

# CITY OF BLOOMINGTON



April 23, 2020 @ 5:30 p.m.

Zoom Meeting:

<https://zoom.us/j/94323121737>

**CITY OF BLOOMINGTON  
BOARD OF ZONING APPEALS  
April 23, 2020 at 5:30 p.m.**

**◆Council Chambers - Room #115**

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**ROLL CALL**

**APPROVAL OF MINUTES:** March 2020

**REPORTS, RESOLUTIONS, AND COMMUNICATIONS:** None at this time

**PETITIONS CONTINUED TO:** May 21, 2020

- 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
- 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.  
Case Manager: Ryan Robling
- AA-08-20      **The Annex Group**  
1100 N. Crescent Rd.  
Request: Administrative Appeal of decision to enforce fines from 1/13/20 through 1/23/20  
Case Manager: Jackie Scanlan
- 

**PETITIONS:**

- UV-03-20      **Bobby Staggs**  
1414 W. Arlington Rd.  
Request: Use variance to allow for the expansion of a multi-family residential use in the Residential Single-family (RS) zoning district.  
Case Manager: Keegan Gulick
- UV/V-09-20      **Bloomington Housing Authority**  
1020 N. Monroe St.  
Request: Use variance to allow a child daycare center and three multi-family residential units in a 4,970 square foot building. Also requested is a variance from side yard parking setback standards.  
Case Manager: Eric Greulich

**\*\*Next Meeting: May 21, 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.**

**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT  
Location: 1414 W. Arlington Rd.**

**CASE #: UV-03-20  
DATE: April 23, 2020**

**PETITIONER: Shane Staggs  
1414 W. Arlington Rd.  
Bloomington, IN 47404**

**REQUEST:** The petitioner is requesting a use variance to allow for the expansion of a multifamily use in the Residential Single-Family (RS) zoning district.

**Background:**

**Area:** 2.57 acres  
**Current Zoning:** Residential Single-Family (RS)  
**Comp Plan Designation:** Neighborhood Residential  
**Existing Land Use:** Multi-Family  
**Proposed Land Use:** Multi-Family  
**Surrounding Uses:** North – Single-Family Residence  
West – Single-Family Residence  
East – Multi-Family Residence  
South – Single-Family Residence / Multi-Family Residence

**REPORT:** The property is approximately 2.57 acres, zoned Residential Single-Family (RS), and is located along West Arlington Road. The property has been developed with three (3) single-family residences on the same lot, making the site a multifamily use. The surrounding properties include a single-family residence to the north, multifamily residences to the east, single-family residences and multi-family residences to the south, and single-family residences to the west across Arlington Road.

The petitioner is proposing to construct a 32' x 52' attached garage, connected to one of the single-family residences by an 8' x 8' addition. The garage would be for the stated purpose of parking and storage of vehicles, including a backhoe. The Unified Development Ordinance (UDO) classifies this use as multifamily because of multiple units on the parcel and this property is lawful nonconforming, as a result. Multifamily is not a permitted use in the Residential Single-Family (RS) zoning district and therefore needs a use variance from the Board of Zoning Appeals (BZA) to allow for the expansion of a nonconforming use. Strict application of the UDO would allow this property to continue as it is as a lawful nonconforming use and site but would prohibit the desired addition to the property. To date, one of the adjacent property owner's has contacted the Planning and Transportation Department to voice their opposition to the variance.

**PLAN COMMISSION RECOMMENDATION:** The Plan Commission reviewed the use variance request related to the Comprehensive Plan at its April 13<sup>th</sup> meeting. The Plan Commission voted 6-2 to forward the use variance request to the Board of Zoning Appeals with a recommendation for denial.

**LAWFUL NONCONFORMING USES:** The Unified Development Ordinance (UDO) contains

several provisions on lawful nonconforming uses and sites and guidance. The multifamily use on the site is currently a lawful nonconforming use that can continue on without expansion. (Emphasis added below.)

#### **20.01.120 Uses Rendered Nonconforming**

When a use was lawfully existing as a permitted use on the effective date of this Unified Development Ordinance and this Unified Development Ordinance, or any amendment thereto, no longer classifies such as a permitted use in the zoning district in which it is located, **such use shall be deemed a lawful nonconforming use** and shall be subject to the provisions of Chapter 20.08: Nonconforming Lots, Sites, Structures, and Uses.

#### **20.08.050 Changes in Use Restricted**

(a) A **lawful nonconforming use**, including a lawful nonconforming use involving occupancy by four (4) or five (5) adults, **shall not be intensified, expanded, enlarged, extended or relocated to another portion of the lot or another part of the structure**, nor may any structure containing or associated with such use be expanded, enlarged, extended, relocated, or altered so as to create additional bedrooms or other habitable space.

(c) No building or structure shall be constructed in connection with an existing lawful nonconforming use.

#### **20.11.020 Defined Words**

**Enlargement:** Expansion of any use or structure into or onto any portion of a structure or lot not previously occupied by said use or structure, or increase in any physical dimension of a structure. Also, expansion of a use into any structure floor area not previously occupied by said use. Enlargement includes expansion of a principal use into floor area previously used as an accessory use, such as expansion of residential living area into a basement, attic or garage not previously used as living area.

The use is lawful nonconforming and therefore requires a use variance to allow any intensification, expansion, enlargement, extension, or relocation of the use. Adding the requested storage space is classified as an enlargement.

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**SITE PLAN ISSUES:** This property is considered a lawful nonconforming site. If the use variance is approved, in order to allow for the expansion of a nonconforming site, the site would have to be brought into limited compliance with the Unified Development Ordinance (UDO). This includes the following:

**Paving:** Any substandard parking surfaces shall be brought into compliance with Chapter 20.05; §PK: Parking Standards.

**Striping:** All parking areas must be striped in accordance with Chapter 20.05; §PK: Parking Standards

**Pedestrian Facilities:** The petitioner will build a five foot wide sidewalk along the frontage of W.

Arlington Road.

**Landscaping:** The UDO requires landscaping and to be added to the site. The density will be based on the number of parking spaces, as well as the size of the parcel. The petitioner will work with staff on a final landscape plan. The petitioner will meet UDO requirements, including maintenance of landscaping.

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

**Dwelling, Multifamily**

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 requested use variance. The use of the property would remain as multifamily, though the proposed addition would expand this use. The addition would be located a substantial distance from the public right-of-way.

*(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:** Adverse impacts to the use and value of the adjacent area are found. The proposed addition is substantial in size and much larger than a traditional single family accessory garage. The use would be for the purpose of parking and storage. The petitioner has stated the storage would be for equipment such as vehicles, lawn mowers, a backhoe, or other belongings. An addition of this size may encourage a degree of expansion that would not be consistent with a residential use or the character of the surrounding uses.

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

**PROPOSED FINDING:** No peculiar conditions are found that would require the need for a use variance. The property is considered to be a lawful non-conforming use and site and can exist as such in perpetuity. Having a non-conforming use is not considered to be peculiar as the UDO provides specific guidance on the development of these types of sites and uses. The UDO prohibits expanding, intensifying, enlarging, or extending a non-conforming use. The site could be put to a conforming use if two of the houses were removed.

*(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 would not constitute as an unnecessary

hardship because as a non-conforming use, the property is permitted as it is in perpetuity. The property already contains three units in an area that should only support one. Regular maintenance and similar activity is permitted for nonconforming uses and sites. Expanding a non-conforming use is prohibited by the UDO. Allowing the expansion of nonconforming sites and uses would not be consistent with the intents of Chapter 20.08: Nonconforming Lots, Sites, Structures and Uses.

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

**PROPOSED FINDING:** Staff does find that the proposed addition does interfere with the Comprehensive Plan. The Comprehensive Plan designates this property as Neighborhood Residential. The intent of this district is to protect the integrity and homogeneity of existing neighborhoods while also allowing for low intensity development. For guidance on land use approvals in this district the Comprehensive Plan states, “New and redevelopment activity for this district is mostly limited to remodeling existing or constructing new single-family residences.” This petition involves the expansion of a multifamily use which would be in conflict with the Comprehensive Plan.

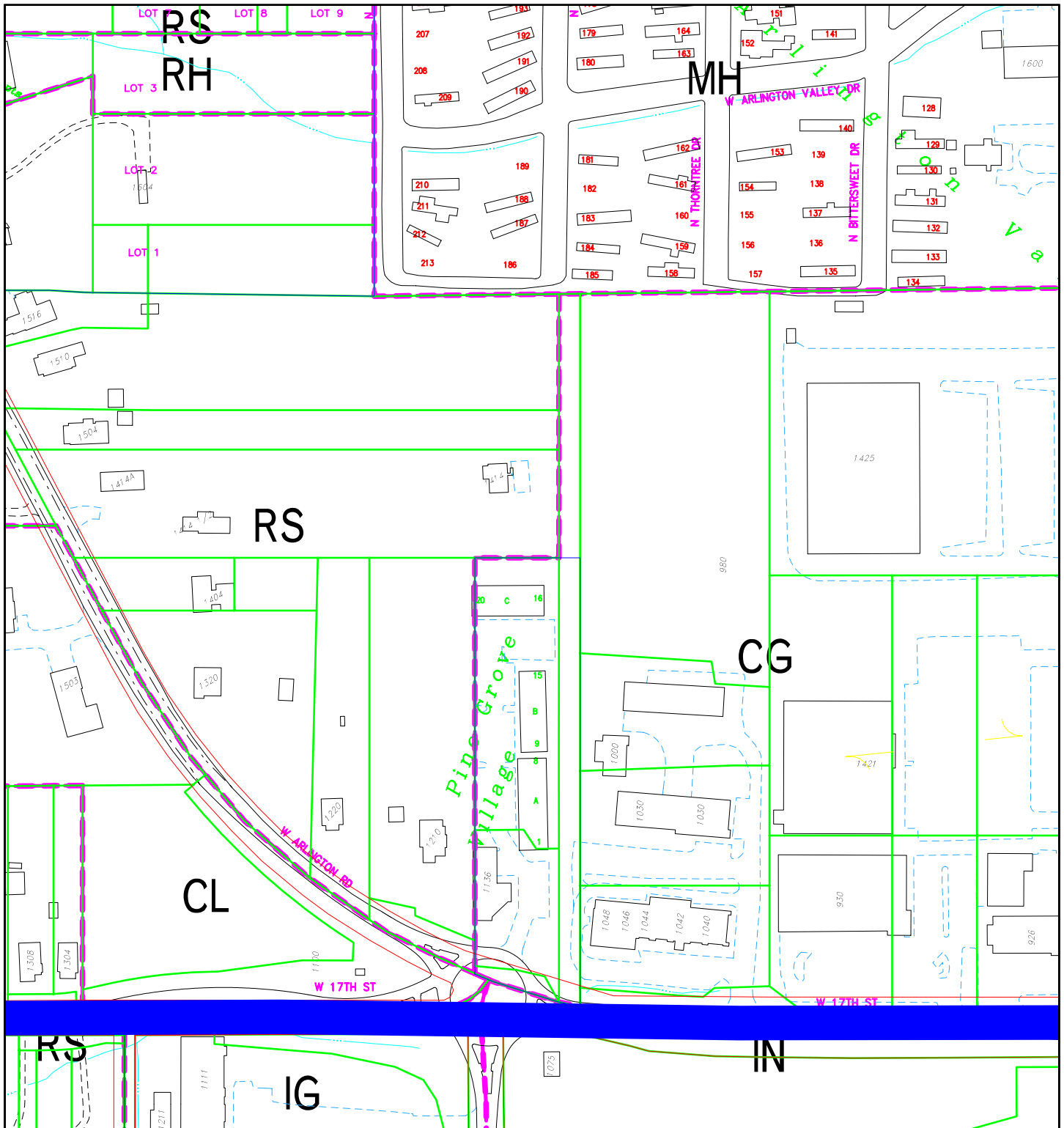
The Comprehensive Plan goes on to state, “For larger tracts of land, single-family, attached single-family (duplex, triplex, fourplex buildings, bungalow courts, townhouses, row houses), and multifamily residential uses may be appropriate.” The property in this petition contains three (3) single-family residences on a single large lot, the size of the lot is not out of character with other single-family uses in the immediate area. While the site can continue to exist as a multifamily use, expanding the use would not be consistent with the goals of the Neighborhood Residential district.

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**CONCLUSION:** The Department finds that the proposed use does interfere with the intents of the Comprehensive Plan and the Unified Development Ordinance (UDO). The site is lawful nonconforming as it is currently zoned Residential Single-Family (RS). Since the site is considered to be a lawful nonconforming use, it can exist as such in perpetuity. However, the proposed addition would expand a lawful nonconforming use which is prohibited by the UDO and no hardship or unique characteristics are found to require relief.

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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopts the proposed findings and denies UV-03-20.

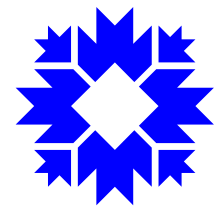


By: keegan.gulick

17 Apr 20 200 0 200 400 600

For reference only; map information NOT warranted.

City of Bloomington  
Planning & Transportation



Scale: 1" = 200'





By: keegan.gulick



For reference only; map information NOT warranted.

City of Bloomington  
 Planning & Transportation

N

Scale: 1" = 200'



Monday, February 3, 2020 10:27 AM

Use Variance  
Petitioners Statement

Bobby Joe Staggs  
Jackie Staggs  
1414 Arlington Road  
Bloomington, IN 47404 812-332-9825 812-340-1435 812-345-1697

BACKGROUND

The original home at 1414 Arlington Road was purchased in 1979. The home burned in 1981. However the small detached garage was unharmed and remained. The existing home was built in 1982 at the East end of the property. The undamaged detached garage was built onto in 1986, and given the address of 1414 1/2 Arlington Road. The 1414 Arlington Road Apt A & B was originally a garage built in 1985. It was made into a State Licensed Beauty Shop in 1992, where the owner Jackie Staggs was the Beautician. It became the residence of the owners son, and the State Licensed Rugrats Daycare in 2000.

USE VARIANCE CRITERIA

The proposed attached addition to 1414 1/2 Arlington Road is 32X52, or 1,664 square feet. The addition will not cause any harm to the public as it will adhere to the strict building and zoning codes.

The addition will increase the value of the existing and adjoining residences.

The Use Variance is essential for the assistance of Jackie Staggs (co-owner) who is physically disabled and would benefit from the easier access to her automobile and away from hazards such as trips, falls, and slipping on ice. Her failing health will require more assistance such as wheelchair access and or a walker to and from her home and automobile, which would create a hardship for her and the others assisting her with her medical needs. In addition, Bobby Joe Staggs (co-owner) is a 100% Disable Vietnam Veteran who suffers from PTSD. This addition would benefit him due to the stresses of the overwhelming elements that can trigger his PTSD.

The attached addition does not interfere with any adjoining properties.

SURROUNDING BOUNDARIES

East boundary is multiple low income housing units.

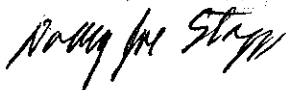
North boundary is Arlington Valley Trailor Park and CPA office.

South boundary is Arlington Park Apartments and a Chiropractic Office.

West boundary is Ross Lawyer Office, Francis-Berry-Domer Adoption Agency, Heartland Adoption.

Thank You,

Bobby Joe Staggs



Jackie Staggs



RESIDENTIAL PERMIT APPLICATION "One & Two Family Residence"

MONROE COUNTY BUILDING DEPARTMENT
501 N. Morton St RM 220-B, Bloomington, Indiana 47404
Phone Number:(812) 349-2580 FAX: (812) 349-2967

JAN 22 2020
1 of 2

APPLICATION MUST BE FILLED OUT COMPLETELY; PLEASE PRINT

Parcel No. 53-CS-29-300-040-000-005 Subdivision Lot No.
Project Address 1414 Arkhington City Bloomington I Zip Code 47404
Township BT Section No. 29

Property Owners Name Bobby J. STAGGS Phone No. 812-3401435
Property Owners Address Bobby J. STAGGS City Bloomington Zip Code 47404

Applicants Name Bobby J. STAGGS Phone No. 812-3401435
Applicants Address Bobby J. STAGGS City Bloomington Zip Code 47404

General Contractor Bobby J. STAGGS Phone No. 812-3401435

Please check applicable boxes and fill in blanks as required:

Proposed Work: [ ] New Construction [X] Addition [X] Remodel (area) Other (explain)

Rental: [ ] Yes [X] No Flood Plain: [ ] Yes [X] No Sink Holes: [ ] Yes [X] No Watershed: [ ] Yes [X] No

Building use (i.e. personal residence, duplex, storage bldg., barn, garage, etc., (explain)

GARAGE AND STORAGE

Total number of bedrooms Number of residential units Estimated construction cost (census)

Total Square Footage of proposed structure 1,664 S.F.

First floor square footage Garage/Carport square footage [X] Attached [ ] Detached

Second floor square footage Covered Deck(s)/Porch(s) square footage

Third floor square footage Other Floor square footage (explain)

Basement square footage Grading area (area of soil disruption)

Elevated deck (>30") square footage

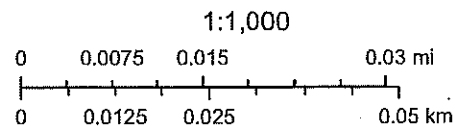
Driveway Permit No. [ ] State of Indiana [ ] Monroe County [ ] City of Bloomington

Wastewater system to be connected to: [ ] City of Bloomington Sewer [ ] Other sanitary system

Septic System: Permit no. 0 Number of bedrooms on permit 0

The applicant hereby certifies and agrees as follows: (1) I am authorized to make application. (2) I have read this application and attest that the information furnished is correct, including that contained in plans. (3) If there is any misrepresentation in this application, or associated documents, Monroe County may revoke any permit or Certificate of Occupancy issued based upon this misinformation. (4) I agree to comply with all Monroe County Ordinances, permit conditions and State statutes which regulate building construction, use, occupancy and site development. (5) I grant and will request Monroe County Officials to enter onto the property listed on this application for the purpose of inspecting the work permitted by this application and posting notices. (6) I will retain the Certificate of Occupancy in my records upon completion of the project. NOTE: Plans shall mean all site and construction plans and specifications, whether furnished prior to or subsequent to the application date. All plans furnished subsequent to application date constitute an amendment to the original application and must be specifically approved by the County with an appropriate endorsement and the signature of the approving official prior to plan implementation. The Permit is not valid, and work is not permitted until signed and issued by the agent of the Monroe County Building Department.

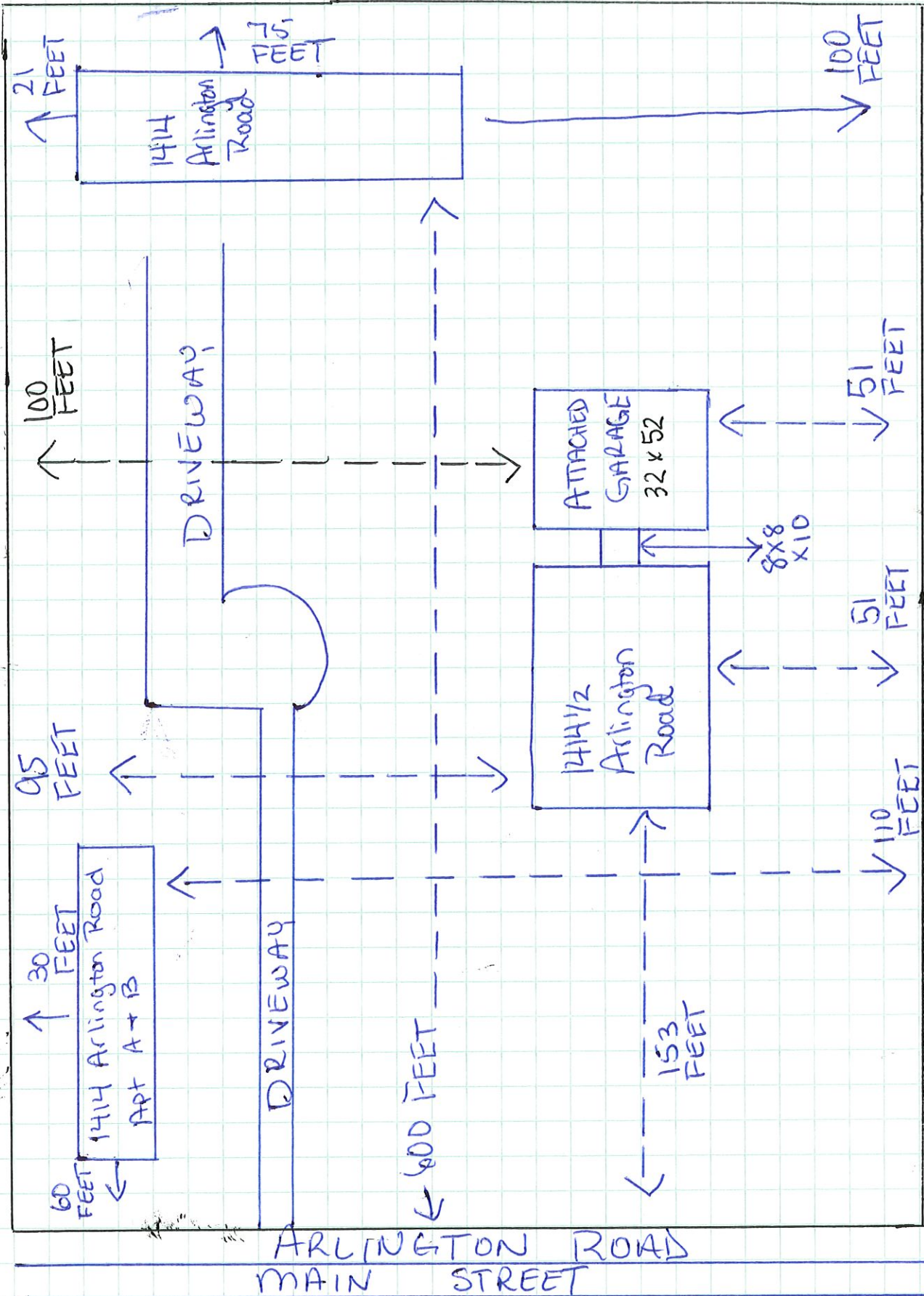
Signature of Applicant: Bobby Joe Stagg Date: 1-21-2020
Email address



**STAGGS, BOBBY J**  
Project - STAGGS-RES RME/ADD-1414  
Address - 1414 ARLINGTON RD  
Parcel - 012-10780-00  
App # - 67713 Twp - BL- 29 Revised 1/21/2020

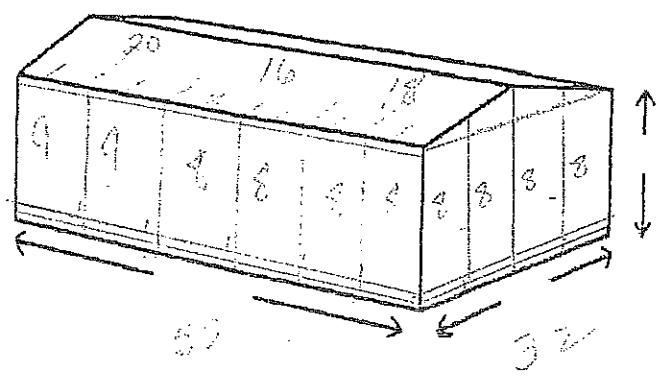
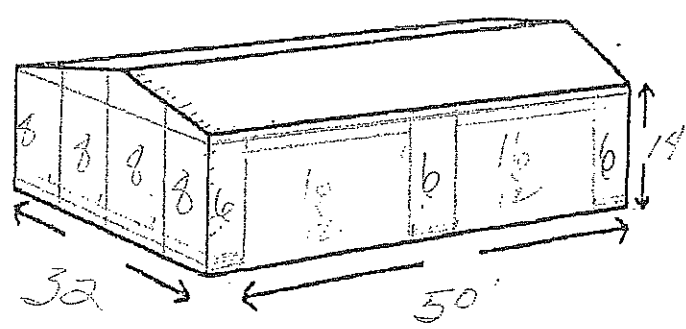
012-10780-00





Treated Post	4 2x4 6x6		
	2-2x6 6x6		
Treated Skirt-Boards	2-10 2x6 7x6		
	2-18 2x6 7x6		
	12-16 2x6 7x6		
Walkdoor Frame	3-10 2x4		
	2-10 2x6		
	2-10 2x4		
Roof Purlins	20-20 2x4		
	20 18 2x4		
	20-16 2x4		
Side Nailers	18-12 2x4 12 16 2x4		
	6-18 2x4		
Extra	3 18 2x4		
End Nailers	20-16 2x4		
Bottom Truss	1-18 2x4		
	1-18 2x4		
Ties	1-18 2x4		
X Braces	4-20 2x4		
Knee Braces			
Plates	2-18 2x4		
	4 2x4		
Door Headers	4-18 2x4 2-16 7x6		
	3 12 2x4 2-18 2x4		
Trusses	13-32 12 10 2x4		
Slider Door Top (5x8)	2-16 2x6		
Bottom	2-18 2x6		
Sides			
Intermediate			
Track Boards			
TR Bottom Glider			
TR Upright Glider			
Sacrete	10		
		Total	

City, State & Zip	
Phone	Fax 13



	Quantity	Price	Total
Cannonball			
Cam Latch (pr)			
Center Guide			
Dbl. Track Bkt.			
Door Pull			
Door Snugger			
Door Stop			
End Cap			
End Trim			
Small Track Bracket			
Splice Collar			
Stay Roller			
T&C Bracket			
Track			
Trolley			
12' T-Bar			
AV Rail			
HV Rail			
		Total	



Customer Name	Salesman	Shipping Info	
Daniel Hasselburg	Joe	D 12/19 Thu	
PO #	Job Name	Job Type	Payment
		Customer	Contract

B I L L	Daniel Hasselburg	S H I P	1414 arlington rd bloomington
	105 S. West St.		
	Spencer, IN 47460		51995

Qty	UOM	Description
13	Pieces	Lumber, 6x6 20', Treated
4	Pieces	Lumber, 6x6 22', Treated
2	Pieces	Lumber, 6x6 26', Treated
2	Pieces	Lumber, 4x6 10', Treated
2	Pieces	Lumber, 2x6 18' T&G Treated
2	Pieces	Lumber, 2x6 12' T&G Treated
12	Pieces	Lumber, 2x6 16' T&G Treated
4	Pieces	Lumber, 2x12 18' #1 Yellow Pine
2	Pieces	Lumber, 2x10 18', #1 Yellow Pine
3	Pieces	Lumber, 2x10 12', #1 Yellow Pine
4	Pieces	Lumber, 2x10 16', #1 Yellow Pine
6	Pieces	Lumber, 2x6 16' Spruce
2	Pieces	Lumber, 2x6 20' Spruce
6	Pieces	Lumber, 2x6 18' Spruce
2	Pieces	Lumber, 2x6 14' Spruce
2	Pieces	Lumber, 2x6 10' Spruce
25	Pieces	Lumber, 2x4 20' Spruce
34	Pieces	Lumber, 2x4 18' Spruce
57	Pieces	Lumber, 2x4 16' Spruce
9	Pieces	Lumber, 2x4 12' Spruce
2	Pieces	Lumber, 2x4 10' Spruce
13	Pieces	32' Stock Truss 4/12 4'o.c. 12"O.H. 2x4/2x4 Loading 20-4-4
19	Bags	80# bag Sacrete
12	Pounds	3-1/2" Pole Barn Nail
10	Pounds	4" Pole Barn Nail
4	Pounds	5" Pole Barn Nail
3	Pounds	1-1/4" Shingle Roofing Nail
2	Bags	1-1/4" Trim Nail White, brite white
2	Pieces	3068 Plyco 99 Series Blank Universal
2	Pieces	Keyed Entry Knob SS
3	Rolls	Single Bubble Vapor Barrier, 6'x125'
36	Sheets	#2 DC-Rib Bright White 29ga., 17' 0"

TOTAL  
10,900

Continued



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JoeJR  
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Page 1





# Daviess County Metal Sales Inc.

9929 E US HIGHWAY 50, Cannelburg, IN 47519-5021

Phone: (812) 486-4299

Fax: (812) 486-4344

15  
Office Copy

Invoice # 579223

Date 12/17/19

Order # 699758

Customer Name	Salesman	Shipping Info
Daniel Hasselburg	Joe	D 12/19 Thu

PO #	Job Name	Job Type	Payment
		Customer	Contract

Qty	UOM	Description
25	Sheets	#2 DC-Rib Charcoal 29ga. , 13' 9"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 15' 4"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 16' 4"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 17' 4"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 18' 4"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 19' 4"
2	Sheets	#2 DC-Rib Charcoal 29ga. , 20' 4"
9	Sheets	#2 DC-Rib Charcoal 29ga. , 2' 6"
6	Bags	1-1/2" Screw, Metal-Wood Bright White
7	Bags	1" Screw, Metal-Wood Charcoal
1	Bags	2" Screw, Metal-Wood Bright White
9	Pieces	1-1/2"x7-1/2" Bright White, 10' 2" w/Beads
18	Pieces	1-1/2"x5-1/2" Bright White, 10' 2" w/Beads
15	Pieces	DC J-Channel Bright White, 10' 2"
14	Pieces	Ratguard Bright White, 10' 2"
6	Pieces	14" Ridge Cap Bright White, 10' 6"
4	Pieces	6" Corner Bright White 16' 3"
2	Pieces	6" Corner Bright White 11'
4	Pieces	6" Corner Bright White 13'
18	Pieces	Soffit Channel Bright White, 10'
11	Pieces	Roof Edge Bright White, 10'
36	Pieces	36" D/C Rib O/S Closure

**TERMS:** Subject to 2% per month Finance Charge if not paid within 10 days. If not paid within 30 days a mechanics lien will be filed on the property.

**NOTES:** No returns on material that is or has been wet, dirty, or scratched. No returns without proof of purchase.

### Treated Lumber

**WARNING FOR TREATED LUMBER:** Due to recent EPA regulations, certain types of new treated lumber contain aggressive chemicals and chemical fumes. Direct contact with these types of lumber will void all warranties of metal and trim. Galvanize or Stainless steel nails need to be used with this lumber.

### METAL WARRANTY

Please be advised that when purchasing #2, #3, #4, Secondary, Discontinued or galvanized metal that there is NO WARRANTY EITHER EXPRESSED OR IMPLIED on these types of metal. Metal is purchased as is. For warranty information visit [dcmetal.com/resources](http://dcmetal.com/resources)

### Metal Warning

Continued



See our products at [dcmetal.com](http://dcmetal.com)

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Customer Name	Salesman	Shipping Info	
Daniel Hasselburg	Joe	D 12/19 Thu	
PO #	Job Name	Job Type	Payment
		Customer	Contract

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4	Sheets	#2 DC-Rib Charcoal 29ga. , 17' 4"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 18' 4"
4	Sheets	#2 DC-Rib Charcoal 29ga. , 19' 4"
2	Sheets	#2 DC-Rib Charcoal 29ga. , 20' 4"
9	Sheets	#2 DC-Rib Charcoal 29ga. , 2' 6"
6	Bags	1-1/2" Screw, Metal-Wood Bright White
7	Bags	1" Screw, Metal-Wood Charcoal
1	Bags	2" Screw, Metal-Wood Bright White
9	Pieces	1-1/2"x7-1/2" Bright White, 10' 2" w/Beads
18	Pieces	1-1/2"x5-1/2" Bright White, 10' 2" w/Beads
15	Pieces	DC J-Channel Bright White, 10' 2"
14	Pieces	Ratguard Bright White, 10' 2"
6	Pieces	14" Ridge Cap Bright White, 10' 6"
4	Pieces	6" Corner Bright White 16' 3"
2	Pieces	6" Corner Bright White 11'
4	Pieces	6" Corner Bright White 13'
18	Pieces	Soffit Channel Bright White, 10'
11	Pieces	Roof Edge Bright White, 10'
36	Pieces	36" D/C Rib O/S Closure

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### Metal Warning

Continued



See our products at [dcmetal.com](http://dcmetal.com)

JoeJR  
12/17/2019 9:32:33 AM

Page 2

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**Location: 1020 N. Monroe Street**

**CASE #: UV/V-09-20**  
**DATE: April 23, 2020**

**PETITIONER:** Bloomington Housing Authority  
502 W. 2<sup>nd</sup> Street, Bloomington

**REQUEST:** The petitioner is requesting a use variance to allow a day care center and three multi-family residences in the Residential Core (RC) zoning district. Also requested is a variance from sideyard parking setback standards.

**BACKGROUND:**

**Area:** 0.32 acres  
**Current Zoning:** Residential Core  
**Comp Plan Designation:** Mixed Urban Residential  
**Existing Land Use:** Vacant (previously used as a City Water Tower)  
**Proposed Land Use:** Day Care Center/Multi-family residences  
**Surrounding Uses:** North – Single family residences  
West – Multi-family residences (Crestmont Community)  
East – Single family residences  
South – Single family residences

**REPORT:** The property is zoned Residential Core (RC) and is located at the southeast corner of W. 14<sup>th</sup> Street and N. Monroe Street. The property had been used by the City Utility Department as a water tower, however that was recently removed. Surrounding properties to the north, east, and south are used for single family residences, while the properties to the west are used as multi-family residences and are part of the Crestmont Community.

The petitioner is proposing to enter into a long term lease on this property with the Utilities Department and would construct a new two-story building on the site. The proposed building would feature a day care center on the ground floor with 3 multi-family residences on the upper floor. There would be one vehicular entrance to the site from Monroe Street to a parking area for 5 vehicles. A bike rack has been shown adjacent to the building entrance as well. Although there is currently a sidewalk and tree plot along Monroe Street, there are no street trees and a multi-use path is required instead of a sidewalk and must also be installed. A new sidewalk and minimum 5' wide tree plot with street trees will be installed along 14<sup>th</sup> Street as required. A Type 1 buffer yard is required along the east and south property lines since those sides of the property are adjacent to single family residences and the required landscaping will be installed.

The petitioner is requesting a use variance to allow for a day care center and to allow three multi-family residences. With the use variance request the Board determines the appropriate zoning district standards to apply for site plan review. In this case, the Department recommends that the Residential Multifamily (RM) district standards be applied. Since this property is adjacent to the Residential Core zoning district, a Type 1 buffer yard is required. This adds an additional 10' setback onto the base 7' setback of the district and also requires an additional landscaping requirement. The required

side yard parking setback is therefore 17'. The petitioner is requesting a variance from the required 17' parking setback to allow a 7' setback along the south property line.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission reviewed the proposed use variance at the April 13, 2020 hearing and found that the proposed use does not substantially interfere with the goals of the Comprehensive Plan. The Plan Commission voted 6-0 to forward this to the Board of Zoning Appeals with a positive recommendation.

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**20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:  
Day Care Center, Child & Dwelling, Multifamily**

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 (Daycare center):** No injury to the public health, safety, morals, and general welfare of the community is found in the approval of the proposed daycare center. This use variance approval would place a neighborhood serving use in a residential area that is in need of this service and would therefore further promote the general welfare of the community.

**PROPOSED FINDING (Multi-family Residences):** No injury to the public health, safety, morals, and general welfare of the community is found in the approval of the multi-family units. There are multi-family uses located immediately adjacent to this on the west side of Monroe Street, with no known negative impacts. The scale of development of the lot will remain in line with that found regularly in the district.

*(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 (Daycare):** No substantial adverse impacts to the use and value of the area adjacent to the property are found. Again, this use will be utilized by the surrounding residential uses and would therefore benefit from its location within the neighborhood. The placement of this use in close proximity to residences reduces vehicular traffic and provides a neighborhood serving use.

**PROPOSED FINDING (Multi-family Residences):** No substantial adverse impacts to the use and value of the area adjacent to the property are found. The small size of this property, combined with the low number of units and low bedroom count limits negative impacts to adjacent properties. In addition, an opaque fence and buffer yard landscaping will be installed along the south and east property lines that are adjacent to the single family residences which will minimize visual impacts of the parking area.

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

**PROPOSED FINDING (Daycare center):** Peculiar condition is found in that this property has a history of nonresidential uses. The property was previously used as a water tower by the Utilities Department. The location of this property at the corner of the neighborhood is unique and allows the opportunity for a diversity of uses that is encouraged by the Comprehensive Plan.

**PROPOSED FINDING (Multi-family residences):** Peculiar condition of the property is found in that this property is at a unique location on the edge of the neighborhood, is located immediately adjacent to a classified street, and is adjacent to higher density multi-family uses to the immediate west. The comprehensive plan encourages a diversity of land uses and density at appropriate locations, such as the perimeter of neighborhoods and on classified streets.

- (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 (Daycare center):** Strict application of the UDO will constitute an unnecessary hardship because the zoning district list of uses does not consider supportive housing and accessory uses to that need, and would not allow for this specific use that is an appropriate use at this location. The placement of a daycare center at this corner lot, on a classified street, adjacent to both single family and multi-family uses reduces vehicular trips to commercial areas that are farther away.

**PROPOSED FINDING (Multifamily residences):** Strict application of the UDO will constitute an unnecessary hardship because the zoning district list of uses does not consider supporting housing and would not allow for this specific use that is an appropriate use at this location. The inclusion of 3 multi-family units helps promote the sustainability of the building and places affordable, multi-family residences in an area that already has higher density multi-family residences. The location of the property on a corner lot and on a classified street is an appropriate location for diversity of residential uses and at an appropriate density that is encouraged.

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

**PROPOSED FINDING (Daycare center & Multifamily residences):** The Comprehensive Plan designates this property as Mixed Urban Residential. The Mixed Urban Residential district was intended to protect the existing built-out core neighborhoods while encouraging small scale redevelopment opportunities. This petition involves the development of a corner lot with a neighborhood serving use and new infill housing. The Comprehensive Plan notes that locations may support increases in density and multifamily residential uses when adjacent to higher volume roads, or near major destinations, or located along neighborhood edges that may support small-scale neighborhood mixed-uses. In addition, the Plan allows for context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles. This project meets many of those criteria in that the property is located on the neighborhood edge and is located on

Monroe Street, which is classified as a Secondary Collector. The building has been designed with a pitched roof and a residential design similar to adjacent uses and styles.

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## CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE

### Side Yard Parking Setback

#### 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 to allow the parking area to be within the parking setback will not be injurious to the public health, safety, morals, or general welfare of the community. The proposed parking area is small in scale and will be heavily landscaped. The parking area meets the front parking setback and will therefore have minimal visual impacts from the public right-of-way.

- 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. The petitioner will be installing the required landscaping and will be installing an opaque fence to hide the visual impact of the parking area. The small size of the parking area will also minimize impacts to the adjacent property to the south.

- 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 terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that the Comprehensive Plan encourages a diversity of land uses on the edges of neighborhoods and the small size of this property creates difficulty in designing a site plan that meets all of the Unified Development Ordinance requirements while at the same time trying to further the broad goals of the Comprehensive Plan. Peculiar condition is found in the property is small in size and the proposed site plan is similar in size and scope to a typical single family residence. The parking area is similar in size to a typical driveway and the allowance of the parking area within the parking setback will have very minimal impacts. In contrast, a parking area for a single family residence would not be required to have any setback from the property line. Additionally, a corner lot makes siting a compliant parking area that meets the



needs of the development difficult.

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**CONCLUSION:** The Plan Commission found that the proposed use does not substantially interfere with the intents of the Comprehensive Plan. The proposal allows for a neighborhood serving use, on the neighborhood edge, and along a classified street. The petition will allow for the reuse of a formerly underutilized parcel. The inclusion of residential units adds infill housing stock to the neighborhood and community.

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**RECOMMENDATION:** The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve UV-V-09-20 with the following conditions:

1. A multi-use path is required along the Monroe Street frontage. This must be shown on the grading plan.
2. All variances are for the submitted Bloomington Housing Authority project only.



City of Bloomington  
Bloomington Environmental Commission

## MEMORANDUM

Date: April 13, 2020  
To: Bloomington Plan Commission  
From: Bloomington Environmental Commission  
Subject: UV-08-20: The Bloomington Housing Authority  
Monroe St.

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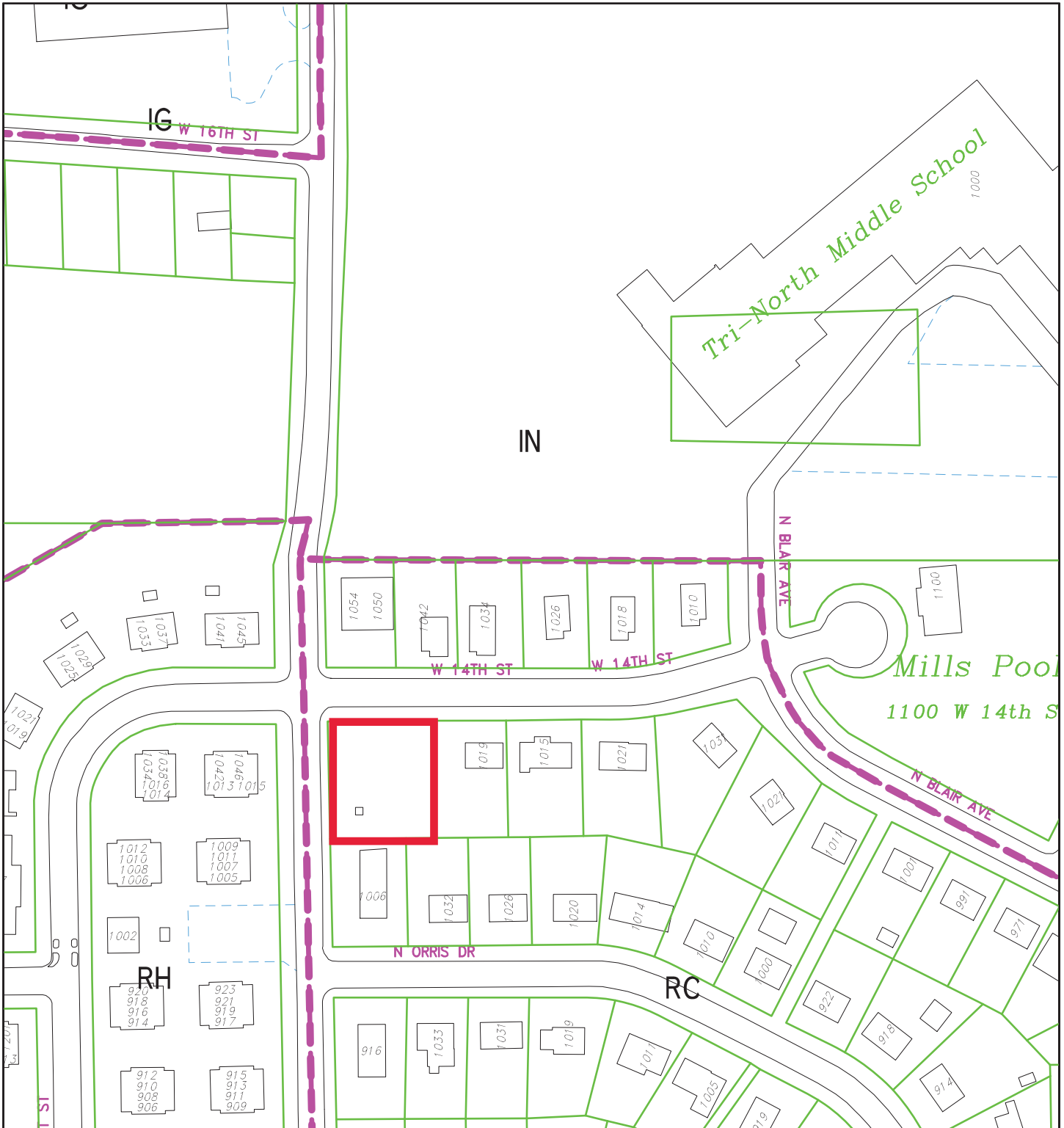
The purpose of this memo is to convey the environmental concerns and recommendations for conditions of approval from the Environmental Commission (EC) with the hope that action will be taken to enhance its environment-enriching attributes. The EC reviewed the petition and offers the following for your consideration.

### **COMMENTS**

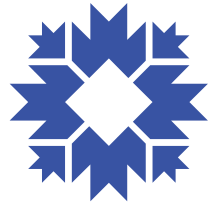
- 1.) The Landscape Plan needs some revisions prior to issuance of a Grading Permit.
- 2.) The EC would like to see the results of any environmental remediation that has been conducted to the soil on site.

### **RECOMMENDED CONDITIONS OF APPROVAL**

- 1.) Revise the Landscape Plan.
- 2.) Submit any environmental remediation plans and/or reports.



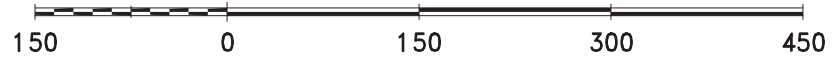
City of Bloomington  
 Planning & Transportation



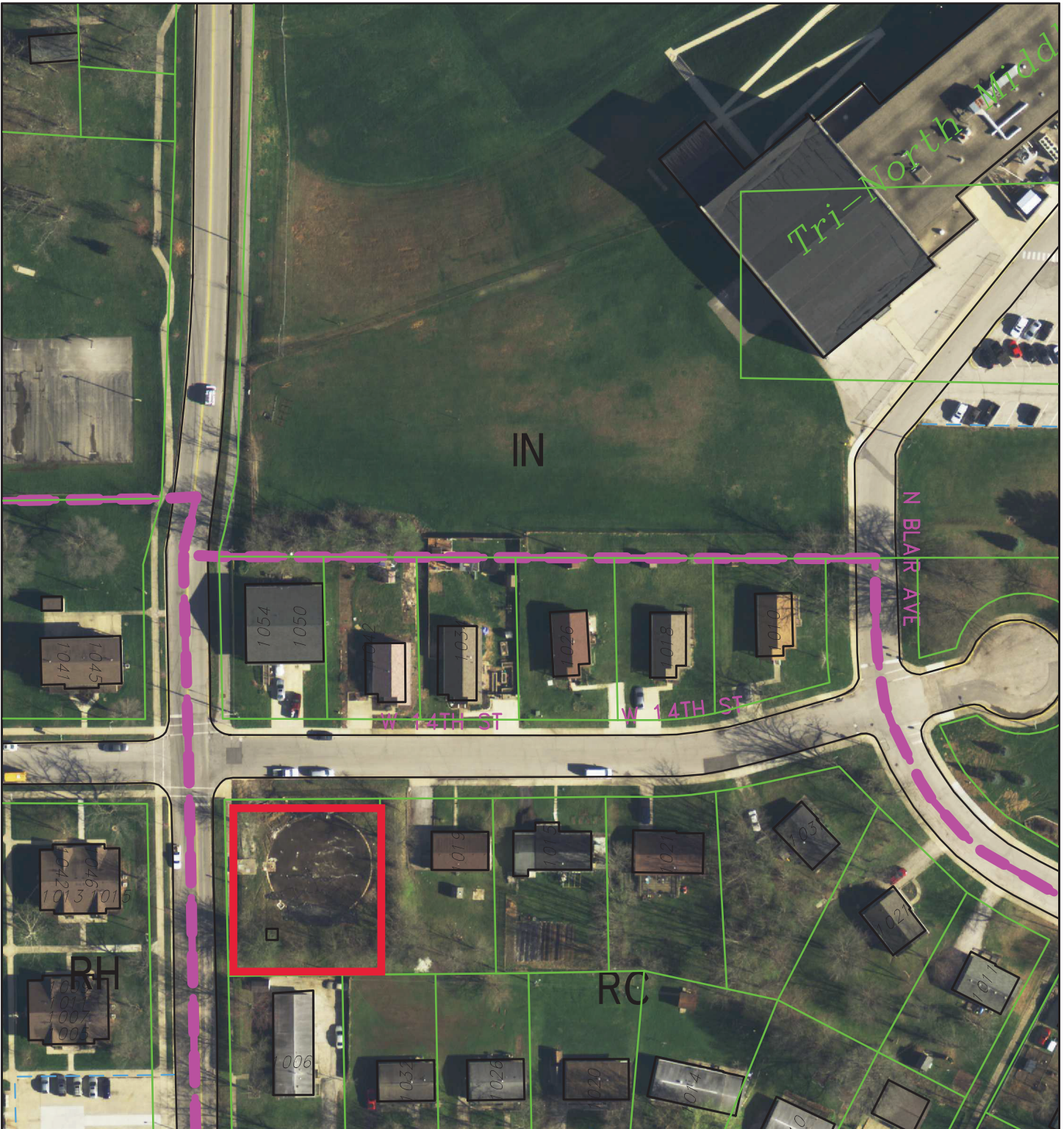
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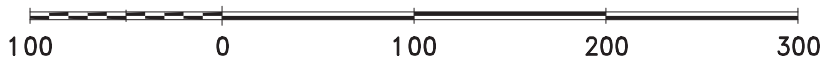
By: greulice  
 9 Apr 20



For reference only; map information NOT warranted.



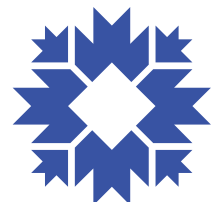
By: greulice  
9 Apr 20



For reference only; map information NOT warranted.



City of Bloomington  
Planning & Transportation



Scale: 1" = 100'





March 9, 2020  
Bloomington Board of Zoning Appeals  
401 N. Morton Street  
Bloomington, Indiana 47403

Attention: Eric Gruelich

RE: Use Variances for Bloomington Housing Authority Childcare Center & Apartments

Dear Mr. Gruelich,

We are pleased to present this request for two (2) use variances on behalf of the Bloomington Housing Authority (BHA) for a childcare center and apartment project at the southwest corner of 14<sup>th</sup> and Monroe Streets in Bloomington, IN. The property is zoned Residential Core (RC) but has historically served as the Dyer water storage tower facility. We submit that the proposed project meets the findings of fact to support the required use variances for childcare and multifamily on the site.

The BHA will enter into a long lease agreement with City of Bloomington Utilities to construct and operate the project on the former Dyer water tower site. The two-story building will be located at the corner build-to lines of the site with the main entry Monroe Street to the west. The entry vestibule will have doors facing south and west. A parking lot on the south side of the building accessed off Monroe Street will contain five (5) parking spaces including one (1) van accessible space and a dumpster enclosure at the east end. The parking lot side and rear setbacks will be seven (7) feet and contain solid fencing and buffer yard plantings. To meet accessibility, the site will be graded to depress the finish floor elevation of the building resulting in an approximately two (2) foot high berm along the east property line. A 2,500 square foot naturalized, outdoor play area will be located on the east side of the building. The exterior of the building will be fiber cement board siding with a masonry base and stair tower.

The proposed project will contain 4,970 square feet total with the first floor serving as a childcare center to be operated by Early Head Start. There will be two classrooms to accommodate up to eight (8) infants/toddlers each as well as a laundry, kitchen and office for support. The classrooms will have exterior doors that lead directly to the outdoor play area.

The three (3) two-bedroom apartments which range from 584 - 665 square feet will be accessed separately from a stair on the south side of the building. The apartments will serve the Family Scholars pilot program in Bloomington which is a model that provides housing and supportive services for single parents with children completing school.

The Findings for Fact for Uses Variances:

1. *The approval will not be injurious to the public health, morals or general welfare of the community.*

Recommended Finding (Childcare & Multifamily Uses): Granting of the variance from the standards will not be injurious to the public health, safety or morals. On the contrary, the



variances will provide further needed affordable housing opportunities as well as affordable childcare services for the adjacent Crestmont and Reverend Butler public housing projects.

2. *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.*

Recommended Finding (Childcare & Multifamily Uses): No negative effects from the approval of this proposal are found. The project is to be located on the former Dyer water tower site which now contains only the tank foundations surrounded by chain link fence topped with barbed wire.

3. *The need for the use variance arises from condition peculiar to the subject property itself.*

Recommended Findings (Childcare Use): The peculiar condition of the property is its adjacency to the large public housing projects of Crestmont and Reverend Butler to the west which provide housing opportunities for low income residents. There is great need for accessible and affordable childcare to serve the residents of the area. The early Head Start facility located nearby on 15<sup>th</sup> Street currently has a wait list of 27 children. There is an established pattern of community service providers beginning further south on Monroe Street with the Community Kitchen, the Boys & Girls Club and Catholic Charities that would continue with this project.

Recommended Findings (Multifamily): The peculiar condition of the property is its adjacency to the large public housing projects of Crestmont and Reverend Butler which provide a variety of small-scale, multi-family options such as duplexes and fourplexes. Immediately to the north, on the east side of Monroe Street is duplex operated by South Central Community Action Program.

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

Recommended Finding (Childcare & Multifamily Uses): Strict application of the Unified Development Ordinance will place an unnecessary hardship in that the proposed uses create additional affordable housing options and expand access to affordable childcare which have been identified as critical needs in the Bloomington community. These uses extend the existing land uses of the nearby properties.

5. *The approval of the use variance does not interfere substantially with the goals and objective of the growth policies plan.*

Recommended Finding (Childcare Use):

This proposed use does not substantially interfere with the Comprehensive Plan. The Comprehensive Plan calls for an Urban Village Center just two blocks to the south of this property and the project would build upon these goals as stated in the Comprehensive Plan: "Consider a mix of retail and office uses that bring essential services such as pharmacies, groceries, education and health services to neighborhood residents."

Recommended Finding (Multifamily Use):

This proposed use does not substantially interfere with the Comprehensive Plan. The site which is located on Monroe Street represents a transition from Neighborhood Residential to Mixed Urban Residential. The Comprehensive Plan policy guidance for Mixed Residential states: "Allow





context sensitive multifamily redevelopment along higher volume road, along distinct edges, and near major destinations when appropriately integrated with adjacent uses and styles.”

We greatly appreciate your consideration of these two use variances for the Bloomington Housing Authority Childcare Center & Apartments. Please feel free to contact us to discuss any aspect of this petition further.

Respectfully,

A handwritten signature in black ink that reads "Barre Klapper". The signature is fluid and cursive.

Barre Klapper, AIA

Springpoint Architects, pc

**GENERAL NOTES**

14th STREET  
PUBLIC (R/W: ASPHALT)

MONROE STREET  
PUBLIC (R/W: ASPHALT)

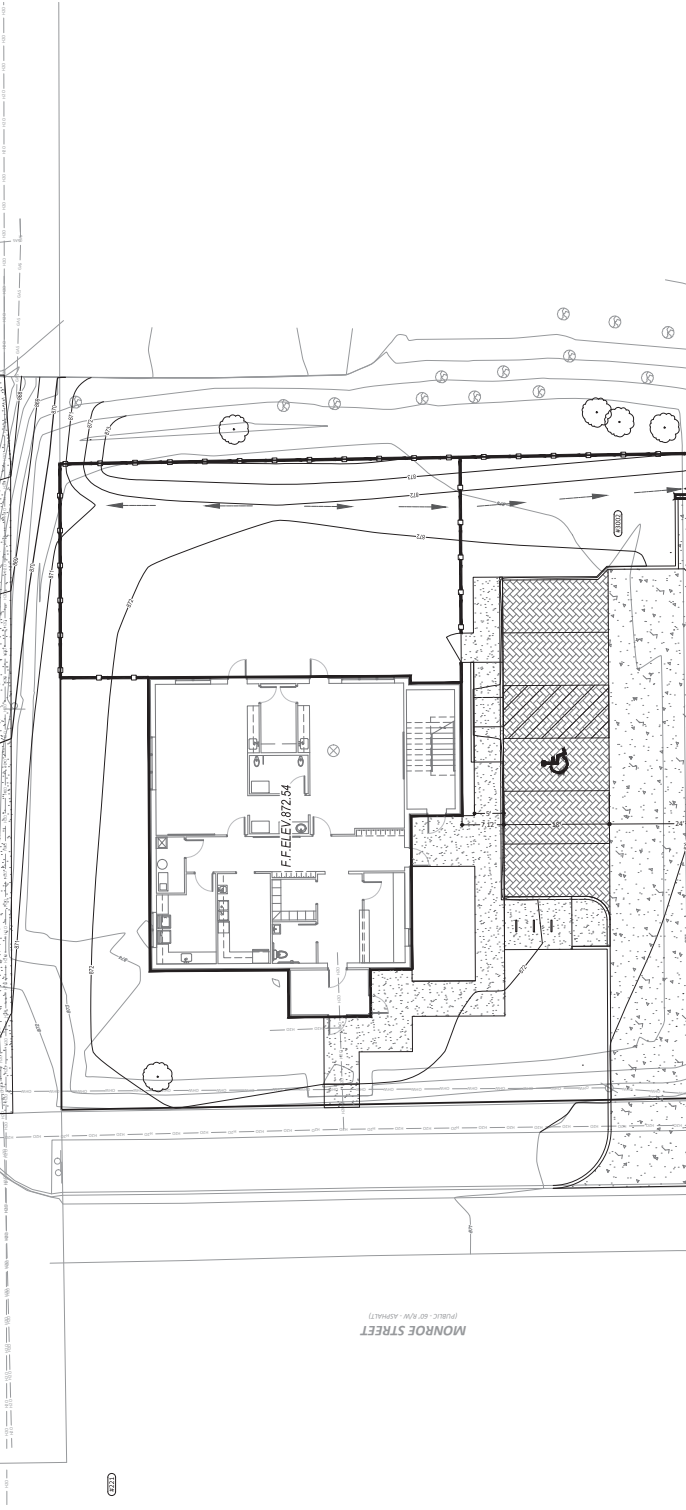
100 West 14th Street  
Bloomington, Indiana 47404  
812.318.2930  
www.springpointarchitects.com

213 SOUTH ROGERS STREET,  
BLOOMINGTON, INDIANA 47404  
812.318.2930  
www.springpointarchitects.com

**BRC**  
Bloomington Regional Council  
100 West 14th Street  
Bloomington, Indiana 47404  
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www.springpointarchitects.com

certified

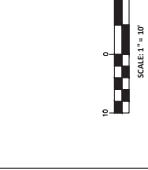
**PLAN NOTES**



**LEGEND**

- [Hatched pattern] LIMITS OF NEW ASPHALT PAVEMENT
- [Hatched pattern] LIMITS OF NEW 4" THICK CONCRETE PAVEMENT
- [Hatched pattern] PAVEMENT STRIPING 7' O.C.
- [Hatched pattern] LIMITS OF ASPHALT PAVEMENT PATCH
- [Hatched pattern] LIMITS OF PREVIOUS PAVERS

sheet title  
**SITE IMPROVEMENT PLAN**  
sheet number



springpoint  
ARCHITECTS  
213 SOUTH ROGERS STREET,  
BLOOMINGTON, INDIANA 47404  
812.318.2930  
www.springpointarchitects.com

**BRC**  
Bloomington Regional Council  
100 West 14th Street  
Bloomington, Indiana 47404  
812.318.2930  
www.springpointarchitects.com

certified

project title

**BHA  
CHILDCARE CENTER  
& APARTMENTS**

WEST 14TH STREET  
BLOOMINGTON, IN

project information

PROJECT NUMBER: 20-01  
ISSUE DATE: 3.8.20  
REVISION DATE:

**C40128**



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PROJECT TITLE

BHA CHILDCARE CENTER  
& APARTMENTS  
WEST 14TH STREET  
BLOOMINGTON, IN

PROJECT INFORMATION  
PROJECT NUMBER: 20-011  
ISSUE DATE: 3.9.20  
REVISION DATE:

SHEET TITLE  
ELEVATIONS  
SHEET NUMBER

A201



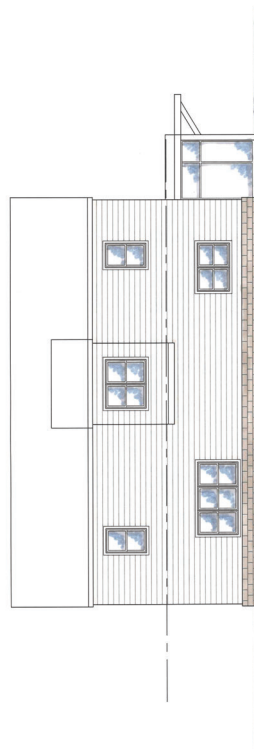
**B SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**D EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**A WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**C NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

