

# CITY OF BLOOMINGTON



June 21, 2018 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL

CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS  
June 21, 2018 at 5:30 p.m.

◆Council Chambers - Room #115

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**ROLL CALL**

**MINUTES TO BE APPROVED:** April 2018

**REPORTS, RESOLUTIONS, AND COMMUNICATIONS:**

**PETIITIONS CONTINUED TO:** July 19, 2018

AA-12-18     **Bryan Rental, Inc.**  
3175 W. 3<sup>rd</sup> St.  
Request: Administrative Appeal from Staff's decision regarding limiting the size of  
an individual tenant panel.  
*Case Manager: Eric Greulich*

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**PETITIONS:**

UV-13-18     **UJ Eighty (UJ80) Corporation**  
1640 N. Jordan Ave.  
Request: Use Variance to allow a single-family detached dwelling in the  
Institutional (I) zoning district.  
*Case Manager: Jackie Scanlan*

V-14-18     **Michael Boulton (Storage Express)**  
606 W. Gourley Pike  
Request: Variance from landscaping standards to allow riprap to be placed  
around the perimeter of a building without landscaping.  
*Case Manager: Eric Greulich*

**\*\*Next Meeting: July 19, 2018**

**Last Updated: 6/1/2018**

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

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
Location: 1640 N. Jordan Avenue

**CASE #: UV-13-18**  
**DATE: June 21, 2018**

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**PETITIONER:** UJ Eighty  
444 Lake Cook Road #11, Deerfield, IL

**COUNSEL:** Manley Burke  
225 W. Court Street, Cincinnati, OH

Mallor Grodner LLP  
511 Woodcrest Drive, Bloomington

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**REQUEST:** The petitioner is requesting a use variance to allow 'dwelling, single-family (detached)' in the Institutional zoning district.

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**UPDATE SINCE LAST HEARING:** The petition appeared at the May 24, 2018 Board of Zoning Appeals hearing. The Department recommended denial of the petition based on the findings of fact, citing no hardship found with the use of the property with the strict application of the Unified Development Ordinance and incompatibility of the request with the Comprehensive Plan. During the hearing, it became evident that there is a deed restriction on the property that requires the use of the property to be limited to fraternities and sororities, which would insure that the long-term use of the property as a fraternity or sorority house, though this is a self-imposed hardship. The BZA was interested in further discussion of the petition to determine if it is possible for commitments to be included to allow for the requested use to be temporary. The Department continues to find that the request does not meet three (3) of the required five (5) findings of fact. If the Board of Zoning Appeals desires to approve the request with conditions, alternate findings of fact need to be drafted at the hearing.

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**REPORT:** The petitioner proposes to allow the use of the building at 1640 N. Jordan Avenue as a residence for an individual or group meeting the definition of 'family' in the Unified Development Ordinance. The property is located on the north side of Jordan Avenue between N. Fisher Court and E. Balfour Street. This property is zoned Institutional (IN). The property is surrounded by IN zoning, with some Residential Single-Family (RS) zoning across State Road 45/46 to the northwest. The maximum number of unrelated adults that would be allowed to live in the building under that use and definition is five (5) people.

There are twenty-six (26) permitted uses and nine (9) conditional uses in the IN zoning district. Of the 26 permitted uses, five (5) of the uses would typically involve a residential component in the primary use of the property. Those uses are: Fraternity/Sorority House; Group Care Home for Developmentally Disabled; Group Care Home for Mentally Ill; Group/Residential Care Home; and University of College. Under the existing zoning, the site could contain any of those uses, as long as any conditions associated with the uses are met.

The petitioner does not desire to find a user for any of the thirty-five (35) uses listed above, but is requesting the use variance so that a caretaker or a few people can live at the site when it would otherwise be vacant.

The character of the area is institutional with fraternity/sorority houses along N. Jordan Avenue and Indiana University property immediately adjacent.

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**Comprehensive Plan:** The Comprehensive Plan designates this property as Institutional/Civic. The I/C designation includes uses such as libraries, schools, cemeteries, municipal buildings, fire stations, and utility stations. The intent of this district is to provide adequate land to support the activities of compatible government, social service, and limited non-profit entities. Land development policy guidance for the district is as follows:

- Public agencies should periodically meet to coordinate future facilities needs in advance of land acquisition/construction.
- Non-profit land uses should be located in every sector of the community to provide a balanced distribution of services.
- Land dedications must have clear agreements in place – including dates and timelines- as part of the land development approval process.
- Uses in this category should provide measures to mitigate undesirable operational impacts such as light and noise pollution, traffic congestion, and spillover parking.

As can be seen from the guidance above, the designation in the Comprehensive Plan does not envision single-family uses.

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#### **20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:**

**Findings of Fact:** Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use 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:** The Department finds that the proposal will not be injurious to the public health, safety, morals, and general welfare of the community as the requested use would be limited to the interior of the building.

*(2) 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*

**Proposed Finding:** The Department finds no adverse impacts on the use and value of the adjacent properties associated with the proposed use variance. The surrounding uses are predominantly Indiana University or Indiana University student

related.

- (3) *The need for the variance arises from some condition peculiar to the property involved; and*

**Proposed Finding:** The Department finds no peculiar condition to the property involved warranting the need for the use variance. The property is developed as a fraternity/sorority house and can be used in that way. Additionally, there are thirty-four (34) other uses permitted or conditional in the IN zoning district that can be used at the site if their conditions are met. No practical difficulties are found in the characteristics of the property or its surroundings that necessitate relief from the use regulations of the UDO. Additionally, security measures can be put into place to address concerns of the building being empty if the owner continues to choose not to put the property to a legal use. There are many vacant buildings in town at any given time, and numerous options exist for care of the building outside of a resident onsite. Fraternity/Sorority Houses are limited exclusively to the IN district and the granting of a use variance to allow a single-family dwelling would take away another possible fraternity/sorority from reusing this structure.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and*

**Proposed Finding:** The Department finds that the strict application of the Unified Development Ordinance will not place an unnecessary hardship on the property, as there are 35 potential uses allowed on the site by the UDO.

- (5) *The approval does not interfere substantially with the Growth Policies Plan.*

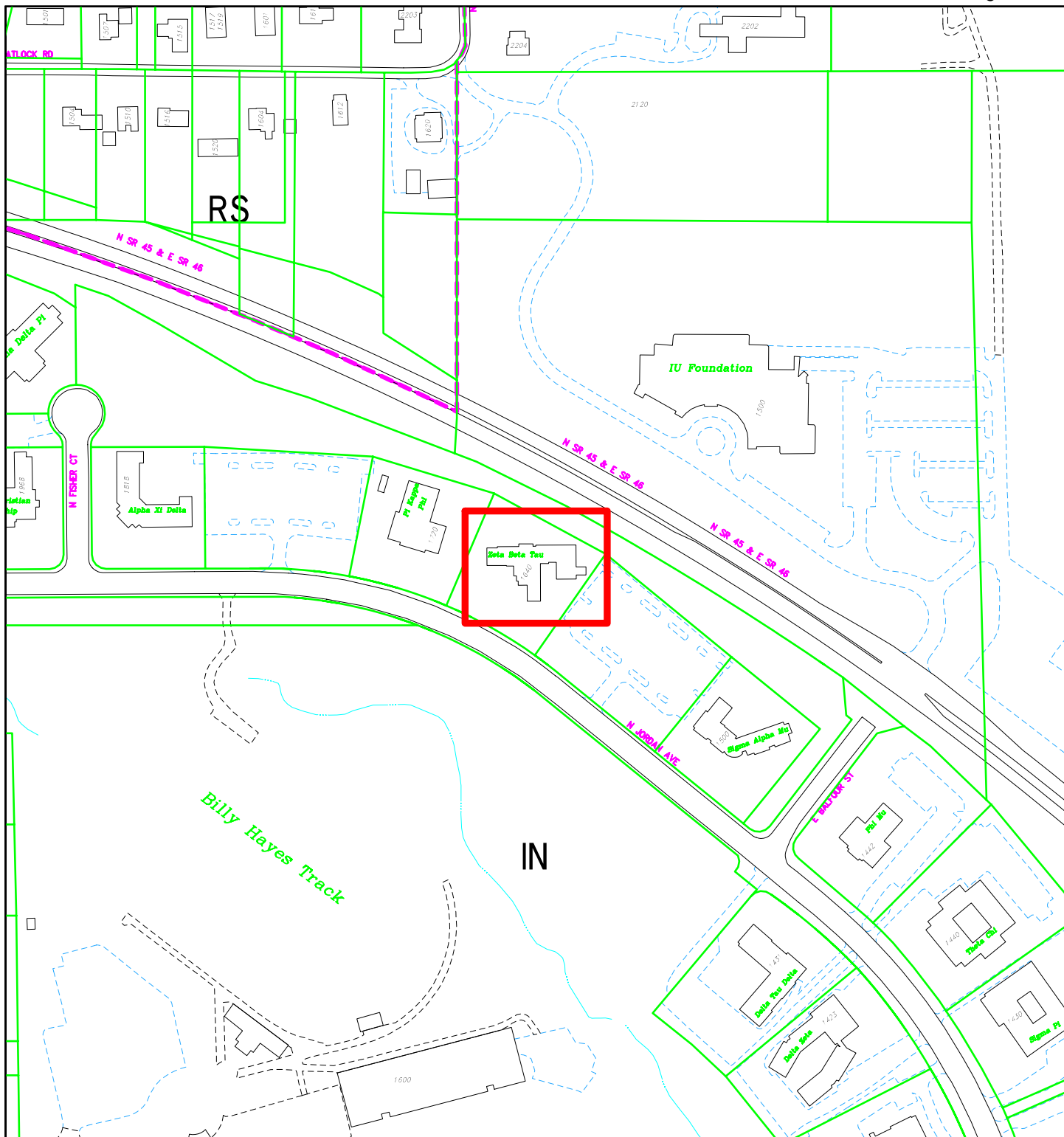
**Proposed Finding:** The Department finds that this request does substantially interfere with the Comprehensive Plan. The Comprehensive Plan designates this property as Institutional/Civic. The uses discussed for this designation are all institutional or civic in nature, and do not include single-family residential.

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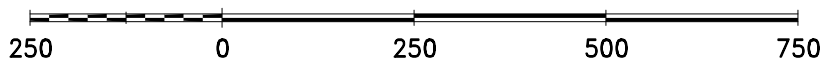
**CONCLUSION:** The Department finds that the proposal does substantially interfere with the intents of the Comprehensive Plan. Allowing the 'dwelling, single-family (detached)' use on the property does not promote the intent of the Institutional/Civic designation of the recently adopted Comprehensive Plan. There are no unique characteristics of the property that require that a use variance be granted to allow a use outside of the thirty-five (35) that are permitted or conditional for the zoning district.

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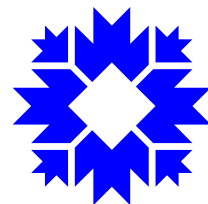
**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals denies petition #UV-11-18, a use variance request to allow 'dwelling, single-family (detached)' in the Institutional zoning district.



By: scanlanj  
18 May 18

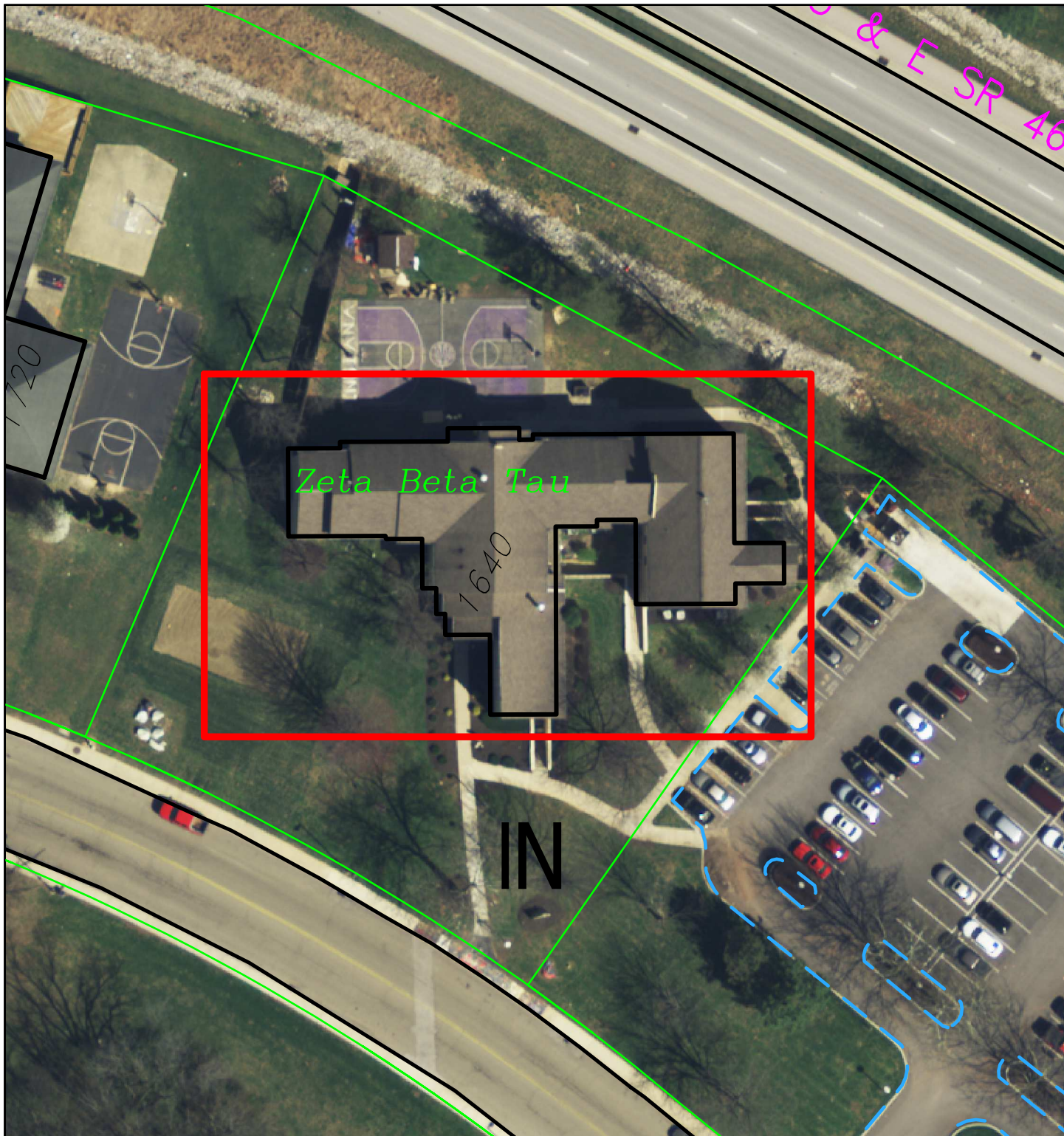


City of Bloomington  
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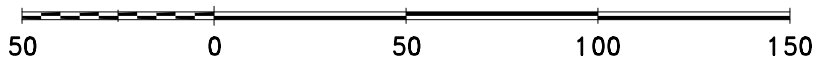


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For reference only; map information NOT warranted.



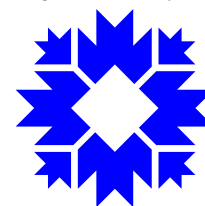
By: scanlanj  
18 May 18



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 50'

MALLOR | GRODNER  
*Attorneys*

**Garry L. Founds**  
*Attorney at Law*  
*Registered Civil Mediator*

gfound@s@lawmg.com

March 21, 2018

Board of Zoning Appeals  
City of Bloomington  
401 North Morton Street  
Bloomington, Indiana 47404

**Re: UJ Eighty Corporation: 1640 N. Jordan Ave.**

Dear Members of the BZA:

UJ Eighty Corporation, an Indiana corporation ("Petitioner"), respectfully requests a Use Variance for the property located at 1640 North Jordan Avenue in Bloomington, Indiana, which is more particularly described by its legal description as 013-52000-03, N. Jordan Ave. Extension Lot 3 (the "Property").

The Property is presently zoned Institutional. The structure located on the Property has been used as a fraternity/sorority house since its construction in 1984 and since Petitioner's acquisition of the Property in June 2002. Petitioner proposes a Use Variance to use the Property as a "single family detached dwelling," as such term is defined under the Bloomington, Indiana Unified Development Ordinance ("UDO"), Section 20.11. In support of its petition, Petitioner states the following:

### **I. Background**

On August 4, 2016, Petitioner leased the Property to the Gamma-Kappa Chapter of Tau Kappa Epsilon, Inc. ("TKE") pursuant to that certain Lease Agreement dated August 4, 2016 (the "Lease Agreement"). Under the Lease Agreement, the Property was intended to be used, occupied, and maintained by TKE as a student dormitory for the members of TKE and as lodging for TKE's House Director. The term of the Lease Agreement began on August 5, 2016 and continues until May 14, 2019.

Sometime around February 8, 2018, the individuals residing at the Property (the "Occupants") read in the Indiana Daily Student that TKE was no longer recognized by Indiana University (the "University") or by TKE's national organization and that the Occupants could no longer reside at the Property because of this loss of recognition. No other notice was ever given to any of the Occupants. No other justification for the University's notification was provided. The University then told the Occupants that they could move into the University's own dormitories, if they paid the applicable dormitory fees. Most Occupants left the Property and



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moved into the University's dormitories or found other housing alternatives. There are multiple pending public records requests related to this but once they are fulfilled, we should be able to provide more information.

On February 25, 2018, Petitioner received a Notice of Violation from the City of Bloomington Planning and Transportation Department ("Planning") dated February 22, 2018 (the "February 22 NOV"). On March 3, 2018, Petitioner received a Notice of Violation from Planning dated February 28, 2018 (the "February 28 NOV") (collectively, the February 22 NOV and the February 28 NOV are the "NOVs"). The February 22 NOV, which was defective, stated that it served as a formal warning of non-compliance with the UDO, Section 20.02.500 [Institutional (IN); Permitted Uses], at the Property. The February 22 NOV went on to state that "as of February 18, 2018, 1640 N. Jordan Ave no longer meets the UDO definition of a 'fraternity', a permitted use in Institutional zoning districts." The February 22 NOV also alleged that two individuals had not vacated the Property and that their occupation of the Property was an illegal land use.

In the February 28 NOV, Planning restated its warning of non-compliance with the UDO, Section 20.02.500, by stating that the Property no longer meets the UDO definition of a "Fraternity/Sorority House." The February 28 NOV was intended to correct defects in the February 22 NOV. In the February 28 NOV, Planning offered two options to "remedy the situation and avoid further enforcement." The first of which was to cease use of the Property as a dwelling unit.

One of the Occupants who allegedly prompted the issuance of the NOVs was a live-in house director (the "Caretaker"). Most other fraternity and sorority houses in the area have non-student adult live-in directors, and the University is aware of this practice. It should also be noted that individuals are living in the building located on the Christian Fellowship parcel, even though these individuals are not members of a fraternity or sorority. Petitioner should be treated no differently than these other property owners. The role of these live-in house directors includes ensuring that fraternity/sorority houses are monitored and properly maintained. The Petitioner now desires a use variance to allow the Caretaker to remain on the Property to ensure proper care and maintenance, to protect the Property and the surrounding properties, and to preserve the Property for use as a fraternity/sorority house or other student housing.

On March 7, 2018, Petitioner filed its Appeal of Notice of Violation, challenging the claims contained in the NOVs (the "Appeal"). Petitioner anticipates that resolution of the Appeal could take a substantial amount of time. Therefore, Petitioner requests that the length of the requested use variance track resolution of the Appeal. Of course, if the Appeal is decided in Petitioner's favor, the requested use variance will no longer be necessary.

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## II. The Necessity of the Requested Variance

Petitioner acknowledges Planning's observation that other buildings around Bloomington might currently be vacant without a live-in caretaker. But those situations certainly are not ideal. Moreover, this particular situation is different. Unlike other vacant buildings around Bloomington, the structure located on the Property was built to be a residence. It is located in what is effectively a residential area. It is not a warehouse or other commercial property, which likely would not have proper living facilities and which would not ordinarily have residential occupants.

Also, the risks created by a vacant house are unique. A vacant house, as opposed to a vacant warehouse or other commercial structure, presents unusual and more significant problems for its owner, the Property itself, future occupants or owners, and its neighbors. Of course, an empty house is an easy target for crime. It is more easily vandalized and burglarized. But there are also other potential dangers to the structure and the neighbors.

One should also consider the location of this house and the surrounding fraternities and sororities. These properties are not vandalized in the middle of the days with hundreds if not thousands of students walking by. It happens at night, when Planning claims that Petitioner is not allowed to have a "watchman" on site to stop this from occurring

Plumbing can be damaged by vacancy, and taking the typical precautions, such as draining pipes etc., will not completely protect against this problem. Valves, gaskets, and hoses need water to stay pliable. If any of these dries out, the seal will crack and will fail when the water is turned back on, resulting in leaks and possible flooding. The pipes can also dry out, crack, and result in similar damage when water pressure is restored. The valves in dishwashers and similar appliances can get stuck in the closed position when they remain unused for extended periods. When the water is turned back on, it is likely to result in leaks and/or flooding, and the owner might need to replace the appliance or the damaged parts. A lack of use, cleaning, and flushing of toilets means that drains do not get flushed through regularly, and, as a result, they can start to emit odors. These unused drains also provide a good access point for pests and vermin to enter the house.

A vacant house attracts small wildlife, of which there is an abundance in Bloomington. Squirrels and similar animals can chew access holes to enter the structure. These animals, once inside, cause property damage and health risks. Small animals can also chew insulation and wiring, resulting in not only property damage, but also fire.

Fire is a danger that is best limited by occupation. Fire will not be detected nearly as quickly in a vacant house as compared to an occupied house, and fire can spread much more quickly in a vacant house than it can in an occupied house. Statistics from the U.S. Fire

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Administration indicate that 53% of all vacant building fires spread to involve the entire structure, and 10% of all vacant building fires spread to adjacent properties.<sup>1</sup>

Clearly, a vacant house is not an ideal situation. The presence of a live-in Caretaker could alleviate these health and safety risks without any downside deriving from the Caretaker's occupancy. When the naturally associated risks and dangers can be prevented easily with a temporary use variance to allow continued occupation, the decision to allow a temporary use variance to protect the Property, its owners, the neighborhood, and other innocent parties seems like a rather obvious decision and is easy and proper for the Board of Zoning Appeals to make.

With these issues in mind, the applicable UDO factors for a use variance are easily satisfied.

### **III. Satisfaction of UDO Factors**

The requested use variance satisfies the factors set forth in the UDO, Section 20.09.140.

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

As explained in the preceding section of this letter, the requested use variance certainly will not be injurious to the public health, safety, morals, or general welfare of the community. In fact, the requested use variance will help improve and, to a substantial extent, is necessary to protect the public health, safety, and general welfare of the community.

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

Almost all other surrounding properties are used as fraternity or sorority housing, which is, at heart, a residential purpose. The Property is bound on the North by the Highway 45/46 Bypass, and to the South by Jordan Avenue. The contiguous parcel to the West, 1720 North Jordan Avenue, is owned by the Alpha Psi Chapter of Pi Kappa Phi, Inc., and is used as the fraternity house for Pi Kappa Phi. The contiguous parcel to the East is owned by the University and is used as parking for fraternities. In fact, of the approximately 22 parcels on the North Jordan Avenue Extension between North Fee Lane and East 17<sup>th</sup> Street, only five (5) are used for purposes that appear to be unrelated to the housing of students: 1968 North Jordan Avenue is owned by Christian Student Fellowship at Indiana University, Inc. (the "Christian Fellowship"); the property contiguous and to the east of 1968 North Fee Lane appears to be owned by the University and used by the Christian Fellowship building for parking; and the three other parcels are vacant and owned by the University.

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<sup>1</sup> U.S. Fire Administration, Topical Fire Report Series, Volume 18, Issue 9, January 2018.

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It is also instructive to note that most other fraternity and sorority houses in the area have non-student adult live-in directors. This use, according to Planning, is a violation of the UDO, since such individuals are not students and are not recognized as members of a fraternity or a sorority. It should also be noted that individuals are living in the building located on the Christian Fellowship parcel, even though these individuals are not members of a fraternity or sorority. Petitioner should be treated no differently than these other property owners.

Petitioner's requested use will not differ in any substantive manner from the predominate use of the surrounding properties and Petitioner's requested use will not affect in any way the use of adjacent properties. Moreover, for the reasons discussed above, Petitioner's requested use will protect the value of adjacent properties.

**C. The need for the variance arises from some condition peculiar to the property itself.**

The Property is unique in that the structure located on the Property is constructed as a residence, to be used only as a residence for either students or, as is sometimes the case with the University mandated live-in house director, non-students. This use is actually the same use requested by Petitioner. Petitioner is not requesting temporary residential use of an office or warehouse or similar commercial structure. Rather, Petitioner is requesting a use variance to allow residential use of a "house." This is a unique scenario in that, although the structure located on the Property is a house, and although that structure is designed only for use as a residence, the structure cannot be used as such solely due to the Property's unique zoning status. It should also be noted that Petitioner's requested use for the Property is actually a less intense use than that of nearly any other authorized use of the Property and of all surrounding properties.

**D. The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property.**

If the Zoning Ordinance is strictly applied, Petitioner will be required to seek a rezoning for the Property. In addition, and more importantly, strict application of the UDO in this instance will put the Property at substantial risk for crime, vandalism, and property damage, as noted above. These hardships clearly are not necessary, given the fact that the Property is already designed for the very use that is being requested—a residence.

**E. The approval of the use variance will not interfere substantially with the goals and objectives of the Growth Policies Plan.**

Given that the requested use is essentially the same as the prior use of the Property and the use of the surrounding properties, and given the temporary nature of the requested variance, Petitioner's requested use will not conflict in any manner with the Growth Policies Plan. Petitioner's requested use is also a less intense use of the Property than almost every other use for which the Property is authorized under its current zoning status. Finally, no aspect of the

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structure currently located on the Property and no other physical aspect of the Property will need to be altered in any manner to accommodate Petitioner's requested use.

#### **IV. Conclusion**

In sum, not only does Petitioner's requested use satisfy all of the factors that the UDO requires for a use variance, Petitioner's requested use also provides beneficial protections for the Property, its neighbors, and the surrounding community and properties. For the foregoing reasons, Petitioner requests a Use Variance to use the Property as a single family detached dwelling.

Sincerely,

Michael Shartiag  
President, UJ 80 Corporation

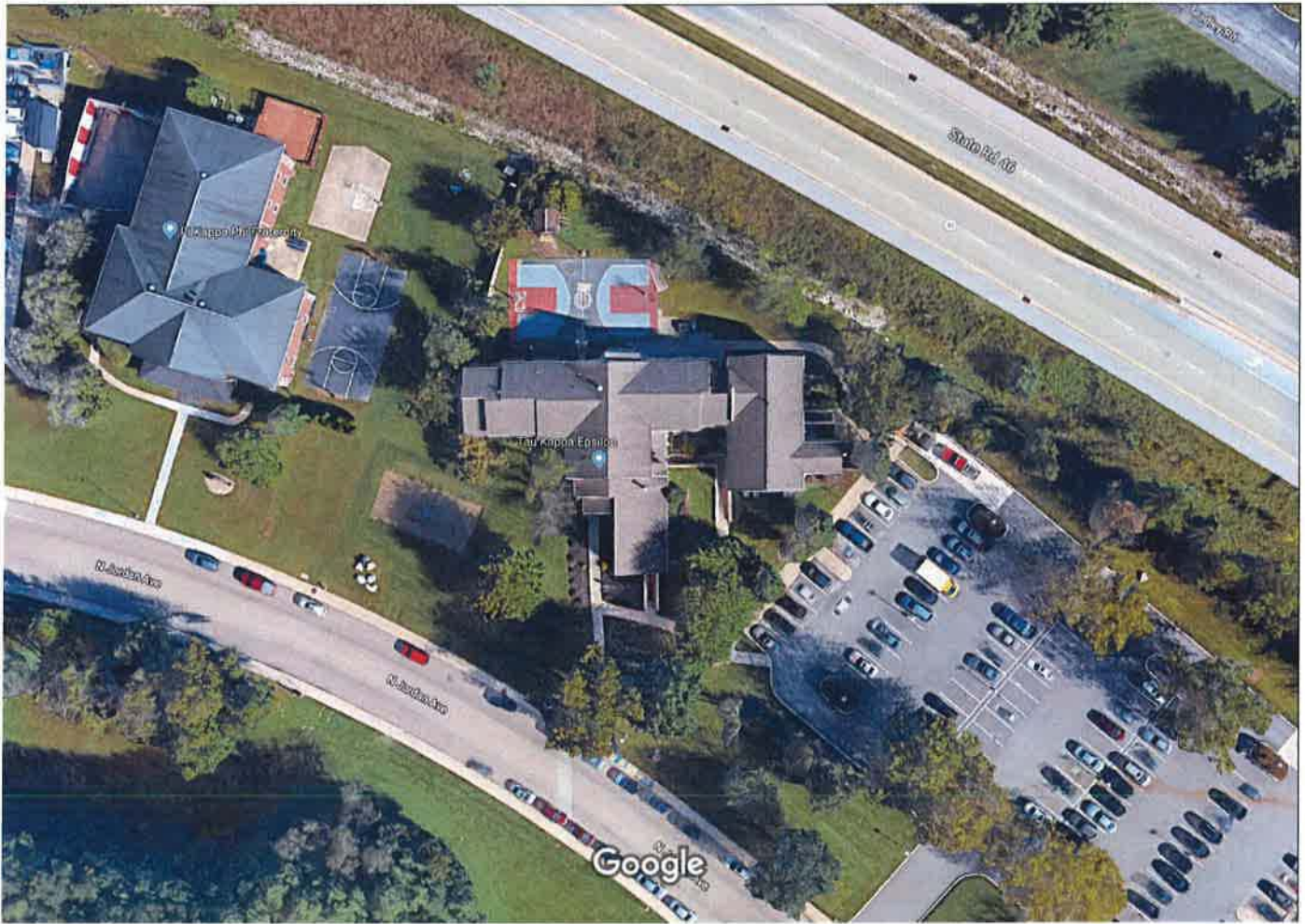
Timothy M. Burke  
Sean P. Callan  
Micah E. Kamrass  
Manley Burke, LPA

Garry L. Founds  
D. Michael Allen  
Mallor Grodner LLP



Imagery ©2018 Google, Map data ©2018 Google 100 ft

Google Maps



Imagery ©2018 Google, Map data ©2018 Google 20 ft

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 606 W. Gourley Pike**

**CASE #: V-14-18**  
**DATE: June 21, 2018**

**PETITIONER:**       **Storage Express**  
                              **606 W. Gourley Pike, Bloomington**

**REQUEST:** The petitioner is requesting a variance from landscaping standards to allow riprap to be placed around the perimeter of the building.

**STAFF REPORT:** This property is zoned Commercial Arterial (CA) and has been developed with a mini-warehouse facility. Surrounding land uses include a funeral home to the west, a motorcycle dealership to the east, hotels to the north, and multi-family residences to the south.

The petitioners constructed 2 new mini-warehouse buildings on the site in 2017. Due to a lack of gutters being installed along the roof, there was significant erosion around the perimeter of one the buildings from rainwater runoff and riprap was installed to address the exposed soil. The riprap extends approximately 4' around 2 sides of one of the buildings. The riprap was not shown on the approved landscape plan or site plan. The Unified Development Ordinance allows decorative mulch and stone planting beds only around the perimeter of trees and shrubs and all other portion of a site are required to be planted with grass or other vegetative ground cover.

Section 20.05.052 of the Unified Development Ordinance states that-

- (e) Ground Cover: Grass and other vegetative ground cover shall be used for all open space including parking lot bumpouts and islands. The exceptions are as follows:
  - (1) Decorative mulch or stone planting beds shall not extend more than one (1) foot beyond the drip line of shrubbery, and shall be no more than six (6) feet in diameter surrounding the trees.

The petitioner is requesting a variance from section 20.05.052 (e)(1) of the Landscaping requirements in order to allow riprap to be placed around the perimeter of the buildings.

**CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

**20.09.130 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 from the standards to allow the riprap will not be injurious to the public health, safety, or morals. However, it



does conflict with the stated goals of the comprehensive plan to increase the amount of vegetative cover within the City.

- 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.*

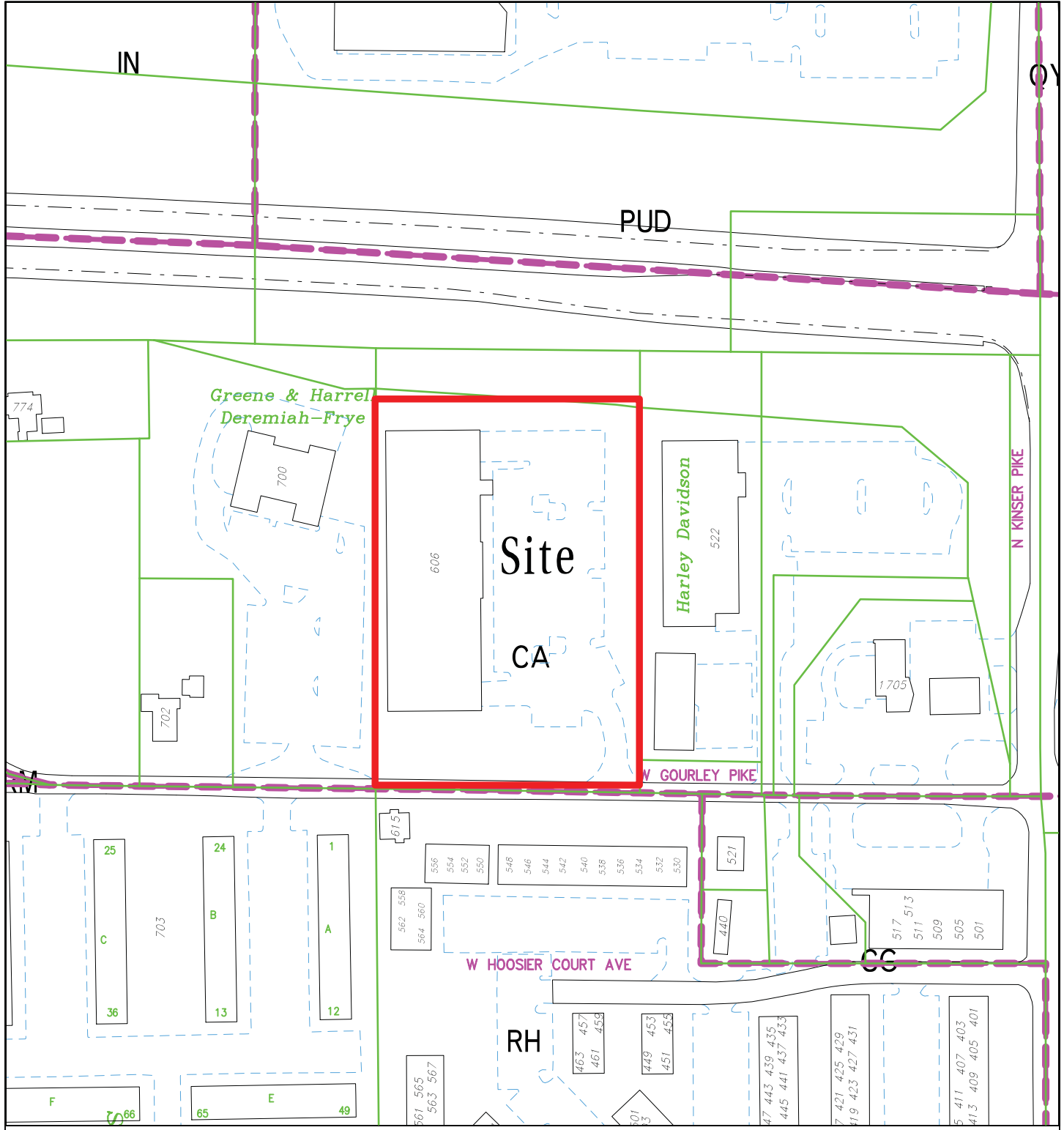
**PROPOSED FINDING:** No negative effects from this proposal are found on the use and value of the areas adjacent to the property.

- 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 strict application of the UDO will not result in practical difficulty in the use of property. The lack of gutters on the building and associated stormwater runoff is a self-imposed hardship and is something that can be fixed by the petitioner and is not unique to the property. There are no peculiar conditions on this property that are different than other commercial properties that do not allow them to meet the landscaping restrictions of the UDO.

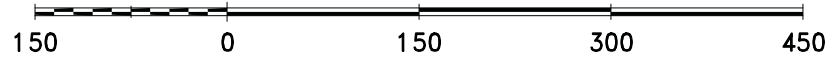
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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the variance.

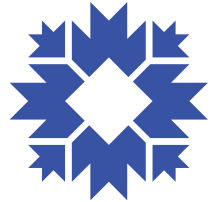


V-14-18 Storage Express  
 606 W. Gourley Pike  
 Board of Zoning Appeals  
 Site Location, Zoning, Parcels

By: greulice  
 18 May 18



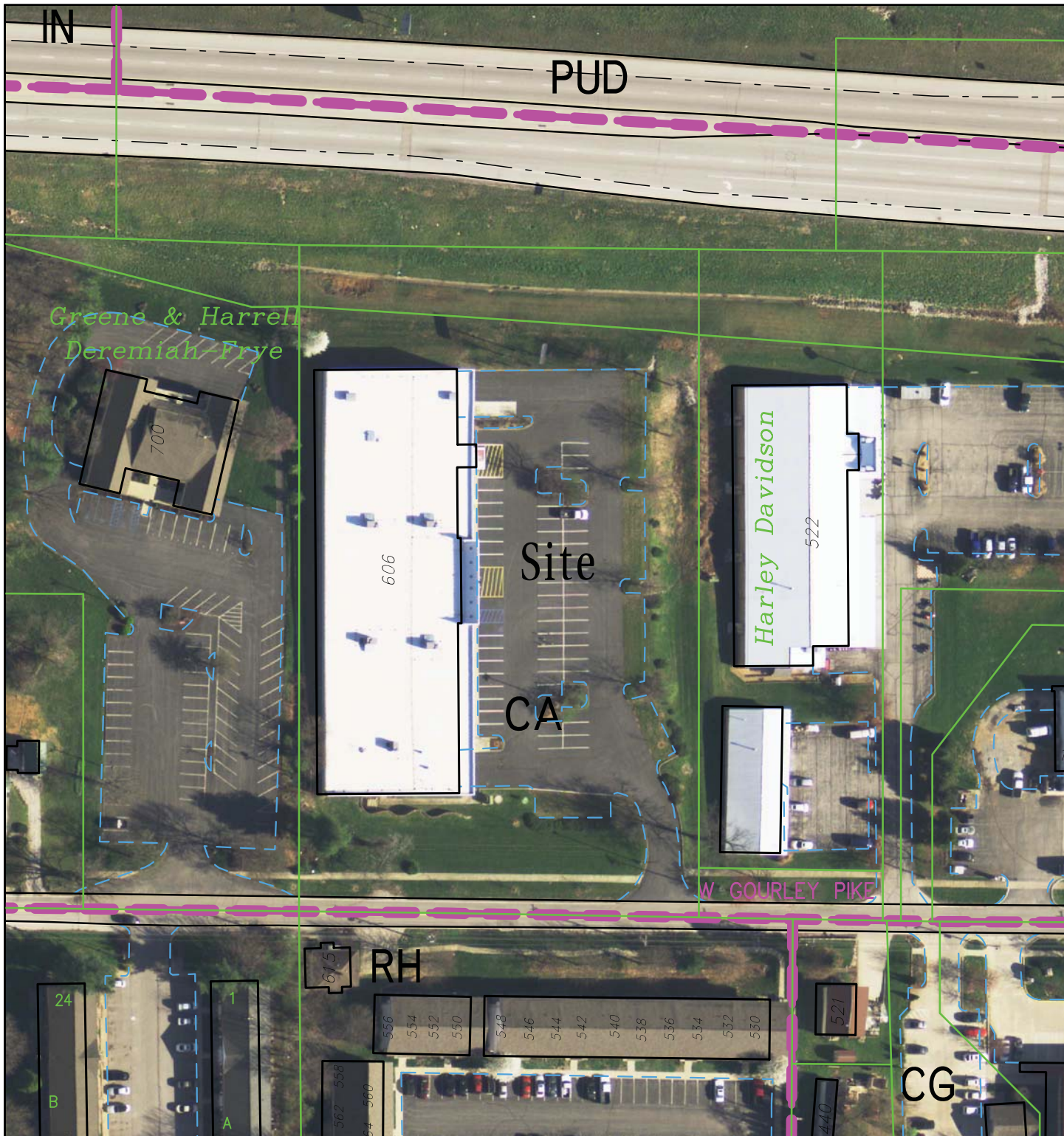
City of Bloomington  
 Planning & Transportation



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For reference only; map information NOT warranted.



V-14-18 Storage Express

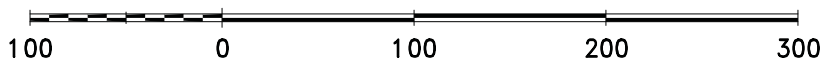
606 W Gourley Pike

Board of Zoning Appeals

2016 Aerial Photograph

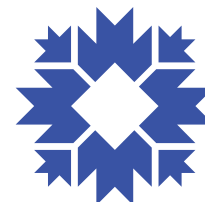
By: greulice

18 May 18



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

April 25, 2018

Mr. Eric Greulich  
Planning and Transportation Dept.  
401 N. Morton St., Suite 130  
P.O. Box 100  
Bloomington, IN 47402

Re: Development Standards Variance Application  
606 Gourley Pike Property

Dear Mr. Greulich:

Subject property is located on Gourley Pike directly behind the Harley Davison dealership off of Rogers and the 46 Bypass. The original property was the old HH Gregg store, a single story 30,000 SF masonry building. The HH Gregg property was purchased and redeveloped as an interior heated/cooled facility in 2014. Property was required to go through "change of use" permit process which required new/additional landscaping, reduction in permeable pavement, revised (reduction) of site lighting and revised, (reduction) in building and site signage.

In the Spring of 2017 we constructed two new storage buildings in the parking lot area in front of the above referenced building. Both of the new buildings were required to have "special exterior design" on all four sides, we increased the site landscaping and again we revised (reduced) the site lighting.

The site has one driveway entrance onto Gourley Pike and the required parking (8 stalls) is adjacent to the main building entrance of the original structure. We added 45 spaces of exterior storage to the facility.

The land between our eastern most building and the Harley Davison property is a retention basin (8200 SF) that takes the run-off from our property (including the roof of the 30,000 SF original building), the two new buildings, the remaining asphalt parking area and the driveways. We were required by Phil Peden to do maintenance clearing and grubbing of 20 years of growth in the retention basin as part of our permit to construct the two new buildings. No additional grading or expansion of the existing retention basin was required. The west bank of our retention basin (directly behind building #3) is a 3:1 slope (33%) and it drops in excess of 7' from the back of the building (top of the slope) to the center line of the retention basin. (See attached plan C-1 dated 4/24/18)

The UDO violation is that a 6' strip of rip-rap was installed at the top of the slope directly behind building #3 to prevent erosion of the bank as the water sheds off of the roof of the building. This work was completed without notifying the Planning Department that we were modifying the plans. Because there were 2 other areas on the approved plans showing rip-rap, the assumption was made that adding rip-rap for purposes of erosion control was acceptable. If required to remove the material in question, I will still have an erosion control problem. If the variance is granted, I would make the offer to:

- a. Provide screening on the north end of the retention basin with an approved hedge or pine trees.
- b. Cover the entire west bank of retention basin (including the rip-rap) with an approved ground cover (ivy or other approved material).
- c. Provide approved landscape enhancement in other areas of the property.

I believe that the strict application of the terms of the UDO may create additional erosion control problems for this area of the property. I also believe that if allowed to leave this area in its current condition, the downstream impact of sedimentation run-off will continue to be improved.

Best Regards,



Mike Boulton  
*Construction Manager*









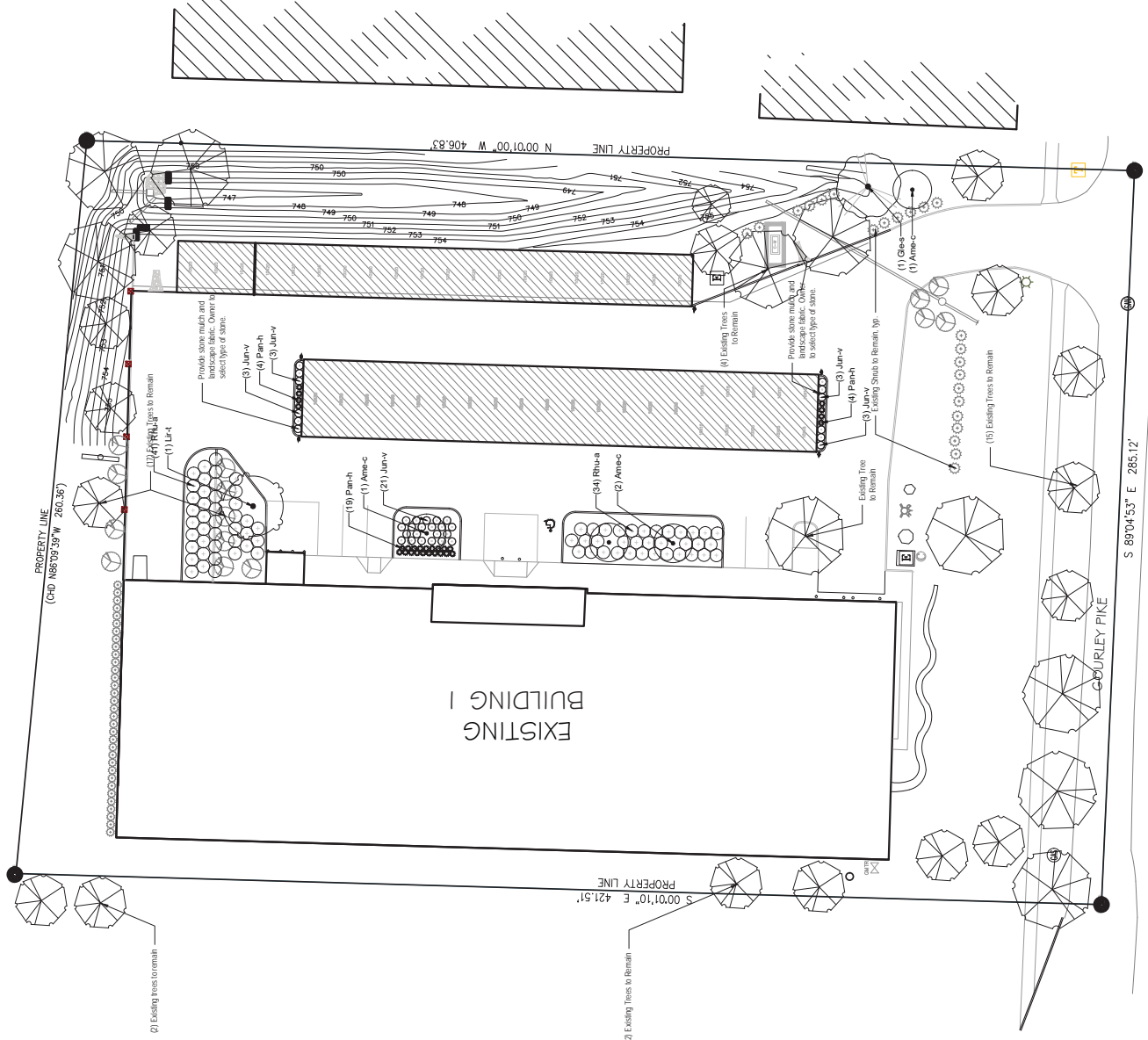


**LANDSCAPE AND PLANTING NOTES**

- Plant materials included and measured by a qualified and experienced landscape architect.
- All materials are subject to the approval of the Landscape Architect and Owner at any time. Landscape Architect to inspect all plant locations and plant conditions prior to installation. Site and plant locations are approved by the Landscape Architect before planting. On-site adjustments may be made to the planting plan to accommodate site conditions. The Landscape Architect will not be responsible for the survival of plants after the date of planting. The Contractor shall be responsible for the survival of plants after the date of planting. The Contractor shall be responsible for the survival of plants after the date of planting.
- Rootballs shall meet or exceed size standards as set forth in American Standards for Nursery Stock (ANSI Z60.1-2014) and shall be inspected and approved by the Landscape Architect. Rootballs shall be inspected and approved by the Landscape Architect. Rootballs shall be inspected and approved by the Landscape Architect. Rootballs shall be inspected and approved by the Landscape Architect.
- Plant counts indicated on drawings are for Landscape Architect's use only. Contractor shall make own verification of plant counts. Contractor shall verify plant counts and measurements and install appropriate quantities as governed by plant spacing per schedule.
- All plant notes shall receive 2" minimum of primary shelled hardwood mulch unless otherwise noted. Mulch shall be applied to all planting areas. Mulch shall be applied to all planting areas. Mulch shall be applied to all planting areas.
- The Contractor shall install and/or amend topsoil in all proposed beds areas to meet ASTM D3268 of 10.0% is required for lawn areas; 18" for plant beds. Topsoil sources shall include the reuse of surface soil backfilled on site, clean of roots, plants, soil, stones, clay lumps, and other contaminants or foreign materials per item 11. Supplement with imported topsoil from the same source when quantities are insufficient. Topsoil shall be amended with organic amendments, and fertilizers shall be used to amend topsoil as needed for long term plant health.
- Planting shall be done by the field crew to be completed. Repair all damaged utilities to satisfaction of the Owner and Operating Authority at no additional cost.
- Install all plant material in accordance with all local codes and ordinances. Coordinate with the Owner to obtain any requirements necessary to complete work. All watermarks and materials shall be removed from the site. All watermarks and materials shall be removed from the site. All watermarks and materials shall be removed from the site.
- Maintain all plant material for a time (30 days) period from date of Substantial Completion. Maintenance shall include pruning, watering, weeding, fertilizing, pest control, and other maintenance procedures. All maintenance shall be completed by the end of the maintenance period. All maintenance shall be completed by the end of the maintenance period.
- Satisfactory Soaked Lawn: At end of maintenance period, a healthy, uniform, close stand of grass has been established. Free of weeds and surface irregularities, with coverage exceeding 90 percent over any 10 sq. ft. (0.929 sq. m) and bare spots not exceeding 3 by 3 inches (7.62 x 7.62 cm) in any 100 sq. ft. (9.29 sq. m) area. Maintenance shall be in full compliance with the Owner's ACT EN 10 SHEET C-3, SITE PLAN, NOTE 9.

**LANDSCAPE ORDINANCE REQUIREMENTS**

- Ames, IA
- 20.05.052.J - STREET TREES  
Requirement: 1 Canopy Tree / 100 LF adjacent to public right-of-way  
Provide: 1 Canopy Tree / 100 LF adjacent to public right-of-way  
Style: Road 4546; 132 LF of Improvements / 40 LF = 4 Canopy Trees  
Gourley Pike; 132 LF of Improvements / 40 LF = 4 Canopy Trees  
Provide: 1 Canopy Tree / 100 LF adjacent to public right-of-way
- 20.05.051 - BUFFER ZONES  
Requirement: 1 Tree per 4 parking spaces (min. 5% Canopy Trees)  
Provide: 1 Tree per 4 parking spaces (min. 5% Canopy Trees)  
Style: Zoned CA, no buffer yard required  
West: Zoned CA, no buffer yard required
- 20.05.053.a - PARKING LOT PERMEABLE PLANTINGS  
Requirement: 1 Tree per 4 parking spaces (min. 5% Canopy Trees), 3 Shrubs per 1 parking space (min. 5% Canopy Trees)  
Provide: 1 Tree per 4 parking spaces (min. 5% Canopy Trees), 3 Shrubs per 1 parking space (min. 5% Canopy Trees)
- 20.05.053.b - LANDSCAPE BARRIERS AND ISLANDS  
Requirement: 1 Large Canopy Tree per 10 parking spaces, 1 Large Canopy Tree per 10 parking spaces, 1 Large Canopy Tree per 10 parking spaces  
Provide: 1 Large Canopy Tree per 10 parking spaces, 1 Large Canopy Tree per 10 parking spaces, 1 Large Canopy Tree per 10 parking spaces
- 20.05.56.a - INTERIOR PLANTINGS  
Requirement: 1 Large Canopy Tree + 3 Evergreen Trees + 3 Medium or Small Canopy Trees + 27 Shrubs per 1000 sq. ft. of interior space (min. 5% Canopy Trees), 10 Shrubs per 100 sq. ft. of interior space (min. 5% Canopy Trees)  
Provide: 1 Large Canopy Tree + 3 Evergreen Trees + 3 Medium or Small Canopy Trees + 27 Shrubs per 1000 sq. ft. of interior space (min. 5% Canopy Trees), 10 Shrubs per 100 sq. ft. of interior space (min. 5% Canopy Trees)



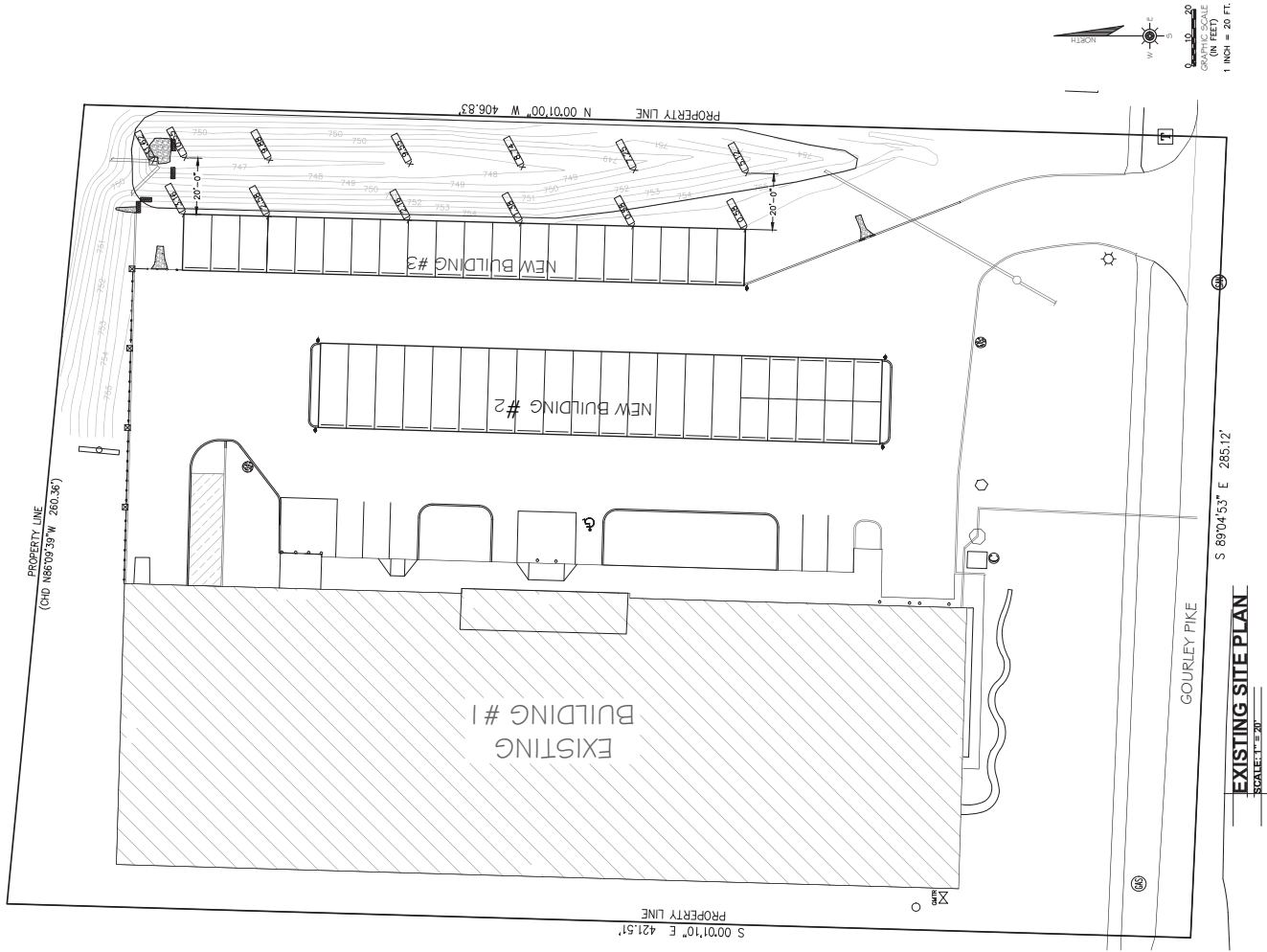
Property Info:  
BL-GP, #012

EXISTING SELF-STORAGE FACILITY AT:  
BLOOMINGTON-GOURLEY PIKE  
606 Gourley Pike, Bloomington, IN 47404  
EXISTING SITE PLAN

P.O. BOX 70 BLOOMINGTON IN 47402 PH 812-339-6339  
**STORAGE EXPRESS**

Date: 4/24/2018  
Revision:  
Drawn by: CJB

Sheet  
C-1  
29



EXISTING SITE PLAN  
SCALE: 1"=20'

S 89°04'53" E 285.12'