permitted. Mail and/or telephone sales activities are permitted.

**NA**

### **Off-street Parking and Loading**



No additional driveway to serve the Home Occupation shall be permitted. A minimum of one off-street parking space shall be provided for home occupations that are located within an established Neighborhood Parking Zone District.

**Proposed use includes 1-2 visitors each hour to park on the existing driveway. Operator and nonresident employee will not require parking at the property.**

### **Hours of Operation**

Customer visits in association with the Home Occupation shall not occur before 8:00 a.m. or after 8:00 p.m.

**Proposed use includes only the hours of 9:00am to 7:00pm.**

### **Outdoor Retail and Display**

Proposed use does not include outdoor retail or display activities.

March 31, 2024

City of Bloomington Planning Department  
402 E Morton St Suite 130  
Bloomington, IN 47401

Dear Planning Department:

I object to the proposed rezoning of a residential home located at 815 S. Grant St.

By definition on page 425 of the UDO Home Occupation is defined-to quote a portion-

“...where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling...” The petitioners live around the corner in a home they share with their four children, 408 E Dodds St. The question looming is that there is a flaw in the coded definition in the UDO Home Occupation code as written. The challenge encompasses

what constitutes the exact definition of the length of time one must actually live in the home.

I do not understand how the words incidental, and subordinate can create a “gray” measurement.

It is my understanding the use for the rezoned proposal will be serving clients as a licensed Mental Health counseling office.

Petitioners had spoken with the son (owner passed away) of another homeowner on S. Grant about their desire to place 4 to 5 counselors in the home to use for their business when inquiring about a potential sale. Main point, I have grave apprehensions that the home in question will ever be truly used for anything but a business purpose. I also have reservations that in requesting

zoning changes an applicant might be able to fill out a request in such a way to ensure approval. Traffic is also a concern on the small stretch of S. Grant St. For example, if the business has 2 counselors and each see 8 clients per day that could equate to 16 vehicles. If it is a drop off and pick

up that could be 32 vehicles per day. Multiplied by 5 days per week 160 vehicles, with potential of 640 per month. Even cutting that stat in half would equate to 320 potential clients in cars per month.

This home is located in an R3 zone. Not a mixed use. The main business function is a medical clinic.

By definition in the UDO a medical clinic is defined, to quote a portion "...where patients are admitted

on an outpatient basis by one or more...psychologists, or social workers..." This is an incompatible

land use when other locations in Bloomington are properly zoned for such a business type.

I am also concerned about a "safety plan" a therapeutic office might have for aggressive behavior, unpredictable reactions, and physical violence. I would assume training for crisis situations is a major concern in running a Counseling Center. But where is my "safety plan"? It was in zoning. Saying it would never happen is no solution. All it takes is once.

If zoning is changed who would assure compliance as approved by permit? Could someone decide

for example to hold workshops or create a teen-hang-out area? Just some thoughts. I am not even

sure what the scope of the latter would entail.

It is a for profit use of a nice residence some other family might have desperately loved to call home.

Housing crisis indeed. Home-based business definition as we would know it would cease to exist. Wonder what would be next.

Sincerely,

Kim Vint

CC: Mayor Thomson

CC: Andy Ruff

CC: Planning Department

CC: Katie Ghandi





Katie Gandhi <katie.gandhi@bloomington.in.gov>

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## Home Occupation petition in your neighborhood

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Taly Moir <traveler@bluemarble.net>

Fri, Apr 5, 2024 at 11:08 AM

To: Katie Gandhi <katie.gandhi@bloomington.in.gov>

Dear Ms. Gandhi,

My wife and I live at [317 East Dodds street](#).

We do not support approval of this petition for a conditional use permit for Home Occupation at 815 S Grant Street.

We will be attending the Board of Zoning Appeals meeting on 4/18.

Respectfully,

*Marcus and Taly Moir*  
[traveler@bluemarble.net](mailto:traveler@bluemarble.net)  
812-339-9496

[Quoted text hidden]



Katie Gandhi <katie.gandhi@bloomington.in.gov>

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## Fwd: [Planning] Katie Re 815 S Grant

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Katie Gandhi <katie.gandhi@bloomington.in.gov>

Tue, Apr 2, 2024 at 8:46  
AM

To: Katie Gandhi <katie.gandhi@bloomington.in.gov>

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

From: '**Gretchen Nall**' via **Planning Department** <planning@bloomington.in.gov>

Date: Mon, Apr 1, 2024 at 5:13 PM

Subject: [Planning] Katie Re 815 S Grant

To: <planning@bloomington.in.gov>, Gretchen Nall <gretchen.nall@homefinder.org>

Hi,  
My spouse and I are strongly opposed to the use variance. I do not want a clinic of any kind located next to my house at 315 E Dodds. This is a residential neighborhood and not zoned for medical or commercial use. There are so many commercial spaces with low rent. The petitioners have many other opportunities to run their mental health clinic in a more appropriate setting.

Please confirm receipt.

Thanks,

Gretchen Nall

Managing Broker/Owner

Bloomington Rentals and Realty

NH Properties, LLC

www.bloomingtonrentalsinc.com

Sent from my iPhone



Katie Gandhi <katie.gandhi@bloomington.in.gov>

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## Fwd: [Planning] Katie Re 815 S Grant

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Gretchen Nall <bloomingtonrentals@yahoo.com>

Fri, Apr 5, 2024 at 10:35 AM

Reply-To: Gretchen Nall <bloomingtonrentals@yahoo.com>

To: Katie Gandhi <katie.gandhi@bloomington.in.gov>, Gretchen Nall <gretchen.nall@homefinder.org>

Hi,  
I want it to be noted and on record that another neighbor is selling their house (for sale by owner) to someone that plans to petition it for a group home.  
This house is very close to my house and the other neighbors. My feeling is that if 815 S Dodds is allowed a variance than the doors will be opened to anyone wanting to provide mental health services in the middle of a residential neighborhood. The proximity to Shalom Center will make it very easy for other business owners to want to invest in this residential neighborhood and NOT use it for residential use.  
Again, there are more than enough very affordable and vacant commercial spaces that are zoned for this very thing. There are empty offices ALL over downtown and other areas. They have many options to choose from. I know it would be very convenient for the owners to operate their business next door to their house but it should not come at the expense of everyone else. I rent an office downtown. It is an expense that I accept as a business owner and they should too.  
Can you please make sure this is added to my initial response?



**Gretchen Nall**

*Owner / Managing Broker, Bloomington Rentals & Realty*

(812) 360-2288

[www.bloomingtonrentalsinc.com/](http://www.bloomingtonrentalsinc.com/)

[bloomingtonrentals@yahoo.com](mailto:bloomingtonrentals@yahoo.com) | 213 S. Rogers St.

[Quoted text hidden]