

# CITY OF BLOOMINGTON



July 19, 2018 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL

**CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS  
July 19, 2018 at 5:30 p.m.**

**◆Council Chambers - Room #115**

**ROLL CALL**

**MINUTES TO BE APPROVED:** April 2018  
No June minutes—meeting canceled

**REPORTS, RESOLUTIONS, AND COMMUNICATIONS:**

**PETIITIONS CONTINUED TO:** August 23, 2018

AA-19-18     **Indiana Center for Recovery Residence, LLC**  
909 W. 1<sup>st</sup> St.  
Request: Administrative Appeal from the Planning and Transportation  
Department's decision to issue a Notice of Violation of non-compliance of the  
Unified Development Ordinance (UDO) Section 20.02.550.  
*Case Manager: Jackie Scanlan*

AA-20-18     **Indiana Center for Recovery, LLC**  
1004 W. 1<sup>st</sup> St.  
Request: Administrative Appeal from the Planning and Transportation  
Department's decision to issue a Notice of Violation of non-compliance of the  
Unified Development Ordinance (UDO) Section 20.02.550.  
*Case Manager: Jackie Scanlan*

**PETITIONS:**

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

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: August 23, 2018**

**Last Updated: 6/25/2018**

- CU-21-18     **Recover Together, Inc.**  
1355 W. Bloomfield Rd.  
Request: Conditional Use approval to allow a rehabilitation clinic in the Commercial Arterial (CA) zoning district.  
Case Manager: Eric Greulich
- CU-22-18     **Andrew Szakaly**  
950 E. Wilson Dr.  
Request: Conditional Use approval to allow an Accessory Dwelling Unit (ADU) in a detached garage in the Residential Core (RC) zoning district.  
Case Manager: Eric Greulich

**\*\*Next Meeting: August 23, 2018**

**Last Updated: 6/25/2018**

*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).*

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 3175 W. 3<sup>rd</sup> Street**

**CASE #: AA-12-18**  
**DATE: July 12, 2018**

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**PETITIONER:** Bryan Rental, Inc.  
1440 S. Liberty Drive, Bloomington

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**REQUEST:** The petitioner is requesting an administrative appeal of the Department's interpretation regarding the limitation of size of an individual tenant panel for a proposed multi-tenant sign.

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**REPORT:** This appeal request is the result of an interpretation by the Department regarding the size of an individual tenant panel in a multi-tenant sign. The sign in question is for the former "K-Mart" business that was in Whitehall Plaza. This business is in the Whitehall Plaza PUD and a variance (V-42-80) was approved to allow this individual tenant to have a larger sign than what would be allowed for an individual tenant. The zoning code at the time limited individual outlots in a shopping center to a freestanding sign of not more than 72 square feet per side (144 sq. ft. total). Based on the size of the shopping center, a total of four, 300-square foot center signs would be allowed for the entire shopping center. The BZA granted the variance to allow this individual tenant to use one of the possible center signs allowed for the center for this individual tenant.

The zoning code in effect at that time had language that limited individual tenant panels in a multi-tenant center sign to no more than 36 square feet. That same limitation on individual tenant panels was in the 1995 zoning code and is also in place in the current Unified Development Ordinance. The developer of the Whitehall Plaza PUD was aware of the 36 square foot limitation on individual tenant panels and no changes to that restriction were approved with the PUD. No deviations from the sign code were requested with the PUD establishment. There was not a variance granted from the 36 square foot limitation as part of the variance approved for K-Mart.

The petitioner requests to be able to convert the 244 square foot (two-sided) K-Mart sign into possible future panels for individual tenants and the Department informed the petitioner that the individual panels would be restricted to no more than 36 square feet in size each. The petitioner is appealing that decision.

The Department concludes that the sign can continue to be used as a one tenant sign in its current location and dimension, but if it is converted into a multi-tenant sign, then the individual panels are restricted to 36 square feet each since that is the restriction that was in place when the PUD was approved and is also the current restriction. The original variance was specifically given for an individual tenant user.

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**RECOMMENDATION:** Based on the findings in this report, the Department recommends denial of Case # AA-12-18.



20.17.02.06--20.17.03.00

(e) Signs for required parking areas showing entrances and exits are not to exceed four square feet and one sign defining conditions of use is not to exceed twelve square feet. (Ord. 75-54 §1(part),1975).

20.17.02.06 Planned commercial development (shopping center). Regardless of the zone in which it is located, the following regulations shall apply to property which is developed for or occupied by a planned commercial development (shopping center).

(a) Individual stores or business establishments within a planned commercial development are limited on the front wall of the building to two square feet of sign area for each one lineal foot of building frontage.

(b) Independently placed buildings or buildings with corner locations are limited on each side or rear wall to one-half the amount of sign area permitted on the front wall, or to one and one-half square feet of sign area for each lineal foot of building on the side or rear of the building, whichever is less.

(c) In addition to signs permitted for individual establishments within a planned commercial development, general shopping center signs, bearing the name of the planned commercial development, will be permitted on the basis of one sign for each fifty thousand square feet of building floor coverage, or major fraction thereof, within the development, with a total limit of four such signs. These signs must be limited to the name of the development, except that signs not exceeding thirty-six square feet may be allowed for individual commercial enterprises as part of the main sign. The total area of each such sign shall not exceed three hundred square feet in area. Such signs shall not be in a required front yard, or in the required side yard on the street side of a corner lot, except that such signs may be so placed if they are reduced in size by fifty percent. (Ord. 75-54 §1(part), 1975).

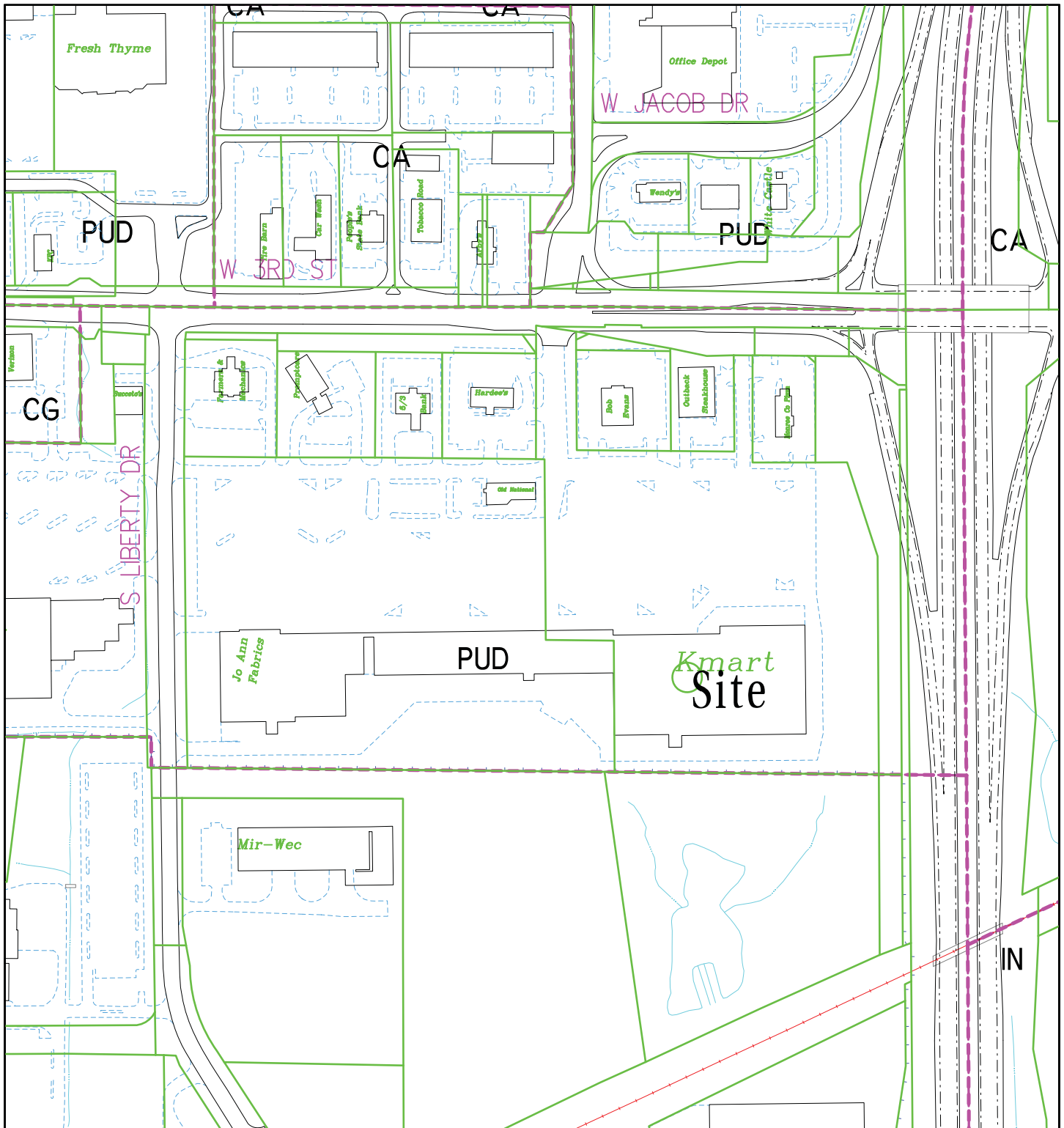
20.17.03.00 Off-premises signs.

20.17.03.01 Restrictions near scenic roads.

(a) No sign shall be erected or installed within five hundred feet of that part of any road, street, or highway which shall have been designated by the common council as a scenic road, except for signs for on-premises use in a designated commercial zone or industrial zone. All such signs shall meet the same requirements as in Section 20.17.02.02.

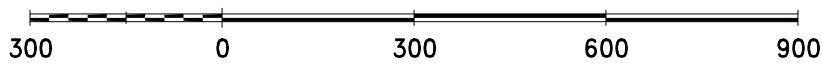
(b) The designation of such scenic roads shall be made by the common council upon the basis of the topography, vegetation, and structures adjacent to such road.

AA-12-18  
1973 zoning code sign  
regulations for PUDs.



AA-12-18 Bryan Rental, Inc.  
 3175 W. 3rd Street  
 Board of Zoning Appeals  
 Site Location, Zoning, Land Use

By: greulice  
 13 Jul 18



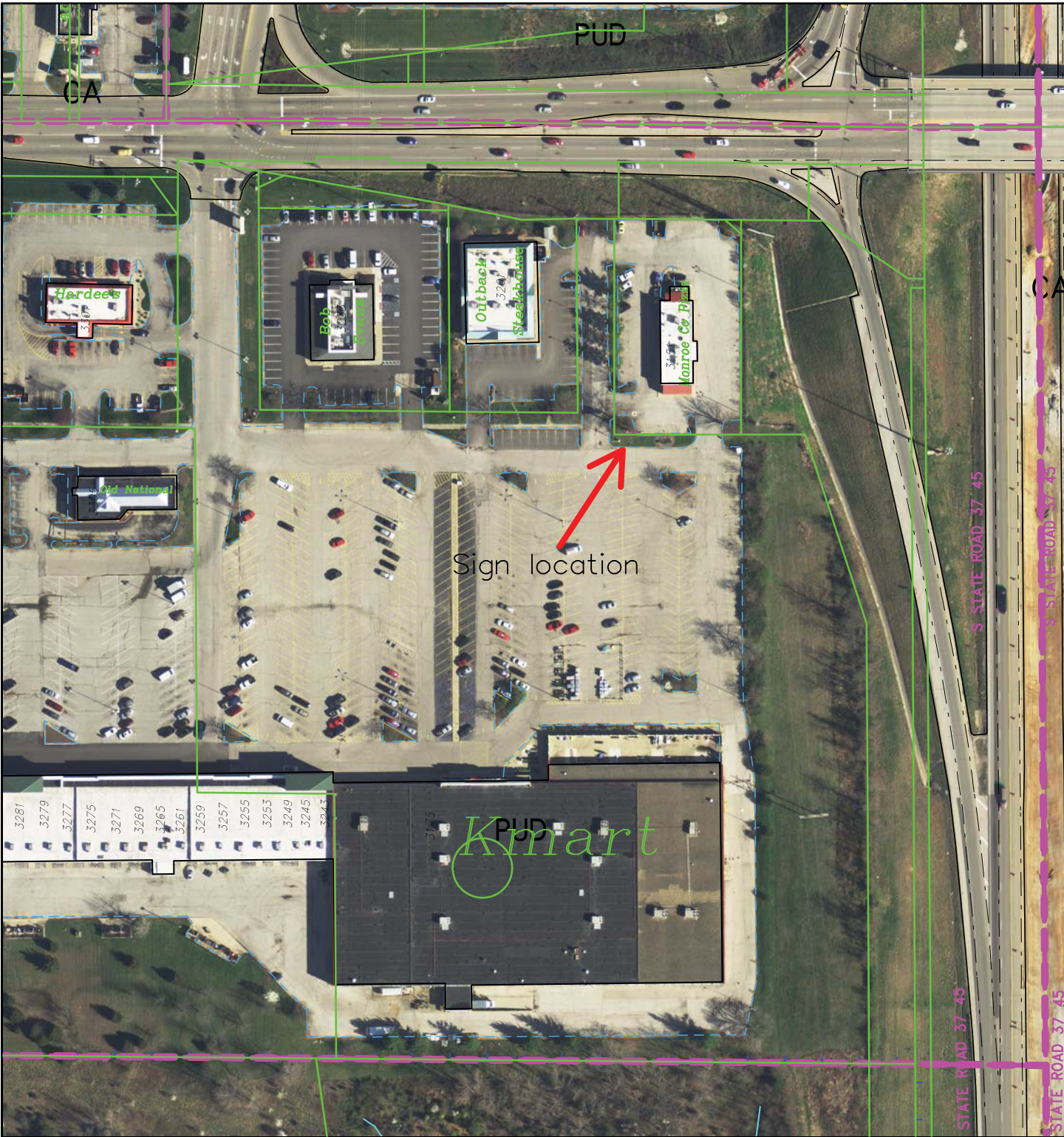
City of Bloomington  
 Planning & Transportation



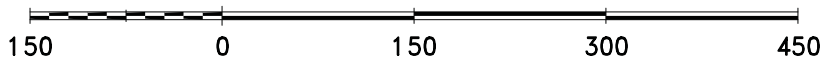
Scale: 1" = 300'

For reference only; map information NOT warranted.





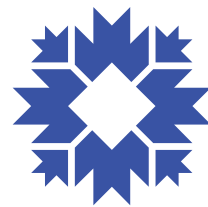
By: greulice  
13 Jul 18



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 150'



Mr. Mueller stated that he wanted to qualify that approval by the Board does not relieve Goodrich of access control obligations for decel lane construction. That will be worked out to the satisfaction of the City Engineer.

\*\*\* Ms. Pryor amended her motion to the effect that Goodrich is not relieved of access control obligations, Mr. Sturbaum seconded, motion passed unanimously.

\*\* Mr. Wise moved for a 5 minute recess, Ms. Pryor seconded, motion passed unanimously.

CONTINUED

HO-39-80 JACK D. CASSIDY  
916 Park Ridge Court  
Request for special exception permit to operate a home occupation  
(woodburning stoves, telephone sales)

\*\*\* Mr. Cunningham made a motion that HO-39-80 be continued since the petitioner was not present. Ms. Wilson seconded, motion passed unanimously.

V-40-80 WAREHOUSE FURNITURE  
1320 North College  
Request for variance from signage and setback requirements.  
APPROVED as per staff modification.

Mr. Klotz presented the petition for V-40-80, Warehouse Furniture proposal to convert an existing changeable letter portable sign into a permanent, fixed base, ground type sign. The minimum required setback for this type of sign is one-half of that required for a building, or 15' in the B6 zone. Zoning and land uses were presented.

The staff recommended approval with the modification that the sign shall be located north of, and directly adjoining; the private sidewalk on the north (17th Street) side of the building.

Ms. Richmond asked if there was anyone to speak in favor of this petition.

Dan Slusz, owner, spoke in favor of the petition. He stated that the sign would help to identify the business, and to help distinguish Warehouse Furniture from Warehouse Carpet. The sign will also help with identification since advertising costs are always going up.

\*\*\* Ms. Pryor made a motion that V-40-80 be approved as per staff modifications, Mr. Cunningham seconded, motion passed unanimously.

V-42-80 WALDORF ASSOCIATES/ALIG ASSOCIATES  
Whitehall Plaza  
Request for variance from signage requirements.  
APPROVED

Mr. Klotz presented the petition for Waldorf Associates, proposal for a very substantial (565 sq. ft.) individual pole sign for K-Mart as an element of the overall signage package for Whitehall Plaza PCD. Based on the proposed future size of the PCD, four pole signs of up to 300 sq. ft. total area each would be permitted. One pole sign has already been erected in the PCD. Based on the proposed future size of the PCD, Farmers and Mechanics Savings and Loan Association, with the question of individual tenant use of the permitted pole signs being considered by the Board as V-25-75. This requested sign would be the

second of the permitted pole signs to be erected for the PCD with a third to follow as a center identification sign that would include identification of some of the major tenants (other than K-Mart and Farmers and Mechanics). Use of the fourth permitted sign is undecided at this time.

He explained that as a policy, the staff is not opposed to the use of the permitted pole signs by individual tenants where this is within the scope of the developer's overall signage plans. However, it is the staff's feeling that all attempts should be made to keep the size of individual tenant pole signs within the 300 sq. ft. maximum. If a facility that is a tenant of PCD in this instance was a free standing operation, then that facility would be permitted only 144 sq. ft. (72 sq. ft. per side) of total pole signage. An overall center identification sign, with opportunities for smaller scale identification of individual major tenants, would be far more appropriate for size variance consideration than is an individual tenant sign.

Zoning and land uses were presented.

The staff recommended approval of the individual tenant pole sign for K-Mart but recommended denial of the size request variance. The staff would support and recommend approval of an individual tenant pole sign for K-Mart at this location if it were restricted to approximately 300 square feet in size to conform to planned commercial development regulations.

Ms. Richmond asked if there was anyone to speak in favor of this petition.

Mr. Geoffrey Grodner spoke in favor of Waldorf Associates (distinct from Whitehall Associates). He stated that there is, between the property line of Whitehall Associates (K-Mart property line) and the 37 Bypass a utility easement of 100 feet. Beyond that there is a very heavy tree line. He stated that there will be substantial screening of the K-Mart store from the 37 Bypass especially during the vegetation season. He stated that K-Mart originally came to the department with a request for a 50' high sign (standard K-Mart sign). The staff informed them that there is a 35' limitation, therefore the sign has been revised down. In order to do that and still obtain adequate visibility of the sign from the 37 Bypass they have proposed the standard K-Mart sign. He stated that they desire for the sign to face east and west rather than just north. He went on to say that only one other sign is now being planned for the shopping center (Whitehall Plaza) listing the stores. K-Mart, he said is the anchor store.

Ms. Richmond asked if there was anyone else to speak in favor of this petition. There was no one.

Ms. Richmond asked if there was anyone to speak in opposition to this petition. There was no one.

Ms. Richmond asked if Members of the Board had questions.

Mr. Sturbaum stated that the ordinance says that the sign can be 35' above grade (above the centerline of the highway). He stated that he thinks the lane is higher than the bypass.

Bob Neely of Waldorf Associates was present and explained the grading on the site. Their question was where do they establish the 35' from the center of the highway. He stated that they would be glad to abide by whatever point the staff requested that they use.



Ms. Richmond asked if there was anyone else to speak or ask questions.

Ms. Richmond asked Mr. Grodner if K-Mart didn't have several different standard size signs.

Mr. Grodner stated that Mr. Neely had told him that this was it, the one standard size for a large K-Mart Store such as this one.

Mr. Neely agreed, stating that the only thing normally that might change would be the height. He stated that it would be quite impractical to cut the sign down in size since standard signs are made up.

Ms. Richmond asked if there were any other questions.

Mr. Sturbaum asked if K-Mart would construct special signs in areas where there are signage requirements limiting the size of pole signs, or what? There are cities with more restrictive signage than Bloomington.

Mr. Neely stated that they were usually able to receive a variance for that size sign.

Mr. Wise questioned whether Mr. Klotz would concur with what Mr. Grodner said about allowing the pole sign and utilizing only one side of it.

Mr. Klotz agreed stating that it would be a one-sided pole sign. There would be 282.5 square feet permitted since it would comply with the 300 square foot requirement.

The staff expressed the concern that even though Whitehall might not want their sign dwarfed by the K-Mart sign and this could make for a potential variance at a later date.

Mr. Grodner explained that fortunately Waldorff is a part of Whitehall Associates, and they are cognizant of the size of the K-Mart sign, they do not object to it, and they do not anticipate a sign for the shopping center that will be this size. The sign for the plaza will be consistent with the kind of things done at the College Mall.

\*\*\* Ms. Wilson moved approval of the individual tenant pole sign for V-42-80. Ms. Pryor seconded, motion passed unanimously.

Discussion ensued about the size and visibility of the sign.

\*\*\* Ms. Pryor made a motion that the size be approved for V-42-80, Mr. Wise seconded, motion passed 5:1 (Mr. Sturbaum voted no).

V-43-80 SHERWOOD GREEN PHASE 4, D. Gene Rubeck, Southwest Bldg. Corp. APPROVED setback  
Winslow Road at South Walnut Street  
Request for variance from setback requirements.

Mr. Klotz presented the petition for Sherwood Green, Phase 4, variance request from setback requirements for the various buildings along their proposed public route street. The reason for variance is that the conditions of approval of this phase of Sherwood Green were altered to change this from a private street to a public street. Mr. Klotz presented the staff report. Zoning and land uses were presented.

Case Number V-42-80  
 RECEIVED Date 6/4/80  
 JUN 06 11:51 AM  
 PLANNING DEPARTMENT  
 JUN 06 11:51 AM  
 PLANNING DEPARTMENT HEARING

Case Number V-42-80  
 RECEIVED Date 6/4/80  
 JUN 06 11:51 AM  
 PLANNING DEPARTMENT HEARING

Address of Property Whitehall Pike  
 Applicant's Name Waldorf Associates Phone 713/621-0700  
 Address P. O. Box 27416, Houston, Texas 77027  
 Owner's Name Whitehall Associates Phone 317/639-1533  
 Address 211 N. Delaware, Indianapolis, IN 46204  
 Counsel or Consultant Geoffrey M. Grodner Phone 332-4431

- Nature of Application (check one and cite relevant section of Code if applicable):
1. Change of zone from \_\_\_\_\_ to \_\_\_\_\_
  2. Site plan review \_\_\_\_\_
  3. Planned unit development (specify type) \_\_\_\_\_
  4. Conditional or accessory use (specify type) \_\_\_\_\_
  5. Plat Review \_\_\_\_\_
  6. Appeal from administrative decision (attach copy) \_\_\_\_\_
  7. Special exception (specify type) \_\_\_\_\_
  8. Variance (specify type) Signage requirements (20.17.02.06)
  9. Right-of-Way vacations (specify type) \_\_\_\_\_
  10. Other \_\_\_\_\_

by certified \_\_\_\_\_  
 s application \_\_\_\_\_  
 the applicants \_\_\_\_\_  
 are the \_\_\_\_\_  
 authority to \_\_\_\_\_

V-42-80

**RECEIPT** Date June 6 1980 No. 3514

Received From Esque McDavid Grodner

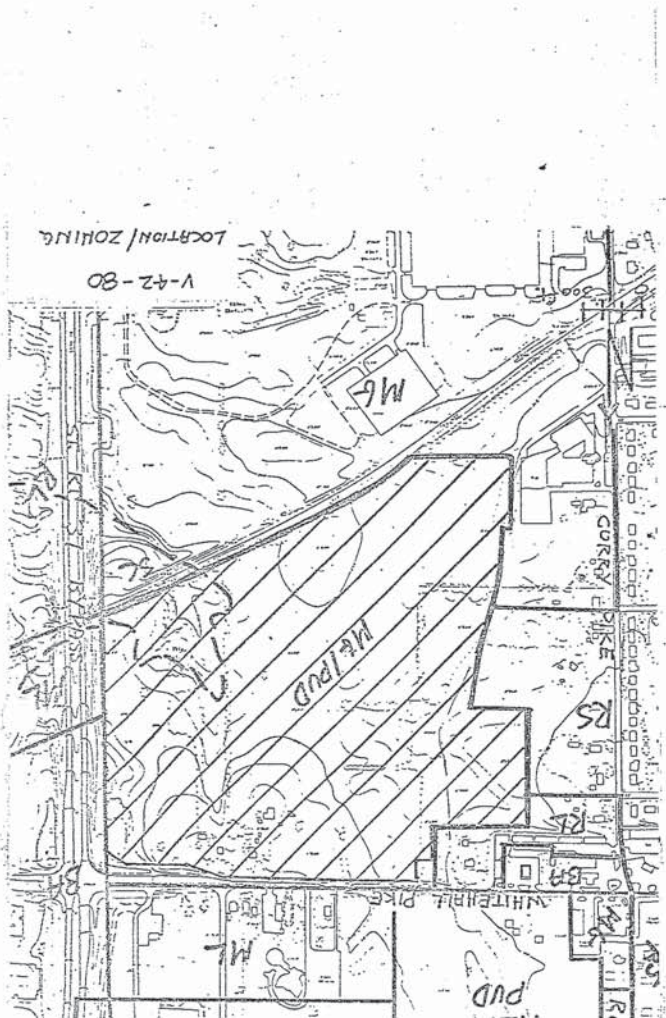
Address \_\_\_\_\_

For 22.5 filing fee - Whitehall Dollars \$ 15.00

ACCOUNT	HOW PAID	
	AMT. PAID	BALANCE DUE
CASH		
CHECK		
MONEY ORDER		

By Geoffrey M. Grodner





**STAFF REPORT FORM**  
CASE NO. V-42-80  
LOCATION: Southwest corner of Whitehall Pike and the Highway 37 Bypass  
TYPE OF VARIANCE: Signage requirements.  
300 sq. ft. P.C.D.  
565 sq. ft. Individual  
REQUIRED identification sign  
PROPOSED tenant pole sign

SECTION 20.19.07.03 of the Zoning Ordinance provides that a variance may be granted if the following conditions are present:

- The use of the area adjacent to the property included in the proposed variance will not be adversely affected.
- The variance arises from some condition topographical or other conditions. Immediate area, such as exceptional topographical or other conditions.
- Strict application of the terms of this chapter will constitute unnecessary hardship upon the property owner.
- The grant of the variance does not interfere substantially with the metro-politan comprehensive plan for the City of Bloomington.
- The variance will not be injurious to the public health, safety, morals, and general welfare of the community.

**Staff Report:** The petitioner is requesting a very substantial (565 sq. ft.) sign package for Whitehall Plaza PCD. Based on the proposed future size of the PCD, four pole signs of up to 300 sq. ft. coat area each would be permitted. One pole sign has already been erected in the PCD. Farmers and Mechanics Savings and Loan Association, with the question of individual tenant use of the permitted pole signs being considered by the board as V-25-78. This requested sign would be the second of the permitted pole signs to be erected for the PCD with a third to follow as a center identification sign that would include identification of some of the major tenants (other than K-Mart and Farmers and Mechanics). Use of the fourth permitted sign is undecided at this time.

As a policy, the staff is not opposed to the use of the permitted pole signs by individual tenants where this is within the scope of the developer's overall signage plans. However, it is the staff's feeling that all attempts should be made to keep the size of individual tenant pole signs within the 300 sq. ft. maximum. If a facility that is a tenant of a PCD in this instance was a free-standing sign, the sign would be permitted only 160 sq. ft. (72 sq. ft. per side) of total pole structure. An overall center identification sign, with opportunities for smaller scale identification of individual major tenants, would be far more appropriate for size variance consideration than is an individual tenant sign.

- The type of sign would not have an adverse effect on adjacent areas. The size, however, seems to be totally out of proportion with other development in the area.
- The variance arises from the needs and desires of an individual, major tenant (presumably) see back from the access street (Whitehall) PCD and partially sheltered by future development. The proposed location of the pole sign would tend to make the proposed massive size less important.
- Strict application would severely limit identification of this tenant, particularly prior to the completion of the rest of the Whitehall Plaza PCD, not injurious.
- No substantial interference if the recommended size limitations are met.
- Not injurious.

**Recommendation:** Individual tenant pole sign.  
DENY: Size request  
APPROVE: Individual tenant pole sign and recommend approval of an APPROVE WITH MODIFICATIONS: (The staff would support and recommend approval of an individual tenant pole sign in a PCD if the total area (both sides added together) was 300 sq. ft., or less.)



ATTORNEYS AT LAW  
ROGERS, McDONALD AND GRODNER

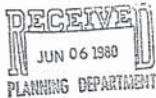
DAVID ROGERS  
THOMAS H. McDONALD  
GEOFFREY H. GRODNER  
SCOTT E. FORD  
MARC R. KELLANS

P. O. BOX 270  
WORKMENS FEDERAL BUILDING  
BLOOMINGTON, INDIANA 47402  
317/332-4421

June 6, 1980

Board of Zoning Appeals  
City of Bloomington  
P. O. Box 100  
Bloomington, IN 47402

RE: Waldorf Associates  
Sign Variance



Dear Board Members:

Waldorf Associates has submitted its application for approval of a variance to permit the erection of a sign for the K-Mart Department Store being constructed in Whitehall Plaza on Whitehall Pike. The variance requested is from the provisions for signs for Planned Commercial Developments which require all signs to bear the name of the development only and which limit the signs to a total of 300 square feet each.

Whitehall Associates, the developers of Whitehall Plaza, have agreed to permit Waldorf Associates to utilize one sign for the K-Mart Store which would ordinarily be used only for the full development. Therefore, this request will not result in a greater number of signs at Whitehall Plaza than permitted by ordinance.

Waldorf Associates is also requesting a variance from the 300 square foot limitation so that the sign, as shown on the enclosed plans, may have surfaces of approximately 282.5 feet facing both east and west. While the ordinance does not specifically state that total sign surface shall include both sides of the sign, your staff has so interpreted the ordinance. In requesting this variance, Waldorf Associates considered designing a smaller but taller sign, but concluded that the plan submitted is most consistent with the City's Sign Ordinance.

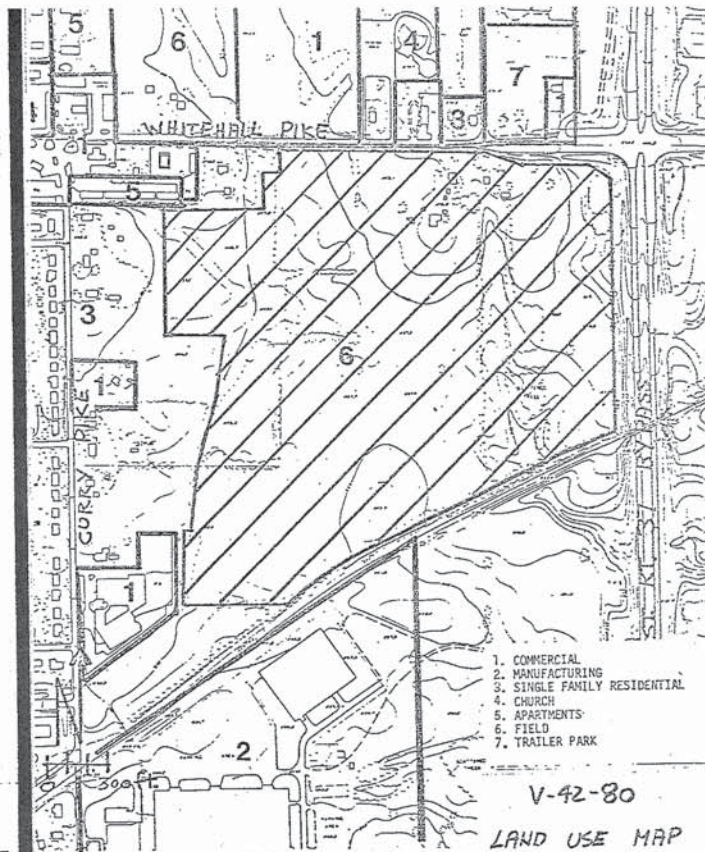
Very truly yours,  
ROGERS, McDONALD & GRODNER

*Geoffrey H. Grodner*  
Geoffrey H. Grodner

GMG:NR

V-42-80

PETITIONERS STATEMENT



V-42-80

LAND USE MAP

Minutes and Packet from  
V-42-80

ATTORNEYS AT LAW  
**ROGERS, McDONALD AND GRODNER**

P. O. BOX 279  
WORKINGMENS FEDERAL BUILDING  
BLOOMINGTON, INDIANA 47402  
812/332-4431

DAVID ROGERS  
THOMAS M. McDONALD  
GEOFFREY M. GRODNER  
SCOTT E. FORE  
MARC R. KELLAMS

June 16, 1980

The Plan Department  
City of Bloomington  
P.O. Box 100  
Bloomington, IN 47402

Attn: Tim Mueller, Planning Director

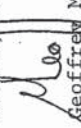
RE: Waldorff Associates  
Stonebelt Council for Retarded Citizens, Inc.  
Brad J. Bomba

Dear Tim:

Enclosed please find evidence of notice to adjacent and adjoining property owners for the applications of Dr. and Mrs. Bomba and the Stonebelt Council before the City of Bloomington Plan Commission and Waldorff Associates before the City of Bloomington Board of Zoning Appeals.

Best wishes,

ROGERS, McDONALD & GRODNER

  
Geoffrey M. Grodner

GMG:pm

Enc.

RECEIVED  
JUN 17 1980  
PLANNING DEPARTMENT  
V-42-80

Minutes and Packet from  
V-42-80

ATTORNEYS AT LAW

ROGERS, McDONALD AND GRODNER

DAVID ROGERS  
THOMAS M. McDONALD  
GEOFFREY M. GRODNER  
SCOTT E. FORE  
MARC R. KELLAMS

P. O. BOX 279  
WORKINGMEN'S FEDERAL BUILDING  
BLOOMINGTON, INDIANA 47402  
812/332-4431

June 6, 1980

Board of Zoning Appeals  
City of Bloomington  
P. O. Box 100  
Bloomington, IN 47402

RECEIVED  
JUN 06 1980  
PLANNING DEPARTMENT

RE: Waldorf Associates  
Sign Variance

Dear Board Members:

Waldorf Associates has submitted its application for approval of a variance to permit the erection of a sign for the K-Mart Department Store being constructed in Whitehall Plaza on Whitehall Pike. The variance requested is from the provisions for signs for Planned Commercial Developments which require all signs to bear the name of the development only and which limit the signs to a total of 300 square feet each.

Whitehall Associates, the developers of Whitehall Plaza, have agreed to permit Waldorf Associates to utilize one sign for the K-Mart Store which would ordinarily be used only for the full development. Therefore, this request will not result in a greater number of signs at Whitehall Plaza than permitted by ordinance.

Waldorf Associates is also requesting a variance from the 300 square foot limitation so that the sign, as shown on the enclosed plans, may have surfaces of approximately 282.5 feet facing both east and west. While the ordinance does not specifically state that total sign surface shall include both sides of the sign, your staff has so interpreted the ordinance. In requesting this variance, Waldorf Associates considered designing a smaller but taller sign, but concluded that the plan submitted is most consistent with the City's Sign Ordinance.

Very truly yours,

ROGERS, McDONALD & GRODNER

*Geoffrey M. Grodner*  
Geoffrey M. Grodner

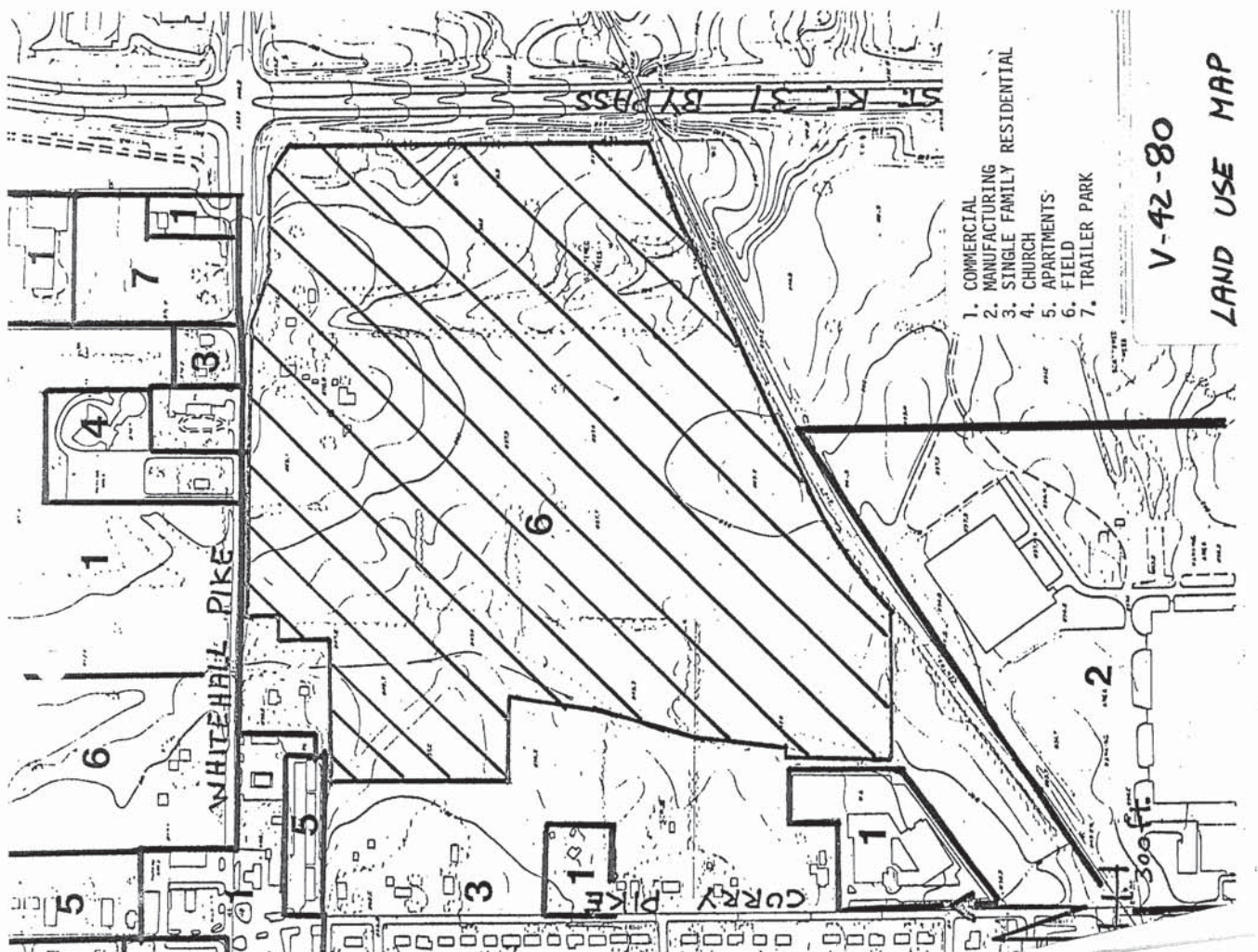
GMG:NR

V-42-80

PETITIONERS STATEMENT



Minutes and Packet from  
V-42-80



STAFF REPORT FORM

CASE NO. V-42-80

LOCATION Southwest corner of Whitehall Pike and the Highway 37 Bypass

TYPE OF VARIANCE Signage requirements.

REQUIRED	300 sq. ft. P.C.D. identification sign	PROPOSED	565 sq. ft. individual tenant pole sign
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SECTION 20.19.07.03 of the Zoning Ordinance provides that a variance may be granted if the following conditions are present:

- A. The use of the area adjacent to the property included in the proposed variance will not be adversely affected.
- B. The variance arises from some condition which is not ordinarily found in the immediate area, such as exceptional topographical or other conditions.
- C. Strict application of the terms of this chapter will constitute unnecessary hardship upon the property owner.
- D. The grant of the variance does not interfere substantially with the metropolitan comprehensive plan for the City of Bloomington.
- E. The variance will not be injurious to the public health, safety, morals, and general welfare of the community.

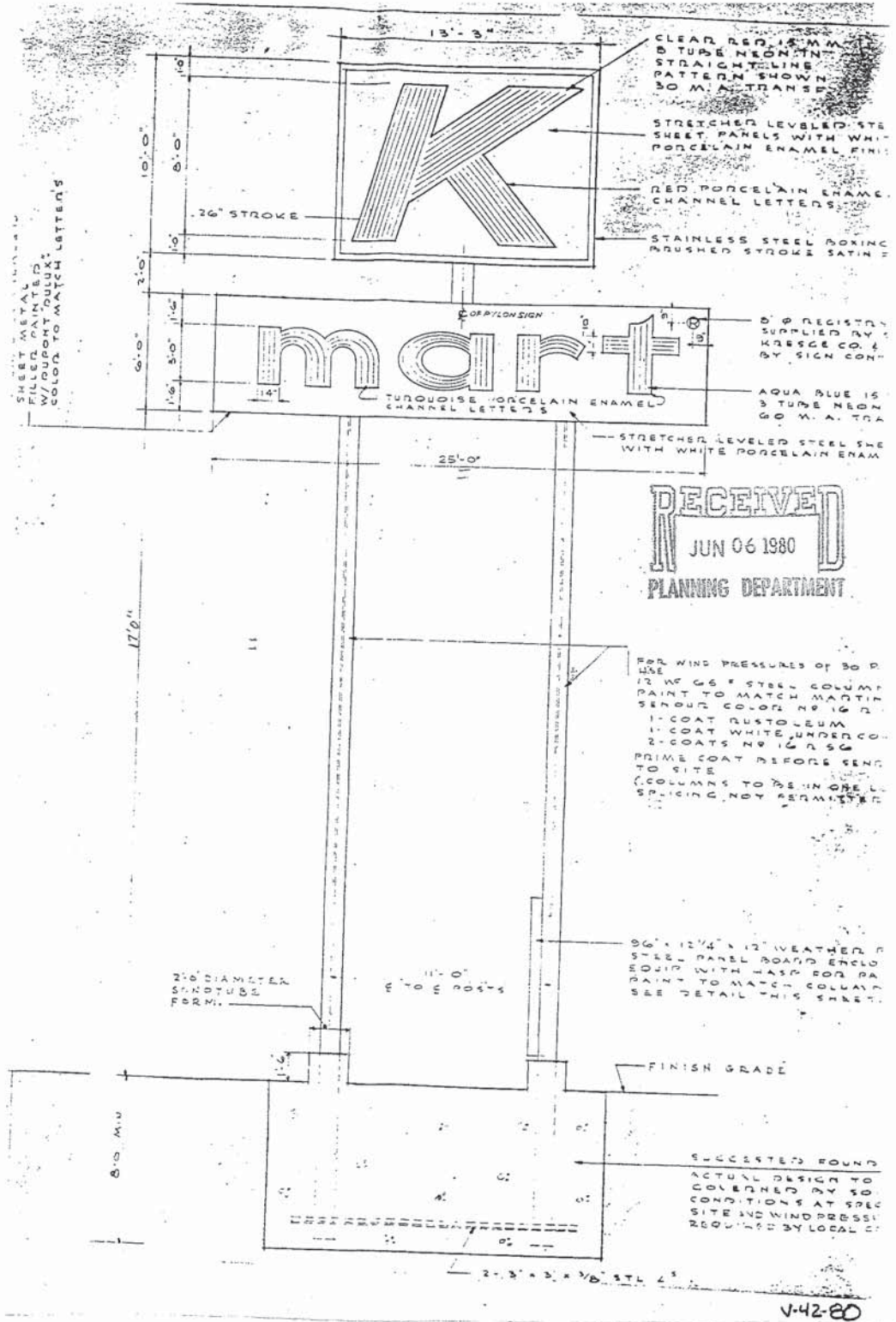
**Staff Report:** The petitioner is requesting a very substantial (565 sq.ft.) individual pole sign for K-Mart as an element of the overall signage package for Whitehall Plaza PCD. Based on the proposed future size of the PCD, four pole signs of up to 300 sq. ft. total area each would be permitted. One pole sign has already been erected in the PCD, Farmers and Mechanics Savings and Loan Association, with the question of individual tenant use of the permitted pole signs being considered by the Board as V-25-78. This requested sign would be the second of the permitted pole signs to be erected for the PCD with a third to follow as a center identification sign that would include identification of some of the major tenants (other than K-Mart and Farmers and Mechanics). Use of the fourth permitted sign is undecided at this time.

As a policy, the staff is not opposed to the use of the permitted pole signs by individual tenants where this is within the scope of the developer's overall signage plans. However, it is the staff's feeling that all attempts should be made to keep the size of individual tenant pole signs within the 300 sq. ft. maximum. If a facility that is a tenant of a PCD in this instance was a free-standing operation, then that facility would be permitted only 144 sq. ft. (72 sq. ft. per side) of total pole signage. An overall center identification sign, with opportunities for smaller scale identification of individual major tenants, would be far more appropriate for size variance consideration than is an individual tenant sign.

- A. The type of sign would not have an adverse effect on adjacent areas. The size, however, seems to be totally out of proportion with other development in the area.
- B. The variance arises from the needs and desires of an individual, major tenant substantially set back from the access street (Whitehall Pike) and partially sheltered by outlot development. The proposed location of the pole sign would tend to make the proposed massive size less important.
- C. Strict application would severely limit identification of this tenant, particularly prior to the completion of the rest of the Whitehall Plaza PCD.
- D. No substantial interference if the recommended size limitations are met.
- E. Not injurious.

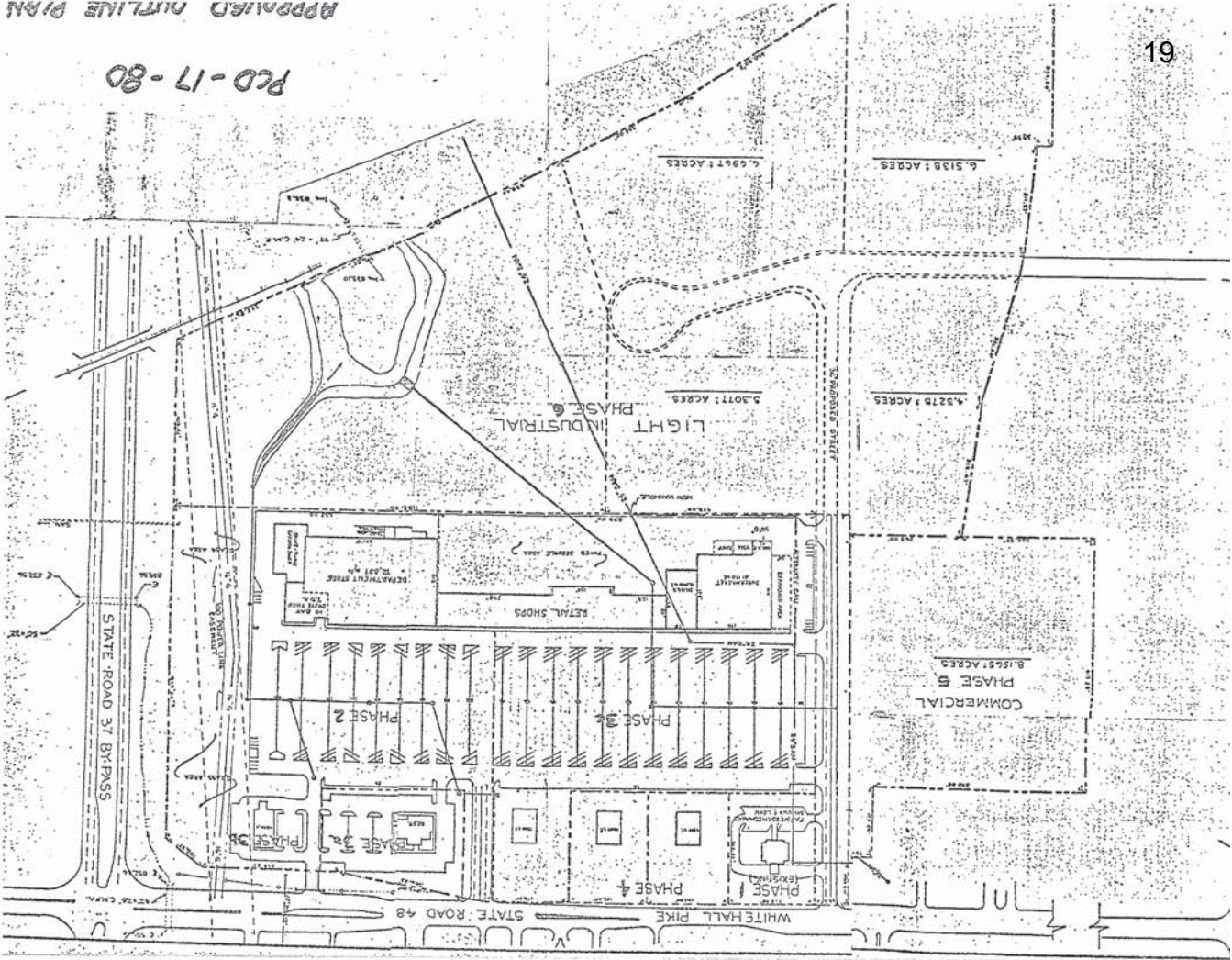
Minutes and Packet from V-42-80





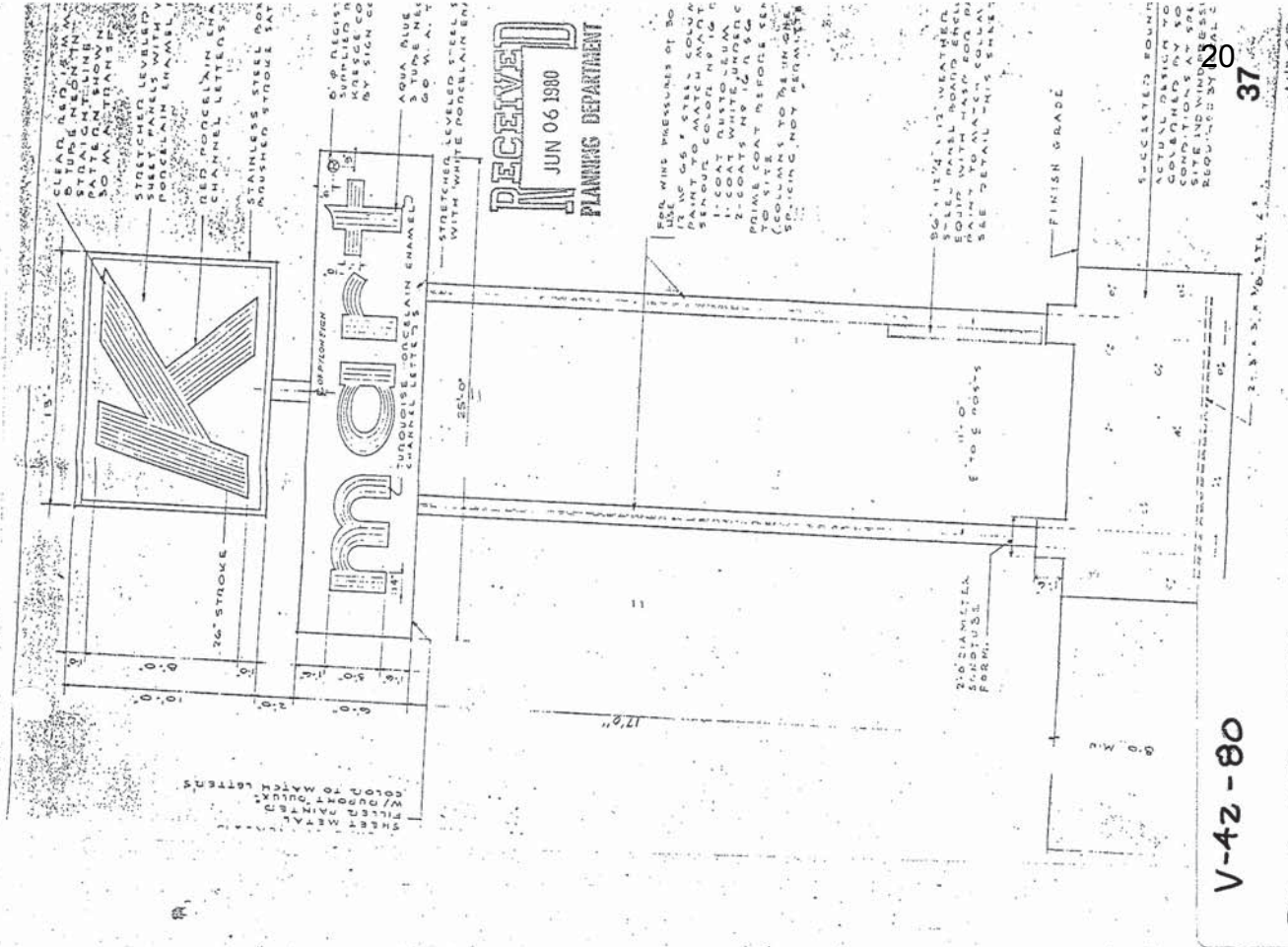
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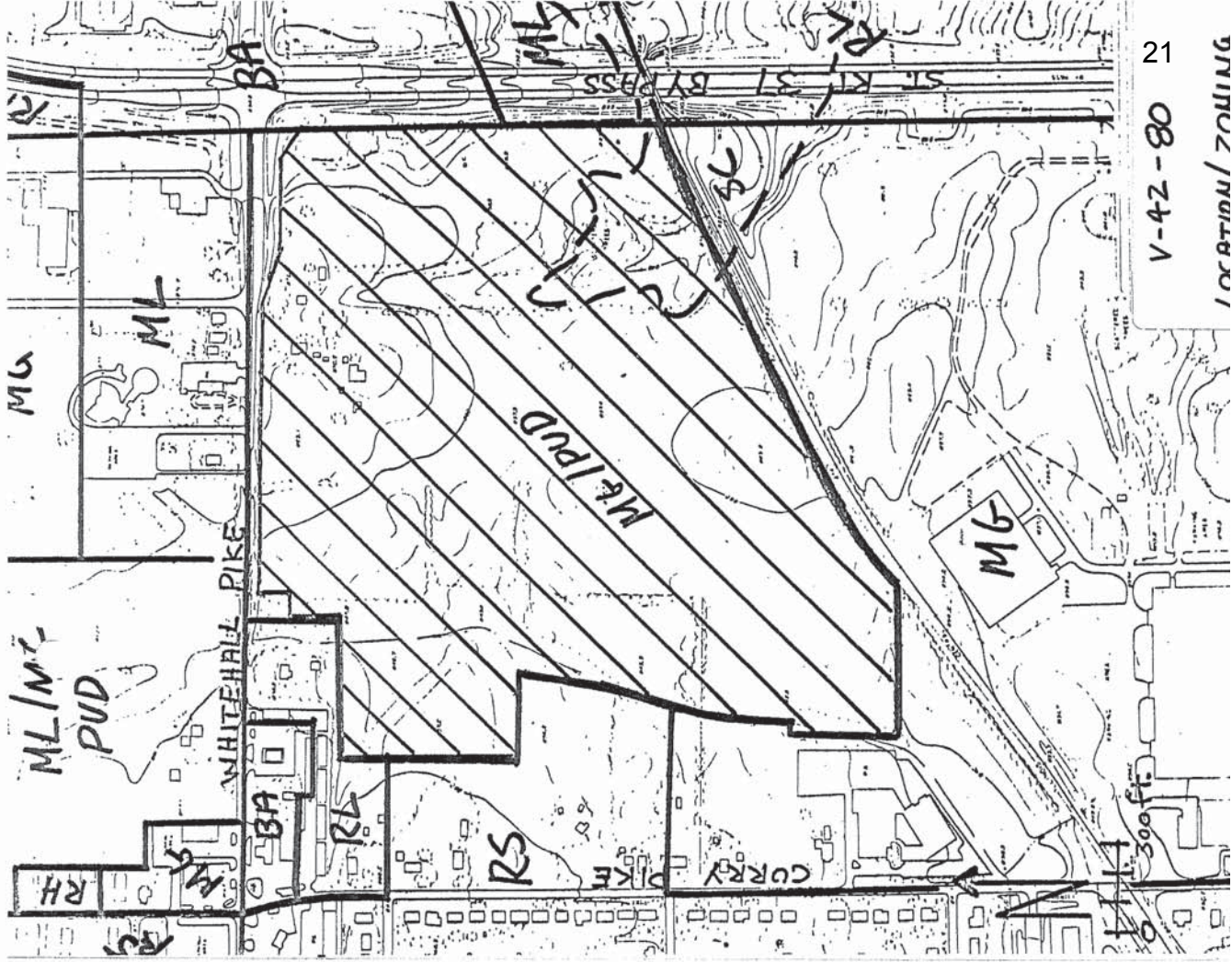
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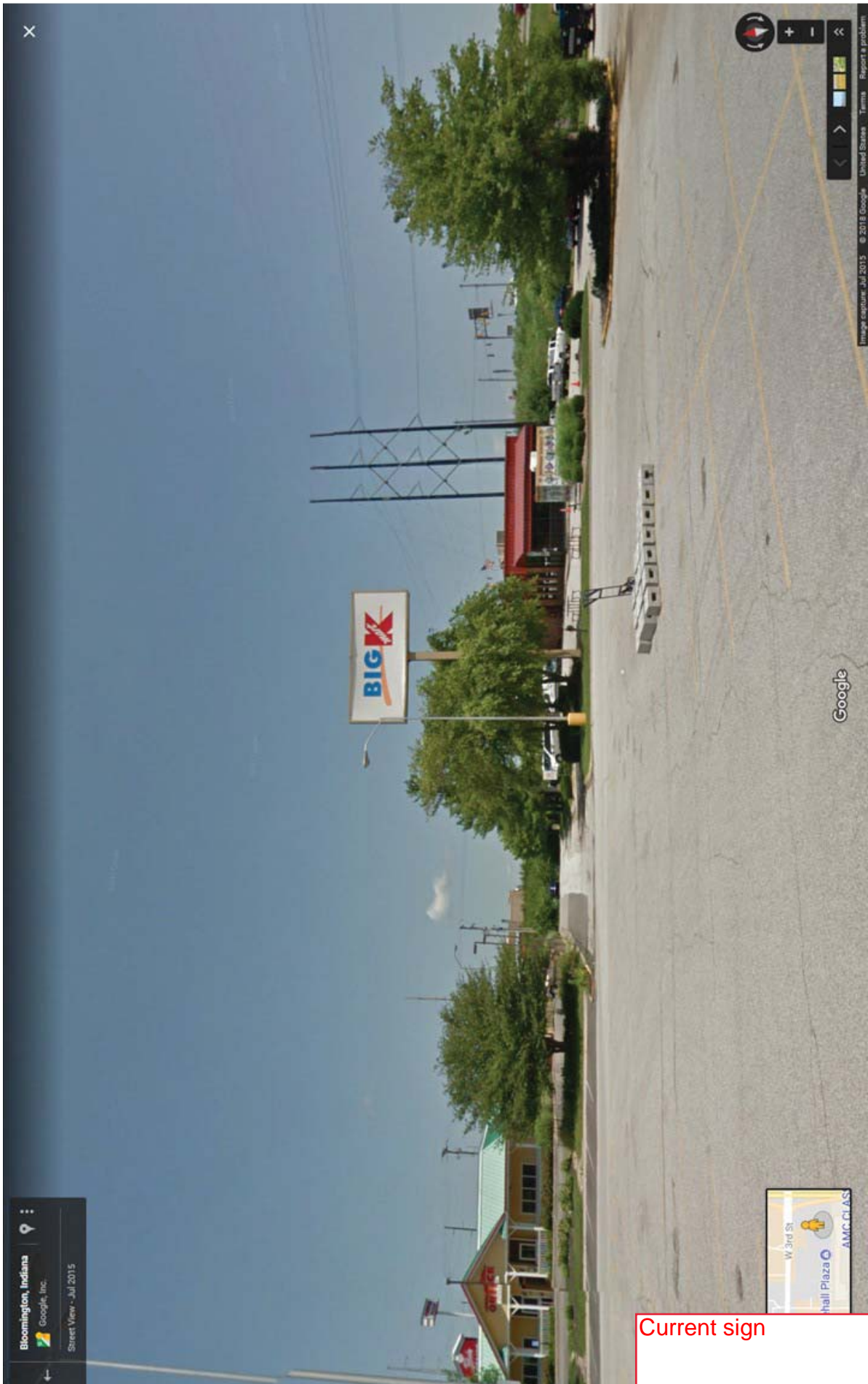




21  
V-42-80

LOCATION/ ZONING

Minutes and Packet from  
V-42-80



Current sign

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

**CASE #: UV-13-18**  
**DATE: July 19, 2018**

**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

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

**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.

**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.*

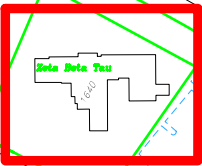
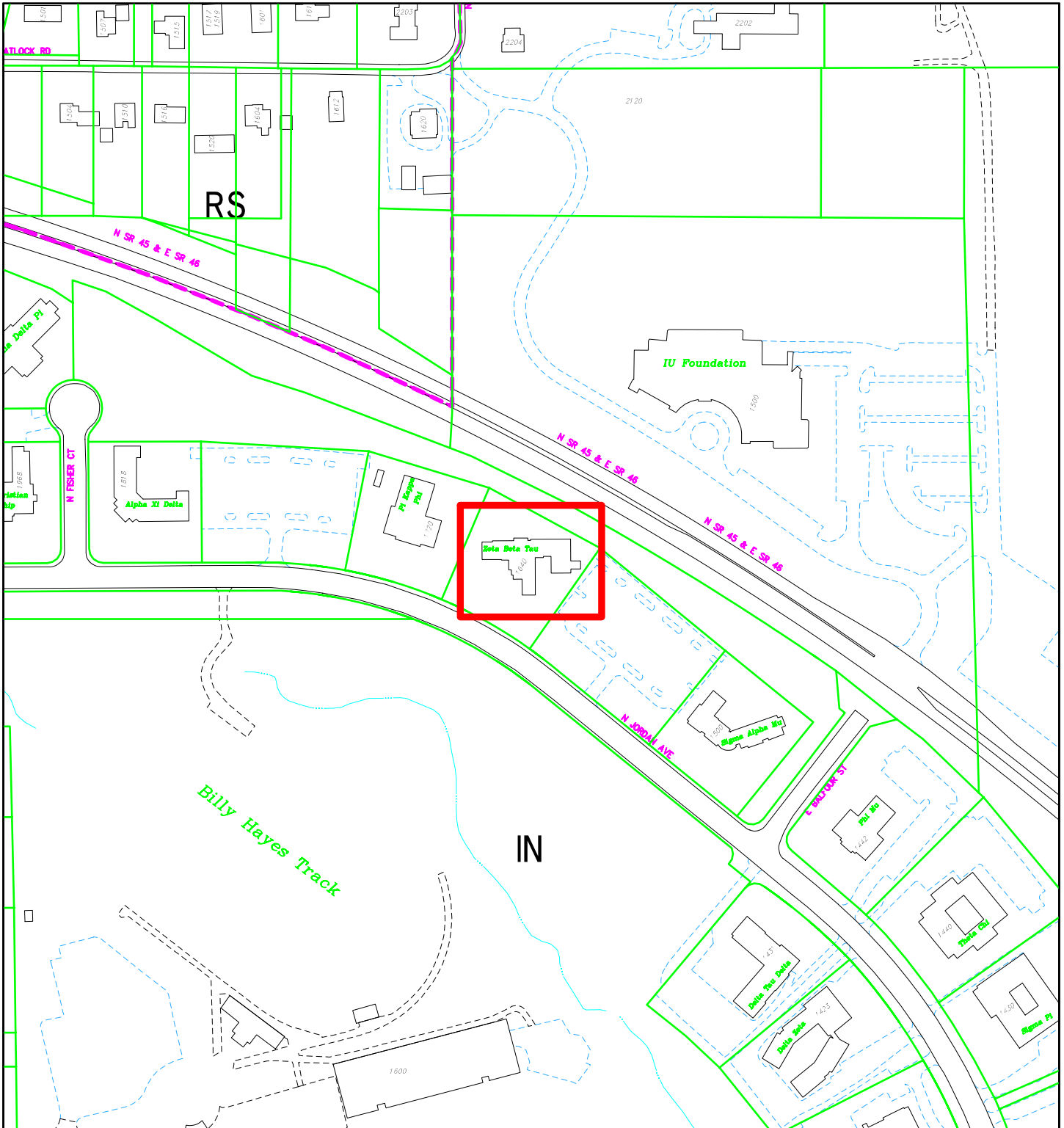
**Proposed Finding:** The Department finds that this request does substantially interfere with the Comprehensive Plan. The Comprehensive Plan designates this property as Institutional/Civic. The uses discussed for this designation are all institutional or civic in nature, and do not include single-family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

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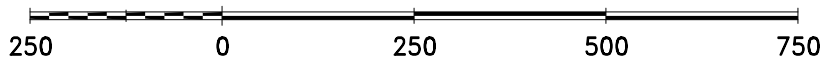
**CONCLUSION:** The Department finds that the proposal does substantially interfere with the intents of the Comprehensive Plan. Allowing the 'dwelling, single-family (detached)' use on the property does not promote the intent of the Institutional/Civic designation of the recently adopted Comprehensive 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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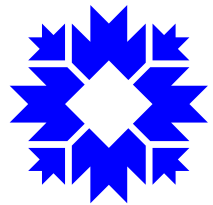
**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals denies petition #UV-11-18, a use variance request to allow 'dwelling, single-family (detached)' in the Institutional zoning district.



By: scanlanj  
18 May 18

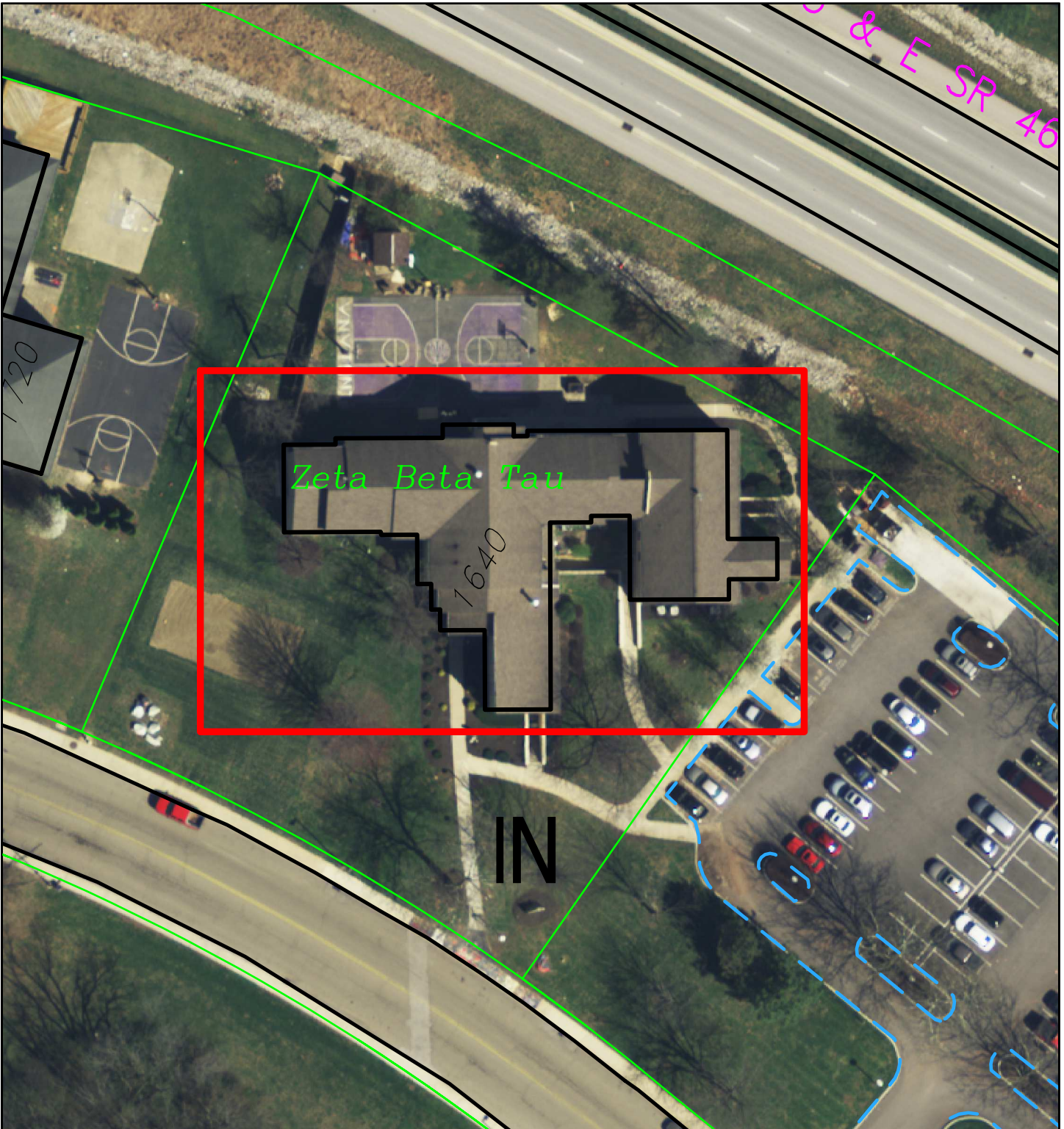


City of Bloomington  
Planning & Transportation



Scale: 1" = 250'

For reference only; map information NOT warranted.



By: scanlanj  
18 May 18

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For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation

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Scale: 1" = 50'



MALLOR | GRODNER  
*Attorneys*

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

gfounds@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



Monroe County Board of Zoning Appeals  
March 21, 2018  
Page 2

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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March 21, 2018  
Page 3

## 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

Monroe County Board of Zoning Appeals  
March 21, 2018  
Page 4

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.

Monroe County Board of Zoning Appeals  
March 21, 2018  
Page 5

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

Monroe County Board of Zoning Appeals  
March 21, 2018  
Page 6

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: July 19, 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.*

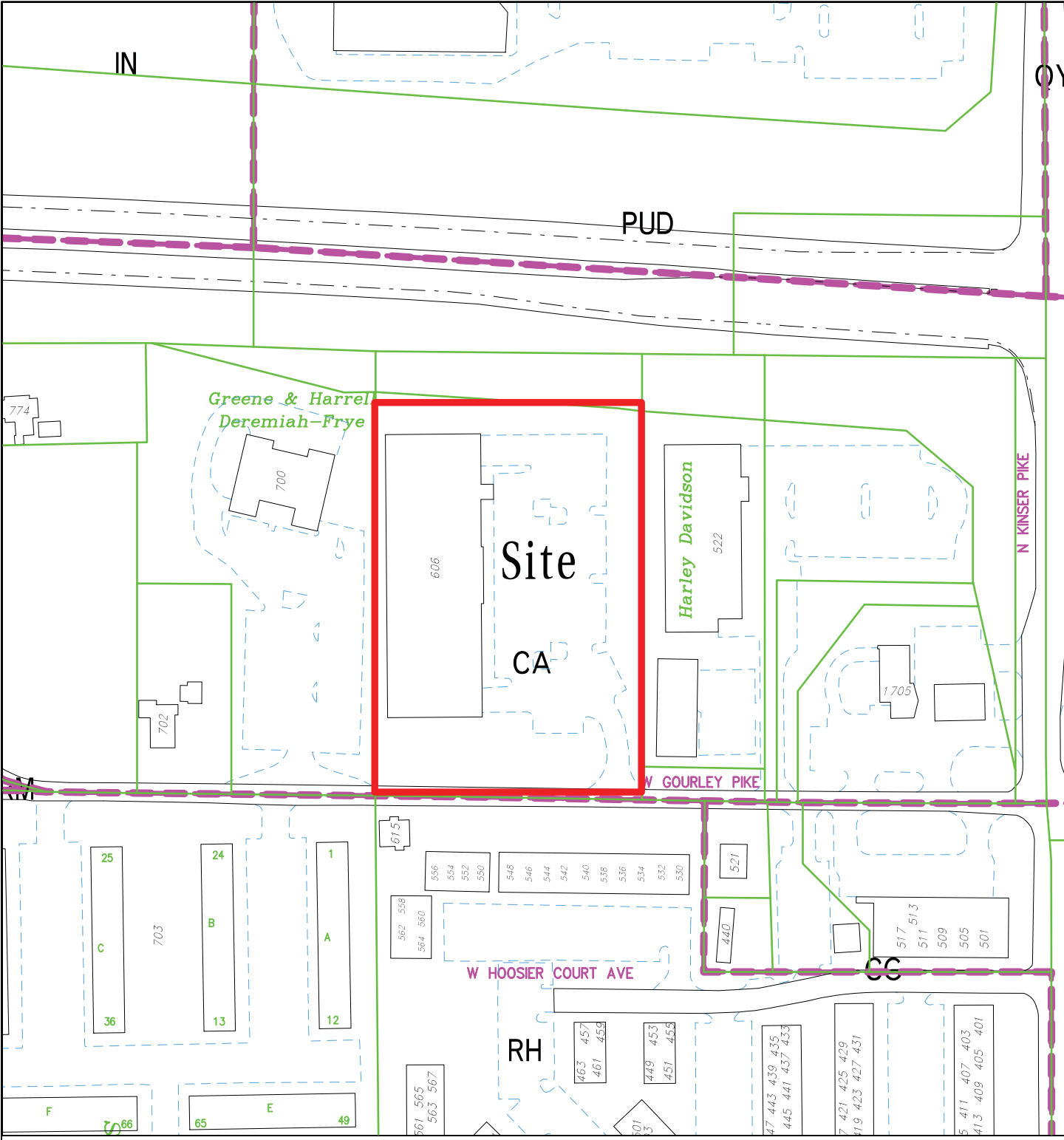
**PROPOSED FINDING:** No negative effects from this proposal are found on the use and value of the areas adjacent to the property.

- 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.

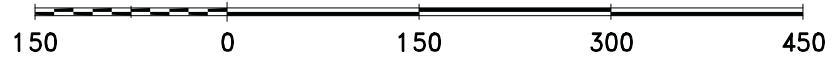
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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the variance.

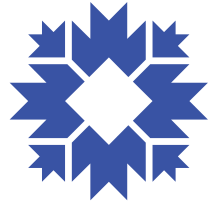


V-14-18 Storage Express  
 606 W. Gourley Pike  
 Board of Zoning Appeals  
 Site Location, Zoning, Parcels

By: greulice  
 18 May 18



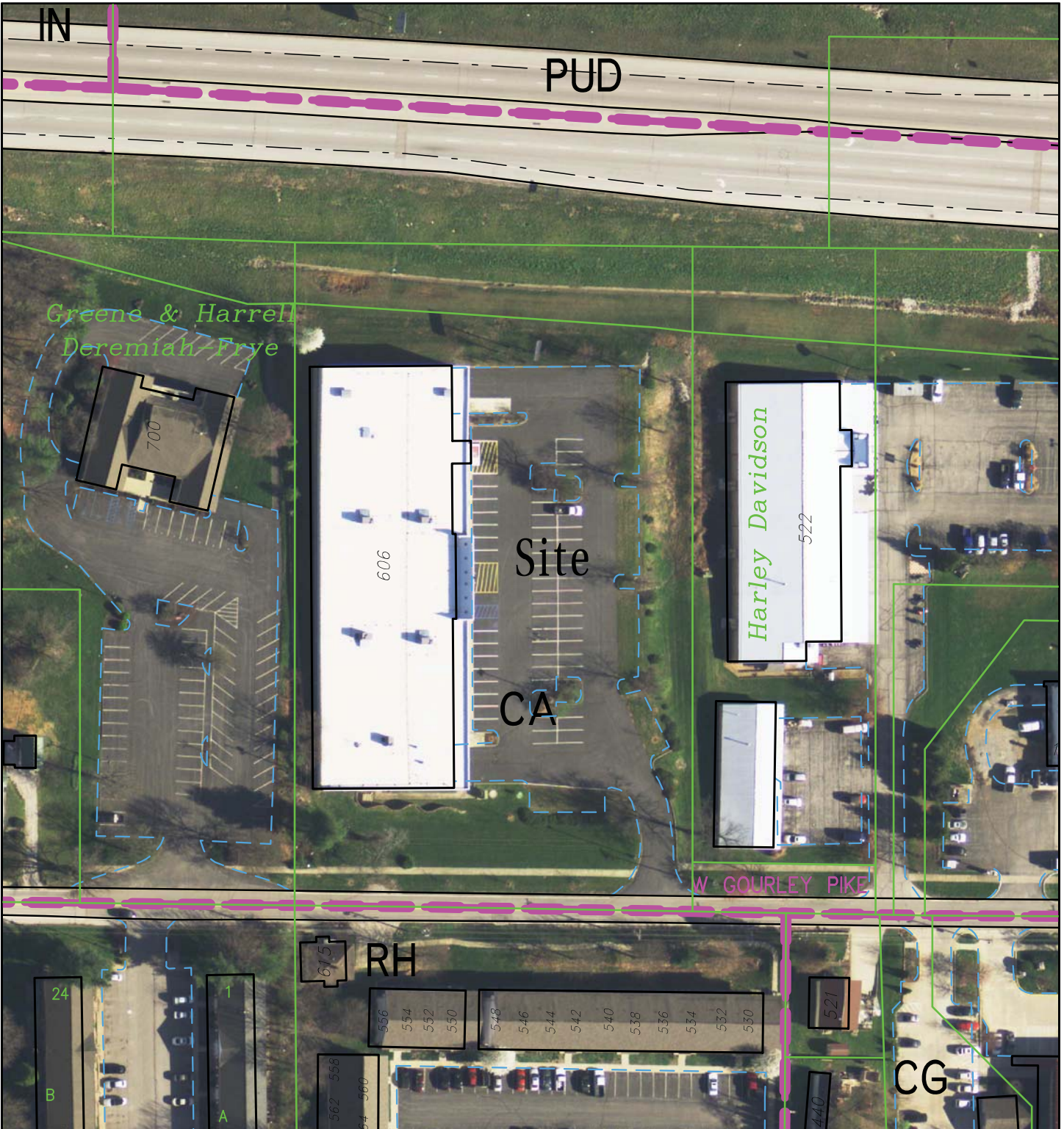
City of Bloomington  
 Planning & Transportation



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For reference only; map information NOT warranted.



V-14-18 Storage Express

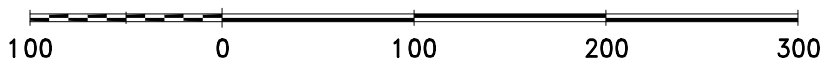
606 W Gourley Pike

Board of Zoning Appeals

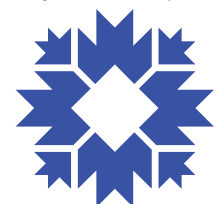
2016 Aerial Photograph

By: greulice

18 May 18



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.



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*















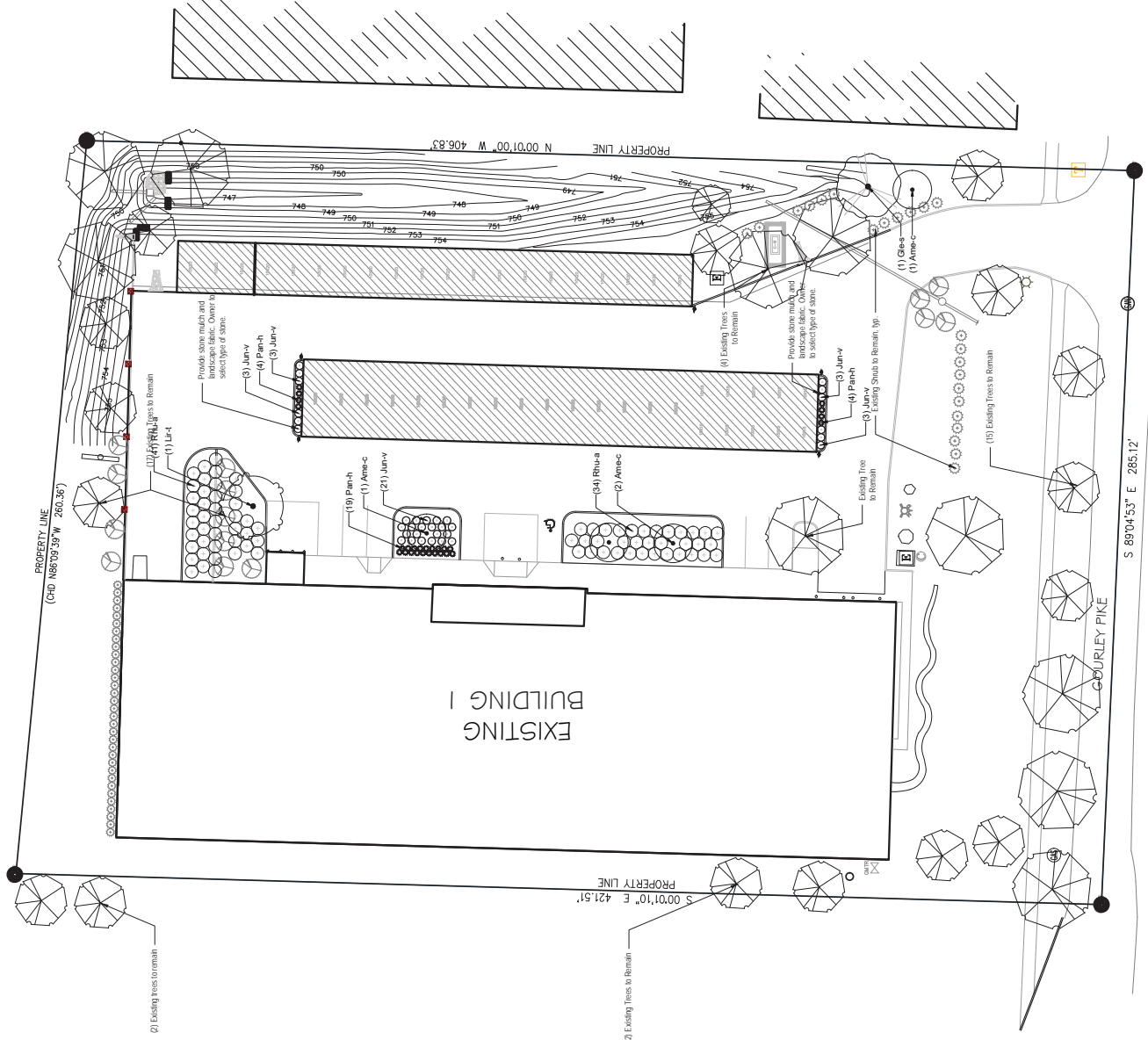


**LANDSCAPE AND PLANTING NOTES**

- 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 bed 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.
- Plant materials shall meet or exceed size standards as set forth in American Standards for Nursery Stock (ANSI Z60.1-2013) and shall be inspected and approved by the Landscape Architect prior to planting. All plants shall be inspected and approved by the Landscape Architect prior to planting. All plants shall be inspected and approved by the Landscape Architect prior to planting.
- Plant counts indicated on drawings are for Landscape Architect's use only. Contractor shall make own verification of plant counts. Contractor shall provide a detailed list of plant materials and quantities to the Landscape Architect. Contractor to verify field measurements and install appropriate quantities as governed by plant spacing per schedule.
- All plant beds shall receive 2" minimum of granular shredded hardwood mulch unless otherwise noted. All plant beds shall receive 2" minimum of granular shredded hardwood mulch unless otherwise noted. All plant beds shall receive 2" minimum of granular shredded hardwood mulch unless otherwise noted.
- The Contractor shall install and/or amend topsoil to all proposed bed areas to meet ASTM D3268 of 10.0% is required for lawn areas; 15% for plant beds. Topsoil sources shall include the reuse of surface soil backfilled on site, clean 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. All topsoil shall be amended with organic matter and fertilizers as needed for long term plant health.
- Planting shall be done by the field crew to be supervised by the Landscape Architect. 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 plant materials shall be inspected and approved by the Landscape Architect prior to planting. All plant materials shall be inspected and approved by the Landscape Architect prior to planting.
- Maintain all plant material for a three (3) month period from date of Substantial Completion. Maintenance shall include watering, weeding, fertilizing, pestering plant sources, spraying for disease and insects, and replacing tree washings. Recommended long term maintenance procedures shall be established. Line 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 shall be removed and re-landscaped to meet the same standards as the original site plan. Note 9.

**LANDSCAPE ORDINANCE REQUIREMENTS**

- 20.05.05.2 J STREET TREES  
 Requirement: 1 Canopy Tree / 100 LF of adjacent public right-of-way  
 Provide: 1 Canopy Tree / 100 LF of improvements / 40 LF = 4 Canopy Trees  
 Street: Road 4946  
 Canopy Tree: 132 LF of improvements / 40 LF = 4 Canopy Trees  
 Provide: 4 Existing Trees to Remain  
 Canopy Tree: 4 Existing Trees to Remain
- 20.05.05.1 BUFFER ZONES  
 Requirement: 1 Tree per 1000 sq. ft. of buffer area  
 Provide: 1 Tree per 1000 sq. ft. of buffer area  
 Street: See Street Trees above  
 West: Zoned CA, no buffer yard required
- 20.05.05.3 A PARKING LOT PERMEABLE PLANTINGS  
 Requirement: 1 Tree per 4 parking spaces (min. 85% Canopy Trees), 3 Shrubs per 1 parking space (min. 50% Canopy Trees)  
 Provide: 1 Tree per 4 parking spaces (min. 85% Canopy Trees), 3 Shrubs per 1 parking space (min. 50% Canopy Trees)  
 Requirement: No new parking spaces provided being streets or adjacent uses, no parking lot perimeter plantings required
- 20.05.05.2 b LANDSCAPE BARRIERS AND ISLANDS  
 Requirement: 1 Canopy Tree per 100 sq. ft. of barrier area  
 Provide: 1 Canopy Tree per 100 sq. ft. of barrier area  
 Island: 1 Canopy Tree per 100 sq. ft. of barrier area  
 Requirement: No new parking spaces provided, no island required  
 Provide: 1 Canopy Tree per 100 sq. ft. of barrier area
- 20.05.56.a INTERIOR PLANTINGS  
 Requirement: 1 Large Canopy Tree + 2 Evergreen Trees + 3 Medium or Small Canopy Trees + 27 Shrubs per 1000 sq. ft. of interior area  
 Provide: 1 Large Canopy Tree + 2 Evergreen Trees + 3 Medium or Small Canopy Trees + 27 Shrubs per 1000 sq. ft. of interior area  
 Requirement: 1 Large Canopy Tree + 1 Evergreen Tree + 1 Medium or Small Canopy Tree + 2 Shrubs (min. 1 Evergreen Tree)  
 Provide: 1 Large Canopy Tree + 1 Evergreen Tree + 1 Medium or Small Canopy Tree + 2 Shrubs (min. 1 Evergreen Tree)





Property Info:  
BL-GP, #012

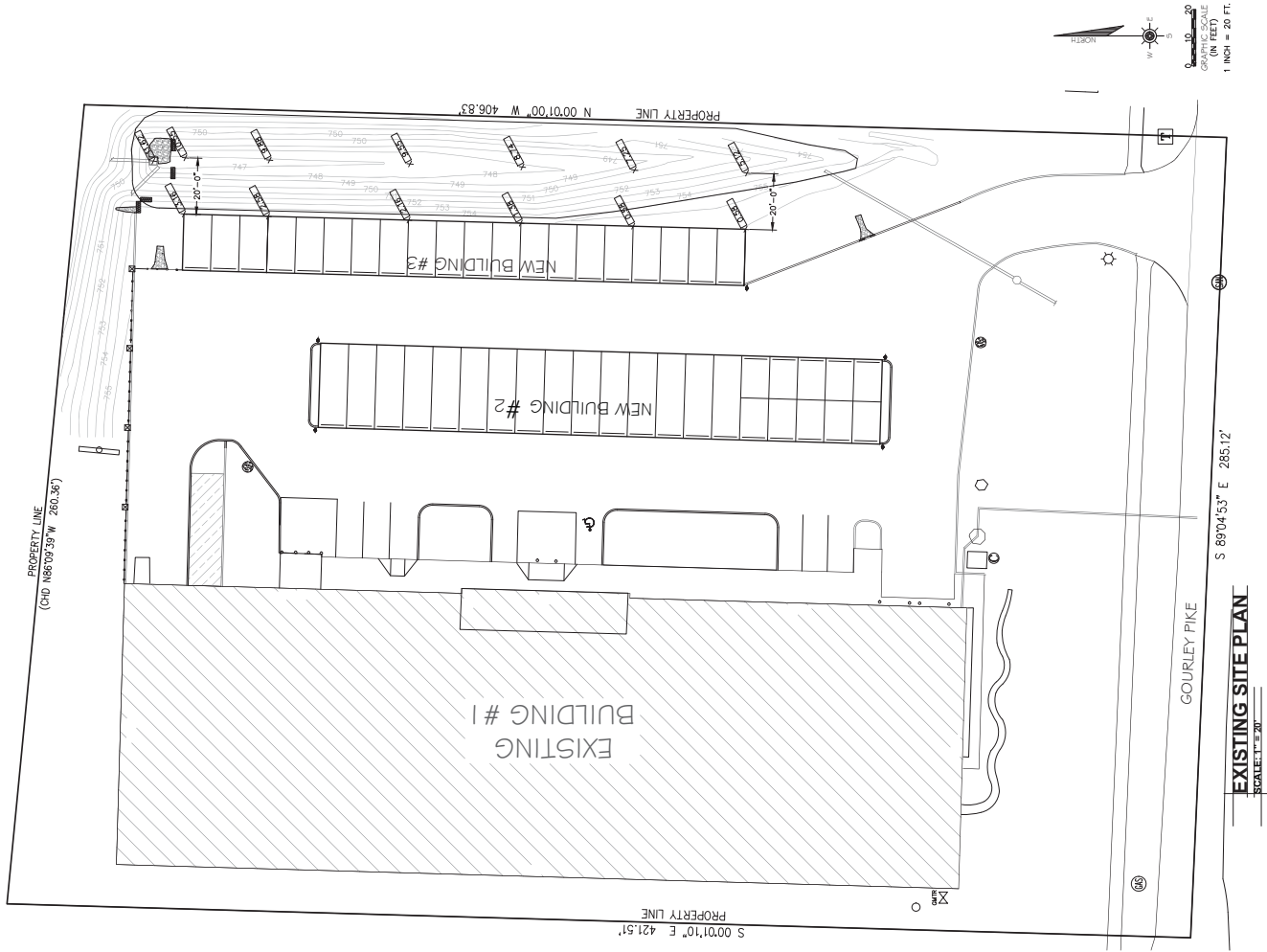
EXISTING SELF-STORAGE FACILITY AT:  
**BLOOMINGTON-GOURLEY PIKE**  
606 Gourley Pike, Bloomington, IN 47404  
**EXISTING SITE PLAN**

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

Date: 4/24/2018  
Revision:

Drawn by:  
CJB

Sheet  
C-1  
49



**EXISTING SITE PLAN**  
SCALE: 1" = 20'

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 1355 W. Bloomfield Rd**

**CASE #: CU-21-18**  
**DATE: July 19, 2018**

**PETITIONER:** Recover Together, Inc.  
 PO Box 1223, New York, NY

**REQUEST:** The petitioner is requesting conditional use approval to allow a rehabilitation clinic in the Commercial Arterial (CA) zoning district.

**REPORT:** The petition site is a 2 acre property located at the southeast corner of W. Bloomfield Rd. and S. Landmark Avenue. The site has been developed with several multi-tenant buildings and parking areas. The property is zoned Commercial Arterial (CA) and is surrounded by other Commercial Arterial properties to the east, south, and west with the Landmark PUD office park to the north.

The petitioner is requesting conditional use approval for a rehabilitation clinic to allow the petitioner to use one of the tenant spaces in the building for an office-based treatment program for adults diagnosed with Substance Abuse Disorder. Patients would receive counseling and prescriptions at this location, but no medications would be dispensed.

This approval would require the site to come into compliance with section 20.08.060(b) *Nonconforming Sites and Structures; Limited Compliance* section of the UDO. The Department has identified some missing landscaping around the parking area and 4 bicycle parking spaces as the needed site improvements that would be required to bring the site into compliance. A total of 60 shrubs are needed for the 20 parking spaces and there are 12 shrubs currently. A condition of approval has been included for the 40 missing landscaping shrubs and bike rack.

## **CRITERIA AND FINDINGS**

### **20.05.023 Standards for Conditional Use Permits – Rehabilitation Clinic**

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

- 1. The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**Recommended Finding:** The Comprehensive Plan identifies this area as “Urban Corridor.” Policy 1.2.1 gives guidance to “work with community partners to facilitate access to mental health services and addictions treatments”. The use of the property as a rehabilitation clinic will further that policy goal and will not interfere with the achievement of the goals and objectives of the Comprehensive Plan and will directly accomplish that stated goal.

- 2. The proposed use and development will not create nuisance by reason of noise,*

*smoke, odors, vibrations, or objectionable lights;*

**Recommended Finding:** The proposed use will not have any impacts that are different from other office uses. The business will have normal business hours of 8:00 AM to 6:00 PM. No medication will be dispensed from this location.

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

**Recommended Finding:** The proposed use will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare. The building will be used similar to an office or psychiatrist office and the use will occur completely inside the existing building. Again, no medicine or medical syringes will be dispensed from this location.

4. *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;*

**Recommended Finding:** The use requires no additional infrastructure services. There is no new development associated with this petition. There is adequate utility service in this area and no improvements are needed.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Recommended Finding:** The use is located directly off of West 2<sup>nd</sup> Street, which is classified as a Primary Arterial road. No traffic will be directed through residential streets. There are sidewalks located along both sides of W 2<sup>nd</sup> Street leading to this property. In addition, the site is located on a Bloomington Transit bus route.

6. *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;*

**Recommended Finding:** There will be no significant natural features lost with this petition. No new construction is proposed with this petition.

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

**Recommended Finding:** Access to the facility is restricted to 8:00 AM to 6:00 PM. The site is lighted throughout the evening and early morning hours. Trash and waste collection will continue as it has, no issues regarding trash and waste collection have been raised at this time.

8. *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 Appeal's*



*determination, shall not be approved.*

**Recommended Finding:** No changes to existing signage or new signage have been proposed at this time. Any future signage will be reviewed by staff according to the UDO standards.

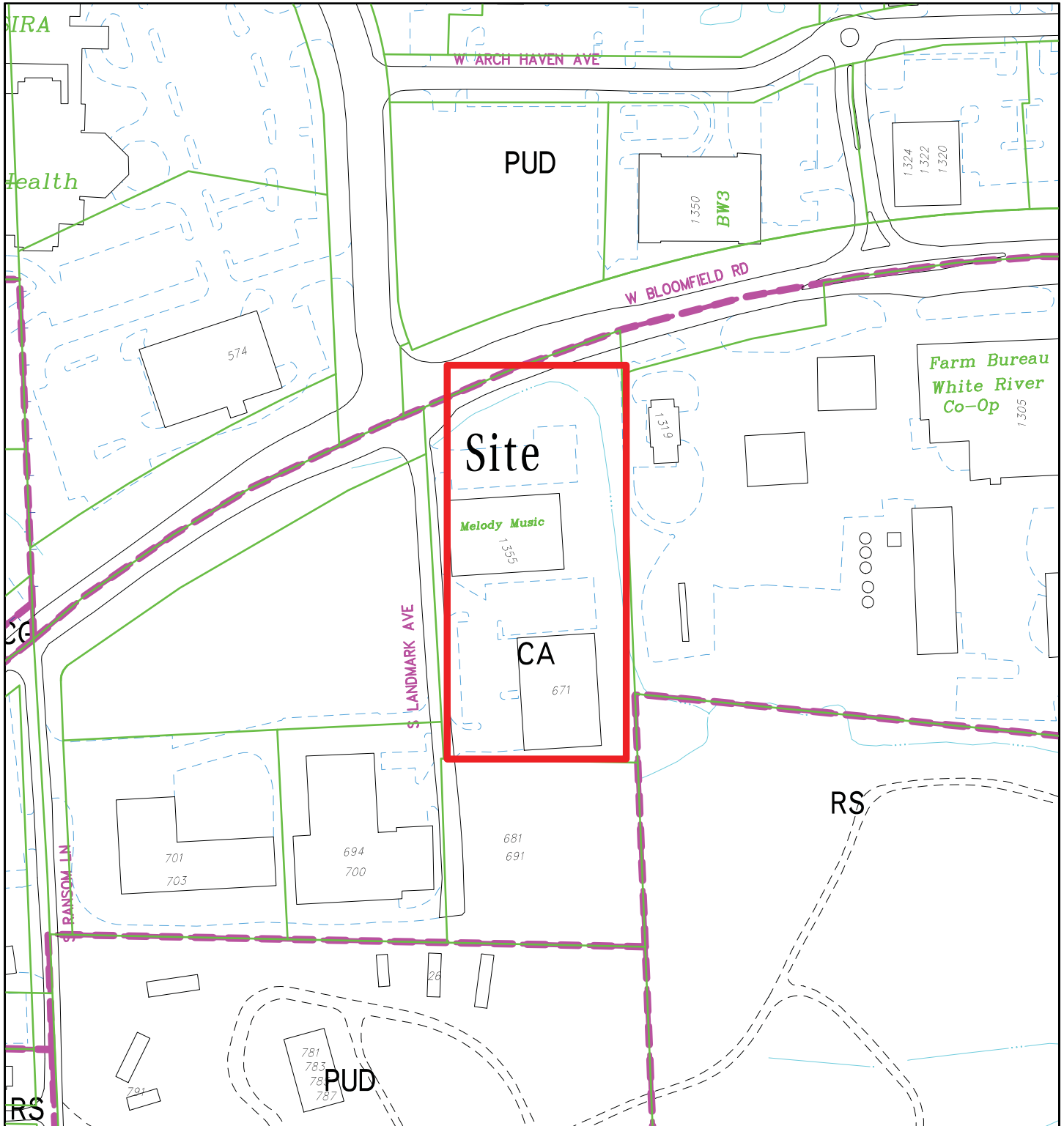
*9. The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

**Recommended Finding:** There are no additional standards in Chapter 20.05 for the proposed use.

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**RECOMMENDATION:** The Department recommends the BZA adopt the recommended findings and approve CU-21-18 with the following conditions:

1. A total of 60 shrubs are required within 5' of the parking area adjacent to this use.
2. A bike rack suitable for at least 4 bicycles is required within 50' of the entrance to the building.
3. Per the petitioner statement, no medicine is approved to be distributed from this location.



CU-21-18 Recover Together

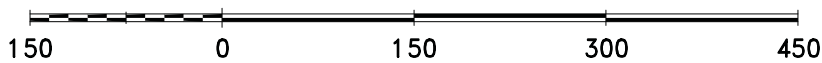
1355 W Bloomfield Rd

Board of Zoning Appeals

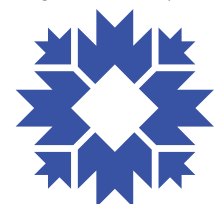
Site location, Zoning, Parcels

By: greulice

13 Jul 18

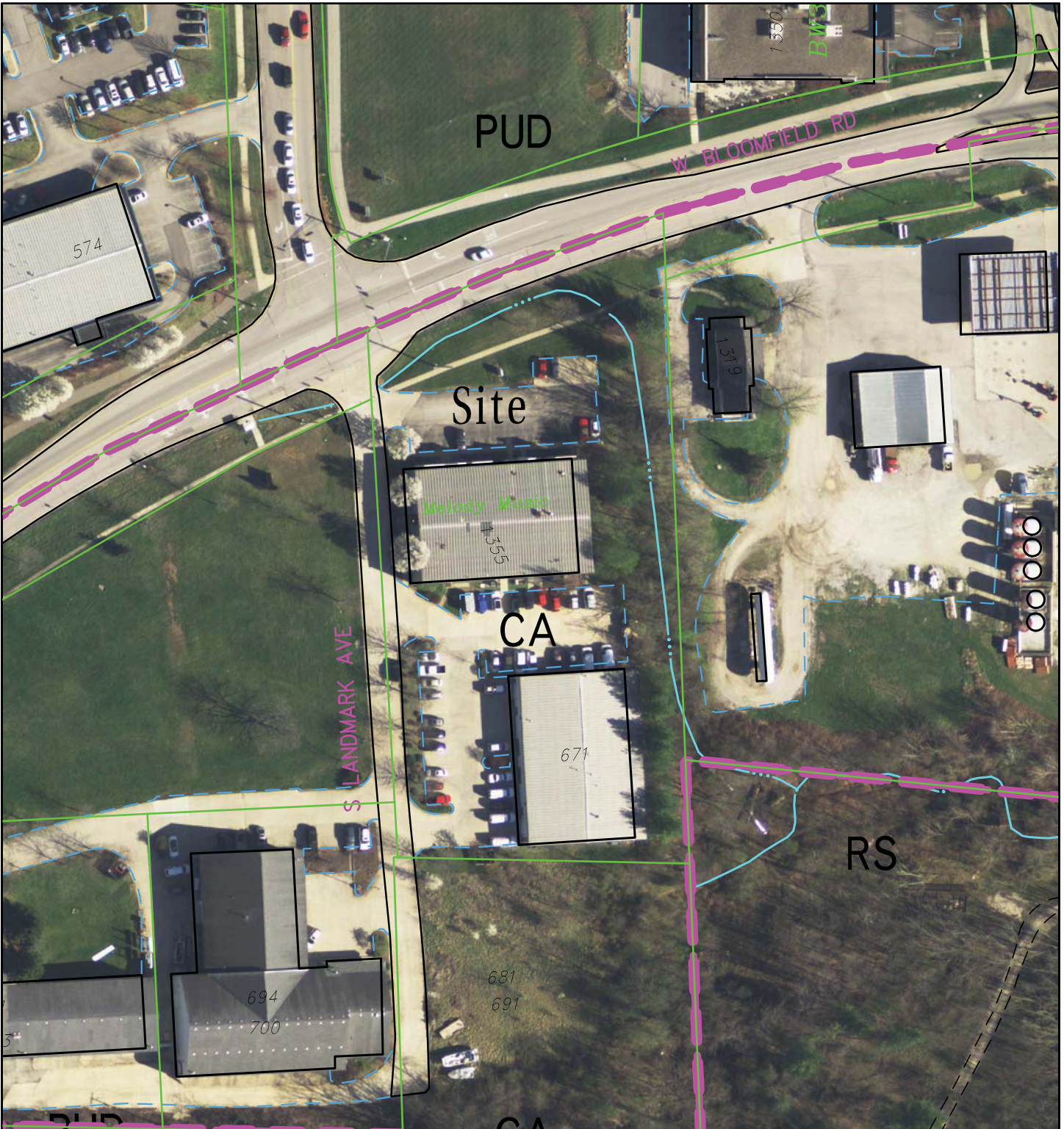


City of Bloomington  
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.



CU-21-18 Groups Recover Together

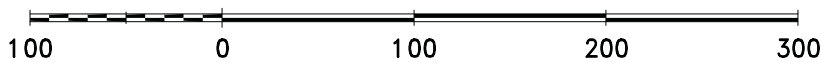
1355 W Bloomfield Rd

Board of Zoning Appeals

2016 Aerial Photograph

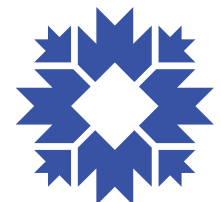
By: greulice

13 Jul 18



For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 100'



## GROUPS – RECOVER TOGETHER, INC.

### Application Addendum Petitioner's Statement

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#### **THE PROPOSAL**

Groups - Recover Together, Inc. (hereinafter "Applicant" or "Groups") proposes to conduct a group counseling professional office at the property located at 1355 W. Bloomfield Road, Bloomington, Indiana 47403.

The primary services provided by Groups relates to counseling services, with limited prescribing of medication (which is treated as a secondary, more limited and short-term approach, and only when deemed necessary). Groups is not a pain management clinic and does not dispense medications.

Groups hours of operation is during "normal" business hours (i.e., Monday through Friday from 8:00am to 6:00pm).

#### **INTRODUCTION TO THE APPLICANT**

Groups is a non-intensive, office-based treatment program, working with adults diagnosed with Substance Use Disorder ("SUD"). It was founded out of Dartmouth Medical School by a psychiatrist and resident student who wanted to make an immediate impact on the opiate epidemic. Its staff physicians and licensed substance abuse counselors work closely with clients weekly, as they address their physical and mental addiction to opiates.

Groups offers evidenced based treatment utilizing medication (Suboxone) and group counseling, alongside individual counseling. Weekly counseling is mandated in order to be prescribed Suboxone, for which Groups only prescribes *up to* a seven-day prescription, if deemed appropriate. Although it doesn't mandate the counselors to practice a certain way, Groups does find that Cognitive Behavioral Therapy, the use of Motivational Interviewing and the skills and techniques that accompany such styles work best in group therapy sessions. Some of the counselors find that Narrative Therapy is also a strong method to help understand the client's world.

Groups program administrators build great working relationships with the surrounding community and program stakeholders. Groups opens their doors to any/all whom feel compelled to visit, shadow, or sit in on a group therapy session. Their clients welcome outsiders to come listen to their story and hear how treatment has changed their lives.

#### **REQUIRED FINDINGS**

Pursuant to Section 20.02.350 of the Zoning Code, the proposed use is conditionally permitted and as such, requires conditional use relief.

CU-21-18  
Petitioner Statement

Various professional office uses are permitted in the Commercial Arterial Zone, including medical offices and clinics. For that reason, the proposed use will be compatible with adjacent and other properties.

The proposed use is consistent with the Growth Policies Plan, and will not interfere with the achievement of the goals and objectives of the Growth Policies Plan.

In support of the request and the nominal, if any, impact that will be occasioned by the proposed use, please note that there will be absolutely no effect of noise, smoke, odors, vibrations, or objectionable lights.

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

The proposed use will be served adequately by essential public facilities and services, such as streets, public utilities, storm water management structures, and other services.

The proposed use will neither cause undue traffic congestion nor draw significant amounts of traffic through residential streets.

As the proposed use is entirely within an existing building, the proposed use will not result in the excessive destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

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

Signage will be appropriate to both the property and the surrounding area.

There are no additional standards imposed for this particular use under Chapter 20.05, Section CU: Conditional Use Standards.

Based on the forgoing and from the testimony to be offered during the course of the public hearing, conditional use approval is hereby requested.





**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 950 E. Wilson St.**

**CASE #: CU-22-18**  
**DATE: July 19, 2018**

**PETITIONER: Andrew Szkaly**  
**2621 S. Milton Drive, Bloomington**

**REQUEST:** The petitioner is requesting conditional use approval to allow an existing accessory building to be converted into an accessory dwelling unit in the Residential Core (RC) zoning district.

**REPORT:** This 0.180 acre site is located at 950 E. Wilson Street. The property is zoned Residential Core (RC). The site currently contains one house and a two-story detached garage. The petitioner is requesting conditional use approval in order for the detached garage to be converted to an Accessory Dwelling Unit. The petitioner is proposing minor interior remodeling to add a bathroom and kitchen. The owner is proposed to live in the detached garage and the house will be used as a rental.

The petitioner reached out to the Bryan Park Neighborhood Association to gather any concerns from the Neighborhood Association and there were no concerns expressed for this request. No issues or complaints with the petition were received from any adjacent neighbors.

**ACCESSORY DWELLING UNIT ISSUES:**

Section 20.05.0333 outlines the particular standards required for Accessory Dwelling Units in single-family residential zoning districts in Bloomington.

The petition meets all of the standards of Section 20.05.0333.

**Setbacks:** The existing structure meets the side yard setback requirements of 5' and is located approximately 15' from the south property line and 5' from the west property line. The garage is also 10' back from the front of the house so it also meets the front setback requirement.

Site Standards	Allowed	Proposed
Maximum Number	1 per lot	1
Number of Residents	One Family per lot	One Family or 3 unrelated per lot
Minimum Lot Size	7,200 square feet	7,900 sq. ft.
Proximity	At least 300 feet from approved ADU	No approved ADU's within 300'
Owner Occupancy	Required on Lot	Owner in ADU

Design Standards	Allowed	Proposed
Maximum Square Footage	440 square feet	388 square feet

Maximum Bedrooms	1	1
<b>Minimum Setbacks</b>		
Front	Same as Dwelling	10 feet behind house
Side (west)	5 feet	5 feet
Side (south)	5 feet	15 feet
Maximum Height	25 feet	20 feet

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## Criteria and Findings for Conditional Use Permits

### 20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. *The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;*

**Proposed Finding:** This site is designated as Mixed Urban Residential in the Comprehensive Plan. The Comprehensive Plan envisions a diversity of uses in the Mixed Urban Residential areas and specifically calls out ADUs as an essential component to diversifying housing stock, with the main focus of the district being protection of existing single-family housing stock. The proposal for an ADU does not interfere with the goals and objectives of the Comprehensive Plan and furthers what is desired by the community through the recent adoption of legislation to allow ADUs. This project involves the reuse of an existing non-residential structure and does not permit the conversion of a single family home to multi-family or commercial. Continued preservation of this structure and the single family residence on the lot is consistent with Comprehensive Plan's goals.

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

**Proposed Finding:** The proposed use will not create a nuisance. The structure currently exists on the site and no known nuisance exists or have been reported. The use on the site will take place completely indoors. No smoke, odors, vibrations, or objectionable lights are typically associated with a residential use.

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

**Proposed Finding:** No adverse impacts to the adjacent properties or character of the area will occur as a result of this petition. The overall use of the property for a single family residential use will continue to take place within the accessory structure

and the single family residence on the site. The limit on occupancy for the property minimizes impacts to the adjacent properties. No additional buildings are proposed.

4. *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 Finding:** The site is adequately served by all public utilities. No additional development is proposed.

5. *The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;*

**Proposed Finding:** The limit on occupancy imposed with the ADU standards insures that the maximum occupancy on the property does not exceed that of a typical residential property. There is ample parking on site for both the house and accessory dwelling unit, and no significant amounts of traffic will be generated by the one-bedroom ADU unit.

6. *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 Finding:** The ADU will have no significant effect on the natural, scenic, or historic features of the parcel or area. The house is not located in a historic district.

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

**Proposed Finding:** There will be no nuisance to the neighborhood from the proposed ADU operation.

8. *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 Appeal's determination, shall not be approved.*

**Proposed Finding:** No signage is allowed or regulated for the ADU.

9. *The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.*

**Proposed Finding:** The proposed use complies with all other standards of the UDO.

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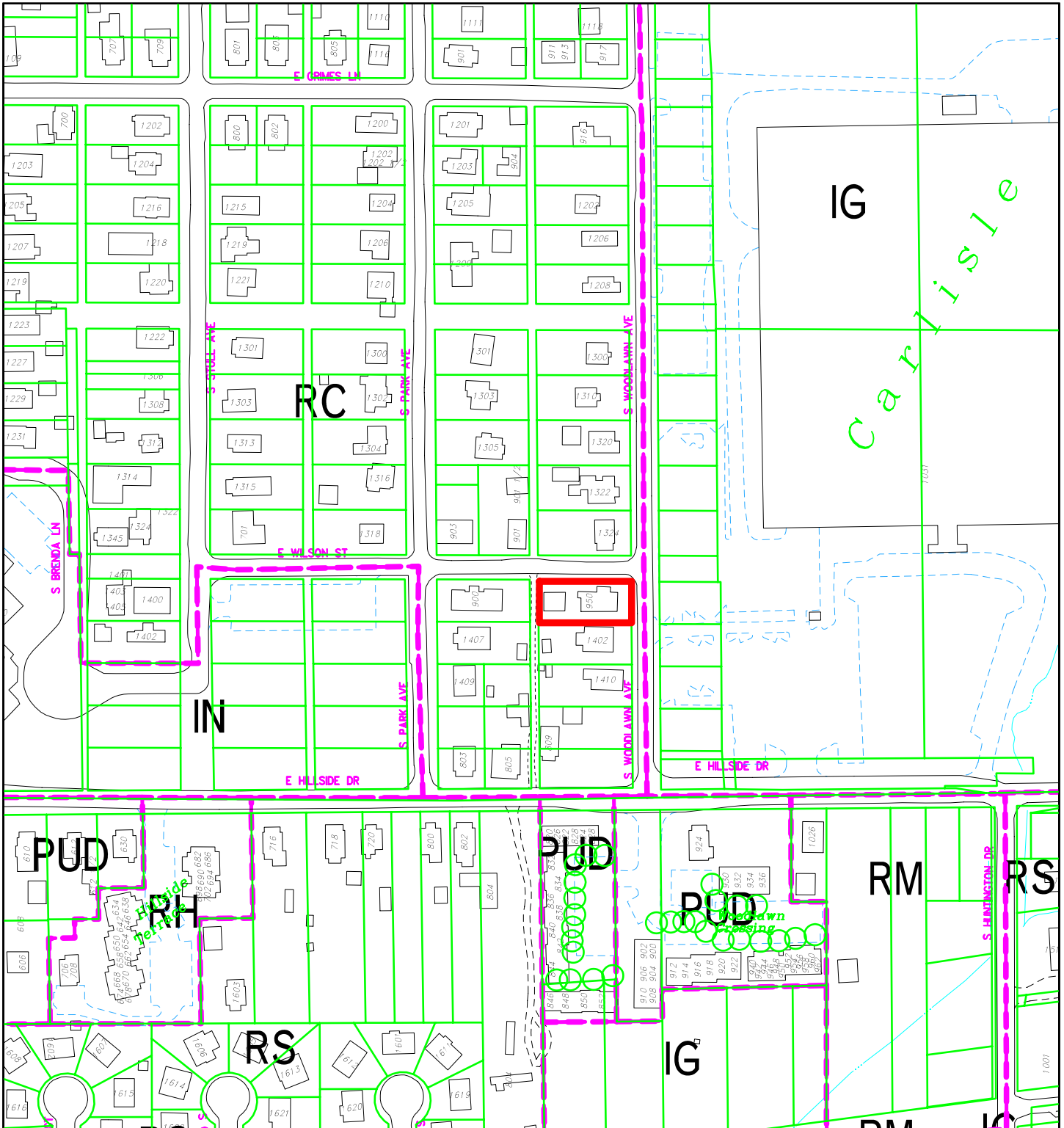
**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU-22-18 with the following conditions:

1. The Conditional Use is approved for the existing accessory structure as



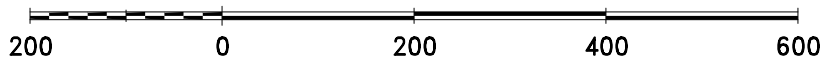
submitted.

2. Prior to issuance of a building permit, the petitioner shall record a commitment to satisfy 20.05.0333(l), indicating that the ADU cannot be sold separately from the primary unit and that the conditional use approval shall only be in effect as long as the owner(s) of record occupies either the house or the ADU as his or her primary residence. If the ADU approval is revoked at any time, the ADU must be removed from the property.
3. Prior to use of the structure as an ADU, the petitioner must submit a copy of the property tax homestead exemption for the property.



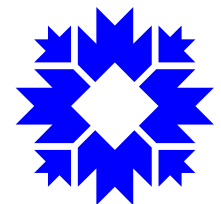
CU-22-18 Andrew Szakaly  
 950 E Wilson Street  
 Board of Zoning Appeals  
 Site Location, Parcels, Zoning

By: greulice  
 13 Jul 18

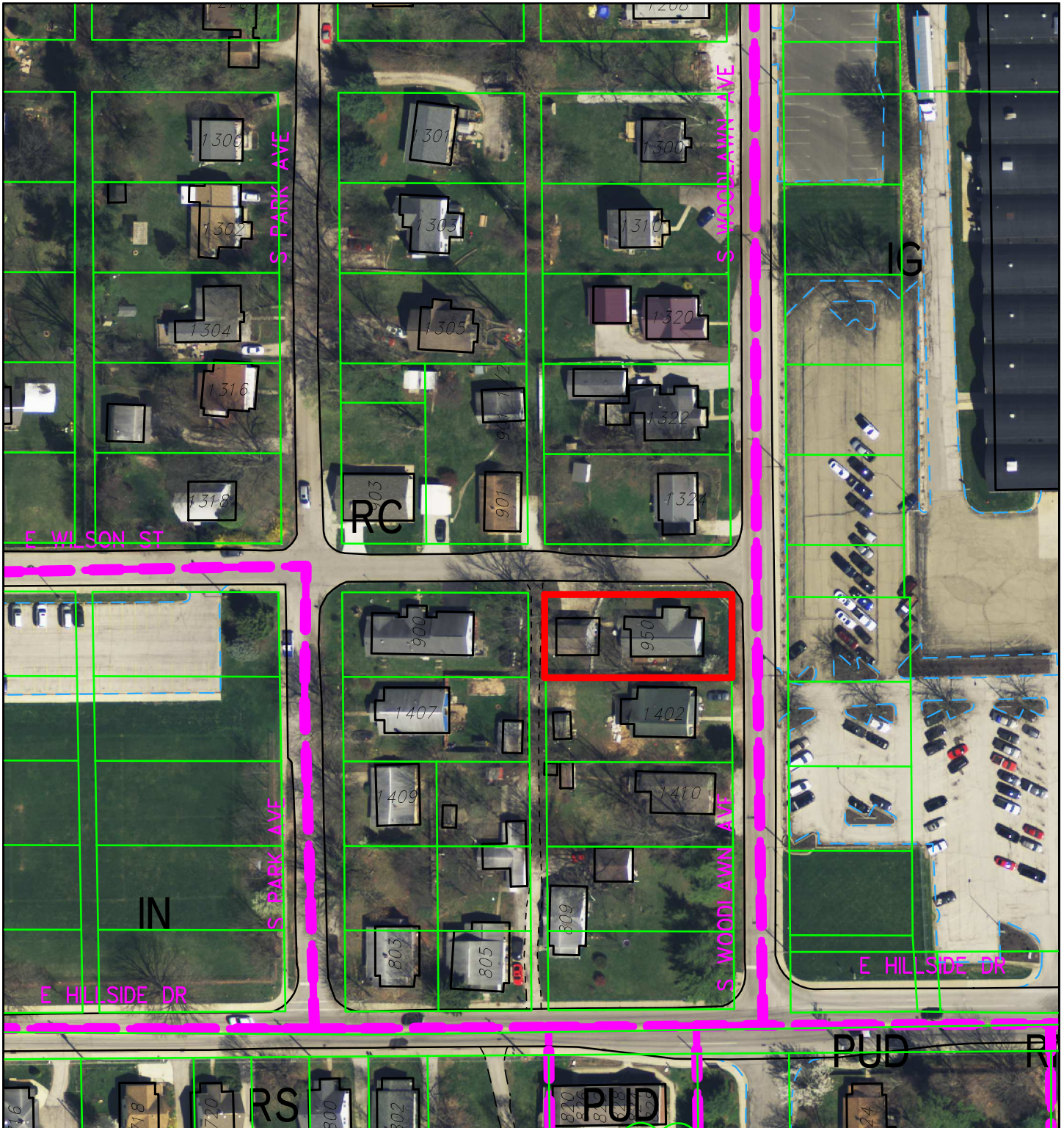


For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation

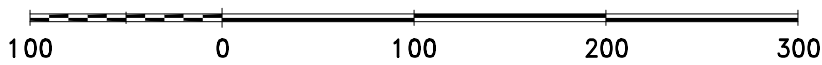


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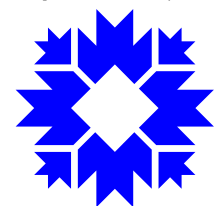
CU-22-18 Andrew Szakaly  
 950 E Wilson Street  
 Board of Zoning Appeals  
 2016 Aerial Photograph

By: greulice  
 13 Jul 18



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 Planning & Transportation



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**ANDREW SZAKALY**  
**P.O. BOX 874**  
**Nashville IN 47448**  
**812.322.7300**

**June 18, 2018**

**TO: Bloomington BZA**

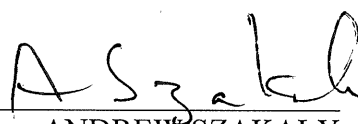
**RE: Proposed Conditional Use @ 950 E. Wilson Street 47401**

Our family owns a property at 950 E Wilson Street (corner of Woodlawn & Wilson). We propose a one bedroom apartment on the 2nd floor of the detached garage to be occupied by our adult son and co-owner, Aaron. The 13 year-old home on the property will continue to be a family rental.

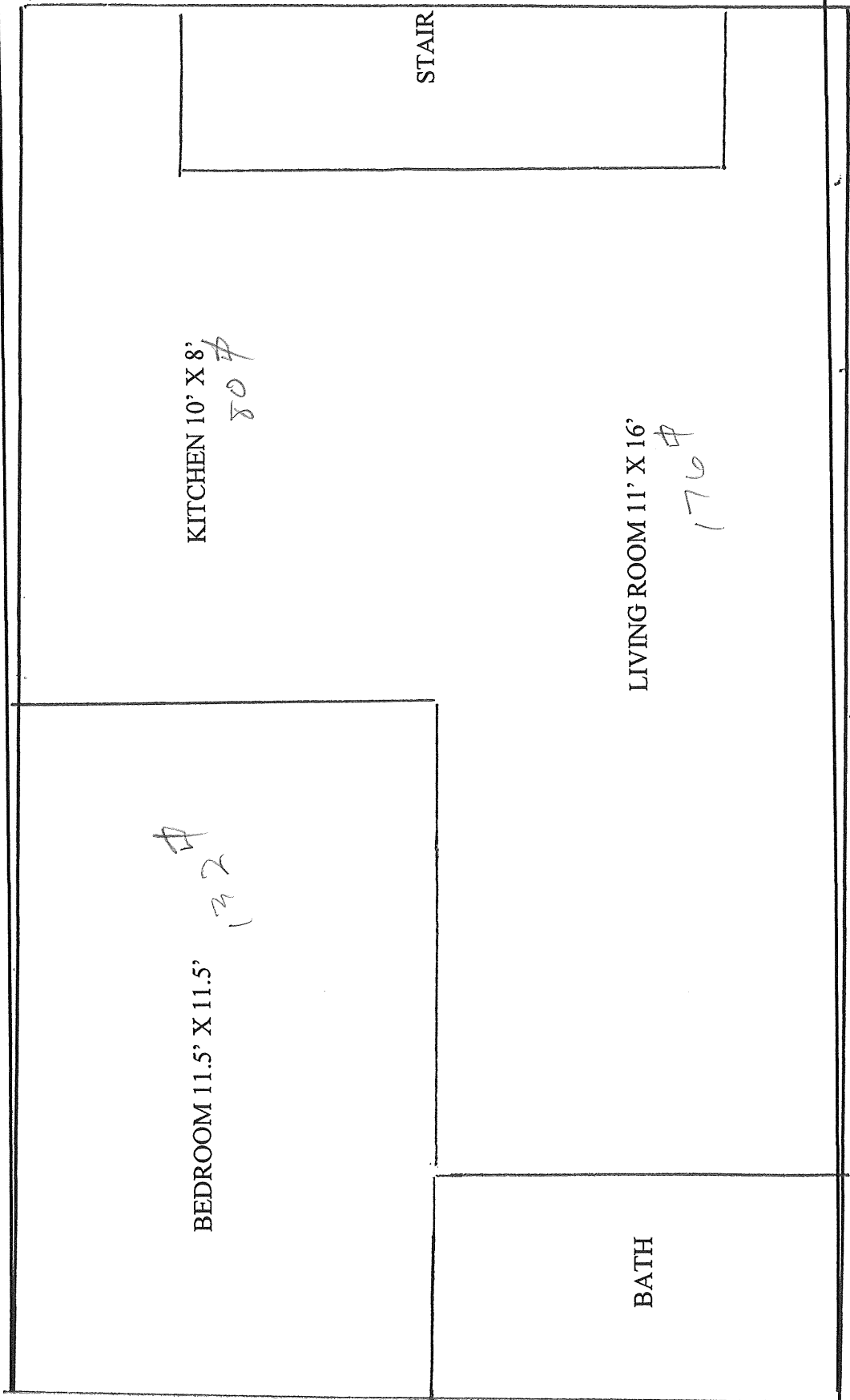
The property currently includes the 3 bedroom/2 bath home and the 2 story/ 2 bay detached garage. There is sufficient off-street parking for 3 vehicles as well as the 2 garage spaces. We have included with this application copies of the current Deed; aerial view and proposed floor plan, copy of email message to the Bryan Park Neighborhood Association and CBU receipt for plans.

We believe the proposed use is consistent with the Growth Policies Plan as there is no additional structure being requested. As such, it will not and has not created a nuisance in any fashion for the same reasons. It will not have an adverse impact upon the adjacent property, the character of the area or the public health safety and general welfare and it is served adequately by essential public facilities. There will be no additional signage nor significant additional traffic.

Thank you.

  
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ANDREW SZAKALY

950 E. WILSON ST. GARAGE UPPER LEVEL FLOOR PLAN



BEDROOM 11.5' X 11.5'  
132 /

KITCHEN 10' X 8'  
80 /

LIVING ROOM 11' X 16'  
176 /

STAIR

BATH

CU-22-18  
Floor Plan of ADU