

# CITY OF BLOOMINGTON



December 19, 2019 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL

**CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS  
December 19, 2019 at 5:30 p.m.**

**◆Council Chambers – Room #115**

**ROLL CALL**

**APPROVAL OF MINUTES:**

**REPORTS, RESOLUTIONS, AND COMMUNICATIONS:**

**PETITIONS CONTINUED TO:** January 2020

- V-17-19      **City of Bloomington**  
105/111 W. 4<sup>th</sup> St., and 222 S. Walnut St.  
Request: Variances from entrance and drive standards in the Commercial  
Downtown (CD) zoning district.  
Case Manager: Jackie Scanlan
- UV-26-19      **Kimberly Carballo** (continued by staff)  
1300 S. Lincoln St.  
Request: Use variance to allow the raising of goats on a single lot in the  
Residential Core (RC) zoning district.  
Case Manager: Ryan Robling
- AA-41-19      **Judie Baker and David Holdman**  
523 W. 7<sup>th</sup> St.  
Request: Administrative Appeal of the Notice of Violation (NOV) issued related to  
the demolition of two structures.  
Case Manager: Jackie Scanlan
- AA-45-19      **Tariq Khan**  
520 E. 2<sup>nd</sup> St.  
Request: Administrative Appeal of the Notice of Violation (NOV) issued related to  
the removal of windows in a historic structure.  
Case Manager: Jackie Scanlan

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**PETITIONS:**

- UV/V-31-19      **Rimrock Companies** (UV portion denied 11/21/19. Variance continued to 12/19/19)  
1901 W. 3<sup>rd</sup> St., and 307 S. Cory Lane  
Request: Use variance to allow for larger units in the 'Mini-warehouse Facility'  
use in the Commercial Arterial (CA) zoning district. Also requested is a variance  
from non-residential sign standards.  
Case Manager: Jackie Scanlan
- V-44-19      **Randall McGlothlin**  
621 N. Lincoln St.  
Request: Variances from front yard setbacks and maximum impervious surface  
coverage standards to allow for a deck.

**\*\*Next Meeting: January 23, 2020**

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

Case Manager: Ryan Robling

**\*\*Next Meeting: January 23, 2020**

**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: 1901 W. 3<sup>rd</sup> Street / 307 S. Cory Lane**

**CASE #: UV/V-31-19**  
**DATE: December 19, 2019**

**PETITIONER:** Rimrock Companies  
 1000 Riverside Avenue, Suite 250 Jacksonville FL

**CONSULTANT:** Bynum Fanyo Associates, Inc.  
 528 N. Walnut Street, Bloomington

**REQUEST:** The petitioner is requesting use variance approval to allow for larger units than allowed in the ‘mini-warehouse facility’ use in the Commercial Arterial zoning district. The petitioner is also requesting a development variance from sign standards.

**BACKGROUND:**

|  |  |
|--|--|
| <b>Area:</b>                           | 2.93 Acres   |
| <b>Zoning:</b>                         | CA   |
| <b>Comprehensive Plan Designation:</b> | Urban Corridor   |
| <b>Existing Land Use:</b>              | Vacant/Wooded  |
| <b>Proposed Land Use:</b>              | Mini-Warehouse Facility                                |
| <b>Surrounding Uses:</b>               | North - Vacant / Culver’s Restaurant                   |
|  | South - Vacant / Dwelling, Single-Family (Sunset Hill) |
|  | East - Commercial                                      |
|  | West - Dwelling, Single-Family                         |

**CHANGES SINCE NOVEMBER:** The petition was heard at the November Board of Zoning Appeals hearing. One Board member recused herself and there was not alternate available. The BZA denied the UV portion of the request related to the size of the units (4-0). The BZA was split on the V portion of the request related to the freestanding sign and voted 2-2. That portion of the request was continued to the December hearing. The petitioner submitted proposed findings, which are attached.

**REPORT:** The petition site is zoned Commercial Arterial (CA) and is located on the south side of 3<sup>rd</sup> Street, east of Cory Lane. Surrounding land uses include single-family residences both in the City and outside of City limits to the west; Culver’s and vacant land to the north; commercial to the east; and a vacant parcel with more single-family development outside of the City to the south. The property is currently vacant with some wooded areas and a billboard.

The petitioner proposes to develop this site with three mini-warehouse facility buildings containing 41,600 square feet of storage space, as well as a 6,000 square foot office building on the petition site. Six parking spaces are included near the office building. One 32,325 square foot mini-warehouse facility building is also planned for the County parcel to the south.

The Unified Development Ordinance allows a maximum of 200 square feet per unit in a mini-warehouse facility. The petitioner would like to have 300 square foot units. A size limit is

included in the definition of mini-warehouse facility to help limit the impacts of such facilities on surrounding properties and to differentiate the use from a general warehousing use as the impacts of the two uses (mini-warehouse facility and warehousing) can be quite different. The petitioner is requesting a use variance to allow for the larger units.

The petitioner is also requesting a development variance related to freestanding signage. There is a legal non-conforming billboard located at the northeast corner of the petition site. The billboard lease is set to expire in 2020. According to a 2014 City survey, the sign is upwards of 500 square feet. The number of freestanding signs and square footage maximum are based on the amount of frontage that the parcel has on 3<sup>rd</sup> Street. The presence of the billboard prohibits any other freestanding signs for the site. The details are discussed below.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission reviewed the use variance request at its October 7, 2019 meeting. The Plan Commission voted 6-0 to forward the use variance request to the Board of Zoning Appeals with a positive recommendation.

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#### **SITE PLAN ISSUES:**

##### **Proposed Use:**

The UDO defines ‘mini-warehouse facility’ as: “A structure or group of structures containing individual storage units of two hundred (200) square feet or less with access to each unit only for the storage and warehousing of personal property. Mini-warehouses do not include activities of any kind including wholesaling, retailing, servicing or repair of household or commercial goods in conjunction with storage.” The use is permitted in the CA zoning district. However, the size of this site and its adjacency to existing single-family residences causes some concern. Intensifying that use by allowing larger units than are included in the UDO definition could exacerbate the issues by allowing larger items to be stored than those that would otherwise fit in a 200 square foot unit. Larger units also increase the opportunity and likelihood that the units can be used for more intensive uses beyond the storage of personal property that is intended.

Additionally, nothing about the property is unique and the petitioner will be able to operate successfully meeting UDO requirements.

**Sign Standards:** The CA zoning district allows one (1) freestanding stand for properties with between thirty (30) and five hundred (500) feet of frontage on a public road. The petition site has roughly 355 feet. Lots with one used and at least seventy-five (75) feet of public frontage shall be allowed to have up to forty-five (45) square feet. The height maximum allowed is six (6) feet. So, the site is allowed one forty-five (45) square foot, six (6) foot tall freestanding sign. The site contains one (1) billboard that the 2014 City Billboard Inventory lists as 26 feet tall and 576 square feet per side. (Staff is attempting to verify these dimensions as they are much different than presented by the petitioner.) The sign already located on the site (billboard) far exceeds allowable freestanding signage on this site.

The petitioner does not have a contract with the billboard company. However, the billboard company does have a lease with a previous owner. That lease is still current, but runs out some time in 2020. The Department believes that a property’s sign rights cannot be sold, and then a

variance received for additional sign allotment. Until such time that the billboard is removed, no additional freestanding signs can be added to the site.

The petitioner can add wall signs to the site, which includes two buildings facing 3<sup>rd</sup> Street.

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

**Larger Units in Mini-Warehouse Facility**

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:** No injury to the public health, safety, morals, and general welfare of the community is found in the approval of the proposed larger units. However, intensification of the use by allowing larger units may have negative effects on the neighbors.

*(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:** Substantial adverse impacts to the use and value of the adjacent area are found. While the redevelopment of an underutilized property typically has a positive impact on the adjacent area, allowing larger units could intensify the use on the site which may have negative impacts on the immediately adjacent residences.

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

**PROPOSED FINDING:** No peculiar condition of the property is found that requires the need for larger units than allowed by the UDO. The petitioner is proposing 41,600 square feet of dedicated storage space on the petition site and a total of almost 74,000 square feet of storage space on the combined larger site. By the petitioner's own admission, the project can go forward without the variance, indicating no need.

*(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:** Strict application of the UDO does not constitute an unnecessary hardship because the use can still occur on the site, within the bounds of the existing regulations.

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

**PROPOSED FINDING:** The Comprehensive Plan designates this property as Urban Corridor. The Urban Corridor area is designed to transform strip retail and commercial

corridors along major roadways into a more urban mixed-use district that will serve as an appropriate transition area from higher more intensive uses to other districts, Focus Areas, and regional activity centers. The area is intended to transform the existing auto-centric context into a mixed-use district. Allowing the intensification of an already auto-centric use does not support the goals of the Comprehensive Plan. The Plan Commission voted to forward the petition to the Board of Zoning Appeals with a positive recommendation.

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## CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

### 20.09.130 e) Standards for Granting Variances from Development Standards (Sign):

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:** Injury is found with this petition. The sign number and maximum standards are in place, in part, in order to protect the landscape from visual clutter, especially along high-speed roadways where the distraction can be dangerous. The petition site contains a sign that far exceeds the allowable freestanding sign maximum square footage. One freestanding sign is the maximum allowed on the site.

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

**PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. Freestanding signs are utilized by other uses in the area, but within the restrictions of the UDO.

- 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:** No peculiar conditions are found at the site. The site contains a lawful nonconforming freestanding sign, and the petitioner is requesting more. The billboard on site operates under an existing lease and has been located at the location for many years. The site allows for up to 45 square feet of freestanding signage and the site already maintains more than 10 times that amount. A previous property owner entered into a contract with the billboard company which utilizes and exceeds the freestanding sign allowance for the site. There are no practical difficulties related to signage on site. The user could use the existing sign, and is also able to utilize wall signage.

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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopts the proposed findings and denies the freestanding signage portion of UV/V-31-19.

IN

CA

W 3RD ST

Site

S CORY LN

S CORY LN

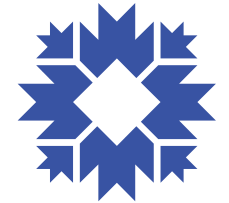
W PAPER LN

PUD

S ANNA LEE LN

Primier He

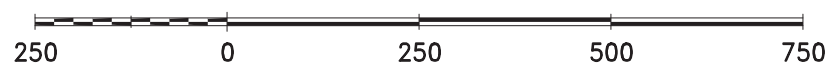
City of Bloomington  
Planning & Transportation



Scale: 1" = 250'

N

By: greulice  
21 Jun 19

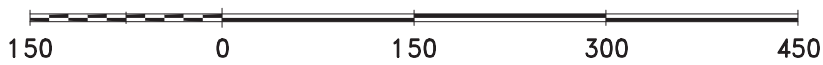


For reference only; map information NOT warranted.

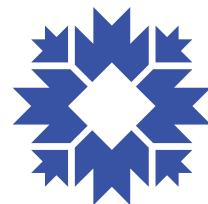




By: greulice  
21 Jun 19



City of Bloomington  
Planning & Transportation



Scale: 1" = 150'

For reference only; map information NOT warranted.



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

August 26, 2019

Jackie Scanlan  
City of Bloomington Planning Department  
401 N. Morton Street  
Bloomington, Indiana 47404

RE: Rimrock Companies Self-Storage (Mini-Warehouse Facility) Site  
Final Plan Approval Petitioner's Statement

Jackie Scanlan or To Whom It May Concern:

Our client, Rimrock Companies, respectfully request final plan approval for the referenced project and to be placed on the next Plan Commission agenda for the plan to be approved by the Plan Commission members.

**Project Narrative:**

The proposed development at 1901 West 3<sup>rd</sup> Street consists of developing 4 new structures for purposes of commercial development. The commercial application will include self-storage units with an associated office space. This proposed development will also contain 6 parking spaces for parking at the office space. The total square footage for the site's structures totals approx. 45,250. We plan to treat most of the drainage within our property with a drainage pond facility at the northeast corner of the site. This location will help keep the proposed site at reasonable grading patterns to match the existing drainage patterns. The total project site is 5.50 acres (2.93 area in City of Bloomington's current planning jurisdiction). We will be working toward approvals through the Monroe County Planning Department with the other 2.57 acreage currently in the Monroe County Planning jurisdiction. The entire site is within the City's 'CA' zoning boundary.

This proposed development is proposing two (2) variances from the current UDO:

1. UDO Section 20.05.079 - Signage.
  - a. The project would like to propose signage that would adhere to the follow standards from the UDO:
    - i. Wall sign on north face of building #1- 75 square feet max.
    - ii. Wall sign on north face of building #2- 180 square feet max.
    - iii. North property line free standing sign - Allowed one sign 45 square feet max. and 6 feet in height max. (Must be located 2' min. from property line)
  - b. Existing billboard at northeast corner on site is already 160 sq. ft.
  - c. Existing billboard contract goes through 2020.

528 NORTH WALNUT STREET  
812-332-8030

BLOOMINGTON, INDIANA 47404  
FAX 812-339-2990

- d. Place new signage that would meet UDO while keeping the duration of billboard contract.
2. UDO Section 20.02.330 – Mini Warehouse max. size.
    - a. The project would like to propose 300 sq. ft. max.
    - b. The current UDO standard is 200 sq. ft. max. unit size.

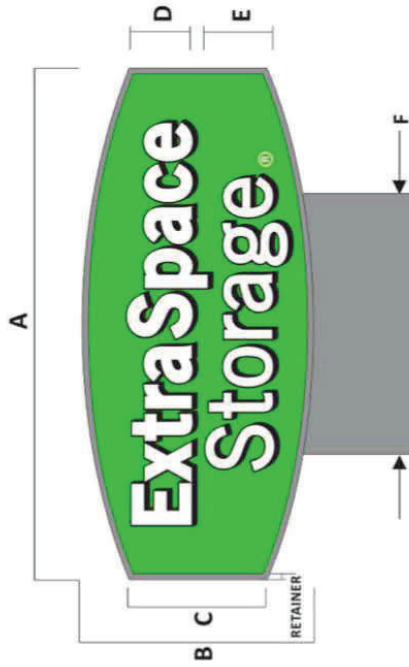
After you have had a chance to review our petition please feel free to contact us at anytime questions regarding our submission.

Sincerely,  
Bynum Fanyo & Associates, Inc.

A handwritten signature in black ink, appearing to read 'Daniel Butler', written over a light blue horizontal line.

Daniel Butler, P.E., Project Engineer

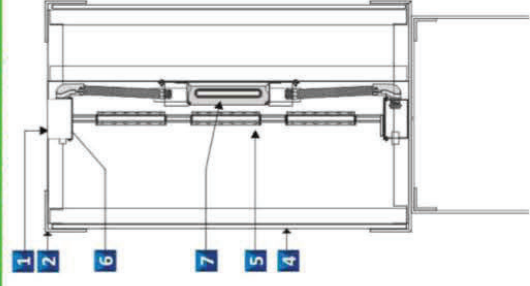
MONUMENT SIGN



MONUMENT DIMENSIONS

| A          | B         | C          | D         | E        | F          | RETAINER | SQ/FT | AMPS | NUMBER OF POWER SUPPLIES |
|------------|-----------|------------|-----------|----------|------------|----------|-------|------|--------------------------|
| 6'-0"      | 2'-8 5/8" | 1'-7 3/8"  | 8 1/2"    | 9 11/16" | 3'-5 7/8"  | 1"       | 16.31 | .98  | 1                        |
| 7'-0"      | 3'-2"     | 1'-10 5/8" | 9 7/8"    | 11 5/16" | 4'-7 7/8"  | 1 3/16"  | 22.17 | 1.96 | 2                        |
| 8'-3"      | 3'-8 3/4" | 2'-2 5/8"  | 11 5/8"   | 13 3/8"  | 4'-2 1/2"  | 1 1/4"   | 30.76 | 1.96 | 2                        |
| 9'-0"      | 4'-7 7/8" | 2'-5 1/8"  | 12 11/16" | 14 9/16" | 4'-7"      | 1 3/8"   | 36.65 | 1.96 | 2                        |
| 10'-5"     | 4'-8 5/8" | 2'-9 5/8"  | 14 11/16" | 16 7/8"  | 5'-3 5/8"  | 1 9/16"  | 49.15 | 2.94 | 3                        |
| 11'-3"     | 5'-1 1/8" | 3'-3/8"    | 15 7/8"   | 18 3/16" | 5'-8 3/4"  | 1 11/16" | 57.30 | 2.94 | 3                        |
| 12'-1"     | 5'-5 5/8" | 3'-3"      | 17"       | 19 1/2"  | 6'-1 7/8"  | 1 13/16" | 66.07 | 3.92 | 4                        |
| 12'-9 1/2" | 5'-9 3/8" | 3'-5 3/8"  | 18"       | 20 3/4"  | 6'-6 1/4"  | 1 15/16" | 73.95 | 3.92 | 4                        |
| 13'-6"     | 6'-1 1/4" | 3'-7 5/8"  | 19"       | 21 7/8"  | 6'-10 1/2" | 2"       | 82.40 | 4.9  | 5                        |

SIDE SECTION VIEW



- 1 .080" ALUMINUM CABINET PAINTED SW 7067 CITY SCAPE
- 2 ALUMINUM RETAINER SYSTEM PAINTED TO MATCH CABINET (ADDITIONAL CLIPS AS NEEDED TO ENSURE SMOOTH)
- 3 POLE COVER PAINTED SW 7067 CITY SCAPE
- 4 WHITE LEXAN FACE WITH APPLIED VINYL GRAPHICS (SEE SCHEDULE)
- 5 US LED TDX
- 6 STRUCTURE SUPPORT BRACKET W/WIREWAY
- 7 ELECTRONIC POWER SUPPLY

COLOR SCHEDULE

|                                 |                               |       |                                 |
|---------------------------------|-------------------------------|-------|---------------------------------|
| GREEN<br>#2500-106<br>BRILLIANT | GREY<br>SW 7067<br>CITY SCAPE | WHITE | BLACK<br>PMS BLACK<br>#2500-022 |
|---------------------------------|-------------------------------|-------|---------------------------------|



120V CIRCUITS ARE REQUIRED FOR ALL SIGNS

RIGID FACE EMC PYLON



**SAA** architects

Client centered • Smart solutions  
August 26th 2019



REVISIONS:

**ZONING INFORMATION**

ASSOCIATION: MONROE COUNTY FOR PROPERTY TO WEST AND SOUTH -  
 PARTS OF BLOOMINGTON AREA & CITY OF BLOOMINGTON FOR  
 PARTS OF BLOOMINGTON AREA & CITY OF BLOOMINGTON FOR  
 ZONING: COMMERCIAL, ARTERIAL (CA)  
 PROPOSED USE: COMMERCIAL USE, RESTAURANTS/FOOD SERVICE,  
 BUS STORAGE, TO SIGHT  
 MAXIMUM HEIGHT: 30'  
 MAXIMUM IMPERVIOUS COVERAGE: 60%  
 USABLE OPEN SPACE PER BUILDING UNIT: 1,000 SF  
 FLOOR AREA RATIO: 1.5  
 SIDE YARD SETBACK: 10' UNLESS NOTED NEXT TO RESIDENTIAL  
 ADD 4' FOR EACH ADDITIONAL BUILDING STORY  
 REAR YARD SETBACK: 10', 25' IF ADJACENT TO RESIDENTIAL  
 SIDE YARD SETBACK: IF ADJACENT TO NONRESIDENTIAL THEN  
 SETBACK SHALL BE 0.05 TIMES THE LOT WIDTH ROUNDED TO THE NEXT  
 WHOLE NUMBER, BUT NOT LESS THAN 5'. IF ADJACENT TO A  
 MAXIMUM OF 25', 10' IF ADJACENT TO RESIDENTIAL  
 REAR YARD SETBACK: 4', 10' UNLESS NOTED NEXT TO  
 RESIDENTIAL

**EXISTING LEGEND**

- EXISTING FENCE
- EXISTING WATER LINE
- EXISTING OVERHEAD UTILITY LINES
- EXISTING UNDERGROUND ELECTRIC LINES
- EXISTING UNDERGROUND TELEPHONE LINES
- EXISTING UNDERGROUND FIBER OPTIC LINES
- EXISTING GAS LINE
- EXISTING SANITARY FORCE MAIN
- EXISTING CONDUIT
- FLOW LINE
- EXISTING SANITARY SEWER AND
- EXISTING STORM SEWER AND INLET
- PROPERTY LINE

DESIGNED BY: DJB  
 DRAWN BY: DJB  
 CHECKED BY: JSP  
 SHEET NO.: C-001  
 PROJECT NO.: 161918

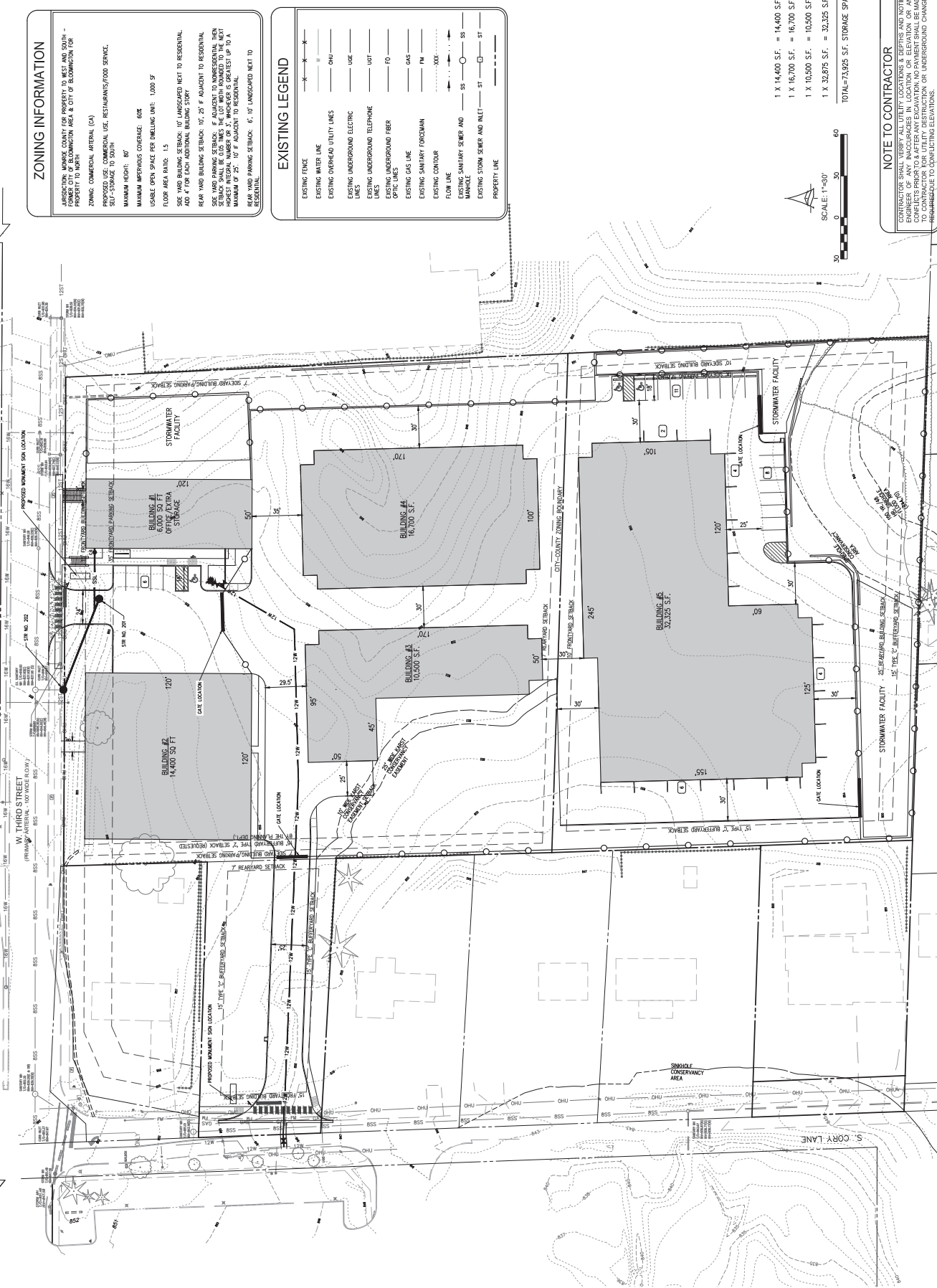
PROPOSED  
 WEST THIRD & CORY PROPERTIES  
 RIMROCK COMPANIES  
 307 S. CORY LN & 1901 W 3RD ST  
 BLOOMINGTON, IN

15  
 SHEET OVERALL SITE  
 LAYOUT PLAN

**NOTE TO CONTRACTOR**

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY  
 ENGINEER OF ANY INCORPORATIONS IN LOCATION OR ELEVATION OR ANY  
 CHANGES TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES  
 REQUIRED DUE TO CONFLICTING ELEVATIONS.

- 1 X 14,400 S.F. = 14,400 S.F.
- 1 X 16,700 S.F. = 16,700 S.F.
- 1 X 10,500 S.F. = 10,500 S.F.
- 1 X 32,225 S.F. = 32,225 S.F.
- TOTAL = 73,825 S.F. STORAGE SPACE











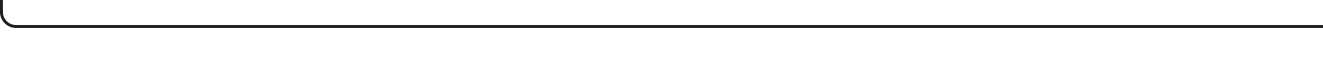
Title: **LANDSCAPE PLAN**  
 CITY OF **BLOOMINGTON (NORTH)**  
 designed by: **DR**  
 Project no.: **6501**  
 sheet no.: **40198**

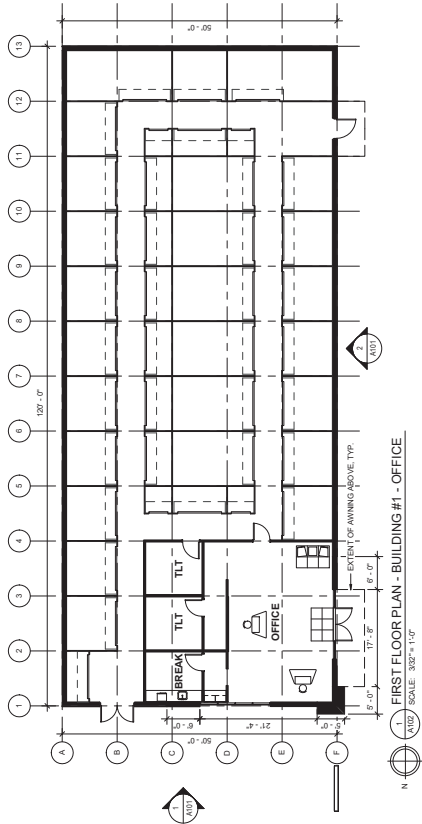
certified by: **BBB**  
**BYNUM FAVO & ASSOCIATES, INC.**  
 528 North Walnut Street  
 Bloomington, Indiana  
 (812) 332-8030

**PLANT LIST & LEGEND**

| LEGEND | KEY | BOTANICAL NAME     | COMMON NAME     | QTY | SIZE & CONDITION |
|--------|-----|--------------------|-----------------|-----|------------------|
|        | 1   | QUERCUS MACROCARPA | RED OAK         | 4   | 2" CAL. 8' H     |
|        | 2   | QUERCUS ALBA       | WHITE OAK       | 4   | 2" CAL. 8' H     |
|        | 3   | QUERCUS PRINCEPIUM | PRINCIPAL OAK   | 4   | 2" CAL. 8' H     |
|        | 4   | QUERCUS BICOLOR    | BICOLORED OAK   | 4   | 2" CAL. 8' H     |
|        | 5   | QUERCUS LAEVIS     | SMOOTH BARK OAK | 4   | 2" CAL. 8' H     |
|        | 6   | QUERCUS ROBUR      | ROBUR OAK       | 1   | 2" CAL. 8' H     |
|        | 7   | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 8   | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 9   | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 10  | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 11  | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 12  | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 13  | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 14  | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |
|        | 15  | QUERCUS LAEVIS     | SMOOTH BARK OAK | 2   | 2" CAL. 8' H     |

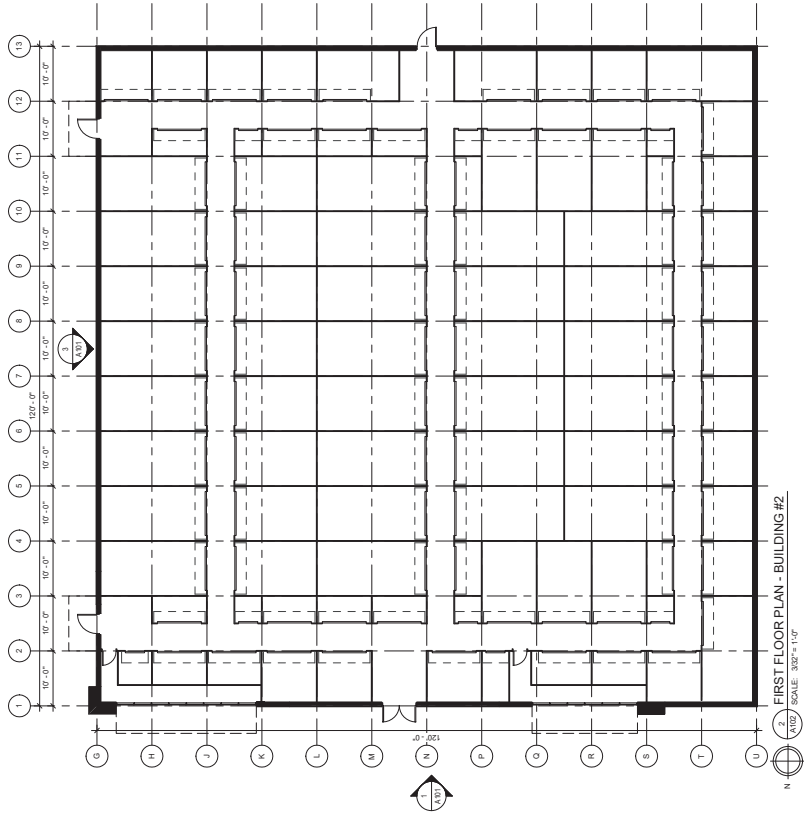
**NOTES TO CONTRACTOR**  
 CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL AFFECTED AGENCIES PRIOR TO & AFTER ANY EXCAVATION OR UNDERGROUND CHANGES REQUIRED DUE TO COMPLETING ELEVATIONS.  
 THE CURRENT EDITIONS OF THE INDIANA DEPARTMENT OF TRANSPORTATION AND THE CITY OF BLOOMINGTON UTILITY SPECIFICATIONS IS TO BE USED WITH THESE PLANS.





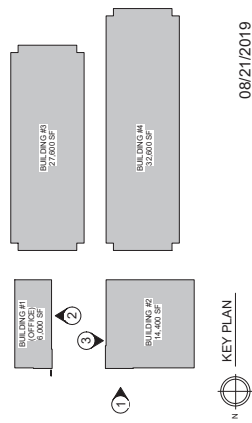
|        | TC | TOTAL |
|--------|----|-------|
| 5x5    | 4  | 4     |
| 5x10   | 8  | 8     |
| 7.5x10 | 0  | 0     |
| 10x10  | 18 | 18    |
| 10x15  | 7  | 7     |
| 10x20  | 2  | 2     |
| 10x30  | 0  | 0     |
| TOTAL  | 39 | 39    |

1 FIRST FLOOR PLAN - BUILDING #1 - OFFICE  
SCALE: 3/32" = 1'-0"



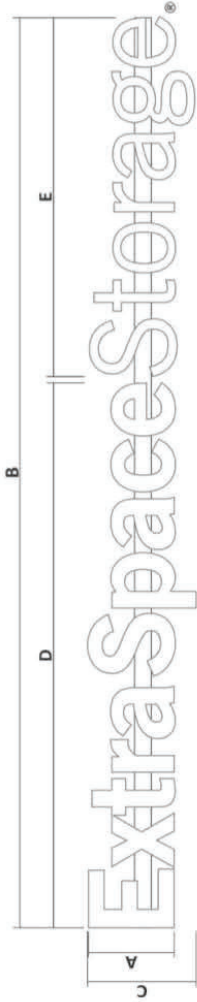
|        | TC | TOTAL |
|--------|----|-------|
| 5x6    | 7  | 7     |
| 5x10   | 17 | 17    |
| 7.5x10 | 0  | 0     |
| 10x10  | 20 | 20    |
| 10x15  | 16 | 16    |
| 10x20  | 30 | 30    |
| 10x30  | 0  | 0     |
| TOTAL  | 90 | 90    |

2 FIRST FLOOR PLAN - BUILDING #2  
SCALE: 3/32" = 1'-0"



KEY PLAN

**A102 - FIRST FLOOR PLAN - BUILDING #1 & #2**



- A** MEASURED FROM OVERALL HEIGHT OF THE LETTER 'E'.
- B** MEASURED FROM OVERALL LENGTH WITH OUT TRADE MARK.

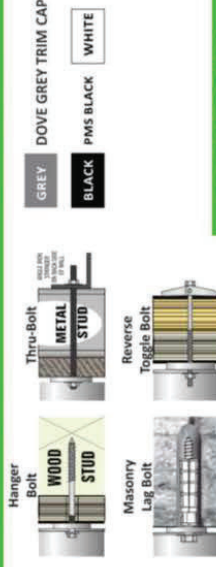
| A   | B           | C       | D           | E          | SQ. FT. | AMPS | NUMBER OF POWER SUPPLIES |
|-----|-------------|---------|-------------|------------|---------|------|--------------------------|
| 12" | 10'-7 3/4"  | 15 1/4" | 6'-4 3/8"   | 4'-2 1/2"  | 10.65   | 1.26 | 2                        |
| 18" | 15'-11 3/4" | 22 7/8" | 9'-6 5/8"   | 6'-3 3/4"  | 23.96   | 1.26 | 2                        |
| 24" | 21'-3 5/8"  | 30 1/2" | 12'-8 7/8"  | 8'-5"      | 42.60   | 1.26 | 2                        |
| 30" | 26'-7 1/2"  | 38"     | 15'-11"     | 10'-6 1/4" | 66.56   | 1.89 | 3                        |
| 36" | 31'-11 3/8" | 45 5/8" | 19'-1 1/4"  | 12'-7 1/2" | 95.84   | 2.52 | 4                        |
| 42" | 37'-3 1/4"  | 53 1/4" | 22'-3 1/2"  | 14'-8 3/4" | 130.45  | 2.52 | 4                        |
| 48" | 42'-7 1/8"  | 60 7/8" | 25'-5 3/4"  | 16'-10"    | 170.37  | 3.78 | 6                        |
| 60" | 53'-2 7/8"  | 76 1/8" | 31'-10 1/8" | 21'-1 1/2" | 266.19  | 5.04 | 8                        |

# ExtraSpaceStorage®

## SPECIFICATION

- NON-CORROSIVE INSTALLATION HARDWARE: GALVANIZED
- 5" FABRICATED ALUMINUM LETTER RETURNS SEE MFG. NOTE FOR GAUGE. GLOSS BLACK PAINT INTERIOR WITH LIGHT ENHANCING PAINT
- TRIM CAP RETAINER DOVE GREY
- FLAT ALUMINUM BACK
- 1/4" THICK METAL FLAT BAR FOR A SECURE INSTALLATION
- US LED SV3-3-12-W
- 3/16" #7328 ACRYLIC FACE WHITE
- LOW VOLTAGE ELECTRONIC POWER SUPPLY MOUNTED IN A 7" x 4 1/2" EXTRUDED .050 ALUM. RACEWAY SUPPORT/WIRING BOX PAINTED
- VISIBLE CUT-OFF SWITCH WITH FLIP-UP COVER
- 1/4" WEEP HOLES (2) TWO PER LETTER GROUNDED WALL PASS-THRU
- SEALED WATER TIGHT. WHIP ON LEFT SIDE.

## MOUNTING DETAILS



\*All Hardware to be Galvanized and Non Corrosive

## MANUFACTURING NOTES

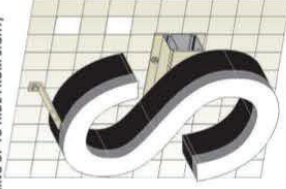
CHANNEL LETTER SETS SMALLER THAN 48" WILL BE CONSTRUCTED USING .040 ALUMINUM RETURNS & .063 ALUMINUM BACKS  
 CHANNEL LETTER SETS 48"-71" WILL BE CONSTRUCTED USING .063 ALUMINUM RETURNS & .090 ALUMINUM BACKS

## COLOR SCHEDULE



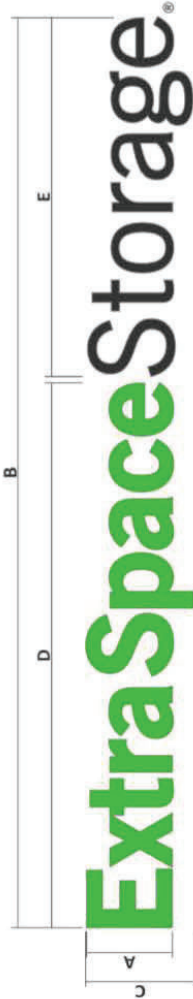
## BRACING DETAIL

WHEN NEEDED SUPPORTS TO BE .090" ALUMINUM PAINTED TO MATCH RW POP-RIVETED TO RETURN (FACING UP TO HIDE FROM SIGHT)



120V CIRCUITS ARE REQUIRED FOR ALL SIGNS

FLUSH MOUNT CHANNEL LETTERS



- A** MEASURED FROM OVERALL HEIGHT OF THE LETTER 'E'.
- B** MEASURED FROM OVERALL LENGTH WITH OUT TRADE MARK.

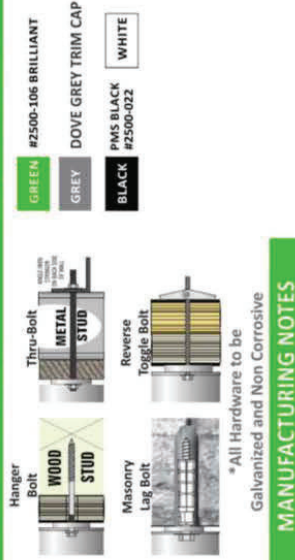
| A   | B            | C       | D            | E           | SQ. FT. | AMPS | NUMBER OF POWER SUPPLIES |
|-----|--------------|---------|--------------|-------------|---------|------|--------------------------|
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- FLAT ALUMINUM BACK
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- GROUNDED WALL PASS-THRU SEALED WATER TIGHT. WHIP ON LEFT SIDE.
- LOW VOLTAGE ELECTRONIC POWER SUPPLY LOCATED IN INTERIOR WALL AREA INSIDE A PROTECTIVE CASE BOX
- WATERPROOF FLEXIBLE CONDUIT FOR WIRING
- VISIBLE DISCONNECT SWITCH

MOUNTING DETAILS

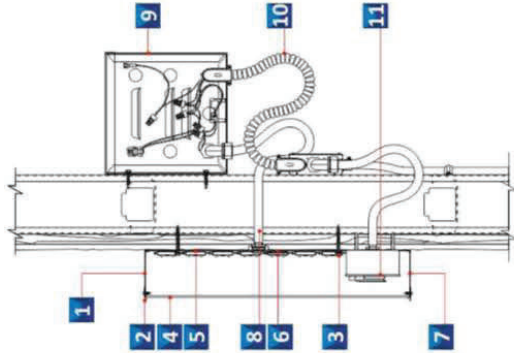


MANUFACTURING NOTES

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CHANNEL LETTER SETS 48"-71" WILL BE CONSTRUCTED USING .063 ALUMINUM RETURNS & .090 ALUMINUM BACKS

SECTION DETAIL



120V CIRCUITS ARE REQUIRED FOR ALL SIGNS

1808 W PIPER LN  
BLOOMINGTON, IN 47403

September 6, 2019

To Bloomington Plan Commission/Board of Zoning Appeals members:

I am a homeowner living near the properties located at 1901 W 3rd St. and 307 S. Cory Ln. on which Rimrock Companies seeks to build a "mini-warehouse facility." I and several of my neighbors have significant concerns about the proposed development and respectfully request that this use variance be denied for four specific reasons outlined within this letter.

First, for context, Indiana statute IC 36-7-4-918.4 lists five criteria which must be met, in order for a use variance to be approved.

**IC 36-7-4-918.4 Board of zoning appeals; variance of use**

Sec. 918.4. ADVISORY—METRO. A board of zoning appeals shall approve or deny variances of use from the terms of the zoning ordinance. The board may impose reasonable conditions as a part of its approval. A variance may be approved under this section only upon a determination in writing that:

- (1) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (3) the need for the variance arises from some condition peculiar to the property involved;
- (4) the strict application of the terms of the zoning ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
- (5) the approval does not interfere substantially with the comprehensive plan adopted under the 500 series of this chapter.

As added by P.L.357-1983, SEC.13.

I believe approval of the use variance for the proposed plan by Rimrock Companies 1) would be injurious to public health, our safety, and the general welfare of the community and 2) would substantially, adversely affect both the use and value of our properties. Here's how:

•**FLOODING**—As it is, our neighborhood frequently floods—even with small amounts of rain. For your convenience, I have included photos of just a couple of areas near the would-be development with standing water due to rainfall. Additionally, many of us have septic systems. Regular, excessive flooding can damage these and can also contribute to the release of untreated wastewater into the environment.



By removing the mature trees and paving over such a large amount of nearby greenspace, our drainage issues will only worsen, potentially flooding our homes. In addition to the proposed development, we're all contending with an increase in extreme weather events, thanks to climate change.

Dr. Rich Phillips from IU's Department of Biology has worked with the Purdue Climate Change Research Center (PCCRC) and was recently quoted in "Under the Weather: How Climate Change Is Messing with Monroe County" from the April/May 2019 issue of Bloom Magazine: "Essentially, where we might only have gotten one of these [heavy rainfall] events every five or 10 years in the past, we'll get two or three of those a year."

(Continued on other side.)

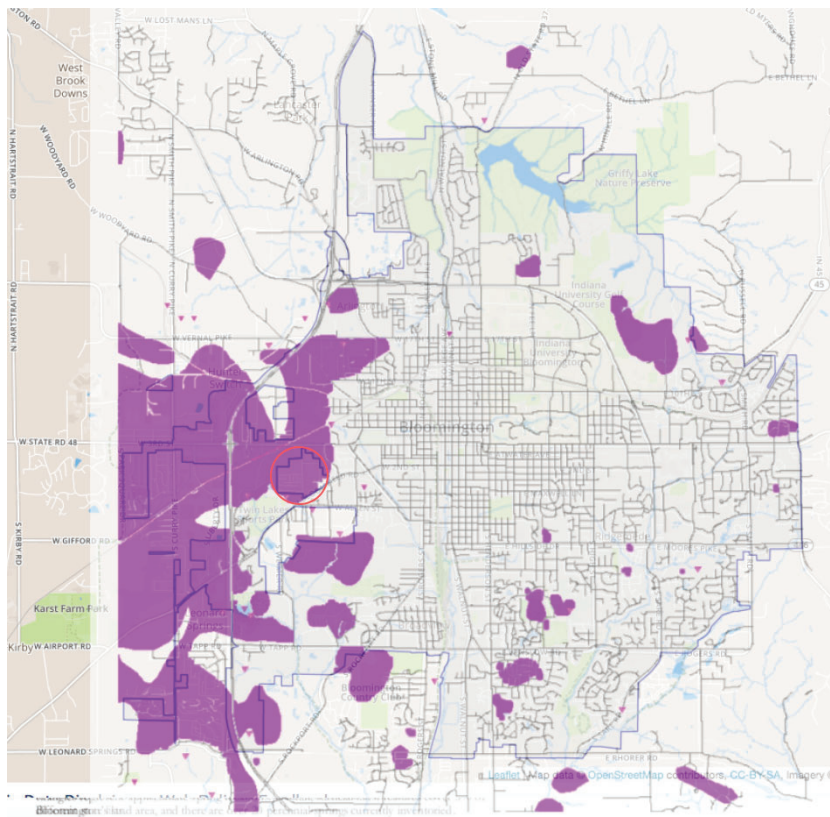
•**LIGHT POLLUTION**—Those of us with properties closest to the would-be development are also concerned about bright lighting. Often, such facilities feature 12-or even 24-hour floodlighting. This would be generally disruptive—especially to our sleep. It could also decrease the resale value of our homes.

•**INCREASED TRAFFIC AND CRIME**—A nearby storage facility would also bring traffic at all hours and would be an attractive target for criminal activity. According to a 2013 ABC News feature, "Crime rates at self-storage units are on the rise. According to former FBI agent and ABC news consultant Brad Garrett, 'The locking systems are extremely poor, and the ability for people to go into them twenty-four hours a day make them ripe for people to steal items.' Further, Agent Garrett says, much of the crime does not get reported, so crime rates are likely even higher than we know and cannot truly be quantified."

•**ENVIRONMENTALLY SENSITIVE TERRAIN**—Please see the city map overlaid with karst features and natural springs at right. (The karst map itself comes from the November 2003 *City of Bloomington Environmental Resource Inventory*.)

Our neighborhood (circled in red) happens to sit on an unusually large, environmentally sensitive karst area.

Not only is this area environmentally sensitive, but it is also among some of the near-west side's last relatively pristine land. It naturally helps to slow and filter stormwater for my neighborhood, and its mature trees serve as a carbon sink in our changing climate.



**Figure 5. Map of karst areas and springs in Bloomington and surrounding areas**  
The dark shaded areas above represent the larger karst areas in Bloomington. The shaded triangles represent approximate spring locations. Overall, surficial karst features cover 3% of Bloomington's land area, and there are over 20 perennial springs currently inventoried.

With all of this in mind, rather than grant this variance, perhaps you at the City—along with your County counterparts—should jointly acquire these parcels and re-designate them as "No Disturbance" areas instead.

Thank you for your consideration,

*Susan M. Brackney*

Susan M. Brackney

1808 W. Piper Ln.  
Bloomington, IN 47403



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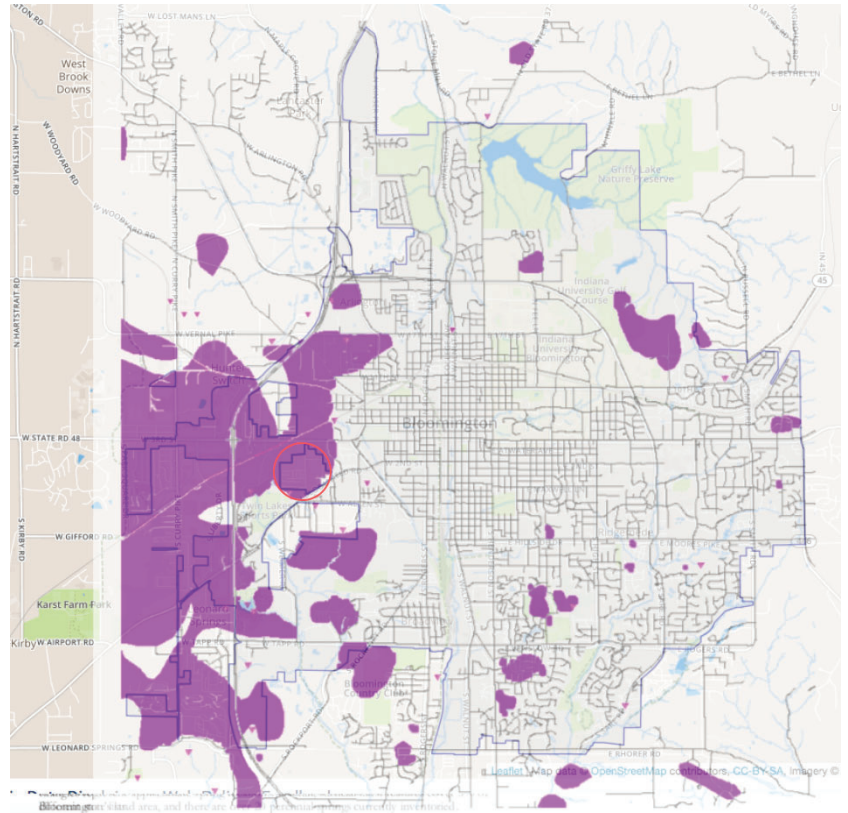
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Thank you for your consideration,

*Susan M. Brackney*

Susan M. Brackney

1808 W. Piper Ln.  
Bloomington, IN 47403



Jacqueline Scanlan <scanlanj@bloomington.in.gov>

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## [Planning] permit for mini storage unit site

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**Cathy** <cathycaldie28@gmail.com>  
Reply-To: cathycaldie28@gmail.com  
To: Bloomington Planning Commission <planning@bloomington.in.gov>

Mon, Oct 7, 2019 at 10:10 AM

Dear Bloomington Planning Commission,

It has recently come to my attention that six acres of land which includes many mature trees near West 3rd Street will need to be cleared to develop mini storage units. I am against the plan in its current state and hope you will consider my comments when making a decision.

This seems like a poor use of space and natural resources, as I am sure there are other locations that can be utilized for this project or possibly a downsize in scope in order to keep these mature, oxygen producing, beneficial trees from being cut. Each 10 year old tree removes 48 lbs of CO2 from the air each year. So saving 20 trees =960 lbs of absorbed CO2 and provides enough oxygen for 40 - 50 people to breathe for a year! ([urbanforestrynetwork.org](http://urbanforestrynetwork.org)). Multiply this by the life of a tree and see that your actions make a big difference. Trees also provide shade, reduce surface water runoff and erosion, reduce air temperature and soil moisture loss, reduce heating needs, and provide a place for wildlife. Studies have documented that they result in slower heartbeats, lower blood pressure, and have a calming effect on humans. ([projects.ncsu.edu](http://projects.ncsu.edu)) Community benefits of trees are also proven. Please consider these benefits when making your decisions for the health and well being of citizens in Bloomington.

All of my children attended IU and one continues to live and work in the community. Everyone knows the quality of life in Bloomington is high with cultural, educational, and recreational opportunities abounding. Bloomington, IU and the surrounding area is known for it's natural beauty and landscape. With the current state of climate change, we should all consider the repercussions of our choices.

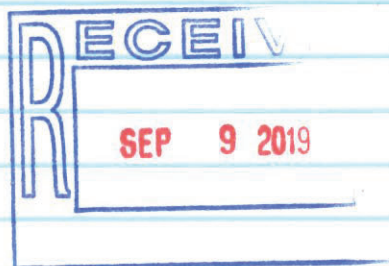
Cathy Caldie  
6580 South 650 West  
Columbus, Indiana 47201  
812 552-9612

Sept 5, 2019

To the City of Bloomington Plan Commission Dept,

I have been a resident of Anna Lee Lane south of west 3rd street for many years, 1979. And over the years have seen some flooding, but it has grown must worst. I believe by cutting down these trees + paving over the land would only make the flooding worst in our peaceful neighborhood. And who would want the bright lights + noise at night. please don't do this to us.

Sincerely, Barbara Bringer



RECEIVED  
SEP - 6 2019

**City of Bloomington Plan Commission:**

**As property owners on S. Cory Ln. in Bloomington, we are greatly concerned about the proposed development by Rimrock Companies for the properties located at 1901 W 3<sup>rd</sup> St. & 307 S. Cory Ln.**

**Our property will be affected in multiple ways by this variance. Some of our concerns are privacy, security, noise, traffic and flooding. Mainly, this will cut our property by about half of what we originally were told we were purchasing when we bought here.**

**Therefore, we oppose the zoning variance proposed from Nonresidential Standards.**

Sincerely, *Wayne Shuffitt*  
*Patricia J. Shuffitt*

Submitted  
@ BZA

11/21

PROPOSED FINDINGS – DEVELOPMENT STANDARDS VARIANCE

(SIGN)

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

**PROPOSED FINDING:** The property proposed for development has 352 feet of frontage on West Third Street. The existing billboard under lease since 2002 is located in the northeast corner of the property fewer than 20 feet west of the northeast corner leaving more than 330 feet of road frontage.

The billboard lease will terminate December 2020 and the billboard will be removed, eliminating the existing free standing sign.

The average lot frontage on developed parcels on West Third Street is substantially less than the 352 feet of the subject lot and each lot is allow a free standing signs.

The addition of a free standing sign within the 330 feet of road frontage on the lot not encumbered by the existing billboard will not be injurious to public health, safety, morals or the general welfare of the community.

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

**STAFF PROPOSED FINDING:** No adverse impacts to the use and value of surrounding properties as a result of the requested variance are found. Freestanding signs are utilized by other uses in the area, but within the restrictions of the UDO.

- 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 large lot frontage (352 feet) with an existing freestanding sign in the far northeast corner subject to a lease agreement preventing removal of the sign is an unusual circumstance. The large lot frontage far in excess of the average lot frontage for the development of lots fronting along West Third Street is a condition specific to the subject property. Petitioner is unable to remove the existing billboard, freestanding sign, prior to December 31, 2020. There are practical difficulties related to installation of a freestanding sign related to Petitioner's proposed use of the property.

**Conditions of Approval:**

1. The billboard lease will not be renewed or extended beyond its current termination date, December 31, 2020.
2. The billboard will be removed from the property within 30 days of termination of the billboard lease.
3. Petitioner shall not add the freestanding sign to the property until substantial completion of construction of improvements in accordance with Petitioner's approved development plan.
4. The Petitioner shall not add the freestanding sign to the property earlier than four months prior to the termination of the lease for the existing freestanding billboard.

Submitted<sup>3A</sup>  
C BZA  
11/21

PROPOSED FINDINGS – USE VARIANCE

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

**STAFF PROPOSED FINDING:** No injury to the public health, safety, morals, and general welfare of the community is found in the approval of the proposed larger units. However, intensification of the use by allowing larger units may have negative effects on the neighbors.

- 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.*

**PROPOSED FINDING:** The proposed storage units authorized at 300 square feet will be subject to the same use restrictions for non-commercial, non-business use. The storage units are restricted to personal, consumer use. A limited number of larger storage units not to exceed 300 square feet is a reasonable accommodation to user demands for storage units and will not increase the intensity of the use of the property or change the character of the self-storage unit use of the property. There are no substantial adverse impacts to the use and value of adjacent area arising from enlarging a limited number of storage units from 200 square feet to 300 square feet.

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

**PROPOSED FINDING:** The proposed use for a limited number of storage units in excess of 200 square feet, not to exceed 300 square feet arises from conditions peculiar to self-storage units. UDO classifies larger units at 300 feet as warehousing. The proposed use is limited to non-commercial, non-business storage. The proposed use is mini-warehousing (i.e., “self-storage”) of personal property and consumer-oriented use consistent with the UDO’s use restriction for personal, non-business use of the storage units. Consumer demand for self-storage units for personal, non-business use has increased as some consumers tend to have a greater accumulation of personal property requiring temporary storage (e.g. pending moves or long-term storage pending moving, relocating or new home construction) and require self-storage space in excess of 200 square feet. There are conditions peculiar to the self-storage unit use that requires the limited number of larger units.

- 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.*

**PROPOSED FINDING:** Strict application of the UDO creates an unnecessary hardship in use of the property. The demarcation of self-storage units and unit size to 200 square for self-storage units was to distinguish consumer, non-commercial, non-business use of storage units from warehousing. The strict application of the UDO does not allow for personal, consumer use of self-storage units requiring a storage capacity moderately larger than 200 square feet. Larger units are classified as warehousing even when subject to the same use restrictions as the mini-warehousing units. The UDO does not recognize non-business, consumer oriented.



Consumer use of self-storage units requiring 300 square feet of space are not otherwise available. The use classifications in the UDO creates an unnecessary hardship.

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

**PROPOSED FINDING:** A variance allowing a limited number of larger self-storage units does not increase the intensity of the use of the property. The larger units would reduce the total number of individual storage units. No additional traffic is expected as a result of a limited number of larger capacity storage units. The 300 square foot storage units will not be used for general warehousing and are restricted to non-commercial, non-business use and personal, consumer self-storage. The limited number of larger units for consumer use for personal property storage does not interfere substantially with growth policies plan.

**Conditions of Approval:**

1. Self-storage units shall not exceed 300 square feet capacity.
2. No more than 5% of the units (approximately 30 units) will exceed 200 square feet capacity.
3. Use of all self-storage units is restricted to non-commercial, non-business use, allowing personal self-storage and individual consumer use.

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**LOCATION: 621 N. Lincoln St.**

**CASE #: V-44-19**  
**DATE: December 19, 2019**

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**PETITIONERS:** Randall McGlothlin  
621 N. Lincoln St., Bloomington, IN

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**REQUEST:** The petitioner is requesting variances from front building setbacks and maximum impervious surface coverage for the construction of a deck.

---

**REPORT:** The 3,310 square foot property is located at 621 N. Lincoln St. The property is zoned Residential Multifamily (RM) and has been developed with a detached single-family dwelling. The surrounding properties are also within the RM district. The properties to the north and east have been developed with multifamily dwellings. The properties to the south and west have been developed with detached single-family dwellings. The property fronts on N. Lincoln St. to the east, and E. Cottage Grove Ave. to the north.

On September 12, 2019, the Department issued a Notice of Violation to the property owner for a deck which encroaches into required front building setbacks, and caused the property to be in excess of the maximum impervious surface coverage standards for the RM district.

In the RM district, the Unified Development Ordinance (UDO) requires a minimum front building setback of "15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more". The block face average along N. Lincoln St. is 22 feet from the right-of-way line, which establishes the front building setback at 22 feet along N. Lincoln St. The block face average along E. Cottage Grove Ave. is 7 feet, therefore the front building setback is 15 feet along E. Cottage Grove Ave. The existing house is located at the front building setback along N. Lincoln St. and is encroaching into the front building setback along E. Cottage Grove Ave. The petitioner has constructed a deck which encroaches 6 feet and 2 inches into the front building setback along N. Lincoln St., and 15 feet into the front building setback along E. Cottage Grove Ave. The UDO allows decks to encroach up to 6 feet into side or rear setbacks, but makes no exemption for front building setbacks. The steps of the deck encroach into the front setback an additional 4 feet 3 inches along N. Lincoln St. In total, the deck and steps encroach 12 feet and 5 inches into the front building setback along N. Lincoln St. and 15 feet into the front building setback along E. Cottage Grove Ave.

In the RM district, the UDO allows for a maximum of 40% of the lot area to be covered by impervious surfaces. 45% of the lot area was covered by impervious surfaces, prior to the construction of the deck. The construction of the deck has covered 48% of the lot area in impervious surfaces and therefore brought the property further out of compliance.

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**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:** Injury is found with the requested variance from front building setbacks. The requested variance from front building setbacks will have negative impacts on public space and public safety. The creation of the deck further increases the amount of structure directly adjacent to E. Cottage Grove. The deck's 6'2" encroachment into the front building setback along N. Lincoln places the structure roughly 12 feet 5 inches from the right-of-way. This reduced separation between the structure and right-of-way along E. Cottage Grove, along with the encroachment into the front building setback along N. Lincoln may have negative impacts on pedestrian and vehicular traffic along E. Cottage Grove and N. Lincoln. The residence will continue to be used as a detached single-family dwelling, which is a permitted use in the district. Decks are a common building feature on residential uses.

Injury is found in the requested variance from maximum impervious surface coverage. 45% of the lot area (1,511 square feet) was covered in impervious surfaces, prior to the deck's construction. 48% of the lot area (1,599 square feet) is covered in impervious surfaces after the deck's construction. The creation of the deck reduces greenspace on the property and brings the site further out of compliance.

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

**PROPOSED FINDING:** No adverse impacts to the use and value of the surrounding properties have been found as a result of the requested variance from the required front building setbacks. The deck utilizes the primary structure's front building setback along E. Cottage Grove. The deck will encroach 6'2", and the steps will encroach an additional 4'3", into the front building setback along N. Lincoln. The deck does not encroach toward adjacent properties and therefore should not negatively affect the use and values of those properties.

No adverse impacts to the use and value of the surrounding properties have been found as a result of the requested variance from maximum impervious surface coverage. The lot was previously over the RM district's maximum impervious surface

percentage. The deck has increased the lot's impervious coverage by 3% (88 square feet).

However, on July 16, 2019 the Department received a complaint about the deck from an adjacent property owner.

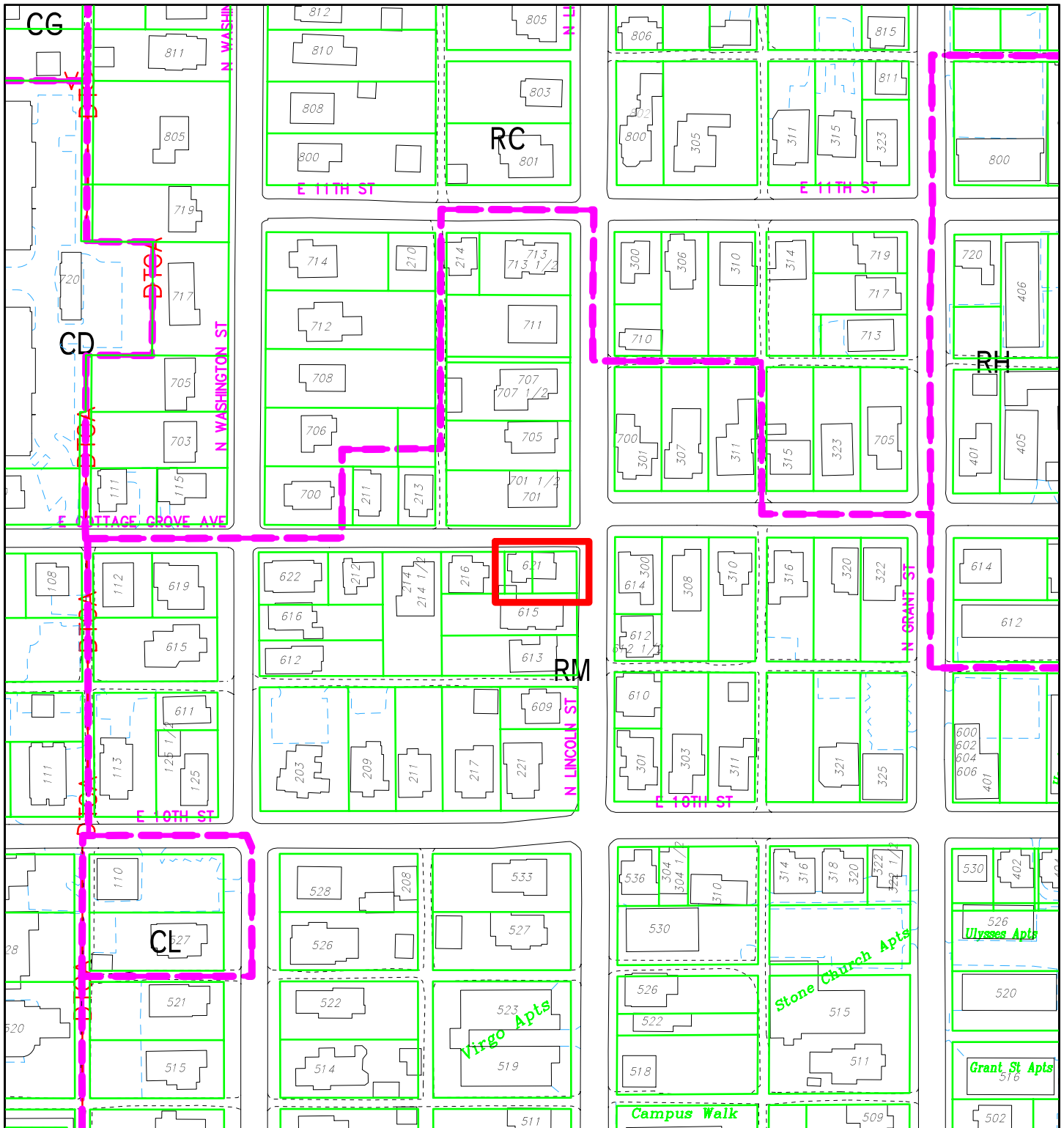
- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**PROPOSED FINDING:** No practical difficulties in the use of the property as a result of the strict application of the setback standards of the UDO are found. Decks are a common building features on residential properties but they are incidental to the primary use. The property is currently, and was previously, used as a detached single-family dwelling. The UDO does not prohibit decks from being placed on any property, as long as they meet required setbacks. There are neither environmental constraints nor topographical challenges which prevent the property from meeting the terms of the UDO. As such, the requested variances will not alleviate any peculiar conditions on the property that limit its use.

No practical difficulties in the use of the property as a result of the strict application of the impervious surface standards of the UDO are found. The site is currently in excess of the UDO maximum impervious surface allowances. Because of this the construction of a deck would be limited. However, this limitation would apply to any increase in impervious surface coverage and is not unique to the construction of a deck nor the proposed use. There are neither environmental constraints nor topographical challenges which prevent the property from meeting the terms of the UDO. As such, the requested variances will not alleviate any peculiar conditions on the property that limit its use.

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**RECOMMENDATION:** Based upon the written findings above, The Department recommends adoption of the proposed findings and denial of V-44-19.



V-44-19 Randall McGlothlin

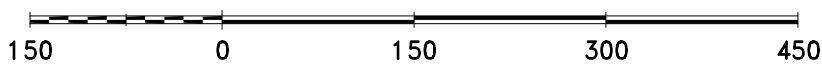
621 N. Lincoln St.

Board of Zoning Appeals

Location, Zoning, Parcels

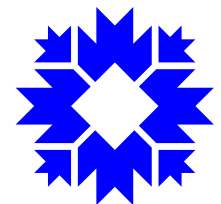
By: roblingr

11 Dec 19

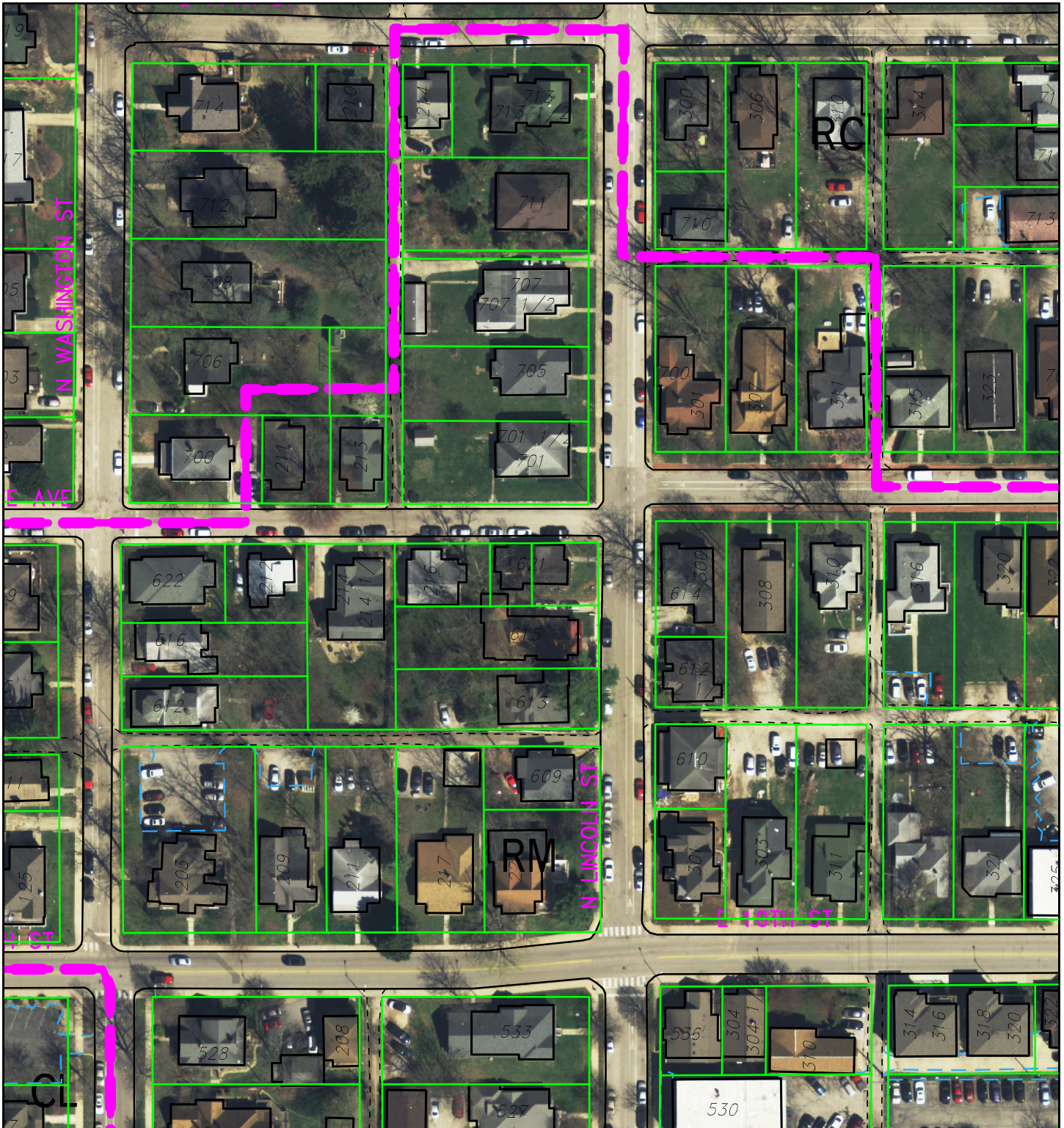


For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 150'



V-44-19 Randall McGlothlin

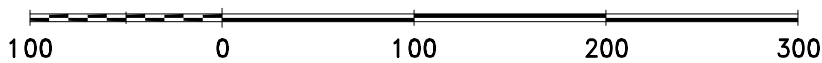
621 N. Lincoln St.

Board of Zoning Appeals

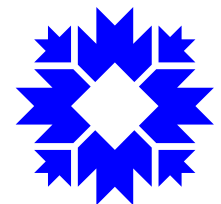
2016 Aerial

By: roblingr

11 Dec 19



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'

For reference only; map information NOT warranted.

## PETITIONER'S STATEMENT

Randall McGlothlin owns property located at 621 N. Lincoln Street, Bloomington. The property is the southwest corner of E. Cottage Grove and N. Lincoln Street.

I request design standards variances from maximum impervious surface area and front yard setbacks.

The property and surrounding properties are all zoned residential, multi-family (RM). The lot was originally improved with a single family residential structure. The property was converted many years ago to a rental consistent with many, if not most, of the properties in the surrounding neighborhood.

The home was built at a time prior to a zoning ordinance and development standards. Because the lot is a corner lot, the property must now meet two front yard setback standards – Cottage Grove and Lincoln Street.

The existing residential structure does not comply with the front yard setback requirements along Cottage Grove.

The entry doorway to the residence is elevated. The house had a set of four concrete steps leading to the front door. There was no landing at the top of the steps. Guests coming to the home would be required to stand on the top step waiting for the door to be opened.

The home was without a porch or deck area.

I decided to add new steps covering over the existing concrete steps and a small deck, which also serves as a landing for persons coming to the front door, as well as serves as a small front porch. I called to check on any building permit requirement. I was told no permit required for the stairs and deck. I was not aware of any other permit or requirement. I looked around the neighborhood and saw other stairs and decks similar to what I intended to construct. I worked within the area on the lot less than areas on other lots where new stairs and decks has been added. I assumed that what I planned was permitted since it was less intrusive than I see for existing, recent construction on other lots in the neighborhood. I did not think there was any problem with my improvements to the property.

It is now my understanding that because of the modification I made by adding the steps and deck, the property was required to come into compliance with design standards. That is not possible. The wall of the residential structure cannot be moved nor the building come into compliance with the front yard setback on Cottage Grove unless the building is demolished and a new structure erected.

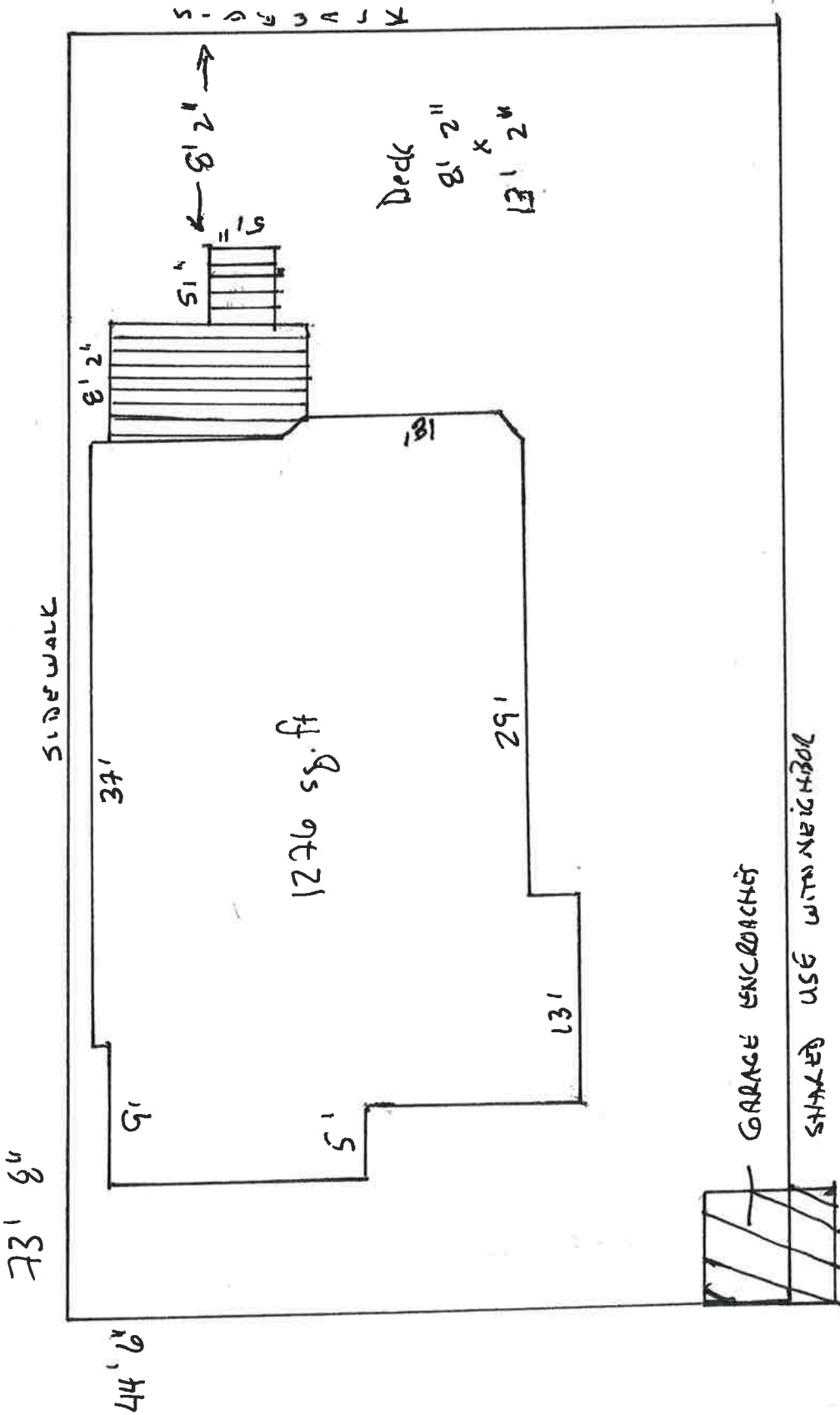
In addition to the encroachment into the setback area, I have been advised that the property does not meet the required minimum 40% maximum impervious surface requirement. The deck and steps that I added to the property did not increase the amount of impervious surface or at most a negligible amount. While the deck and steps are wood structures, it is not solid wood construction. It is planks, meaning there are gaps and spaces between all of the planks allowing rain water to run off the steps on the deck along the edges, but also between the planks and the boards that comprise the steps and the flooring of the deck. The deck is elevated and the ground beneath the deck is essentially undisturbed and remains the same surface as before with the exception of the support posts for the stairs and deck.

The steps and the deck/front porch are improvements to the property. The steps are a safety improvement. The creation of a landing at the top step is a safety improvement. Adding a front porch is a general amenity and I believe is consistent with planning philosophies to encourage front porches as a more pedestrian friendly development. A front porch allowing tenants/residents to sit and enjoy the front porch adds to the pedestrian friendly neighborhood.

417276 / 24734-1



COTTAGE GARAGE



L I N C O L N

S I D E W A L K

Deck  
8' 2" x  
13' 2"

GARAGE ENCROACHMENT

SHOULD USE WITH NEIGHBOR

44' 6"

73' 8"

37'

29'

13'

1276 sq. ft.

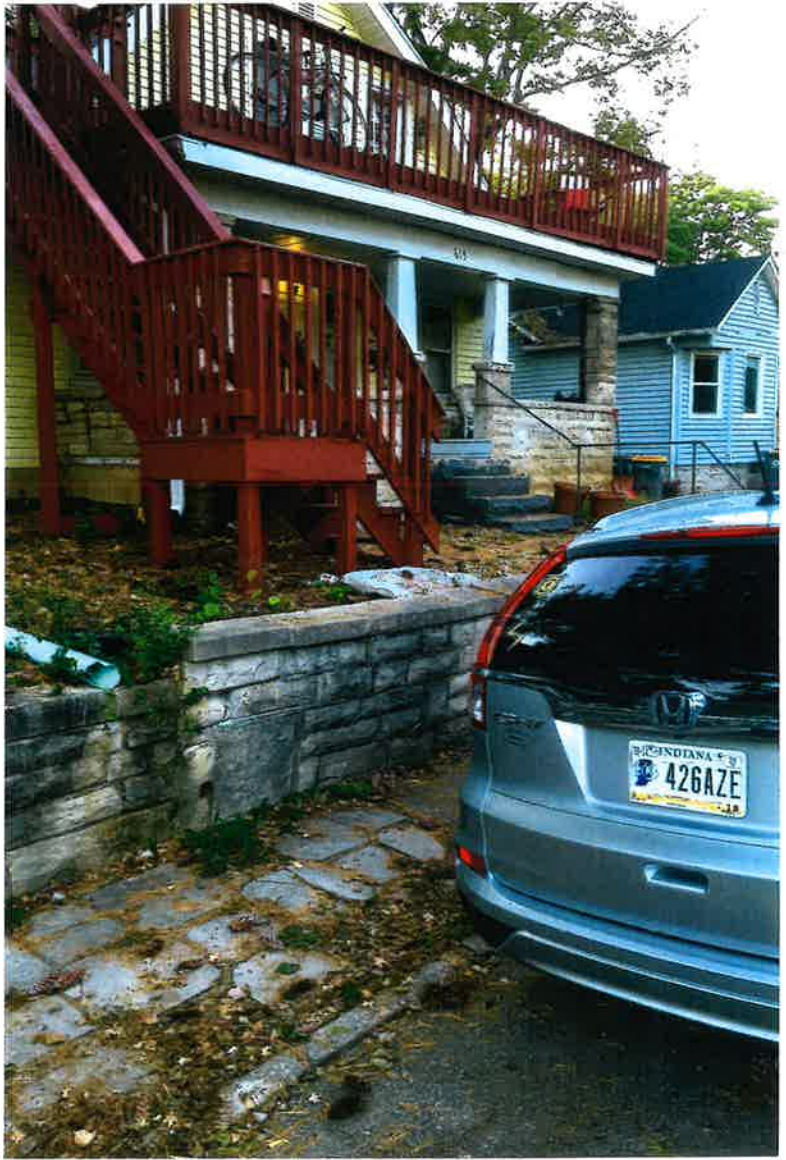
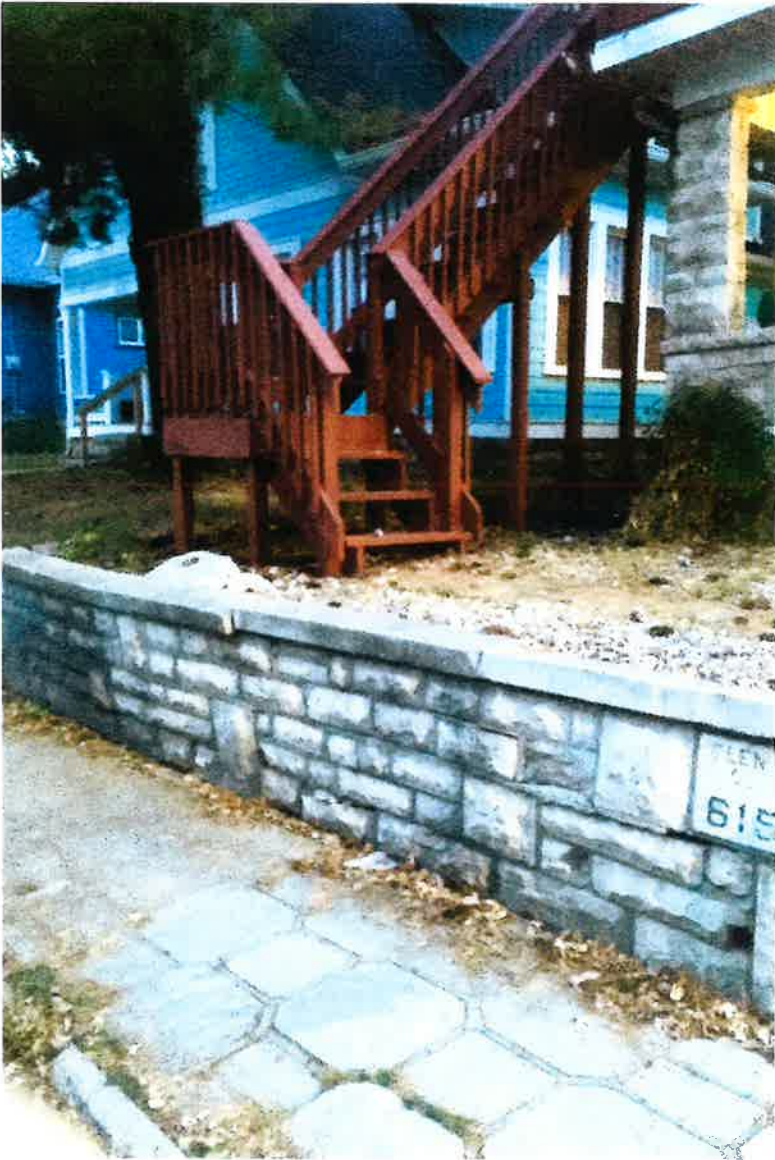
5'

9'

8' 2"

5'

18'





PETTYMORRIS'S PROPERTY



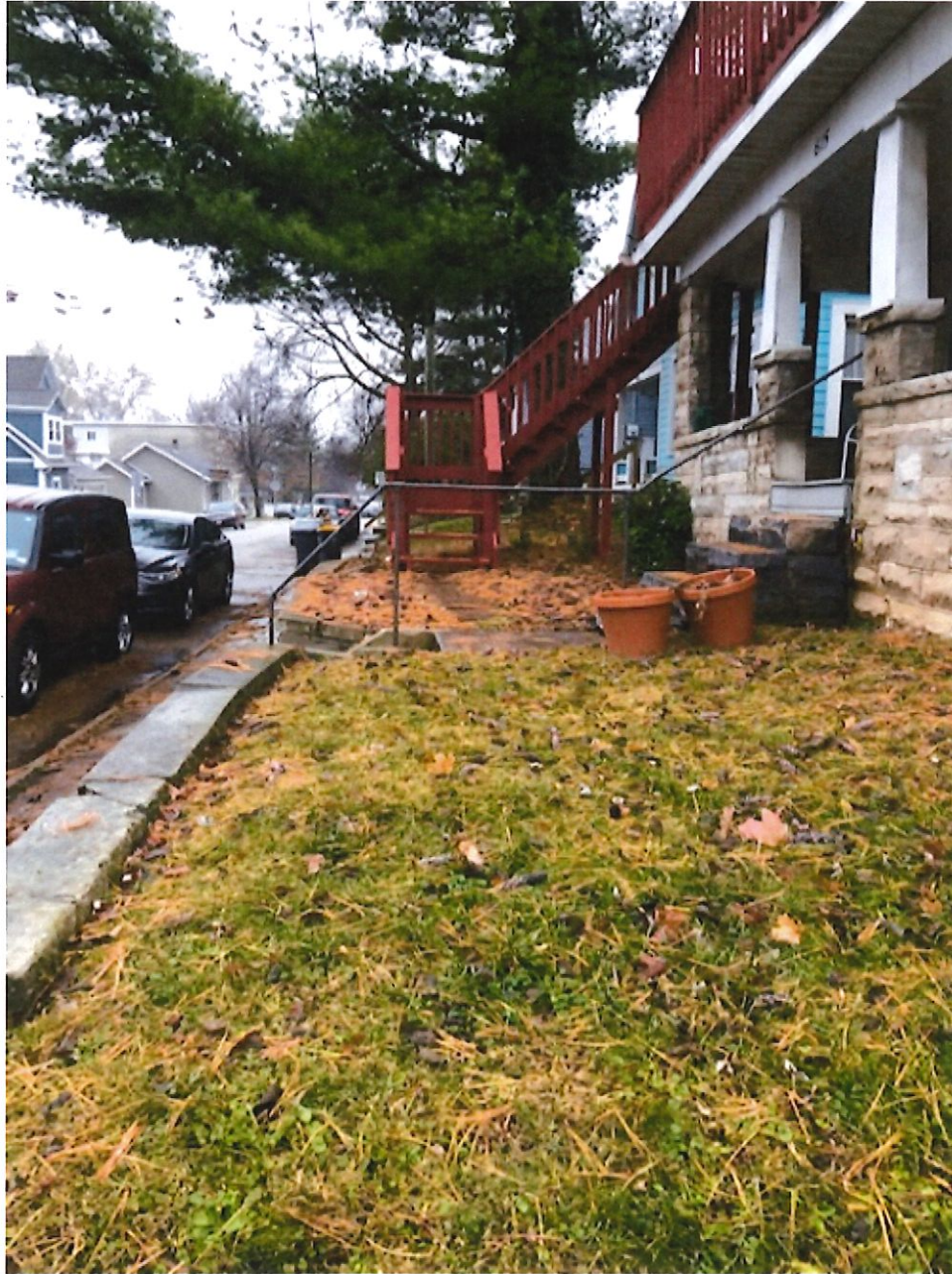
Petitioner's Property



Petitioner's Property



NEARBY PROPERTY





**City of Bloomington**  
**Planning and Transportation Department**

September 12, 2019

Randall J. McGlothlin  
5891 W State Road 48  
Bloomington, IN 47404

Tenant  
621 N. Lincoln St.  
Bloomington, IN 47408

Re: **Notice of Violation (warning)**  
Development Standards – 621 N. Lincoln St.

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance Section 20.02.160 Residential Multifamily (RM); Development Standards at 621 N. Lincoln Street. Records show that you are the owner (or tenant) of this property.

The City of Bloomington Planning and Transportation Department received a complaint of a development standards violation at 621 N. Lincoln Street on 07/16/2019. On 07/16/2019 staff observed a porch being built at 621 N. Lincoln Street.

According to the City of Bloomington Unified Development Ordinance (UDO) **Section 20.02.160 Residential Multifamily (RM); Development Standards**: Maximum Impervious Surface Coverage: 40% of the Lot Area. The total area of the existing impervious surface does not allow for additional impervious surface (i.e. stairs and porch) to be added to the lot.

Additionally, according to the City of Bloomington Unified Development Ordinance (UDO) **Section 20.02.160 Residential Multifamily (RM); Development Standards**: Minimum Front Building Setback: 15 feet from the proposed right-of-way indicated on the Thoroughfare Plan; or the block face average setback of the existing primary structures on the same block face, whichever is more. The block face average on N. Lincoln Street is 22 feet from the right-of-way line, therefore, the minimum setback is 22 feet. The house on your property appears to be 20 feet from the front property line.

According to the City of Bloomington Unified Development Ordinance (UDO) to UDO **Section 20.05.077 SB-01 [Setback Standards; General]**;

- (b) The following site feature setback requirements or exemptions shall apply:
- (N) Porches (uncovered, open): May encroach up to six (6) feet into the setback.
  - (O) Steps: May encroach up to six (6) feet into the setback.

In accordance with UDO Section 20.10, violations of this nature may result in a one hundred dollar (\$100) fine. Each code violation is considered a distinct and separate violation. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent



violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars (\$7,500).

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

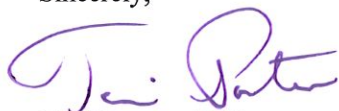
1. The Setback Standards as applied to your property would allow for a porch and stairs to extend 4 feet from the front of the building, however, the existing impervious surface coverage on your property does not allow for any additional impervious surface coverage (i.e. stairs and porch). Considering these factors, the remedy is to remove the stairs and porch by 09/26/2019, **OR;**
2. Make an appointment with a Planner to discuss filing a variance request. The appointment must be on or before 10/17/2019 for the 11/21/2019 Board of Zoning Appeals hearing.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within five (5) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.09.350.

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

Please contact the Planning and Transportation Department at [planning@bloomington.in.gov](mailto:planning@bloomington.in.gov) or 812-349-3423 with any questions or concerns.

Sincerely,



Terri Porter, AICP  
Director, Planning and Transportation

CC: Scott Robinson, AICP  
Jackie Scanlan, AICP