

CITY OF BLOOMINGTON



December 23, 2021 @ 5:30 p.m.

<https://bloomington.zoom.us/j/85700851364?pwd=Z0ZCOUF0UXIwSzNyMG5ERnE0emo2UT09>

Meeting ID: 857 0085 1364

Passcode: 317396

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
December 23, 2021 at 5:30 p.m.**

❖ **Virtual Meeting:**

<https://bloomington.zoom.us/j/85700851364?pwd=Z0ZCOUF0UXIwSzNyMG5ERnE0emo2UT09>

Meeting ID: 857 0085 1364

Passcode: 317396

ROLL CALL

APPROVAL OF MINUTES: October 21, 2021

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITION CONTINUED TO:

January 20, 2022

V-25-21 **Mark Harper**
4224 E. Penn Ct.
Request: Variance from maximum fence height to allow for a fence in excess of 4 feet in front of the front building wall.
Case Manager: Keegan Gulick

PETITIONS:

AA-20-21 **Sheila and Chris Callaway**
3310 E. Gosport Ct.
Request: Administrative Appeal of the Notice of Violation (NOV) for over-occupancy of one dwelling in the Residential Medium Lot (R2) zoning district.
Case Manager: Gabriel Holbrow

CU-22-21 **Aidan Reef**
1808 S. Rogers St.
Request: Conditional
Use approval to allow the operation of a home bakery business in the R2 (Residential Medium Lot) zoning district.
Case Manager: Keegan Gulick

V-23-21 **WS Property Group**
106 E. Hillside Dr.

****Next Meeting: January 20, 2022**

Map: <https://arcg.is/S8nna>

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.

Request: Variance from the required 20' front yard parking setback for the proposed construction of five 3-bedroom townhomes in the RM (Residential Multifamily) zoning district.

Case Manager: Keegan Gulick

CU-24-21

WS Property Group (Forwarded from the 11/24 Hearing Officer Mtg.)

106 E. Hillside Dr.

Request: Conditional Use approval to construct one building consisting of five 3-bedroom townhomes in an RM (Residential Multifamily) zoning district.

Case Manager: Keegan Gulick

****Next Meeting: January 20, 2022**

Map: <https://arcg.is/S8nna>

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BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
Location: 3310 East Gosport Court

CASE #: AA-20-21
DATE: November 18, 2021

PETITIONER: Sheila R. Callaway
3310 East Gosport Court, Bloomington, IN

CONSULTANT: Thomas E. Densford, Bauer & Densford
608 West 3rd Street / PO Box 1332, Bloomington, IN

REQUEST: The petitioner is requesting an Administrative Appeal of the Notice of Violation (NOV) for over-occupancy of one dwelling in the Residential Medium Lot (R2) zoning district.

REPORT:

Background History

The property at 3310 East Gosport Court was created as a single-family residential lot in a phase of the Hyde Park subdivision, approved by the Plan Commission on 2/24/1986 as case number DP-104-85. A seven-bedroom house was constructed on the property in 1988. Continuously since construction, the primary permitted use of the property has been as a Single-Family Detached Dwelling.

Responding to complaints going back to 2013, the Housing and Neighborhood Development (HAND) Department investigated the property and made a determination on 8/29/2018 that the house at 3310 East Gosport Court was an unregistered rental. The determination was upheld on appeal (18-AA-83) to the Board of Housing Quality Appeals on 10/7/2018. The property obtained a residential rental occupancy permit from HAND on 9/25/2019. The rental registration noted an occupancy limit of 3, based on the Residential Medium Lot (R2) zoning of the property.

Record

A tenant interview conducted by HAND staff on 8/17/2021 revealed that four adults live at 3310 East Gosport Court (report attached). The case was referred to the Planning and Transportation Department for enforcement of over-occupancy under the Unified Development Ordinance (UDO). Planning and Transportation issued a Notice of Violation (NOV) warning on 9/16/2021 for over-occupancy (NOV attached). On 9/29/2021, the legal representative of the owner provided documentation, including an affidavit of Sheila R. Callaway and Chris Callaway and tenant lease agreements with Benjamin Richards and Vladimire Hladynyuk (attached), which shows that the dwelling unit is occupied by four adults, two of whom are related and two of whom are unrelated to any of the others. Based on the provided documentation, Planning and Transportation staff determined that the group of persons occupying the dwelling unit does not meet any of the definitions of "family" listed in Chapter 20.07 (Definitions) of the UDO. Planning and Transportation issued a second Notice of Violation (NOV) on 10/14/2021 with a determination that the property is over-occupied (NOV attached). On 10/18/2021, the owner filed an administrative appeal of the determination. The appellant's statement for the appeal asserts that the two unrelated tenants provide daily home health care to Sheila R. Callaway that is necessary for her to live at home.

Analysis

The property at 3310 East Gosport Court is located in the Residential Medium Lot (R2) zoning district and is a Single-Family Detached Dwelling, which contains one dwelling unit designed for and to be occupied by one family, subject to the definition of “Family” in Chapter 20.07 (Definitions) of the UDO.

According to Unified Development Ordinance (UDO) Section 20.03.030(b) [Use-Specific Standards; Residential Uses];

- 1) Dwelling, Single-Family (Detached)
 - (A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.
 - (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
 - (C) Occupancy of a single-family detached dwelling unit is subject to the definition of “family” in Chapter 20.07: (Definitions).

According to Unified Development Ordinance (UDO) Section 20.07.010 [Defined Words];

Dwelling Unit:

One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of “Family”). The dwelling unit shall be characterized by but not limited to:

- 1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
- 2) A single kitchen adequate for the preparation of meals;
- 3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises. A dwelling unit occupied by more than one “family” (see definition) shall be constructed and regulated as a “residential rooming house” (see definition).

According to Unified Development Ordinance (UDO) Section 20.07.010 [Defined Words];

Dwelling, Single-family Detached:

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes “Dwelling, Manufactured Home” but does not include “Dwelling, Mobile Home.” A single-family detached dwelling may also include an “Accessory Dwelling Unit” if it meets the requirements for that additional use under this UDO.

Based on the use-specific standards and definitions of “dwelling unit” and “single-family detached dwelling” quoted above, occupancy of the one dwelling unit at 3310 East Gosport Court is subject to the definition of “family” listed in Chapter 20.07 (Definitions) of the UDO.

According to Unified Development Ordinance (UDO) Section 20.07.010 [Defined Words]; **Family** is an individual or group of persons that meets at least one of six definitions. The following analyzes each of six definitions with respect to the documented situation in the one dwelling unit at 3310 East Gosport Court.

- 1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
Sheila R. Callaway and Chris Callaway, as mother and son, are related by blood, but Benjamin Richards and Vladimire Hladynuk are each not related to Sheila R. Callaway, Chris Callaway, or each other. The occupants do not meet sub-definition 1.
- 2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
Chris Callaway, Benjamin Richards, and Vladimire Hladynuk are each under the age of 55. The occupants do not meet sub-definition 2.
- 3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
 - a. The Bloomington Human Rights Ordinance, in Section 2.21.095 of the Bloomington Municipal Code, defines “discriminatory housing practice” to include “refusing to rent to an individual or family on the basis of familial status” and defines “familial status” to mean “one or more individuals (who have not obtained the age of eighteen years) being domiciled with a parent or another person having legal custody of such individual(s) or the written permission of such parent or other person. The protections against discrimination on the basis of familial status shall apply to any person who is pregnant or in the process of securing legal custody of any individual who has not attained the age of eighteen years.”
None of the occupants are under the age of 18. None of the occupants are pregnant. The occupants are not a group of people whose right to live together is protected by the Bloomington Human Rights Ordinance. The occupants do not meet sub-definition 3a.
 - b. The Fair Housing Amendments Act of 1988 prohibits housing discrimination on the basis of several social categories, including familial status and disability. Similarly to the Bloomington Human Rights Ordinance, “familial status” generally means living with children under 18. As for housing discrimination on the basis of disability, courts have interpreted disability-based housing discrimination to include local zoning regulations that treat group homes for disabled individuals, including group homes for individuals recovering from substance abuse or addiction, less favorably than similar households of individuals without disabilities. The UDO explicitly allows for group care homes in all residential zoning districts under the use category of “Group Care Home, FHAA small”.

According to Unified Development Ordinance (UDO) Section 20.07.010 [Defined Words];

Group Care Home, FHAA, Small and Large:

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Indiana, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons. This use does not include “Opioid Rehabilitation Home, Small” or “Opioid Rehabilitation Home, Large.”

Group Home, FHAA Small:

A facility designed for and occupied by eight or fewer residents living together.

None of the occupants are under the age of 18. The dwelling is not a group care home for disabled individuals. Although the appellant’s statement describes a household arrangement designed to support the independent living of Sheila Callaway, there is no assertion that the dwelling is a “Group Care Home, FHAA small” under the UDO. No Certificate of Zoning Compliance has been requested or issued for the dwelling as a “Group Care Home, FHAA small”. The occupants do not meet sub-definition 3b.

- 4) In the RE, R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit.

The dwelling unit is located in the R2 zoning district. The occupants are four adults. The occupants do not meet sub-definition 4.

- 5) In all other zoning districts, “family” also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

The dwelling unit is located in the R2 zoning district. The occupants do not meet sub-definition 5.

- 6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.

The property is not owned by a cooperative corporation and as such does not meet the definition of cooperative housing. The occupants do not meet sub-definition 6.

The group of persons occupying the dwelling unit at 3310 East Gosport Court does not meet any of the definitions of “family” listed in Chapter 20.07 (Definitions) of the UDO.

Counterfactuals for Context

If all of the occupants of the house were related by blood, marriage, or legal dependent status (which is not the case), there would be no limit under the UDO to the number of occupants. The number of occupants would only be limited by the occupancy regulations in Section 404 of the International Property Maintenance Code (IPMC). A rough estimate suggests that as many as 16 occupants in the existing seven-bedroom house could be compliant with the IPMC.

Under the UDO, an Accessory Dwelling Unit (ADU) within the same building would be allowed by right as long as certain conditions were met, including that the property owner lives in either the main dwelling unit or the ADU. If the owner of 3310 East Gosport Court applied for and obtained a Certificate of Zoning Compliance (CZC) for an Attached ADU (which is not currently the case), each dwelling unit could be occupied by up to three unrelated adults, for a total of six unrelated adults in the existing house.

If the property were subdivided into separate lots (which is not the case), there is enough land area that the property could theoretically achieve approval from the Plan Commission for three lots under the current R2 zoning. In this counterfactual scenario, each lot could potentially obtain a CZC for one single-family dwelling unit and one ADU. Each of the six dwelling units could be occupied by up to three unrelated adults, for a total of 18 unrelated adults across all of the dwelling units on the area of the existing property without any change in zoning.

In a city-wide context, the house at 3310 East Gosport Court currently has a lower ratio of occupants to bedrooms that the typical ratio across the City of Bloomington. With four occupants and seven bedrooms, the house currently has a ratio of approximately 0.57 occupants per bedroom. The American Community Survey program of the United States Census provides data that can be used to calculate the average number of occupants per bedroom in the city. There is uncertainty in each of the data variables estimated by the American Community Survey, and additional uncertainty about how to combine these estimates in a calculation, but calculations show that a reasonable estimate is that the average number of occupants per bedroom in City of Bloomington is in the range of 0.9 to 1.1. Using the lower end of the range of 0.9, the house at 3310 East Gosport Court could have up to six occupants and still be under the average ratio of occupants per bedroom in the city.

RECOMMENDATION: In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.



City of Bloomington
Planning and Transportation Department

September 16, 2021

Sheila R. Callaway
3925 East Mount Eden Road
Scottsborough, IN 47170

Chris Callaway
By email to chrisc@bluemarble.net

Tenant
3310 East Gosport Court
Bloomington, IN 47401

Re: Notice of Violation (warning)
Use-Specific Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.03.030 [Use-Specific Standards]** at 3310 East Gosport Court. Our records indicate that you are the owner or tenant of this property.

A tenant interview conducted by the Housing and Neighborhood Development Department (HAND) on 8/17/2021 (report enclosed) revealed that four unrelated adults live at 3310 East Gosport Court. The property is located in the Residential Medium Lot (R2) zoning district and is a Single-Family Detached Dwelling, which contains one dwelling unit designed for and to be occupied by one family, subject to the definition of "Family" in Chapter 20.07 (Definitions) of the UDO. Based on the tenant interview, the dwelling unit at 3310 East Gosport Court is over-occupied.

According to Unified Development Ordinance (UDO) **Section 20.03.030(b) [Use-Specific Standards; Residential Uses];**

- 1) Dwelling, Single-Family (Detached)
 - (A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.
 - (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
 - (C) Occupancy of a single-family detached dwelling unit is subject to the definition of "family" in Chapter 20.07: (Definitions).

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words]; Dwelling Unit:**

One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of "Family"). The dwelling unit shall be characterized by but not limited to:

- 1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
- 2) A single kitchen adequate for the preparation of meals;
- 3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises. A dwelling unit occupied by more than one “family” (see definition) shall be constructed and regulated as a “residential rooming house” (see definition).

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words];**

Dwelling, Single-family Detached:

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes “Dwelling, Manufactured Home” but does not include “Dwelling, Mobile Home.” A single-family detached dwelling may also include an “Accessory Dwelling Unit” if it meets the requirements for that additional use under this UDO.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words];**

Family:

An individual or group of persons that meets at least one of the following definitions.

- 1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
- 2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
- 3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
- 4) In the RE, R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit.
- 5) In all other zoning districts, “family” also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.
- 6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.

In accordance with UDO Section 20.06.100, a violation of this nature may result in a fine of two thousand five hundred dollars (\$2,500). 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. Submit a notarized affidavit signed by the owner to the Planning and Transportation Department that indicates that you understand the occupancy limitation based on the definition of family in the UDO and that the property meets this occupancy requirement by 9/29/2021, **AND;**
2. Provide a copy of the current lease to the Planning and Transportation Department that shows that the property meets occupancy requirements by 9/29/2021.

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 20.06.080(d).

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 or 812-349-3423 with any questions or concerns.

Sincerely,



Gabriel Holbrow
Zoning Compliance Planner, Planning and Transportation Department

Enclosure: (1)

CC: Scott Robinson, AICP, Director, Planning and Transportation
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation
Mike Rouker, City Attorney
John Hewett, Program Manager, HAND

2012

TENANT INTERVIEW

DATE: 8-17-21 ^{Tues}

TENANT/OCCUPANT INTERVIEWED: (1) 4 MOVE IN DATE: _____

PHONE: (LOCAL IF POSSIBLE) _____ NUMBER OF RESIDENTS: 4

NAMES OF RESIDENTS: (2) Chris Calloway MOVE IN DATE: _____

(3) Sheila MOVE IN DATE: _____

(4) Ben Richards MOVE IN DATE: _____

(5) Vlad MOVE IN DATE: _____

DID ALL RESIDENTS SIGN THE LEASE? YES / NO IF NO, HOW MANY SIGNED? _____

WHICH RESIDENTS SIGNED THE LEASE? (#1), (#2), (#3), (#4), (#5)

DO ALL RESIDENTS PAY RENT WITH SEPARATE CHECKS? YES / NO

IF NOT, HOW IS THE RENT PAID? _____

ARE THERE RECIEPTS OR CANCELED CHECKS TO VERIFY PAYMENT? _____

HOW IS THE RENT PMT. DIVIDED (1/2, 1/3, 1/5, ETC)? _____

IS THE OWNER/AGENT AWARE OF THE NUMBER OF RESIDENTS? YES / NO

IF SO, HOW? _____

HAS OWNER/AGENT VISITED THE PROPERTY SINCE EVERYONE HAS MOVED IN? _____

LAST VISIT? _____ WHAT WAS THE PURPOSE OF THE VISIT? _____

~~SUMMARY OF TENANTS & OWNERS RIGHTS & RESPONSIBILITIES SIGNED? YES / NO / UNKNOWN~~

WHAT NUMBER OF LEGAL RESIDENTS WERE NOTED ON SUMMARY? _____

IS COPY OF RENTAL OCCUPANCY PERMIT POSTED? YES / NO / UNKNOWN

ARE TENANTS RELATED BY BLOOD, MARRIAGE, OR LEGAL ADOPTION? _____

HOW MANY ROOMS ARE BEING USED AS BEDROOMS? _____

IS _____ AREA BEING USED AS A BEDROOM? YES / NO
(IF SO, NOTIFY RESIDENTS OF THE HAZARD/VIOLATION)

INFORMATION GIVEN TO TENANTS

- _____ The City received a complaint with regards to over-occupancy of this property.
- _____ The City will require a copy of the lease and summary from owner/agent.
- _____ Copy of the Summary of Tenants' & Owners' Rights & Responsibilities given to tenant.
- _____ The maximum occupancy for this unit/structure which should have been identified in the summary is _____.
- _____ If found to be in violation of City of Bloomington Zoning Ordinance, the owner will be required to bring the property into compliance, which means tenants will have to move. The City of Bloomington Legal Department may take legal action including assessing fines.
- _____ A family consist of an individual or people related by blood, marriage, or legal adoption, and any other dependent children of the household.

Truck Daily
From Brownstown
CE 1297
County 36

BME 741
BK1
mercedes
82



City of Bloomington
Planning and Transportation Department

October 14, 2021

Sheila R. Callaway
 3925 East Mount Eden Road
 Scottsborough, IN 47170

Chris Callaway
 By email to chrisc@bluemarble.net

Tenant
 3310 East Gosport Court
 Bloomington, IN 47401

Thomas E. Densford
 Legal representative for Sheila R. Callaway and Chris Callaway
 P.O. Box 1332
 Bloomington, IN 47402
tom@bauerdensford.com

Re: Notice of Violation
 Use-Specific Standards

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.03.030 [Use-Specific Standards]** at 3310 East Gosport Court. Records show that you are the owner or tenant of this property or their representative.

A tenant interview conducted by the Housing and Neighborhood Development Department (HAND) on 8/17/2021 revealed that four adults live at 3310 East Gosport Court. The property is located in the Residential Medium Lot (R2) zoning district and is a Single-Family Detached Dwelling, which contains one dwelling unit designed for and to be occupied by one family, subject to the definition of “Family” in Chapter 20.07 (Definitions) of the UDO.

On 9/16/2021, staff from the Planning and Transportation Department mailed a NOV warning, which stated that records indicated that the dwelling unit at 3310 East Gosport Court is over-occupied. On 9/29/2021, Planning and Transportation staff received a letter, documentation, and an appeal from Thomas E. Densford, representative for Sheila R. Callaway and Chris Callaway. The documentation, including an affidavit of Sheila R. Callaway and Chris Callaway and tenant lease agreements with Benjamin Richards and Vladimire Hladynyuk, show that the dwelling unit is occupied by four adults, two of whom are related and two of whom are unrelated to any of the others. Based on the documentation provided, Planning and Transportation staff has determined that the group of persons occupying the dwelling unit does not meet any of the definitions of “family” listed in Chapter 20.07 (Definitions) of the UDO. Consequently, staff has determined that the dwelling unit at 3310 East Gosport Court is over-occupied.

The appeal to the Board of Zoning Appeals received on 9/29/2021 will not be heard because it was not filed within five days of the NOV warning dated 9/16/2021, as required by UDO Section 20.06.080(d)(3)(A)ii.

According to Unified Development Ordinance (UDO) **Section 20.03.030(b) [Use-Specific Standards; Residential Uses];**

- 1) Dwelling, Single-Family (Detached)
 - (A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.
 - (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
 - (C) Occupancy of a single-family detached dwelling unit is subject to the definition of “family” in Chapter 20.07: (Definitions).

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words];**

Dwelling Unit:

One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of “Family”). The dwelling unit shall be characterized by but not limited to:

- 1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
- 2) A single kitchen adequate for the preparation of meals;
- 3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises. A dwelling unit occupied by more than one “family” (see definition) shall be constructed and regulated as a “residential rooming house” (see definition).

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words];**

Dwelling, Single-family Detached:

A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes “Dwelling, Manufactured Home” but does not include “Dwelling, Mobile Home.” A single-family detached dwelling may also include an “Accessory Dwelling Unit” if it meets the requirements for that additional use under this UDO.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words]; Family:**

An individual or group of persons that meets at least one of the following definitions.

- 1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
- 2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
- 3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
- 4) In the RE, R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit.
- 5) In all other zoning districts, “family” also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.
- 6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.

In accordance with UDO Section 20.06.100, a violation of this nature may result in a fine of two thousand five hundred dollars (\$2,500). 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).

If the violation remains unresolved, fines will being to accrue daily on 10/28/2021 in accordance with above referenced UDO Section 20.06.100 [Enforcement and Penalties] until such a time as the violation is remedied. You have the following options to remedy the situation.

1. Submit a notarized affidavit signed by the owner to the Planning and Transportation Department that indicates that you understand the occupancy limitation based on the definition of family in the UDO and that the property meets this occupancy requirement by 10/28/2021, **AND**;
2. Provide copies of all current leases to the Planning and Transportation Department to show that the property meets occupancy requirements by 10/28/2021.

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 20.06.080(d).

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 or 812-349-3423 with any questions or concerns.

Sincerely,



Gabriel Holbrow
Zoning Compliance Planner, Planning and Transportation

CC: Scott Robinson, AICP, Director, Planning and Transportation
Jackie Scanlan, AICP, Development Services Manager, Planning and Transportation
Mike Rouker, City Attorney
John Hewett, Program Manager, HAND

User Menu

- Simple Search
- Search Owners
- Check Address
- Reports
- Statistics Report
- Help
- Logout

View Rental 10223

Address: 3310 E Gosport CT Show on Google Map	
Owner(s) Sheria Callaway	Agent: No Agent
Registration Date: 12/10/2018	Property Status: Registered
Last Cycle Date: 12/06/2018	Structures/Units: 1/1
Permit Issued: 09/25/2019	Units/Beds/O. Load: 1/7/3
Permit Expires: 04/17/2022	Average Inspection time: 0.75 hrs
Permit Length: 3	Bathrooms:
Pull Date: 04/17/2022	Pull Reason: 1st Notice To Schedule
Received Date: 09/25/2019	Zoning: Residential Medium Lot
Date Billed: 08/29/2019	N-Hood: 1
Property Type: House	
Building Type: Single-Family	Affordable Housing
Construction Date:	

[Complaints](#) [Images](#) [Location Map](#)

Previous Notes

Date	Notes	By
03/06/2019	Sent RV report to John for review. NM	Norman
05/12/2017	Property is still owner occupied. File to EW for new pull date. DW	Dee Wills
05/10/2017	File pulled to: DW	Eddie Wright

Buildings & Units

Pull History

2017

TENANT INTERVIEW

DATE: 8.17.21 ^{Tues}

TENANT/OCCUPANT INTERVIEWED: (1) 4 MOVE IN DATE: _____

PHONE: (LOCAL IF POSSIBLE) _____ NUMBER OF RESIDENTS: 4

NAMES OF RESIDENTS: (2) Christy Calloway MOVE IN DATE: _____

(3) Sheila Calloway MOVE IN DATE: _____

(4) Ben Richards MOVE IN DATE: _____

(5) Vlad MOVE IN DATE: _____

DID ALL RESIDENTS SIGN THE LEASE? YES / NO IF NO, HOW MANY SIGNED? _____

WHICH RESIDENTS SIGNED THE LEASE? (#1), (#2), (#3), (#4), (#5)

DO ALL RESIDENTS PAY RENT WITH SEPARATE CHECKS? YES / NO

IF NOT, HOW IS THE RENT PAID? _____

ARE THERE RECIEPTS OR CANCELED CHECKS TO VERIFY PAYMENT? _____

HOW IS THE RENT PMT. DIVIDED (1/2, 1/3, 1/5, ETC)? _____

IS THE OWNER/AGENT AWARE OF THE NUMBER OF RESIDENTS? YES / NO

IF SO, HOW? _____

HAS OWNER/AGENT VISITED THE PROPERTY SINCE EVERYONE HAS MOVED IN? _____

LAST VISIT? _____ WHAT WAS THE PURPOSE OF THE VISIT? _____

~~SUMMARY OF TENANTS & OWNERS RIGHTS & RESPONSIBILITIES SIGNED? YES / NO / UNKNOWN~~

WHAT NUMBER OF LEGAL RESIDENTS WERE NOTED ON SUMMARY? _____

IS COPY OF RENTAL OCCUPANCY PERMIT POSTED? YES / NO / UNKNOWN

ARE TENANTS RELATED BY BLOOD, MARRIAGE, OR LEGAL ADOPTION? _____

HOW MANY ROOMS ARE BEING USED AS BEDROOMS? _____

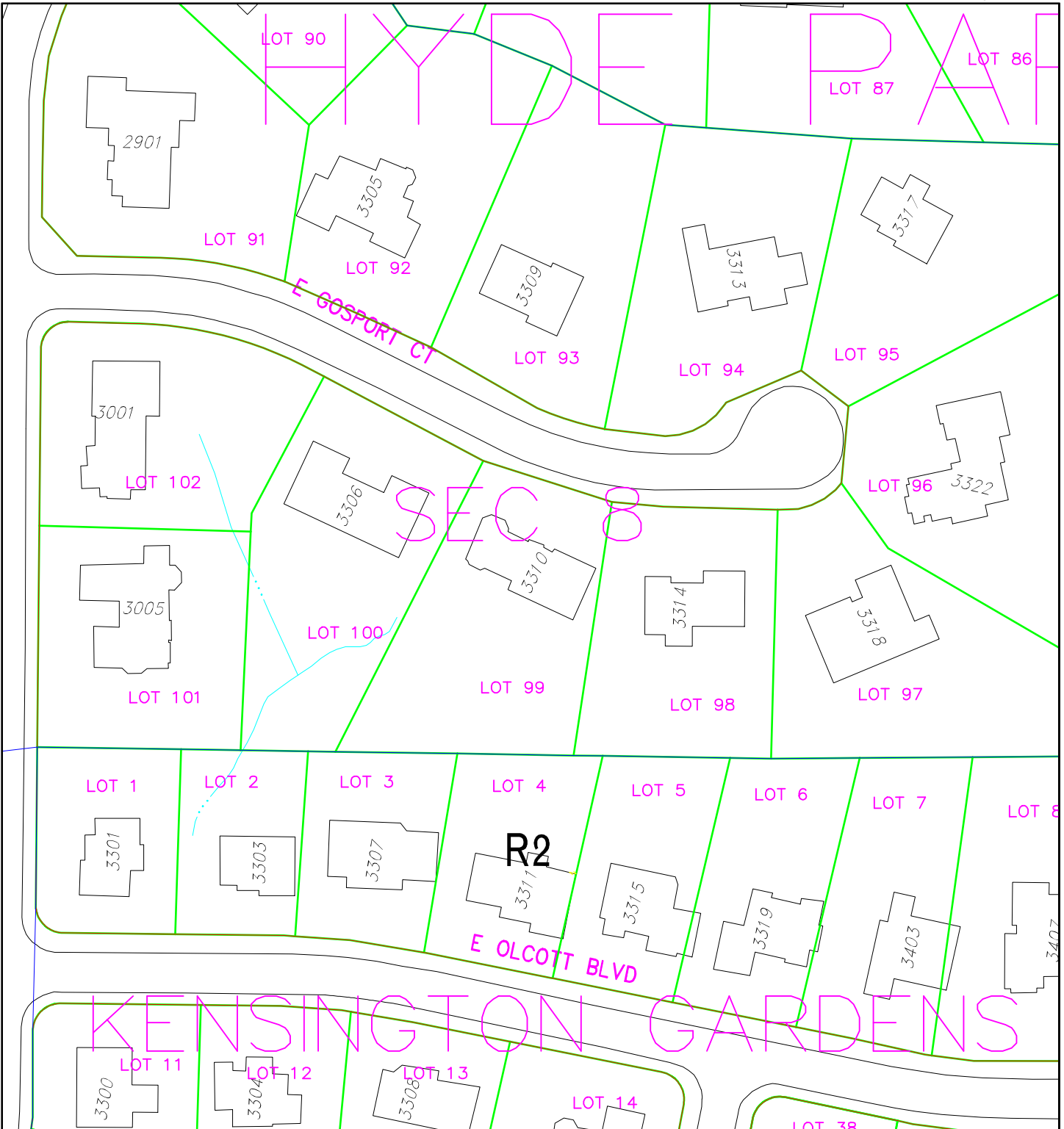
IS _____ AREA BEING USED AS A BEDROOM? YES / NO
(IF SO, NOTIFY RESIDENTS OF THE HAZARD/VIOLATION)

INFORMATION GIVEN TO TENANTS

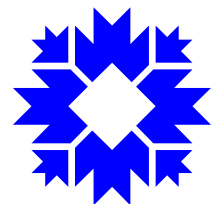
- _____ The City received a complaint with regards to over-occupancy of this property.
- _____ The City will require a copy of the lease and summary from owner/agent.
- _____ Copy of the Summary of Tenants' & Owners' Rights & Responsibilities given to tenant.
- _____ The maximum occupancy for this unit/structure which should have been identified in the summary is _____.
- _____ If found to be in violation of City of Bloomington Zoning Ordinance, the owner will be required to bring the property into compliance, which means tenants will have to move. The City of Bloomington Legal Department may take legal action including assessing fines.
- _____ A family consist of an individual or people related by blood, marriage, or legal adoption, and any other dependent children of the household.

Track Daily
From Brownstown
CR 1297
County 36

BME 24
BKR
mercades
82



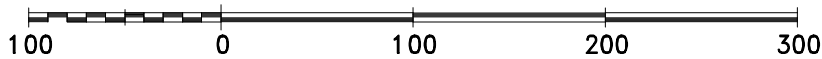
City of Bloomington
Planning



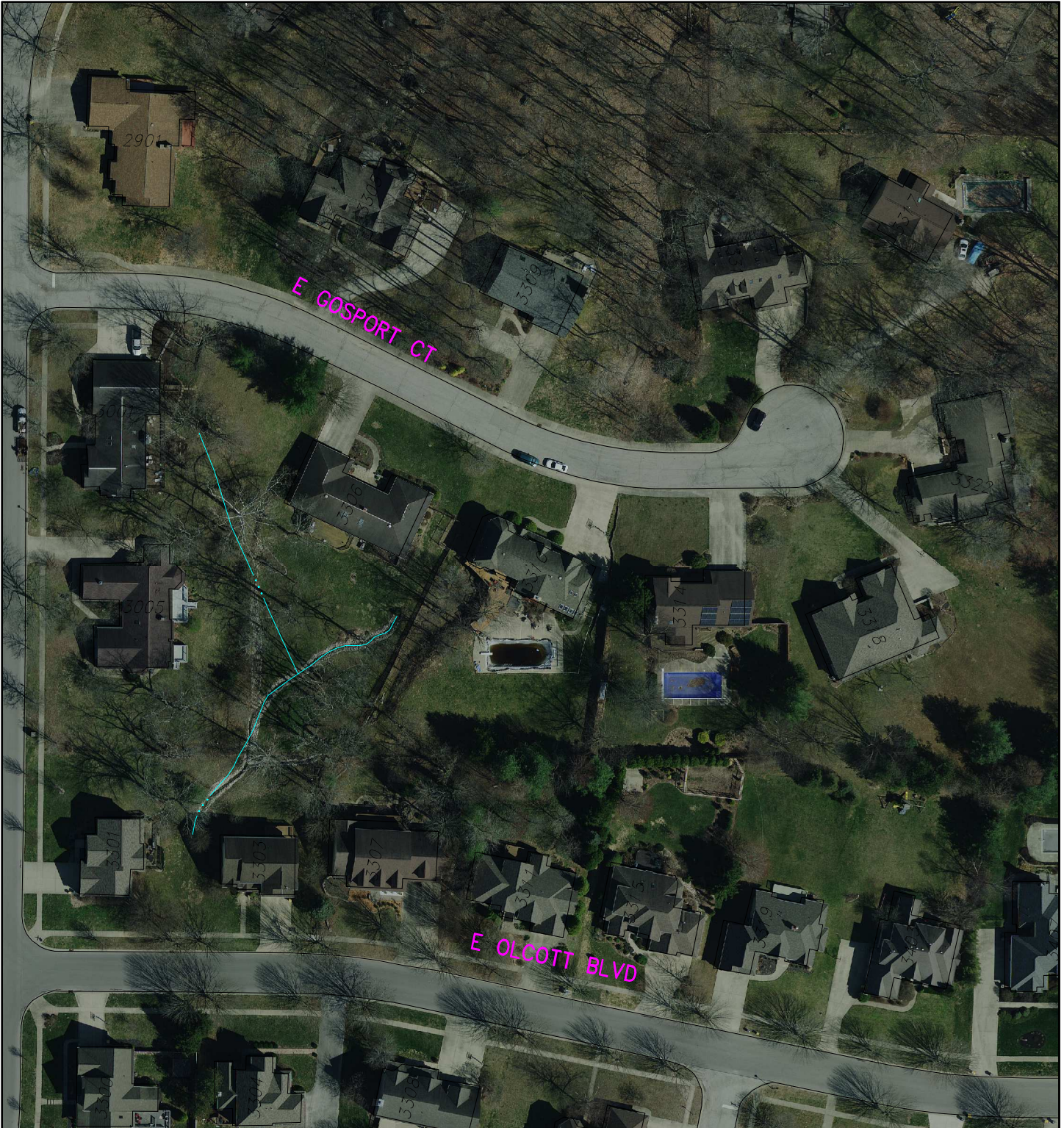
Scale: 1" = 100'

By: keegan.gulick

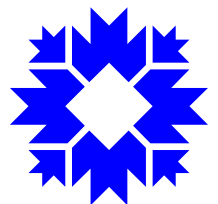
16 Dec 21



For reference only; map information NOT warranted.



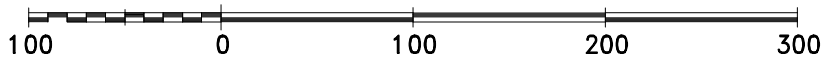
City of Bloomington
Planning



Scale: 1" = 100'

By: keegan.gulick

16 Dec 21



For reference only; map information NOT warranted.



PRACTICING LAW IN
THE PARIS DUNNING HOUSE
NATIONAL HISTORIC REGISTER

BAUER & DENSFORD
ATTORNEYS AT LAW

JAWN J. BAUER
jbauerlaw@bauerdensford.com

THOMAS E. DENSFORD
tom@bauerdensford.com

September 29, 2021

Gabriel Holbrow
Zoning Compliance Planner
Planning & Transportation Department
City of Bloomington, Indiana
VIA Email – gabriel.holbrow@bloomington.in.gov

RE: Notice of Violation (Warning)
Use-Specific Standards
My Clients: Sheila R. Callaway and Chris Callaway
Property Address: 3310 E. Gosport Court, Bloomington, IN

Dear Mr. Holbrow:

Please accept this correspondence as notice of this firm's representation of Sheila R. Callaway and Chris Callaway as the owner and occupants of real estate located at 3310 E. Gosport Court, Bloomington, Indiana 47401 and direct all future communications regarding the Notice of Violation issued by the Housing and Neighborhood Development Department (HAND) to my attention.

This correspondence serves as an Appeal submitted on behalf of Sheila R. Callaway and Chris Callaway and notice of their dispute of the City's assertion that the residence is in violation of the Unified Development Ordinance. Specifically, the Callaway's dispute the finding that four (4) unrelated adults live at the East Gosport Court residence. The Notice of Violation fails to take into the account the Occupancy Permit issued in April, 2019 which allows for the rental and tenant occupancy of the residence. The Notice of Violation fails to take into consideration the family relationship between Sheila R. Callaway and Chris Callaway.

These facts are documented in the attached *Affidavit*. *Lease Agreements* with the two (2) current Tenants are also attached.

Finally, enclosed please find the form you provided which serves as notice of an Appeal with the City's Board of Zoning Appeals.

If additional information or documentation is necessary, please do not hesitate to contact me.

Sincerely,



Thomas E. Densford

TED/af
Enclosures

CC: Bloomington Planning Department VIA Email - planning@bloomington.in.gov
Sheila R. Callaway & Chris Callaway

LEASE AGREEMENT

This Lease is between Landlord and Resident who agree to the following terms and conditions:

Section 1. Basic Lease Term. Landlord and Resident agree that the following terms have the following meanings as used in this Lease:

- 1.1 Landlord: "Landlord" means Sheila R. Callaway.
- 1.2 Resident: "Resident" means Benjamin Richards.
- 1.3 Rent: "Rent" means Three Hundred Fifty Dollars (\$350) per month.
- 1.4 Rent Abatement: Tenant shall be entitled to a Rent Abatement based upon the reasonable value of caregiver services provided to Sheila R. Callaway, which may be required on full time basis.
- 1.5 Leased Premises: "Leased Premises" means one (1) bedroom and shared common areas within the residence located at 3310 E. Gosport Court, Bloomington, IN 47401, which shall be used for residential purposes only.
- 1.6 Term. "Term" means the period beginning at 12:01 p.m. on September 1, 2020 and continuing on a month to month basis until terminated by the parties pursuant to the terms of this Lease.

Section 2. Use and Occupancy. The Resident shall keep the Leased Premises and furnishings in a clean condition during Resident's occupancy; shall not commit waste, misuse or neglect the Leased Premises; shall not damage the plumbing or other equipment, appliances, furnishings, doors, stairwells, common areas, locks, windows or screens; shall be responsible for the conduct of Resident's guests and shall not create any disturbing noises, or unreasonable interference with the rights, comforts, or convenience of. Volume of any radio, TV, stereo, or musical instrument shall be sufficiently reduced at all times to ensure the quiet enjoyment of any neighbors.

Upon expiration or termination of this Lease, Resident must return to Landlord all original and duplicate keys to the Leased Premises. If ALL original keys are not returned, the locks will be changed at Resident's expense.

Section 3. Representation on Application. Landlord offers this Lease to Resident based on representations made by Resident, including Resident's willingness to provide full time caregiver services to Sheila R. Callaway. If such statements are misleading, incorrect, or untrue, Landlord shall have the right to cancel this Lease and to immediate possession of the Leased Premises.

IN WITNESS WHEREOF, Landlord and Resident have signed this Lease on the day and year written below.

RESIDENT

LANDLORD

Ben *Sheila R. Callaway*
~~Benjamin Richards~~ Benjamin Richards Sheila R. Callaway

Dated: 9-1-2020

Dated: 9-1-2020

LEASE AGREEMENT

This Lease is between Landlord and Resident who agree to the following terms and conditions:

Section 1. Basic Lease Term. Landlord and Resident agree that the following terms have the following meanings as used in this Lease:

- 1.1 Landlord: "Landlord" means Sheila R. Callaway.
- 1.2 Resident: "Resident" means Vladimir Hladynyuk.
- 1.3 Rent: "Rent" means Three Hundred Fifty Dollars (\$350) per month.
- 1.4 Rent Abatement: Tenant shall be entitled to a Rent Abatement based upon the reasonable value of caregiver services provided to Sheila R. Callaway, which may be required on full time basis.
- 1.5 Leased Premises: "Leased Premises" means one (1) bedroom and shared common areas within the residence located at 3310 E. Gosport Court, Bloomington, IN 47401, which shall be used for residential purposes only.
- 1.6 Term. "Term" means the period beginning at 12:01 p.m. on August 1, 2021 and continuing on a month to month basis until terminated by the parties pursuant to the terms of this Lease.

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IN WITNESS WHEREOF, Landlord and Resident have signed this Lease on the day and year written below.

RESIDENT

Vladimir Hladynyuk
Vladimir Hladynyuk

Dated: 9-29-21

LANDLORD

Sheila R Callaway
Sheila R. Callaway

Dated: 9-29-21



PRACTICING LAW IN
THE PARIS DUNNING HOUSE
NATIONAL HISTORIC REGISTER

BAUER & DENSFORD

ATTORNEYS AT LAW

JAWN J. BAUER
jbauerlaw@bauerdensford.com

THOMAS E. DENSFORD
tom@bauerdensford.com

November 4, 2021

City of Bloomington
Board of Zoning Appeals
Planning & Transportation Department
VIA Email – planning@bloomington.in.gov

**RE: Sheila R. Callaway - Appellants Statement
Appeal of Notice of Violation
Use-Specific Standards
Property Address: 3310 E. Gosport Court, Bloomington, IN**

Dear Board Members:

Please accept this statement in support of the administrative appeal tendered on behalf of Sheila R. Callaway. Sheila R. Callaway resides as 3310 E. Gosport Court with her son, Christopher Callaway. Sheila Callaway is Eighty-Seven (87) years of age and suffers from a variety of medical limitations which curtail her mobility and independence. In order to allow Sheila to continue to reside at home, she applied to the City of Bloomington Housing and Neighborhood Development for a *Rental Occupancy Permit* which was issued in April, 2019 and remains in full force and effect. Upon reason and belief, the HAND Department was fully aware of applicable zoning ordinances when the *Permit* was issued and is vested with concurrent jurisdiction and regulatory authority comparable the Planning & Transportation Department.

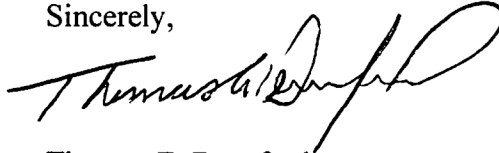
The Callaway residence consists of two (2) stories with a walkout finished basement and includes seven (7) bedrooms and five (5) bathrooms with a six thousand (6,000) square feet living space. The residence also includes an attached three (3) car garage with paved driveway. There is ample parking for all residents and the property presents no features of a commercial or non-residential nature.

Subsequent to the issuance of the *Rental Occupancy Permit* Sheila Callaway entered into Lease Agreements with two (2) tenants in order to provide assistance necessary for independent living. Chris Callaway works for Stone Belt until 1:00 a.m. and is not available in the evenings

to assist with Sheila Callaway's care. The tenants, in exchange for reduced rent, rotate responsibilities to prepare evening meals, monitor with medication, provide daily living assistance and companionship. The tenants are competent in all matters related to home health care provided to Sheila Callaway. Without this care, Sheila Callaway would not be able to reside at home.

Sheila R. Callaway requests the Board of Zoning Appeals to grant her appeal of the Notice of Violation based upon the circumstances discussed above and recognize and defer to the authority of Housing and Neighborhood Development Department in matters related to the rental of the Callaway residence.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. Densford". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Thomas E. Densford

TED/cf
Enclosures

CC: Gabriel Holbrow VIA Email – gabiel.holbrow@bloomington.in.gov
Sheila R. Callaway & Chris Callaway

AFFIDAVIT

Sheila R. Callaway and Chris Callaway, and being duly sworn upon their oath, states as follows:

1. Sheila R. Callaway is the owner in fee simple of real estate located at 3310 E. Gosport Court, Bloomington, Monroe County, Indiana 47401 (hereinafter referred to as "Dwelling Unit"). The Dwelling Unit is located in a R2 Zoning District. The Dwelling Unit consists of eight (8) bedrooms and five (5) bathrooms. A Rental Occupancy Permit was issued in April 2019 for the Dwelling Unit which remains in full force and effect. The Permit allows for the rental and occupancy of the Dwelling Unit by unrelated.

2. Chris Callaway is the biological son of Sheila R. Callaway and resides at the Dwelling Unit. Chris Callaway is an occupant but is not a tenant


3. Also residing at the Dwelling Unit is Benjamin Richards and Vladimir Hladynyuk, who are unrelated by blood or marriage to Sheila R. Callaway or Chris Callaway. The occupancy of Benjamin Richards and Vladimir Hladynyuk is documented by written Lease Agreements, copies of which are attached. A condition of the occupancy of Benjamin Richards and Vladimir Hladynyuk, includes caregiver services provided to Sheila R. Callaway, who is physically disabled and suffers from limited mobility and debilitating muscular atrophy.

4. Pursuant to the Unified Development Ordinance Dwelling Unit is properly permitted and not over occupied as the Dwelling Unit consists of three (3) unrelated adults.

AND FURTHER AFFIANT SAITH NOT this 29 day of September, 2021.

We affirm, under the penalties for perjury, that the foregoing statements are true.


Sheila R. Callaway


Chris Callaway

**Robert J Green
3001 S Forrester Street
Bloomington, In 47401**

November 8, 2021

**Board of Zoning Appeals
City of Bloomington, Indiana**

RE: 3310 E. Gosport Ct.

Dear Members of the Board,

First, I would like to thank the city for continued effort to regulate the very large rental industry in Bloomington.

The property in question is not a typical rental. Hyde Park has rentals to single families and doesn't cause any concern. 3310 E. Gosport Ct. is run as an apartment house, which causes concern in the neighborhood.

In regards to the over occupancy, I would like to provide other information that should have bearing on this case. Frequently there are people outside of the house shouting profanity's so loud it carries thru the entire neighborhood. Over the last seven or more years there have been many complaints of various incidences and a parade of emergency vehicles to that address. The police have been there so many times they are familiar with the address, as one officer commented ,“ It's known as a flop house!”

The son of Mrs. Callaway apparently is handling the rental of rooms at 3310 E. Gosport Ct. and has for many years. The owner and resident, Mrs. Sheila R. Callaway, 87 years old, is ultimately responsible. I understand her age is not in question, but I do not believe she is aware of the daily activities, traffic and the turnover of renters.

One frequent activity that creates considerable anxiety within

the neighborhood is people that live in 3310 walk to the corner where I live, hang out around my house and wait to be picked up only to return a few minutes later. This happens on a regular basis with a variety of people. I won't make an allegation of drug dealing but over the last several years there have been at least two people unrelated to the owner that have died in the house. The last death, just one month ago, was a drug overdose. Doesn't that raise a red flag?

Bloomington is one of the most expensive places to live in the state. I take great pride in being a citizen and property owner here. Consider the value of your home if this activity was in your neighborhood. I believe this is a common nuisance. I don't think I would be out of line saying if this activity was next door or across the street from your home or the mayor's, this would have been rectified by any means available within the law.

In reviewing all aspects of the situation, raising concern is critical to resolve the current and potential threat to our safety and depreciation of home values. For the protection of tenants and landlords the city has rules and regulations. Homeowners who consistently do not comply with city rules and regulations should be held accountable. Part of that accountability is to the neighborhood and its residents. Rules and regulations are of no value unless they are enforced. As I mentioned before, 3310 E. Gosport Ct. is not a typical rental.

You who represent the people of Bloomington have the authority and responsibility to resend the rental permit for this property. I hope this will be a start of the end to this situation.

Regards,

Robert J. Green

November 9, 2021

Bloomington Zoning Appeals Board
401 N Morton St
Bloomington, IN 47404

RE: 3310 E. Gosport Ct. over-occupancy hearing

Dear BZA Members,

We have resided at 3314 E. Gosport Court since 2002, which is next door to the Callaway house at 3310 E Gosport Ct. We can confirm that Chris Callaway has rented rooms to multiple tenants since 2012. This flagrant violation of city code has now continued for nearly ten years, with no ramifications. Consequently, neighbors have taken steps to document these violations, such as photographing multiple cars in the driveway and submitting these images to HAND.

In August 2020, a family member contacted the phone number in the Craigslist “rooms for rent” advertisement. The phone number in the ad is the same one Chris Callaway previously used on documents submitted to HAND. Through a series of text messages, he verified that the rooms for rent were at 3310 E Gosport Ct., claimed the house has 8 bedrooms and 5 bathrooms (one bedroom in basement, one on main, and six upstairs), and said all but one of the bedrooms was currently occupied. When asked about leases, he said he lets people come and go, and a law student had (previously?) lived there for 3 years. This exchange clearly illustrates that the Callaways have continued their illegal rental practices, even *after* receiving notifications of violations from the City and *after* the Callaways were issued a rental permit in 2019.

In the past four months alone, there have been three serious incidents at the property involving police, which should further establish proof of over-occupancy:

6/21/2021: tenant using mace on other tenant(s)

7/30/2021: sexual battery and criminal confinement of a minor, leading to the arrest of (presumed) tenant Austin Taylor

9/11/2021: death of 33-year-old male due to apparent overdose (the police log notes “transient trespassing” but we believe this was likely a renter)

These police logs document an escalation in neighborhood crime and disturbances involving renters at 3310 E Gosport Ct. I assume the full police reports (which we are not able to obtain) will verify who was residing in the house at the time of each incident. These are just the most recent incidents involving police, a pattern that also dates back to the purchase of the house by the Callaways and their operation of a “boarding house.”

We would also like to note for the record that Shelia Callaway, the owner of 3310 E. Gosport Ct., is Chris Callaway’s elderly mother. We have no reason to believe that she is engaged in

renting rooms, which is clearly managed by Mr. Callaway, and in fact may fall under the definition of elder abuse: “engaging in illegal or improper use of an elder’s funds, property, or assets.”

We believe the City is now in possession of sufficient evidence to take action against the Callaways, and ask that their appeal be denied and their rental permit revoked.

Respectfully,

Brenda Nelson-Strauss
Konrad Strauss
3314 E. Gosport Ct.

November 8, 2021

Bloomington Zoning Appeals Board
401 N Morton St
Bloomington, IN 47404

Dear BZA Members,

In addition to the signed letter from the Gosport Court neighbors supporting the determination that 3310 E Gosport Ct is over-occupied, we wish to submit additional info to show that Mr Callaway has had a history of deceit with both HAND and the police. Our fear is that this pattern will continue after the decision of this appeal.

We understand that the current appeal is dealing only with over-occupancy violations on 8/17/21. On that night and any other night in that month (and prior), there were: 3 cars in the garage, 2 to 3 cars in the driveway, 1 to 2 cars on the street and 1 motorcycle behind the yard's fence. These vehicles were still there in the morning. Another resident of the house was picked up and dropped off daily. He appeared not to have a car.

A regular posting on Craig's List advertising the rooms for rent has run for several years (attached). It was removed not long after the Zoning Board's communication with Callawy.

Shortly after Callaway purchased the home at 3310 E Gosport Ct, a young man (Alex Mysliwicz) told our sons "don't tell your parents I'm living down the street from them". He knew he was an illegal tenant in the house. This shows that Callaway moved into the house with illegal renters from day one, and has been lying about it. He has lied to HAND when questioned about the number of occupants, denying that the house was a rental., even stating at one point that his son and young family lived there! (They do not)

The police are well aware of the house and its occupants. It is well known among the police that there has been illegal drug activity in the house, and the neighbors saw this activity on a regular basis. Callaway has lied to the police about the domestic disturbances in which they have been called to address, claiming that these are visitors or vagrants in his home.

We fully expect Callaway's pattern of deception to continue if significant consequences are not taken soon. It is clear that he is currently trying to make it appear that it is not over-occupied. Even as I write this letter, I am watching a current resident move his things out of the house and into a U-Haul truck (photo attached).

Sheila Calloway may own the house, but Chris Calloway pulls the strings. She only bought the house when he and his partner couldn't make the balloon payment to finalize his purchase. We strongly recommend that the appeal be denied and serious penalties be applied for Callaway's long-term violation of the city code.

Respectfully,

Mike & Kathy Romy
3322 E Gosport Ct

favorite hide

flag

share

call or text:
(812) 369-1923

Posted about a month ago on: 2021-07-19 17:24

Contact Information: (812) 369-1923

\$350 private bedroom 350 per month (Bloomington)

Chris Callaway's
phone number.

house

available now

laundry in bldg

off-street parking

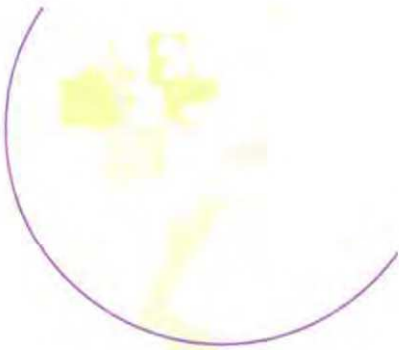
no private bath

private room

rent period: **monthly**

Private bedroom in spacious house near College Mall. \$350 per month plus share of utilities. Formal living room and dining room, kitchen, family room with fireplace, sunroom, recreation room, laundry room, inground pool.

QR Code Link to This Post





November 8, 2021

Board of Zoning Appeals
401 N Morton St.
Bloomington, IN 47404

Neighbors' submission supporting the determination that 3310 E Gosport Ct. is over-occupied.

Dear BZA Members,

We are neighbors of the Callaways who reside at 3310 E Gosport Ct.

On June 28, 2012, the seven (7) bedroom house was purchased by Christopher (Chris) Callaway and Nancy Ganka from Jefferey and Gertrude Fisher on a three-year contract. From the start, Chris and Nancy resided in the house and rented the extra bedrooms, month-to month, while denying that it was over-occupied or a rental.

On November 21, 2014, Shelia Callaway, Chris' mother, purchased the property out of the contract from the Fishers. Chris and Nancy, and later Chris' mother, continued to reside in the house and rent rooms to multiple individuals, with a lot of turnover.

As the result of a neighbor's complaint to HAND in 2013, which included over-occupancy, HAND determined the property was a rental and the City Attorney filed suit against Chris Callaway on November 25, 2014, for operating an unregistered rental. The case was dropped because Chris and Nancy no longer owned the property. The City Attorney apparently assumed that the house would no longer be rented, even though the buyer was Chris Callaway's mother. However, the house continued to be used as an over-occupied, unregistered rental.

In July of 2018, neighbors filed another complaint with HAND that the property was a rental and over-occupied. HAND again determined the property was a rental. The Callaways continued to deny it was a rental and appealed HAND's determination. At the Board of Housing Quality Appeals hearing on October 17, 2018, the Callaways' appeal was denied. The Callaways finally were required to get a rental permit, which was issued in 2019. Unfortunately, the other matter, the over-occupancy, was not addressed at the time, so the property continued to be over-occupied, although now as a registered rental.

In sum, the house has been an over-occupied rooming house, in a single-family neighborhood, for as long as the Callaways have owned the property, with both owners and tenants living there.

As a direct result of the Callaways' rental operation, disturbances, drugs (including two overdose deaths in the house), and crime have become all too common in the neighborhood.

After almost a decade of complaints, the over-occupancy is now being seriously addressed. Shelia Callaway and her son, Chris, who manages the rentals, both live in the house. There are also multiple tenants living in the house at any given time.

As evidence of over-occupancy, we are submitting several exhibits with this letter, including a list of people who have lived in the house while the Callaways have owned it; police reports; pictures of some of the multiple and periodically changing tenant vehicles at the property; and other documents

While we have observed tenants moving out and none moving in since Planning's Notice of Violation was sent on September 16, 2021, if past behavior is any indication, we expect over-occupying tenants to return soon. This happened in 2019. HAND conducted a pre-announced inspection and found no evidence of over-occupancy because Mr. Callaway had time to move tenants out and make it appear as if the house was not over-occupied. This cat and mouse game is happening again. Significant consequences might prevent the Callaways from resuming renting the property to multiple tenants after they think things have settled down.

For six years the Callaways denied that the property was a rental. In 2018, it finally was determined to be a rental. For even longer, the Callaways have denied that the property was over-occupied. This year it finally was determined to be over-occupied. And like 2018, when the Callaways appealed HAND's determination that it was a rental, they are now appealing Planning's determination that it is over-occupied.

We ask that the appeal be denied. Further, we hope there are some serious penalties, including fines and the revocation of the rental permit, for the Callaways' long-term and blatant violation of the city code.

Respectfully,

Gary & Anne Steigerwald
3309 E Gosport Ct.

Jack & Milka McCrory
3306 E Gosport Ct.

Robert Dixon
3005 E Forrester St.

Joe & Paulette Ryan
3305 E Gosport Ct.

Gary & Janelle EuDaly
3318 E Gosport Ct.

Gwyn & Barbara Richards
3308 Roy Schmalz Ct.

Kathy & Mike Romy
3322 E Gosport Ct.

Bob & Becky Green
3301 S Forrester St.

Barry Rubin &
Joanne Wilhelm
3305 E Olcott Blvd.

Amy Holtzworth-Munroe &
Mark S. Munroe
3313 E Gosport Ct.

Brenda Nelson-Strauss &
Konrad Strauss
3314 E Gosport Ct.

November 8, 2021

Bloomington Zoning Appeals Board
401 N Morton St.
Bloomington, IN 47404

Dear BZA Members,

We live at 3306 E. Gosport Ct, adjacent to 3310 E. Gosport Ct.. We are in support of the neighbors' letter supporting the determination that 3310 E Gosport Ct is over-occupied.

We have lived here for 28 years. Since the current owner of 3310 moved in about 10 years ago we have watched many disturbing problems with our neighbor.

We have seen the house become a short-term boarding house, with boarders staying anywhere from one week to many months. It is a six plus bedroom, 5 full bath house and appears to often have at least that many people residing there. When this problem began, 3310 often had six or more cars parked in front in addition to those in the three-car garage. Due to multiple complaints to HAND over the years, they began to inspect the home for over-occupancy. We then began to see some changes occur. When HAND notified them about an inspection, the numbers there dropped to three to four residents only to return to "full occupancy" after the inspection. They also began to rent to people who did not have a car. We would see, on a daily basis, multiple people riding mopeds, (which were parked at the side yard of the house or in the garage), riding bikes or walking one block away to catch an uber in order to make the traffic and coming and goings less obvious to the neighbors. There is a gate, used as an entrance to their walkout basement in back, that is used often and by guests staying a very short time. Boarders have told us that they've been instructed by the owner not to talk to any neighbors.

Adds for this "rental" are run on Craig's List and likely on other sites, but I suspect it is often by word-of-mouth. Issues with these renters include multiple drug overdose deaths, sexual assault, noise infractions and more. I have had people try to enter my house through the back sliding door and when confronted, stated they were meeting someone who told them to come in through the basement door in back at 3310. We have also experience many events that leave me concerned about the security of our neighborhood including finding a large knife in our front yard, arguments, and physical fights outside this residence. Many, many times we have awakened to multiple police vehicles and/or ambulances with lights flashing outside this house.

We ask that the appeal be denied. Please revoke any licenses to rent this property as they appear to be gaming the system in order to run a boarding house. Please impose any lawful fines to incentivize future compliance. Safety is a major concern to all involved.

Jack and Milka McCrory

3306 E Gosport Ct.

EVIDENCE OF OVER-OCCUPANCY

List of People who live or have lived at 3310 E Gosport Ct. since the Callaways have owned the house. And there have been more.

Pictures of residents' vehicles at the property, including one from the date of the HAND tenant interview on 8/17/21, when over-occupancy was determined. Some or all these vehicles can be seen in photos ranging from 8/6/21 into October 2021. These are just a few of the many, periodically changing, resident's vehicles that have been parked at the house over the years.

Police Reports, particularly the reports of

4/23/2013 which mentions three unrelated adults who lived at the residence (Luke Mingus, Richard Chandler and Joseph Ferguson), this would have been in addition to Mr. Callaway and Ms. Ganka. It also states that Ms. Ganka "is the home owner and often times lets students sub-lease the rooms inside the residence..." (although when interviewed by HAND in 2013 she claimed the house is not a rental, see HAND log 9/4/13). Letter from HAND on 9/10/13 also states these facts.

8/11/21 One "roommate" assaulted another "roommate." This shows that there were at least two tenants living in the house in addition to Chris and Shelia Callaway.

Letter from Legal Department 9/10/13 mentioning multiple residents.

HAND Over-Occupant Complaint Observation Reports:

7/12/18-7/18/18 listing vehicles at the property, noted water use.

3/20/19-3/29/19 listing vehicles, noted water use, theft, and disturbance.

HAND Log 8/13/18 & 8/24/18 naming several people living in house.

HAND Over-Occupant Complaint Observation Reports:

7/12/18-7/18/18 listing vehicles at the property, noted water use.

3/20/19-3/29/19 listing vehicles, noted water use, theft, and disturbance.

Notice Housing and Neighborhood Appeals Board: mentions "documentation of multiple people living here."

Application for Appeal to The Board of Housing Quality Appeals... 9/5/2018. While stating on the second page that the property is "owner occupied with family members living there," Mr. Callaway listed five occupants on the first page, not all of whom are family. See also HAND log 10/24/18 where it was explained to Chris that this makes it over-occupied.

Notice of Board of Housing Quality Appeals meeting 10/17/18 mentioning 9 different vehicles at the property and “documentation of multiple people living here.”

Neighbors’ presentation to the Board of Housing Quality Appeals hearing that the property was an unlawful rental, including that more than 3 unrelated adults live in the house, 10/17/18

Text between Chris Callaway and Gary Steigerwald June 2020

Text where Chris Callaway says there are 7 people living in the house at the time, August 2020

HAND Tenant interview 8/17/21 determined there were 4 residents at the time including Chris Callaway, Sheila Callaway, Ben Richards, and Vlad (see HAND log).

Craigs List Advertisements.

6/10/2013, 8/16/20, 7/19/21

LIST OF PEOPLE WHO LIVE OR HAVE LIVED AT 3310 E GOSPORT CT. SINCE THE CALLAWAYS HAVE OWNED THE PROPERTY

First Name	Last Name	Source
Ashley	Appleton	FastPeopleSearch
Benjamin	Betsworth	FastPeopleSearch, Police Report 5/13/20
Shane	Blair	FastPeopleSearch
Tony	Butler	FastPeopleSearch
Shelia	Callaway	Appeal to BHQA, FastPeopleSearch
Chris	Callaway	Appeal to BHQA, FastPeopleSearch
Paul	Callaway	FastPeopleSearch
Richard	Chandler	Police Report 4/23/13
Kevin	Curtis	FastPeopleSearch
Joseph	Ferguson	Police Report 4/23/13
Joseph	Ferguson	FastPeopleSearch
Nancy	Ganka	Appeal to BHQA, Real estate docs, FastPeopleSearch, Police report 10/18/18
Zachary	Gray	Police Report 7/12/18
David	Hagen	FastPeopleSearch
Ashlee	Harrison	FastPeopleSearch, Police Report 10/8/18
Bailey	Higgins	FastPeopleSearch
Gilberts	Indhayo	Police Report 1/25/21, FastPeopleSearch
Tyler	Jones	FastPeopleSearch
Nicholas	Just	FastPeopleSearch
Nicholas	Kidwell	FastPeopleSearch
Carol	Kiefer	FastPeopleSearch
John	Knox	FastPeopleSearch
Like	Mingus	Police Report 4/23/13 & 8/2/13
Anthony	Monaco	FastPeopleSearch
Jefferey	Morris	FastPeopleSearch
Ryan	Poland	FastPeopleSearch
Sam	Pruett	Appeal to BHQA, FastPeopleSearch
Benjamin	Richards	HAND tenant interview, FastPeopleSearch, Police Report 6/21/21
Johnson	Rilometa	FastPeopleSearch
Yvonne	Ross	FastPeopleSearch
Jared	Roush	Appeal to BHQA, FastPeopleSearch, Police Report 5/28/19
Thomas	Skiminia	FastPeopleSearch
Lauren	Skiminia	FastPeopleSearch
Cinda	Smith	FastPeopleSearch
Austin	Talor	Police Report, MyCase
Miles	Vinning	FastPeopleSearch
Brandt	Walls	FastPeopleSearch
Larry	Walters	FastPeopleSearch
Ryan	Woods	FastPeopleSearch
Vlad		HAND tenant interview
33 Year Old Male		Police Report 7/19/14

This is probably not a complete list of everyone who has lived there.

FreePeopleSearch is <https://www.fastpeoplesearch.com/>

LIST OF PEOPLE WHO LIVE OR HAVE LIVED AT 3310 E GOSPORT CT. SINCE THE CALLAWAYS HAVE OWNED ~~THE~~
PROPERTY

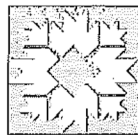
BHQA is Board of Housing Quality Appeals

Date	Nature	Incident
3/18/2013	Theft	B13-01907
4/23/2013	Burglary (see Evidence of over-occupancy page)	B13-03026
8/26/2013	Theft	B13-06427
9/13/2013	Trespass	B13-06915
7/19/2014	Death	B14-05299
4/6/2016	Welfare Check	B16-12919
9/10/2017	Disorderly Conduct	B17-36977
7/8/2018	Disturbance	B18-27196
7/12/2018	Theft	B18-27771
10/8/2018	Domestic	B18-41481
5/28/2019	Fraud, Identity Theft	B19-21641
6/23/2019	Service	B19-25599
5/13/2020	Trespass, "former tenant"	B20-17647
8/20/2020	Burglary from Alibi Boutique, follow up to B20-27853 Stolen property traced to 3310 E Gosport Ct	B20-27862
6/20/2019	Threat/Intimidation	B19-25126
6/21/2021	Domestic (See evidence of over-occupancy page)	BL21-20854
7/30/2021	Arrest for Sexual Assault, Criminal Confinement	B21-26282
9/11/2021	Death, overdose, etc.	B21-32319

We have not included each individual police report because there are many pages. They are available upon request.

Corporation Counsel
Margie K. Rice

City Attorney
Vickie Renfrow



City of Bloomington
Legal Department

Assistant City Attorneys
Susan Failey
Barbara E. McKinney
Jacquelyn F. Moore
Patricia M. Mulvihill
Michael M. Rouker
Greg A. Small

September 10, 2013

Christopher Callaway
Nancy Ganka
3310 E. Gosport Ct.
Bloomington, IN 47401

Re: Property located at 3310 E. Gosport Ct., Bloomington, IN (the "Property")

Dear Owners:

You previously received a letter from Legal following up on notification from Housing and Neighborhood Development Department ("HAND") concerning an unregistered rental unit at the above referenced Property. Thereafter, I spoke via phone with Ms. Ganka. Ms. Ganka argues that the Property is owner occupied and not a rental. However, HAND has evidence that this is an unregistered rental.

As you are likely aware, a theft was reported at the Property on April 24, 2013. The police report lists the following individuals as residents of the Property: Joseph Ferguson and Luke Mingus. The report also lists a Richard Chandler as a recent former resident. The report further recounts a conversation with Ms. Ganka. Specifically, the report says "Ms. Ganka stated that she is the homeowner and often times students sub-lease the rooms inside the residence." HAND also has located a Craigslist ad for rooms for rent posted June 10, 2013 for the Property. Taken together, these facts establish that this is a rental.

You are currently in violation of Title 16 of the Bloomington Municipal Code by operating an unregistered rental at the Property. You must immediately register the Property with HAND and schedule an inspection. Please note that you may be fined up to \$2,500 per day for each day that the property is out of compliance. The fine amount will be impacted by the expediency with which you rectify the noncompliance. We may also ask the Court to order you to pay court costs.

Please give prompt attention to this matter by contacting the HAND at (812) 349-3401 before **September 24, 2013.**

Very truly yours,

Greg Small
Assistant City Attorney

cc: Lisa Abbott, Director Housing and Neighborhood Development Department

**OVER-OCCUPANCY COMPLAINT
OBSERVATION REPORT**

3310 E. GOSPORT CT.
OCCUPANT LOAD - ⁴⁵RS = 3

TENANT VERIFICATION SOURCES

DRIVE-BY'S 9:15

Date: 7-12-18 Vehicles License #/City Parking #/IU Parking #: _____

2 VEHICLES PRESENT #1 + 2

Date: 7-13-18 Time: 2:00 Vehicles License #/City Parking #/IU Parking #: _____

3 VEHICLES PRESENT #'S 2, 3, & 4

Date: 7-17-18 Time: 2:30 Vehicles License #/City Parking #/IU Parking #: _____

2 VEHICLES PRESENT #'S 5 & 6

Date: 7-18-18 Time: 11:00 Vehicles License #/City Parking #/IU Parking #: _____

3 VEHICLES PRESENT #'S 2, 7, & SCOOTER

License Number Verification:

- 1 Plate Number: MI 0TA 7626 Owner Info: WHITE FORD FIESTA
- 2 Plate Number: IN WMU 809 Owner Info: BLUE CHEVY MALIBU - ROB SANDLIN
- 3 Plate Number: IN ADP 276 Owner Info: BLUE FORD EXPLORER
- 4 Plate Number: IN ZV 1700 Owner Info: DODGE JOURNEY BLACK
- 5 Plate Number: CA 7TCU 092 Owner Info: BLACK MUSTANG
- 6 Plate Number: KY 341 JVP Owner Info: RED FORD EDGE
- 7 Plate Number: IN 656 THW Owner Info: HONDA CRV GRAY
- 8 Plate Number: IN B2291F Owner Info: SCOOTER RED - SON-SHAWN
- 9 IN 53 R5 GOLD LINCOLN CONTINENTAL (GARAGE) PARTNER

NANCY GANKA

CBU

Date: 7-16-18 Name: CHRIS CALLOWAY

Contact Info: 3310 E. GOSPORT CT.

Avg. Usage: _____ Date Service Started: JUNE 30, 2012

Previous Registration: JEFF FISHER 7/88 - 6/12

BPD:

Date: _____ Reason for visit: _____ Residents: _____

HAND Citation System:

Tickets Issued: Yes/No Date: _____ Reason: _____ Lease Rec'd: _____

Names: _____

Parking Enforcement:

Permits: yes/No Lease: Yes/No Names: _____

IU Registrar:

Name: N/A Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

Name: _____ Address: _____

MAY 5, 2018
TO
JUNE 5, 2018
36,000
GALS.
JUNE 5
TO
JULY 6, 2018
37,000
GALS.

3310 E Gosport Ct.

Date

Contact

Initials

6-2013 Started file following complaint of unregistered rental. House allegedly rented by up to 8 tenants. CBU reports large water usage; however there is a pool and a hot tub on the property. Craigslist ad in file
p 8-22-13



JS

8/9/13 Start legal. Pull 9/3/13

LS

08.20.13 LEGAL LTR SENT

DW

9/4/13 Spoke to Nancy Ganka. She again stated this is not a rental. Referred per to Greg Small - City Atty

LS

9/9/13 Update to Legal. Pull 9/23/13

LS

9.10.13 LEGAL LTR SENT

D23

9/30/13 Update to Legal. Pull 10/21/13.

LS

10-18-13 Chris Callaway sched cycle 11-19-13 @ 9am MT
1-12-3-13. Need leg form

Y

11/24/13 Update to Legal. Pull for cycle.

11/19/13 Cycle complete w/ owners. No ppk given send report

LS

12-12-13 Sent cycle report. Pull 2-12-14 to MA

CF

1/13/14 Update to Legal. keep same pull.

LS

2-18-14 Called talked to Nancy Ganka, sched rein 3-28-14 @ 9am MT p-4-11-14

Y=

3-25-14 Chris Callaway resched rein 4-8-14 @ 9am MT p-4-22-14

Y=

	Contact	Initials
114	RV completed w/owner. Send RV report then to Lisa to update legal	JH
4-9-14	Sent RV report. pull 4-23-14 to MA	CF
4/15/14	Update to legal. Pull 4/23/14.	JH
5/9/14	Update to legal. Pull 5/27/14	JH
6/4/14	Update to legal. Pull 7/7/14	JH
7/9/14	Update to legal. Pull 7/21/14	JH
7/24/14	Update to legal. Pull 8/11/14	JH
3-25-15	PULLED TO LA	EW
6/14/15	Pull 4/21/15 to LA.	JH
6-22-15	FILE PULLED TO LA.	EW
4/11/16	Lawsuit dismissed on 12/15/14. Do courthouse research that property has sold. Return file to DF once research complete	DF
5-10-16	Property sold on 11-25-2014 to Sheila Callaway the property record card supports info in memo from Chris Wheeler dated 2/4/15. Pull 3/10/17 to v status.	JH
5/12/17	attd c/o by Sheila Callaway. Pull 5/12/19	DF
3/11/18	Rend. complaint from property owner @ 3309 Gosport Ct. Property being used as a rental. NM to do over occupancy complaint & determine if being used as unregistered rental	DF

3310 E GOSPORT CT

ZONE: _____

	Contact	Initials
7-18	MAILED NTR/NTS TO OWNER - PER DS/NM. PULL 8-11-18	EW
11/18	Resend NTR/NTS w/ new date & add Chris Callaway name to letter	EW
1-18	MAILED NTR/NTS TO OWNERS (ADDED CHRIS CALLAWAY). PULL 8-16-18 FOR 2 WEEKS.	EW
18	<u>OVER OCCUPANCY</u> REPORT INSERTED IN FILE, AS PER DORIS.	NM
3-18	Chris Callaway called and stated this is owner occupied. I took his name & number and told them we would call them if we had any questions. pulled to Norm.	AK
3-18	CALLED MR. CALLAWAY (CHRIS) AND CONVEYED TO HIM, THAT PROPERTY IS CONSIDERED A RENTAL BECAUSE OWNER (MOM-SHELIA) ONLY RESIDES THERE ON WEEKENDS ACCORDING TO CHRIS, CHRIS WILL NEED TO SCHEDULE CYCLE INSPECTION AS PER DORIS.	NM
13/18	UM from Chris. Left CW Spoke with Chris (son). He says it's grandma, him and his partner, a nephew, a cousin, and an exchange student.	ES
17/18	Em Chris on suggestions.	ES
10/18	Started legal. Pull 9/20/18.	ES
29-18	ADDED LEGAL NOTICE TO FILE - PULL 9-6-18 PER NOTICE	EW
04-18	CHRIS CALLAWAY CALLED REC'D LEGAL LTR, ASKED TO SPEAK W/ DS	EW

[Handwritten mark]

[Handwritten mark]

CONTACT

initials

2-18	Rec'd appeal + fee. #20 cash	CF 50
15/18	Rec'd New BHA Application & Fee. Pw 10.17.18 BHA	DRB
10-19-18	NOBA Sent. Pw for Simon Lscm 11/02/18 - 10/26/18	DRB
10-23-18	CHRIS called. He's angry he didn't get to support his case because he wasn't notified when meeting was. Also, date on NOBA is wrong Meeting was on 10/17/18.	★
10/23/18	Left VM. Said only court is option met but can speak w/ Davis.	ES
10/28/18	Sprke w/ Chris Callaway. Stated did not receive notice of mtg & wanted to make appeal to hrd. Told him, I would check w/ legal however, based on what he told me about the property: 1) mother lives in home she owns in another town; 2) he, his domestic partner & her nephew live live in the property (his name not on deed) makes it an unregistered rental & if mom lived there, an <u>over-rented</u> , unregistered rental so property is violation of the <u>rental property maintenance code</u> . He He decided to <u>reschedule</u> property for inspection.	★
10-24-18	Chris sch cycle 11/29/18 @ 10:30 w/NM. call 12-13-18	★
1	NORM - get reg form, mailed out to owner on 10/24/18	★
11.13.18	CHRIS Resch. cycle 12.05.18 (WED) @ 11 w/o (NM) Do NOT RESCHEDULE w/o Annam From ES-	DRB
11.13.18	CHRIS Resch ^{Now.} cycle 12.05.18 AGAIN 12.06.18 (THUR) @ 11 w/o (NM)	DRB
12-6-18	CONDUCTED CYCLE/INSPECTION w/ TENANT, OCCUPIED, RTR-02 PRESENTED 1 HR.	NM
12-7-18	SENT CYCLE REPORT TO JOHN FOR REVIEW.	NM

04-18 | CHRIS CALLAWAY CALLED REC'D LEGAL LTR. ASKED TO SPEAK w/ ES

ADDRESS 3310 E. GOSPORT CT.

FILE# 10223 51

Date	Contact	Initials
12-10-18	REC'D REQ. FORM, LIBERATED IN FILE.	NM
12/11/18	GND PURPORT	✗
12-14-18	MAILED CR TO OWNER - PULL 2-13-19 FOR 60 DAYS	EW
2-8-19	CHRIS SCHREIN 3-4-19 @ 10:00 NM PULL 3-18-19	EW
3-4-19	CONDUCTED RE-INSPECTION W/O, WILL SEND RV REPORT.	NM
3-6-19	SENT RV REPORT TO JOHN FOR REVIEW.	NM
3-7-19	REC'D FIPV VIA WALK-IN, CHANGED ^{RV} REPORT	
	PRIOR TO BEING SENT OUT, THEN SENT	NM
	RV REPORT TO JOHN FOR REVIEW.	NM
3/2/19	SEND RV	✗
3-11-19	MAILED RV REP TO OWNER - PULL 3-26-19 FOR 2 WEEKS	EW
3-22-19	REC'D DOCUMENTATION FROM ELECTRICAL	
	CONTRACTOR/OWNER THAT S/D'S HAVE BEEN	
	ACTIVATED. (INSERTED IN FILE) (USPS)	NM
3-22-19	CHRIS SCHREIN 4-17-19 @ 11:30 NM PULL 5-1-19	EW
4-8-19	REC'D O/O COMPLAINT ON OR ABOUT 3-20-19,	
	CONDUCTED INVESTIGATION AND NEXT STEP	
	IS TENANT INTERVIEW. CYCLE RE-INSPECTION	
	IS SCHEDULED FOR 4-17-19 WILL DO	
	TENANT INTERVIEW AT TIME OF	
	RE-INSPECTION, AS PER ERIK.	NM
4-17-19	CONDUCTED RE-INSPECTION W/O, ALL COMPLIED EXCEPT	
	EXTERIOR PAINTING, ISSUE TEMPORARY PERMIT.	

O/O COMPLAINT NOT VALID, 3 BEDROOMS ARE OCCUPIED, OTHER BEDROOM DO NOT HAVE PERSONAL EFFECTS, GUEST ROOMS, ENTERTAINING AREA, SOME OVERNIGHT STAYS. (NM)



**City of Bloomington
Housing & Neighborhood Development**

Meeting Date: October 17, 2018
 Petition Type: Relief from an administrative decision
 Variance Request: Relief from the requirement to register this as a rental.
 Petition Number: 18-AA-83
 Address: 3310 E Gosport Ct.
 Petitioner: Sheila Callaway
 Inspector: John Hewett, Norm Mosier
 Staff Report:

July 11, 2018	Received complaint of Unregistered rental.
July 12-18, 2018	Neighborhood Compliance Officer observed <u>9 different vehicles</u> <i>R</i> <u>on multiple occasions.</u>
August 29, 2018	Legal letter sent with Sept. 5, 2018 deadline to register as a rental.
September 5, 2018	Received appeal.

This property has never been issued a Rental Occupancy Permit. There is documentation of multiple people living here *✱*. The owner does not reside at the property on a daily basis, but rather just on weekends as stated by the son. The owner's son Chris, says that all occupants are family, except his partner and an exchange student. This presents a violation of Title 16, as the definition of family means a group of people all of whom are related by blood, marriage or legal adoption. Two of the occupants in this house are not family by this definition, therefore, this is a rental by definition of the Bloomington Municipal Code.

Staff recommendation: Deny the relief from administrative decision.

Conditions: This property shall be inspected and issued a Rental Occupancy permit.

Compliance Deadline: October 24, 2018 to call HAND and schedule the Cycle inspection.

Attachments: Appeal form, Over-occupancy observation report, Legal letter dated August 29, 2018



RECEIVED
SEP 05 2014

Application for Appeal
To The **BY:**

Board of Housing Quality Appeals
P.O. Box 100
Bloomington, IN 47402
812-349-3420
hand@bloomington.in.gov

Property Address: 3310 E Gosport Ct.

Petitioner's Name: Shelia Callaway

Address: 3310 E. Gosport Ct.

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-369-1923 Email Address: chrisc@bluemarble.net

Property Owner's Name: Shelia Callaway

Address: 3310 E. Gosport Ct.

City: Bloomington State: IN Zip Code: 47401

Phone Number: 812-369-1923 Email Address: SAME

Occupants: Shelia Callaway, Chris Callaway,
Nancy Fanka, Jared Roush, Sam Pruett

The following conditions must be found in each case in order for the Board to consider the request:

1. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety and general welfare.
2. That the value of the area about the property to which the exception is to apply will not be adversely affected.

Please circle the petition type that you are requesting:

- A) An extension of time to complete repairs (Petition type TV)
- B) A modification or exception to the Residential Rental Unit and Lodging Establishment Inspection Program (Petition type V)
- C) Relief from an administrative decision (Petition type AA)
- D) Rescind a variance (Petition type RV)

REMINDER: A \$20 filing fee must be submitted with this application before the property can be placed on the meeting agenda.

OFFICE USE ONLY
Petition Number 18-AA-83

SEE REVERSE

people unrelated

Please provide details regarding your request below; you may attach any exhibits or additional comments as you deem necessary and pertinent to your request. Be specific as to what you are requesting, the reason or justification for your request; the amount of time needed to bring the property into compliance, and any modifications and/or alterations you are suggesting.

The property in question is owner occupied with family members living there.

Signature (required): Chris Callaway

Name (please print): Chris Callaway Date: 9-5-2018

You may attend the meeting. If you attend, please note that all petitioners presenting a matter to the Board shall be limited to no more than five minutes to present their case and arguments. Additional time can be granted if deemed appropriate by the Board. Please note that if your property is listed on the consent agenda it is more likely than not that your property will not be individually discussed during the Board's meeting.

presented to HAND for Board of
Quantity Appeals hearing 10/17/2018

55

Neighbors' Summary:

Thank you for the opportunity to address this Board. My name is Anne Steigerwald and I live at 3309 Gosport Ct. This statement is a summary on behalf of neighbors on Gosport Court.

Gosport Court is a quiet one-block cul-de-sac with 9 houses. The house at 3310 E. Gosport Ct. has over 5,000 sq. ft. with at least 5 bedrooms, and at least a partially finished basement.

In 2012, the property was purchased on contract by Chris Callaway and Nancy Ganka,

In 2014, the property was purchased by Shelia Callaway.

Other neighbors are willing to speak if time allows and the Board would find it helpful.

Our Assertions:

1. The residence at 3310 E Gosport Ct is being used as a rental property
 - A. Since 2012, Chris Callaway and Nancy Ganka have lived in the residence as well as rented extra bedrooms to a series of tenants. (See neighbor statements)
 - B. Mr. Callaway has advertised available rooms there on Craig's List. (See exhibits)
 - C. There have been moving trucks in front of the property just this summer. (See photos.)

2. More than 3 adults are living there and have since 2012.
 - A. Generally, 1 or 2 cars and a motor scooter are parked in the 3-car garage. In addition, 4 or 5 vehicles are usually parked in the driveway and on the street in front of the property. The same vehicles stay for weeks or months and have included out-of-state license plates. (See photos)
 - B. Neighbors have observed numerous young adults going in and out of the house.
 - C. Neighbors have children who attended IU. Several of these kids had acquaintances who admitted that they were renting rooms at 3310 E. Gosport Ct. (See neighbor statements)
 - D. As early as September 2013, a neighbor reported to HAND that the property was being rented to multiple tenants. (See neighbors statements)
 - E. On July 19, 2014, a man was found dead in a bedroom on the property, described as "his residence" in the police report.

3. The Petitioners have been less than truthful in their communications with the city.
 - A. We believe that they have misrepresented renters as relatives. (See neighbor statements)
 - B. They have denied that this is a rental property
 - C. They have claimed to HAND inspectors that cars parked at the property belonged to occasional overnight guests.
 - D. We question whether it is owner-occupied by Shelia Callaway. Shelia has a homestead deduction for property at 5925 E. Mt. Eden Rd., Scottsberg, IN. She has never taken a homestead deduction for Gosport Ct. (See exhibits). We neighbors have not seen any woman in her 80s regularly there.

4. Its rental use is detrimental to the property values of the neighborhood and peace and safety of everyone on the street including he tenants themselves. The rental use has produced:

- A. vehicles continually parked on the street in violation of the neighborhood covenant (See covenant in exhibits, photos)
- B. safety concerns for the tenants, including several reports of theft at the property. (See neighbor statements))
- C. disturbances by intoxicated tenants or their guests
- D. On two occasions, new tenants tried to enter a neighbor's house by mistake.
- E. numerous visits to the residence by police. (See attached police reports)

In summary, we believe that 3310 Gosport Ct. is not owner-occupied with only family members living there. On these grounds, we respectfully request that the Application for Appeal be denied.

While we prefer that it not be used as a rental with multiple tenants, if it is used as a rental, we request that steps be taken to bring the property into compliance with City of Bloomington codes and regulations.

9:21

9:21

9:21

9:21

June 6

Chris

No message received

CS

Hi Chris, I'm sorry about the noise from the motorcycle and the Mustang. I'm sure you have no intention to do anything about your tenants' noise.

June 6, 2020

CC The tenant is taking today off to work on that very issue.

CS

There are two noisy vehicles, the motorcycle and the Mustang.

June 6, 2020

CS

I've been woken up by both vehicles and the noise is really something else.

June 6, 2020

FYI, the gentleman with the bike said he got his gas and oil mixture wrong this morning. He even pushed his bike past your house hoping to not disturb you.

Chris

FYI, the gentleman with the bike said he got his gas and oil mixture wrong this morning. He even pushed his bike past your house hoping to not disturb you. He said it should be fixed in the morning. The gentleman with the Mustang kept his car in first gear until he turned onto Forester.

CC I guess to 2 people in addition to Chris & Shelia = over occupancy. There were more

The Mustang is loud when it's started so it really doesn't matter what gear it's in when driven.

CS

Chris

June 23

Since the past several days we've been woken up by the Mustang at around 2:00 and 4:00 in the morning and it's really annoying. I may not be as loud as before but it's still loud enough to wake us up almost every day.

CS

Text exchange between Gary Stegevald & Chris Callaway 6/8 - 6/23, 2020

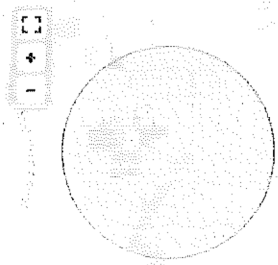
Chris Callaway's
cell phone #

CL: Bloomington, IN > housing > rooms & shares

1 favorite

reply
 (612) 369-1923
 reply by email:
 4141ade1955381ca3d8a66fe5d55942@craigslist.org
 webmail links:
 ↗ gmail
 ↗ yahoo mail
 ↗ hotmail, outlook, live mail
 ↗ aol mail
 copy and paste into your email:
 4141ade1955381ca3d8a66fe5d55942@craigslist.org

Posted 4 days ago
 Bloomington)
 er month plus share of utilities, formal
 lace, sunroom, recreation room, laundry



- house
- laundry in bldg
- no private bath
- private room

post ID: 7478660560 posted: 4 days ago email to friend post of 11

The following is a text exchange of an inquiry from a potential renter on August 20, 2020, to the phone number listed in the advertisement on Craigslist (which has since been removed). Though the owner of the house never provides a name in the texts, the phone number listed is for Chris Callaway (which can be confirmed via previous documents pertaining to a HAND investigation of 3310 E. Gosport Court).

text exchange between Chloe Strauss & Chris Callaway 8/20/20 inquiry to Craig's list ad. ⁵⁹

I'll be doing a masters of public health

3310 E. Gosport Ct
Bloomington 47401

3310 E. Gosport Ct
Bloomington 47401

Definitely looks big enough for that many bedrooms. Would the lease be one year?

I don't do leases. Since I also live in the house, I want people to feel free to leave if they decide it is not for them. Although I have had a law student stay for the entire three years he was in law school.

Oh ok, so how do you usually do payments then if there's no contract?

350 deposit plus 350 per month rent and share of utilities.

I also have a car, do people usually park on the street?

moved to Indy after that

What have you been doing in Indy?

I worked at a restaurant briefly when I first moved but for the longest time I worked as a receptionist at a small business in Broad Ripple. I was laid off due to COVID and now work on a contract basis as a contact tracer for the state.

What is a contact tracer?

When someone tests positive for COVID I will get info from them about who they were in close contact with and notify them that they've been exposed and should quarantine.

That sounds interesting

The house has eight bedrooms and ~~two~~ above ground and finished basement.

→ 8 bedrooms, 5 baths.

Are there 7 other people living there currently then?

→ 7 people living there

One bedroom in basement, one on main level and six upstairs. Yes, seven right now.

~~✱~~

OK, do you have an address? I'd love to look it up on google maps to see where exactly the house is located

What division of the university will you be attending?

61
2017

TENANT INTERVIEW

DATE: 8-17-21 *Tues*

TENANT/OCCUPANT INTERVIEWED: (1) 4 MOVE IN DATE: _____

PHONE: (LOCAL IF POSSIBLE) _____ NUMBER OF RESIDENTS: 4

NAMES OF RESIDENTS: (2) Cristy Calloway MOVE IN DATE: _____

(3) Sheila Calloway MOVE IN DATE: _____

(4) Ben Richards MOVE IN DATE: _____

(5) Vlad MOVE IN DATE: _____

DID ALL RESIDENTS SIGN THE LEASE? YES / NO IF NO, HOW MANY SIGNED? _____

WHICH RESIDENTS SIGNED THE LEASE? (#1), (#2), (#3), (#4), (#5) _____

DO ALL RESIDENTS PAY RENT WITH SEPARATE CHECKS? YES / NO _____

IF NOT, HOW IS THE RENT PAID? _____

ARE THERE RECIEPTS OR CANCELED CHECKS TO VERIFY PAYMENT? _____

HOW IS THE RENT PMT. DIVIDED (1/2, 1/3, 1/5, ETC)? _____

IS THE OWNER/AGENT AWARE OF THE NUMBER OF RESIDENTS? YES / NO _____

IF SO, HOW? _____

HAS OWNER/AGENT VISITED THE PROPERTY SINCE EVERYONE HAS MOVED IN? _____

LAST VISIT? _____ WHAT WAS THE PURPOSE OF THE VISIT? _____

~~SUMMARY OF TENANTS & OWNERS RIGHTS & RESPONSIBILITIES SIGNED?~~ YES / NO / UNKNOWN _____

WHAT NUMBER OF LEGAL RESIDENTS WERE NOTED ON SUMMARY? _____

IS COPY OF RENTAL OCCUPANCY PERMIT POSTED? YES / NO / UNKNOWN _____

ARE TENANTS RELATED BY BLOOD, MARRIAGE, OR LEGAL ADOPTION? _____

HOW MANY ROOMS ARE BEING USED AS BEDROOMS? _____

IS _____ AREA BEING USED AS A BEDROOM? YES / NO _____
(IF SO, NOTIFY RESIDENTS OF THE HAZARD/VIOLATION)

INFORMATION GIVEN TO TENANTS

- _____ The City received a complaint with regards to over-occupancy of this property.
- _____ The City will require a copy of the lease and summary from owner/agent.
- _____ Copy of the Summary of Tenants' & Owners' Rights & Responsibilities given to tenant.
- _____ The maximum occupancy for this unit/structure which should have been identified in the summary is _____.
- _____ If found to be in violation of City of Bloomington Zoning Ordinance, the owner will be required to bring the property into compliance, which means tenants will have to move. The City of Bloomington Legal Department may take legal action including assessing fines.
- _____ A family consist of an individual or people related by blood, marriage, or legal adoption, and any other dependent children of the household.

*Truck Daily
from Brownsboro
CE 1297
County 36*

*BME 241
B/K
mercedes
82*

Subj: rooms
Date: 5/13/2013 10:56:00 A.M. Eastern Daylight Time
From: [REDACTED]
To: [REDACTED]

[CL bloomington, IN all housing rooms & shares](#)

[Reply](#) ff7k3-3792547150@hous.craigslist.org [flag](#) [flag](#) : [miscategorized prohibited spam](#)
[best of](#)

Posted: 2013-05-08, 1:07PM EDT

- \$350 shared housing (near College Mall)

Housemate to share large executive house near College Mall. Private bedroom. House features large fenced in back yard with inground swimming pool, hottub, 5 bathrooms, formal living room, formal dining room, breakfast room, family room with fireplace, sunroom, recreation room with pool table, two large weight machines, two laundry rooms. 812-369-1923.

- Location: near College Mall
- it's NOT ok to contact this poster with services or other commercial interests

Posting ID: 3792547150

Posted: 2013-05-08, 1:07PM EDT

[email to a friend](#)

Stating a discriminatory preference in a housing post is illegal - please flag such posts as prohibited [More info](#) [Avoid scams, deal locally!](#) *DO NOT wire money (Western Union, Moneygram)*, or rent a unit sight unseen [More info](#)

Monday, May 13, 2013 [REDACTED]



Powered by [Leaflet](#) — [Terms](#)

This is a very large room with bath in a Beautiful Housing addition located just 1 mile from the college mall, This is a 5 Bedroom House with 5 full Baths it has a basement with Pool Table, Big Screen TV for entertainment and leisure. Patio Doors that lead out to the lower deck and huge back yard which has a built in Swimming Pool and Hot Tub. On the main Floor there is a large living room, dining room, beautiful kitchen, family room, screened in all seasons room, 1 bedroom (down), 2 other patio doors in the kitchen and all season room that lead out to the main deck and swimming pool and hot hub and Back Yard. The 3rd floor there is 4 Bedrooms, laundry room with a balcony off the laundry room overlooking the backyard. This is a Great set up for someone. there is no lease to sign, no utilities. The room is furnished with a queen sized bed and chest of drawers, the room has 2 double closets with mirrors and shelves built in so it has plenty of storage, but if you have your own furniture that would be fine too. If interested please call or text 812-369-1923 or e-mail.

Thanks

- Location: 1 mile from College Mall Bloomington
- it's NOT ok to contact this poster with services or other commercial interests

Posting ID: 3772325493

Posted: 2013-04-28, 5:06PM EDT

[email to a friend](#)

Stating a discriminatory preference in a housing post is illegal - please flag such posts as prohibited [More info](#) [Avoid scams, deal locally!](#) **DO NOT wire money**

[CL](#) > [bloomington, IN](#) > [all housing](#) > [rooms & shares](#)

Reply smugesangel23@yahoo.com ^[?]

flag ^[?]: [miscategorized](#) [prohibited](#) [spam](#) [best of](#)

Posted: 2013-06-10, 1:35PM EDT

- \$395 Room in Large House (Eastside Bloomington)

We have a great room for rent in a large house. Rent includes all utilities. Also included in the house are a large fenced in backyard, pool, hotub, recreation room, weight room, and multilevel deck. The house has 5 full bathrooms, large kitchen, two livingrooms, sunroom, and dining room. There is also a 3 car garage and a 2nd refridgerator as well. The room will share a bathroom and all common areas, is not furnished but can be if need be. If you would like more info call 812-327-7311 or email or to schedule a tour. ** Note all interested will need to come see place and meet with me before any garauntee can be made*** Room will be read yto move-in July 4th...

- dogs are OK - woof
- Location: Eastside Bloomington
- it's NOT ok to contact this poster with services or other commercial interests

Posting ID: 3861734566

Posted: 2013-06-10, 1:35PM EDT

Updated: 2013-06-14, 4:49PM EDT

[email to a friend](#)

[Stating a discriminatory preference in a housing post is illegal](#) - please flag such posts as prohibited [More info](#)

[Avoid scams, deal locally!](#) DO NOT wire money (Western Union, Moneygram), or rent a unit sight unseen [More info](#)

FORMAT: [mobile](#) [regular](#)

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(CL) bloomington, IN > housing > rooms & shares

favorite

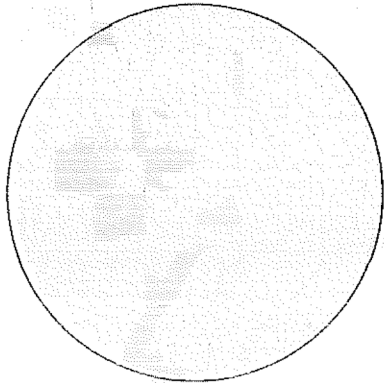
hide

flag

Posted 18 days ago on: 2020-08-16 15:22

Contact Information: d424d33e9df43164bdd0cc7a47926419@hous.craigslist.org

\$350 private bedroom 350 per month (Bloomington)



house

laundry in bldg

no private bath

private room

Private bedroom in spacious house near College Mall. \$350 per month plus share of utilities. Formal living room and dining room, kitchen, family room with fireplace, sunroom, recreation room, laundry room, inground pool.

QR Code Link to This Post



favorite hide

flag

share

call or text:
(812) 369-1923

Posted about a month ago on: 2021-07-19 17:24

Contact Information: (812) 369-1923

as of
9/12/21⁶⁶

\$350 private bedroom 350 per month (Bloomington)

Chris Callaway's
phone number.

house available now

laundry in bldg

off-street parking

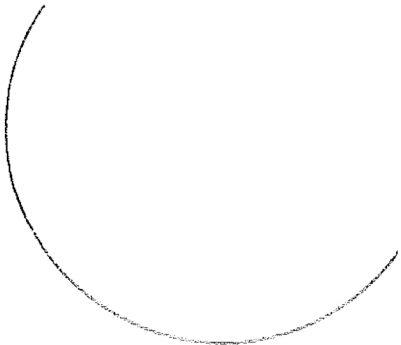
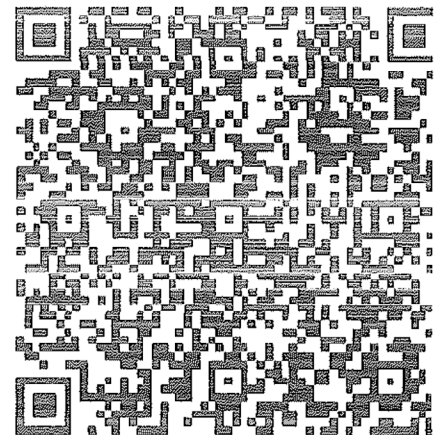
no private bath

private room

rent period: **monthly**

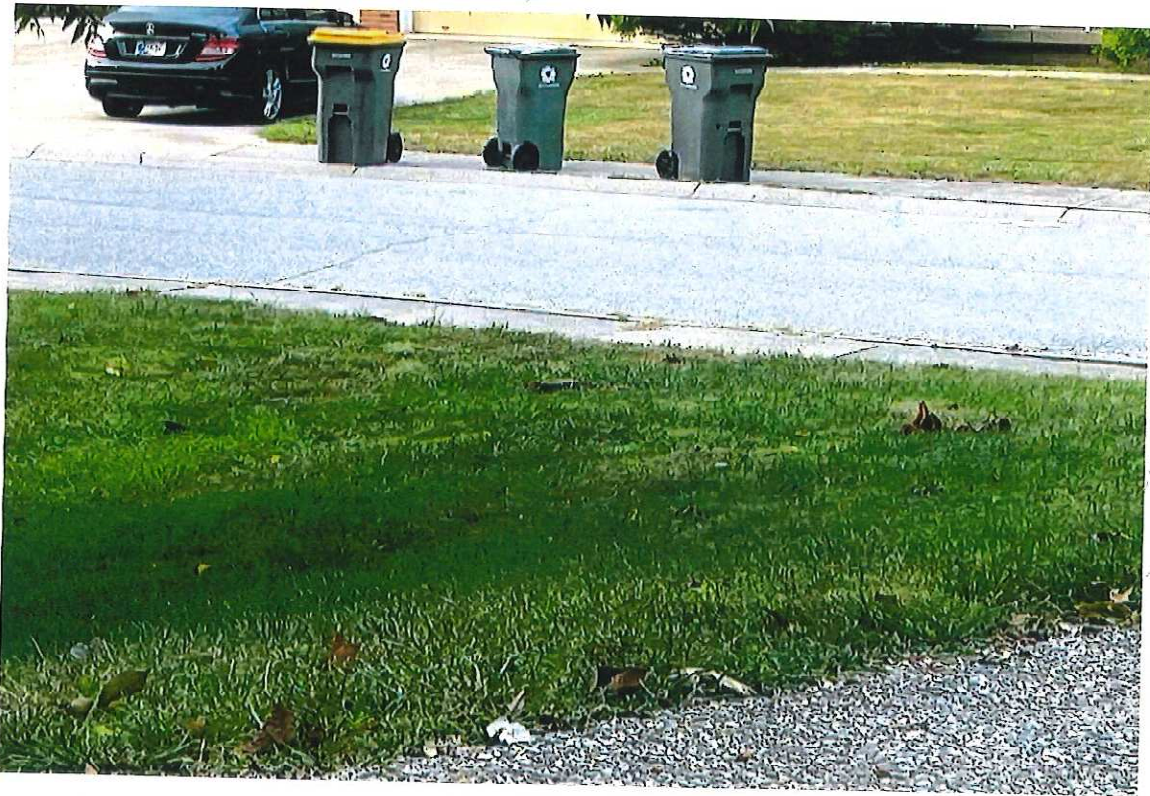
Private bedroom in spacious house near College Mall. \$350 per month plus share of utilities. Formal living room and dining room, kitchen, family room with fireplace, sunroom, recreation room, laundry room, inground pool.

QR Code Link to This Post





8/20/21
tenant leaving house





3310 Gasport

5/14/15 - first time I've seen 3 cars, one in Vigo Co., one in Johnson Co., one in Morgan Co.

5JW577 CAMRY MORGAN
 290B21 Intpla VIGO
 985 AX9 CAMRY JOHNSON

4/30/15 - 1 car - USC Grad license. (MICHIGAN PLAT) CHEVY EQUINOX?

5/22/15 ALL 4 CARS AT HOUSE

Taken by HAND





3310 Gosport

5/21/15

Taken by HAND

7/8/18



7/10/18

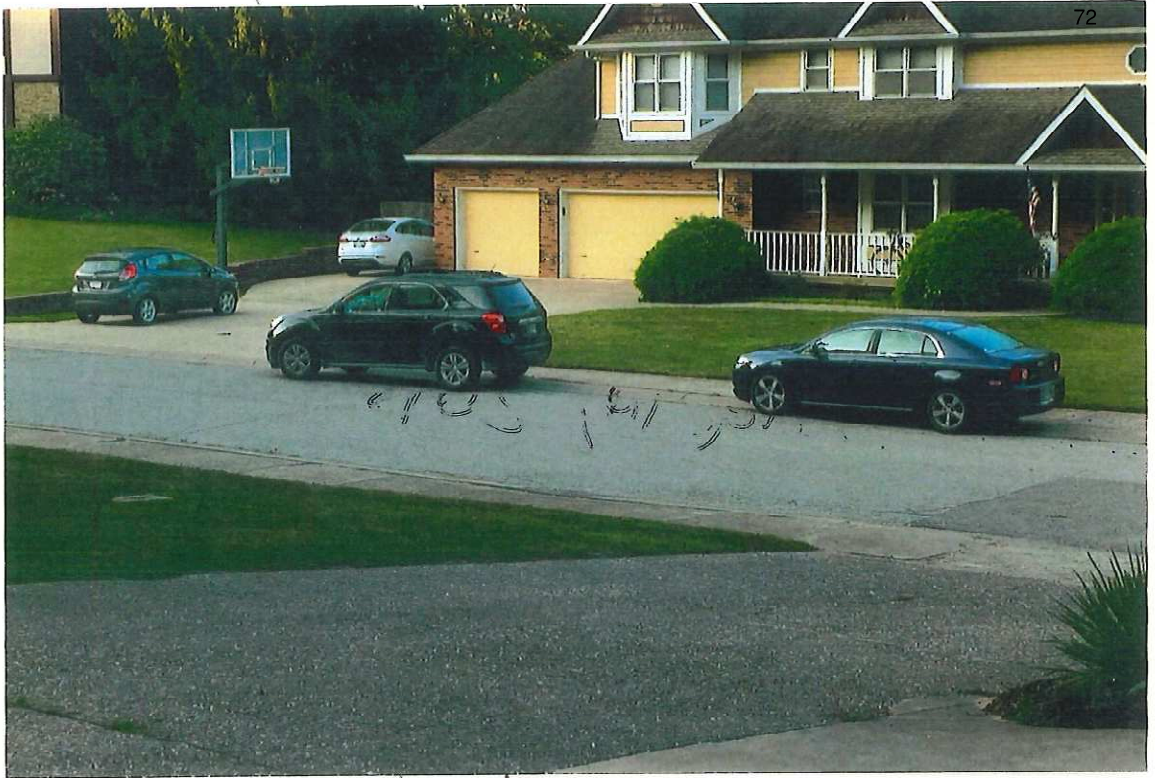




7/10/18

7/10/18



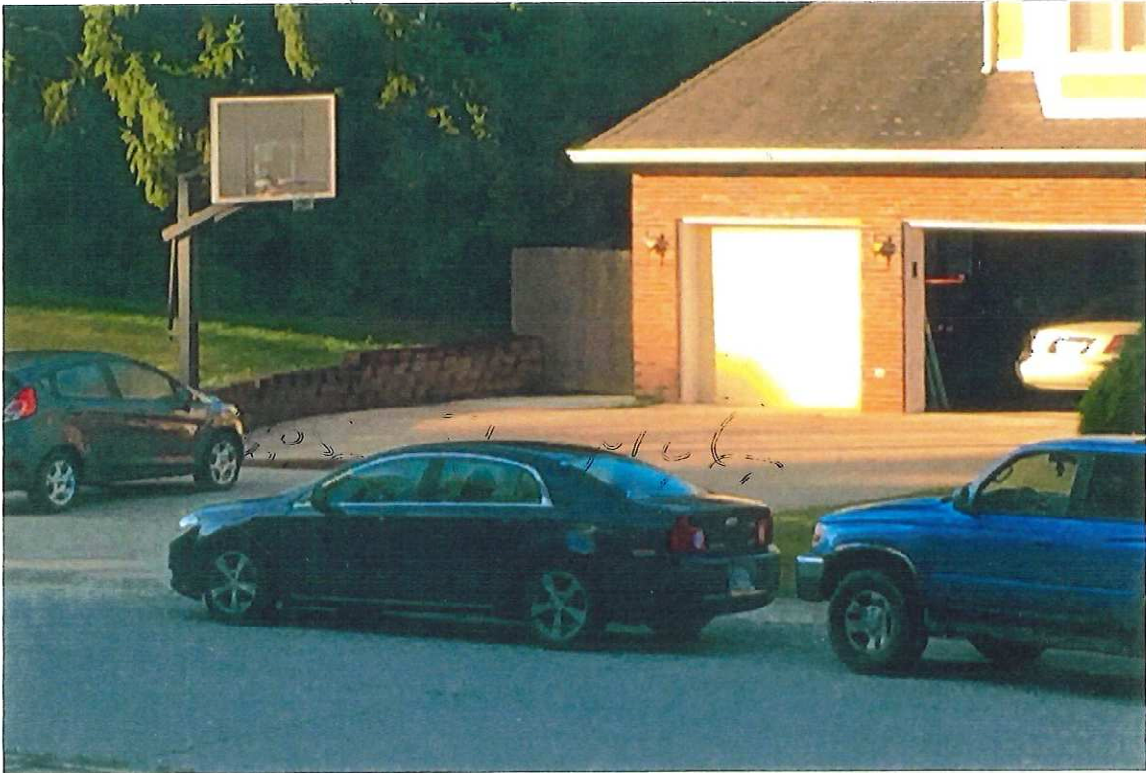


7/12/18

7/12/18



Theft



7/23/18

7/26/18





7/30/18

7/30/18





7/30/18

7/31/18





7/30/17

7/30/18



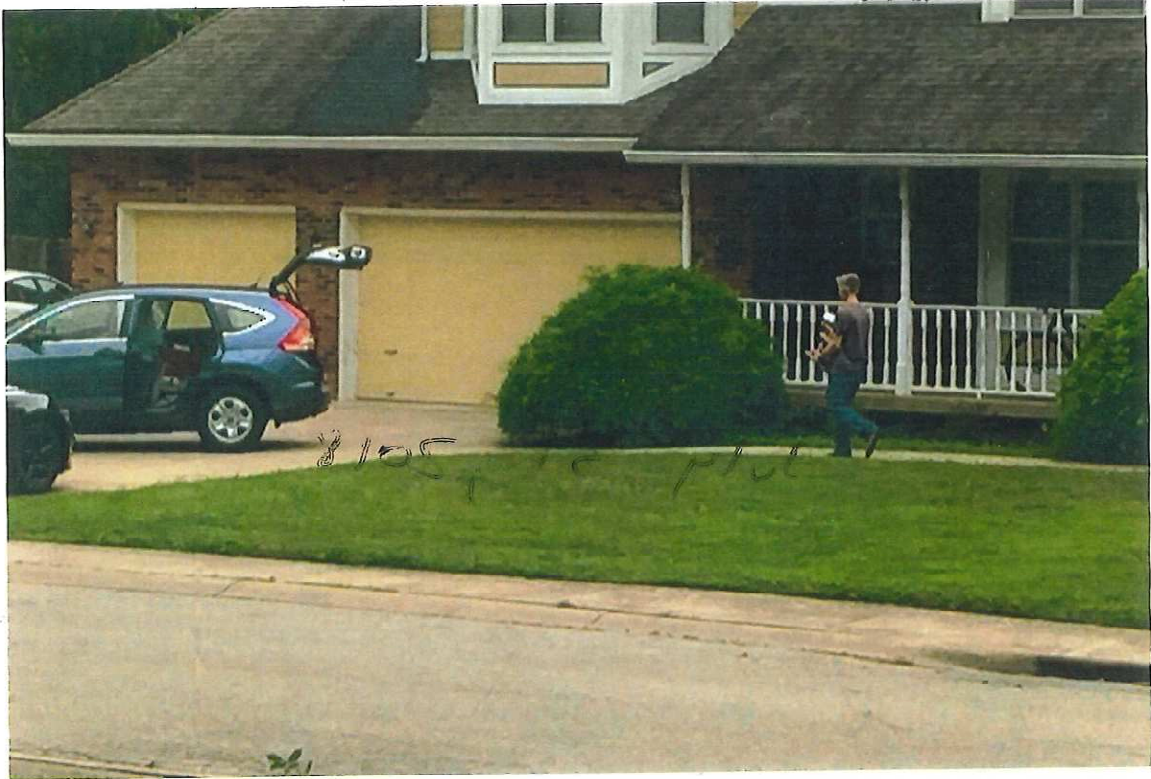
7/31/18



7/31/18



7/31/18



7/31/18



7/31/18

79



7/31/18



7/31/18



7/31/18





7/31/18

8/1/18





8/11/18

8/12/18





8/18/18

8/28/18





8/21/18

8/28/18





8/28/18

8/29/18

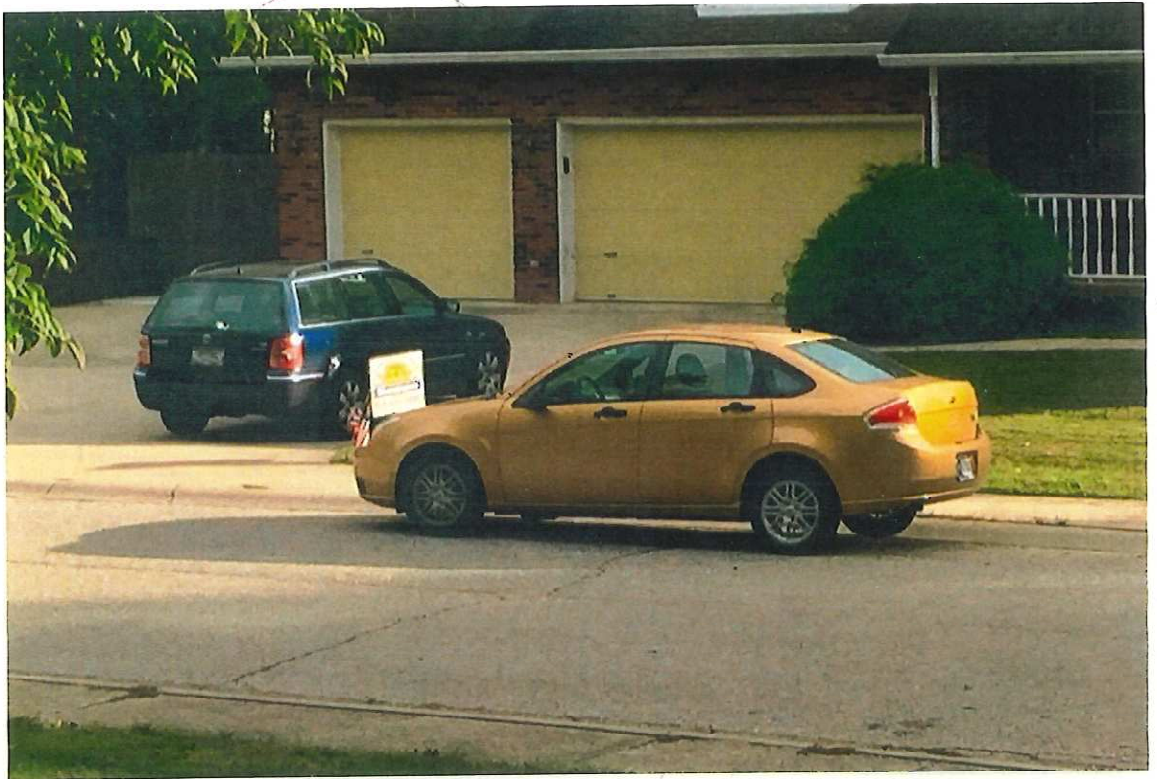


~~10/4/18~~ 9/19/18



9/23/18





9/22/18

10/1/18





10/4/18

10/2/18





10/8/18

10/8/18





3/12/19

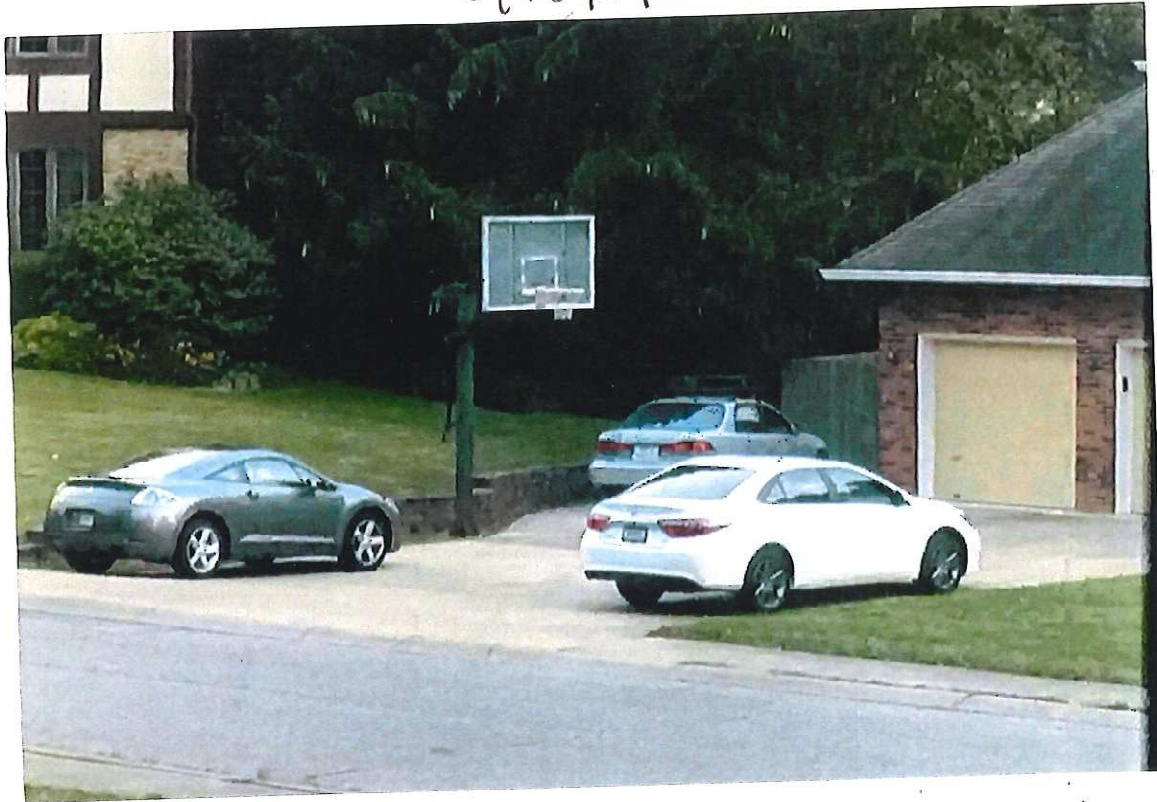
3/20/19





3/20/19

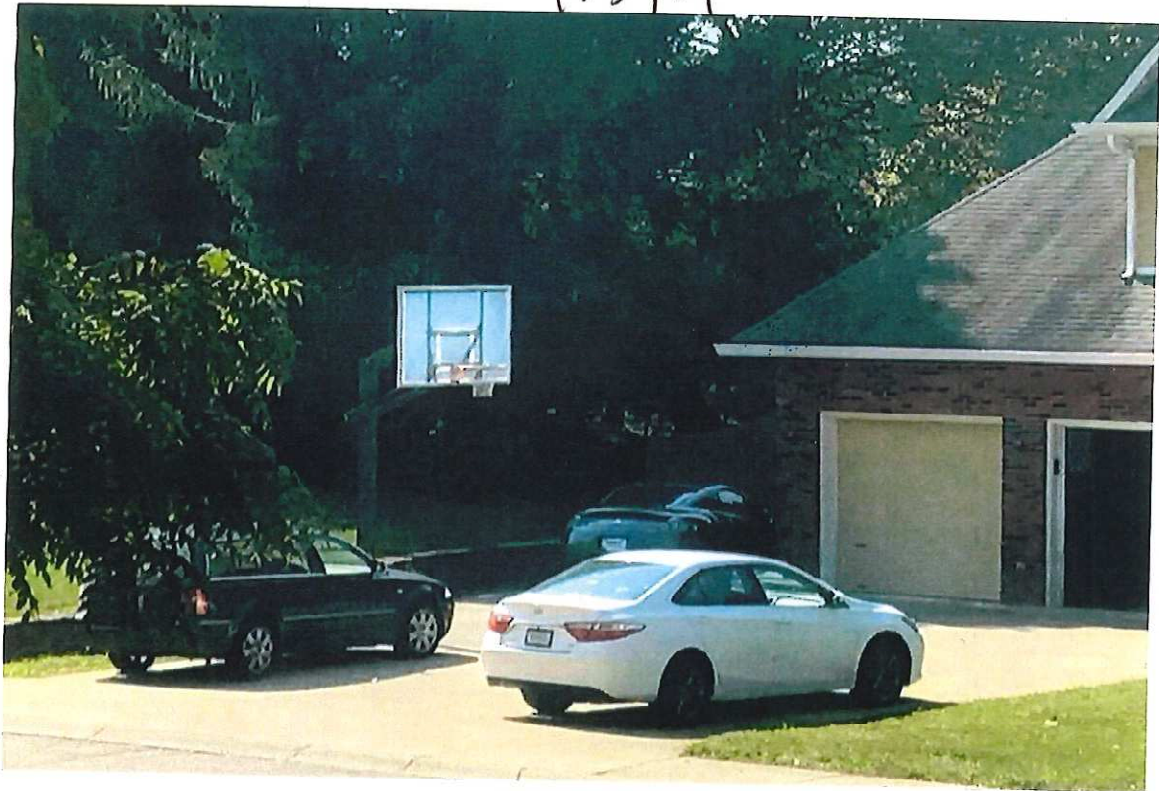
8/18/19





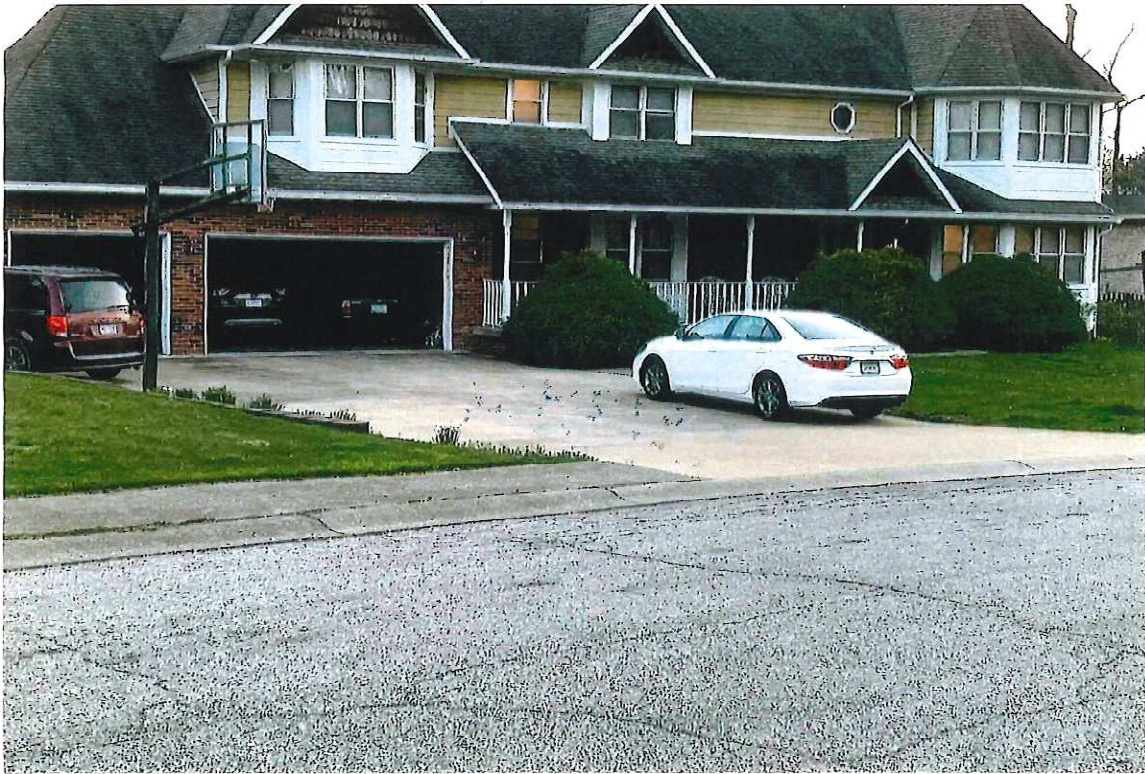
8/18/19

2/13/19





8/24/19



4/7/20

4/2/20



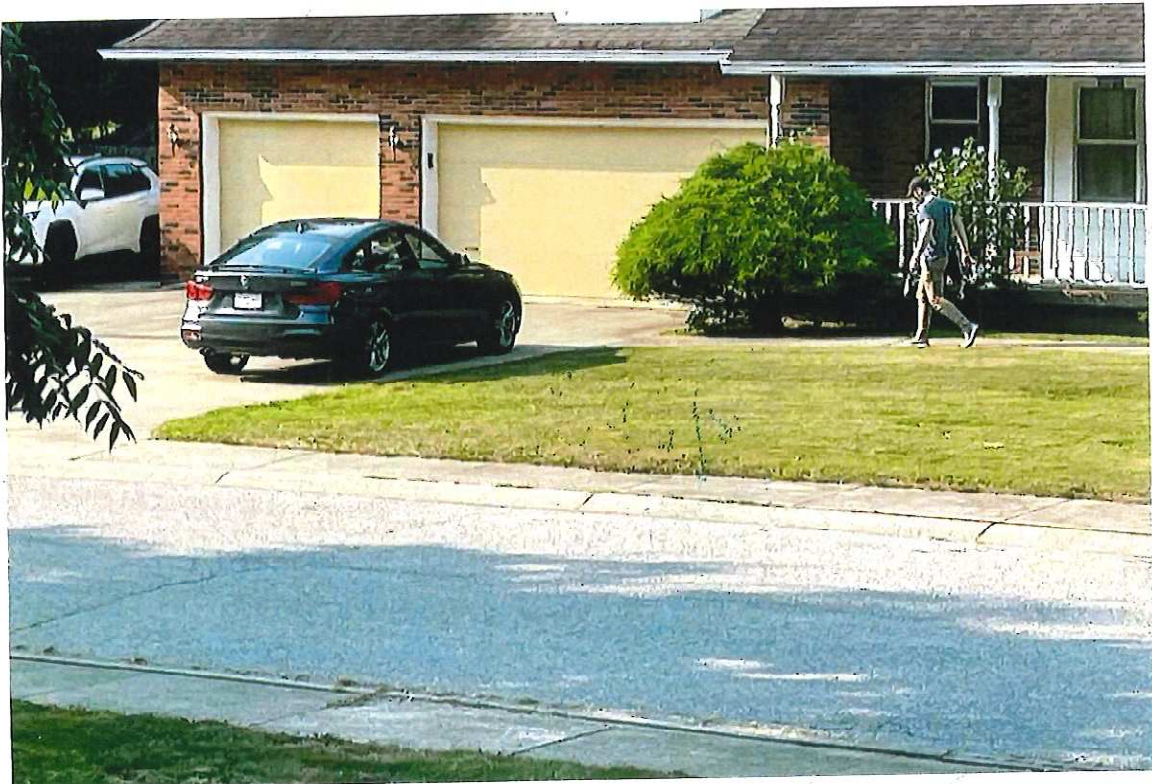
2/9/21



8/6/21



8/7/21



8/14/21

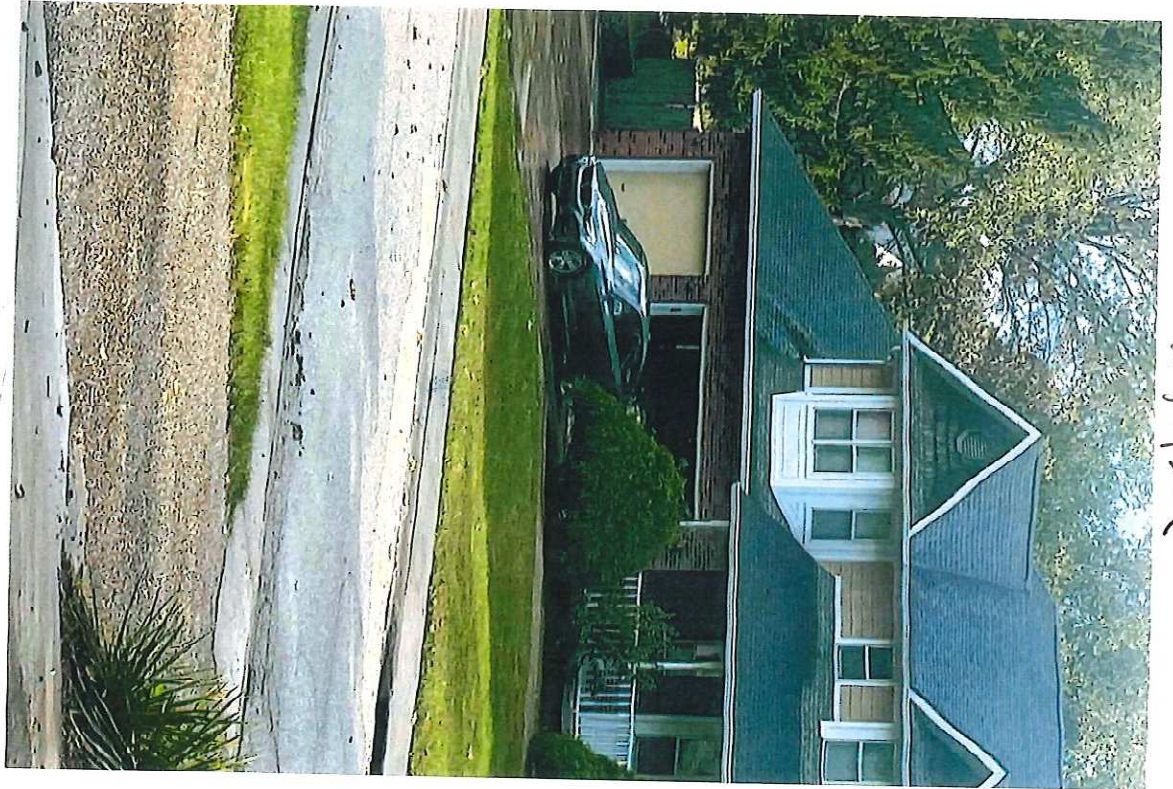
Mercedes owner
moving in



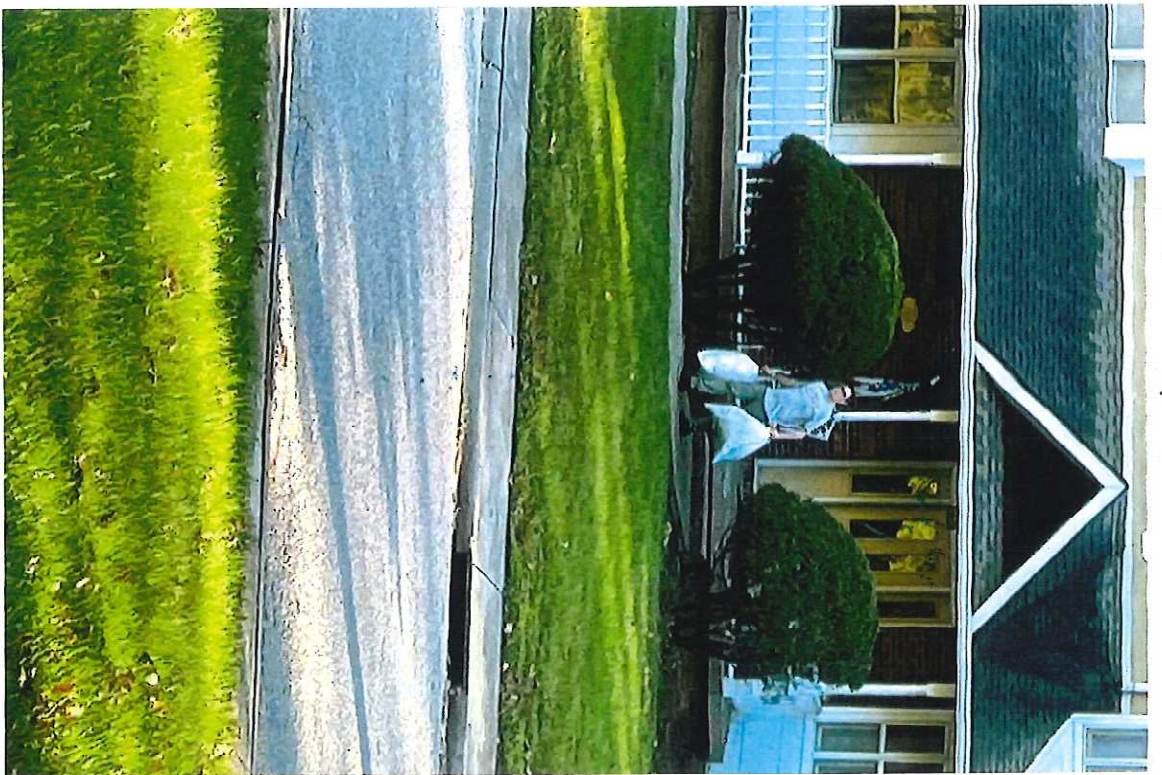
8/17/21



Day of HAND tenant interview

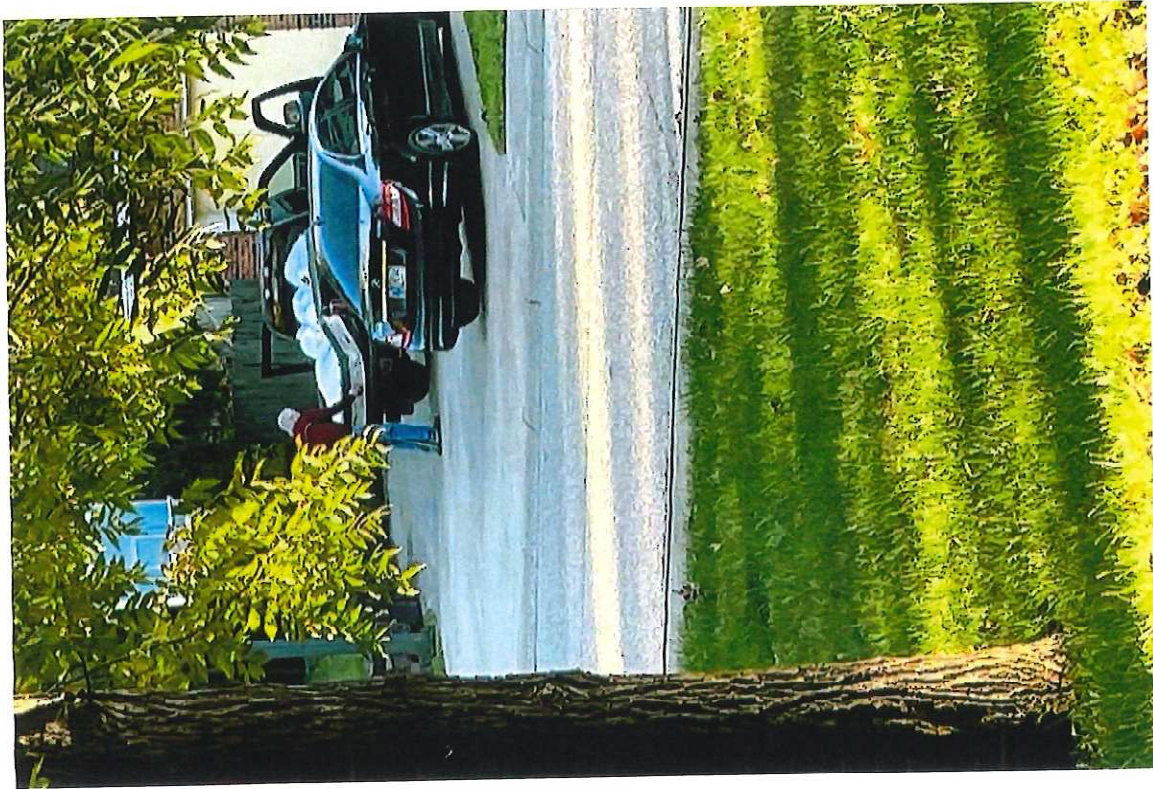


10/3/21



10/18/21

12/8/01



XOO
Emerson
Museum

8/18/21





11/8/21 another present
moves out

9/2/21



8/26/21
 Chris's collector's car usually kept
 in garage

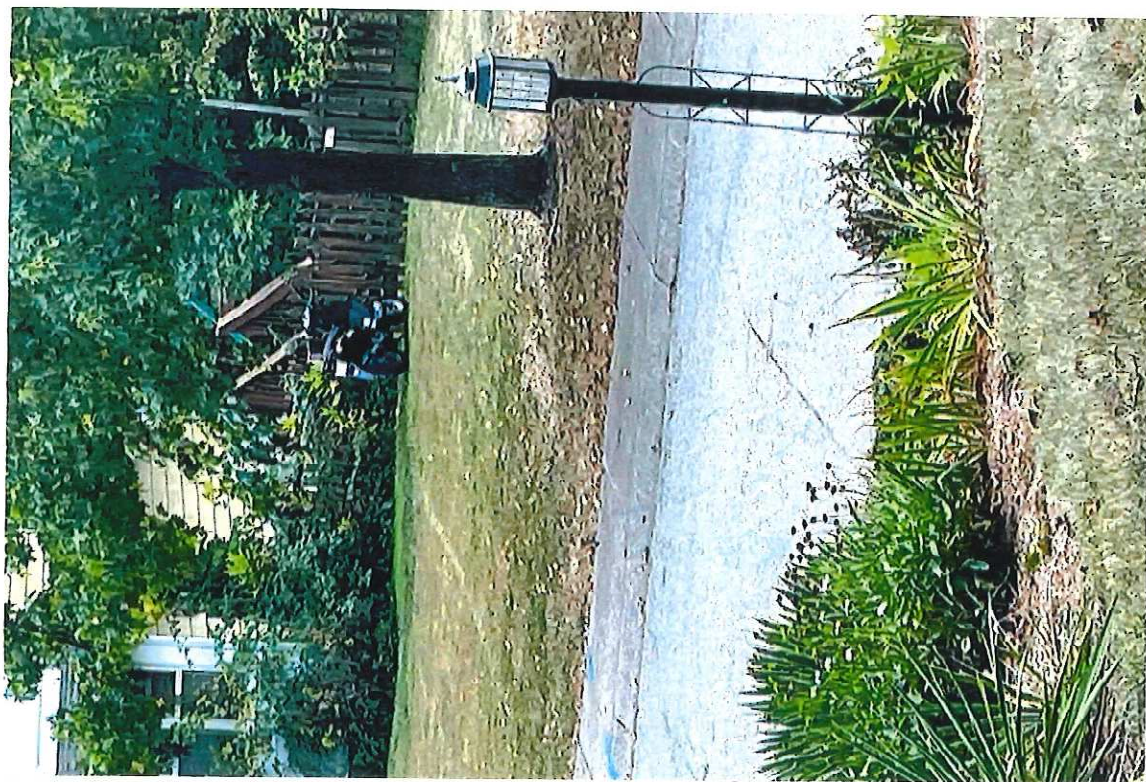


9/2/21

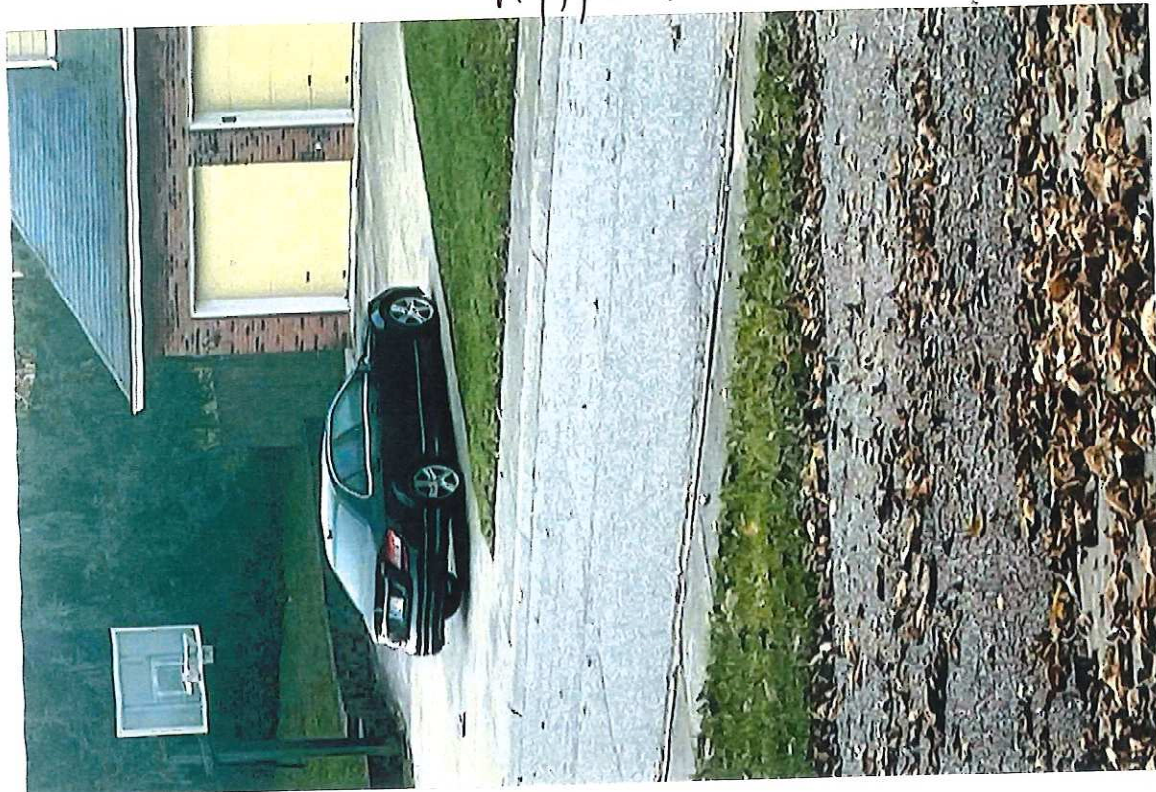


9/2/21

motor bike parked at side of house



11/1/21



9/7/21

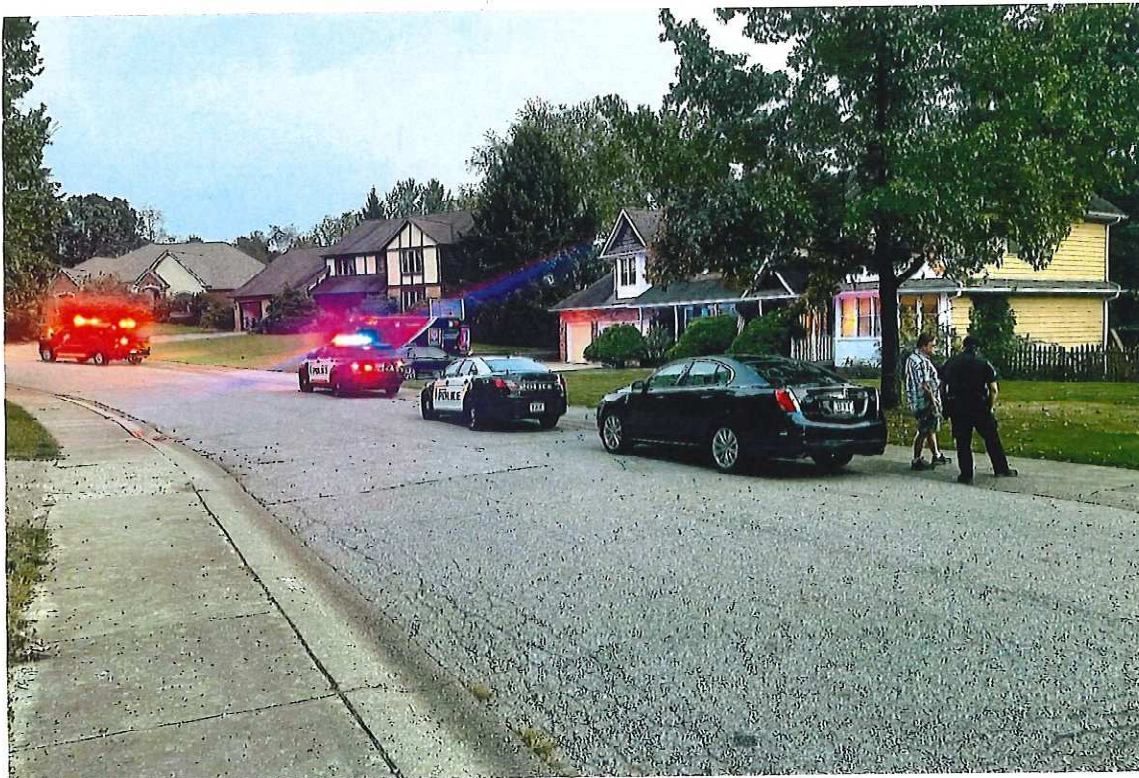


6/21/21



Domestic between "roommates"

6/11/21

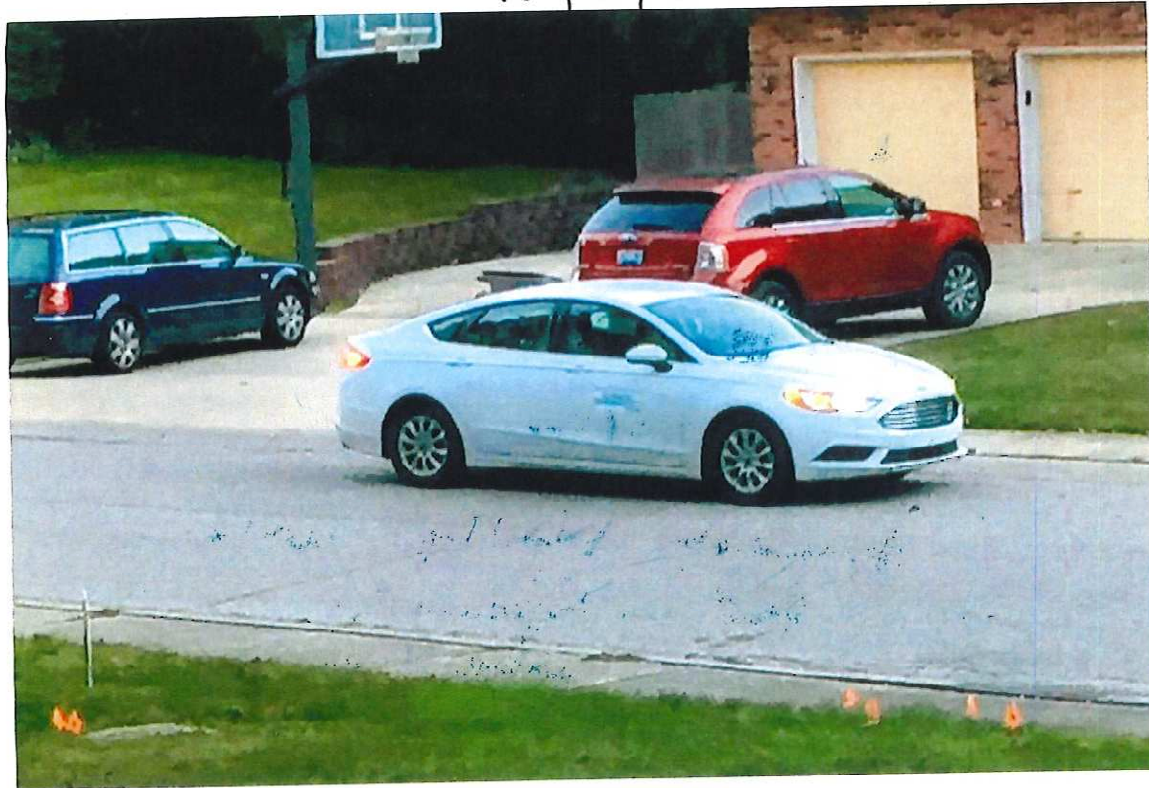


Death

8/5/21
Sexual assault arrest



10/2/18



prohibition of Ricos vicinity
resident



8/20/21
 tenant leaving house



8/20/21
 tenant at suspicious meeting on
 corner of Gosport Ct & Foxester



Gabriel Holbrow <gabriel.holbrow@bloomington.in.gov>

Callaway appeal

Judy Sharp <jsharp@co.monroe.in.us>

Mon, Dec 13, 2021 at 2:46 PM

To: "gabriel.holbrow@bloomington.in.gov" <gabriel.holbrow@bloomington.in.gov>

Cc: "hand@bloomington.in.gov" <hand@bloomington.in.gov>

Good Morning Gabriel,

I am emailing you my report on the Shelia Callaway appeal going before the BZA later this month. I need to give you some background on how I got involved and what I found when I actually met with the home owner and her son Chris.

I received an anonymous letter dated November 12, 2021. I usually throw those letters in the trash but they included a Cycle Inspection Report from the City. The report was dated 12/06/2018. According to the report I did have some of the details of the home incorrect. The report said the house had 7 bedrooms, 5 ½, baths and a finished basement. I had only 3 ½ baths and 5 bedrooms. We only had a Recreation room finish in the basement. The numbers of bedrooms does not make any difference in an assessment but bathroom and basement finish will make a difference. The anonymous letter also included a report from Zillow and Trulia which once again I disregarded. They are just something for people to look at but are not official documents.

The house was sold in 2012 to the Callaway's for \$407,000. I actually had \$485,500 on the house after reviewing the property in 2020. We removed a hot tub and applied a 50% negative factor to the patio and in ground pool.

After reviewing the letter and the data from Hand, I called Hand to make sure the report was correct. I was told the case was under appeal and there were over the 3 unrelated adults living in the home. Once again in my world only the house dimensions and finishes matter along with sales data, I made the decision based on the Hand report to change the bathroom count, correct the bedroom count and change the basement to a fully finished basement. I also based on the hand conversion changed the property code from family residential to a rental classification which makes a difference in the Caps. I also went back 3 years for the corrections. I usually don't go back if is my mistake but with a being a rental and also by sending a notice of assessment every year the taxpayer has a responsibility to notify us if our information is incorrect. We sent the changes to Mrs. Callaway and the assessment increased to \$518,300. Ms. Callaway called us when she received the new documents. I talked to her and explained how and why this happened. I made an appointment to go out and see for myself what was actually in the home.

On Monday, November 29th my deputies and I met with Mrs. Callaway and her son Chris at 1:00 in the afternoon. We were invited in and I met with Mrs. Callaway and my deputies went with Chris and toured the home and remeasured the basement and counted bedrooms and baths. We were there about an hour. I spoke with both of the Callaway's. Mrs. Callaway was very articulate and explained she stays in the one room on the main level and has an adjoining bath. She does not move around the house because of serious health issues. It was very apparent that she has issues. It was also very apparent that she is well taken care of.

She explained that her son works evenings and they have two people who live in the house to help her when Chris is at work. She did mention that she had a fall recently and thankfully one of the caretakers heard her fall and came in and helped. It was our understanding that the two men take turns helping her but they live there fulltime. Mr. Callaway did say they pay rent but it is discounted because they help take care of her.

We also found the hand report was not accurate. There are 7 bedrooms but only 5 full baths. The basement was¹⁰⁷ mismeasured and we did correct the square footage. The basement is actually the same footage as the first floor, 2028 with 1212 finished. That actually increased the cost of the basement. The finished area in the basement is the one bedroom and one full bath.

I really hate that my data was incorrect but I now know it is not only correct but my value is now in the correct range for the market. \$558,100 is a very good value on this home in today's market. This is an extremely large home that is very desirable. It is not losing value and the market at this time reflex this value. If you have any questions please give me a call.

Judith A. Sharp, Level III Assessor/Appraiser

Monroe County Assessor

BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 1808 S Rogers St

CASE#: CU-22-21
DATE: December 23, 2021

PETITIONER: Aidan Reef
1808 S Rogers St
Bloomington, IN 47403

REQUEST: The petitioner is requesting conditional use approval for a home occupation.

REPORT: The property is located on the west side of S Rogers Street and is zoned R2 Residential Medium Lot. The property has been developed with a single family residence. The properties to the south and west are also single-family residences. The property to the east is developed with a park. The property to the north is developed with utility and industrial uses. The petitioner lives in the home and wishes to conduct a bakery as a home business. The proposed business would use the kitchen on the property for baking goods to be sold at the local farmer's markets. This use requires approvals from City of Bloomington Utilities and the Monroe County Health Department. The entirety of the business operation would be contained in the existing structure.

HOME OCCUPATION STANDARDS: BMC 20.03.030(g)(6) lists use-specific standards for home occupations, as follows:

1. Operator Residency Required: The petitioner lives in the home.
2. Maximum Number of Nonresident Employees: The petitioner is the only employee.
3. Maximum Floor Area: The interior area of the house is approximately 2,194 square feet. The petitioner plans to use 234 square feet for the home occupation which is 12% of the interior. This meets the restriction that no more than 15% of the interior square footage will be used for the home occupation.
4. Multiple Home Occupations: Only one home occupation is planned.
5. Residential Character: The petitioner will not be making any additional changes to the exterior of the residence with this request.
6. Location and Entrance: The home occupation will take place entirely within the house.
7. Outdoor Display and Storage: No outdoor display is planned or permitted.
8. Sales: No direct sales are planned or permitted.
9. Off-street Parking and Loading: The existing driveway will serve as parking for the home occupation, but no on-site sales are planned.
10. Hours of Operation: The petitioner is aware of the limitation on the hours of operation of 8:00 AM to 8:00 PM and will not operate outside of these hours.
11. Commercially Licensed Vehicles: No commercial vehicles are proposed.
12. Deliveries: No deliveries are anticipated with this use outside of those typical for a residential use.

Criteria and Findings for Conditional Use Permits

20.06.040(d)(6) Approval Criteria

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

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: The petition complies with the UDO, other applicable regulations, and utility, service, and improvement standards as required by the general compliance criteria. No prior approvals are found. The petitioner will be required to comply with CBU and Health Department regulations for this use.

(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: The Comprehensive Plan identifies this area as “Neighborhood Residential” and lists single family residential development as the primary land use with some additional uses permitted, including commercial and mixed-use. This home occupation will have no outward signs of any use separate from a typical single-family household. A home occupation would be consistent with the goals of this district.

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

PROPOSED FINDING: The petitioner will be required to meet CBU requirements for home occupations. Direct retail sales are not permitted on the property so no increase in vehicle or pedestrian traffic is expected with this use.

iii. Minimizes or Mitigates Adverse Impacts

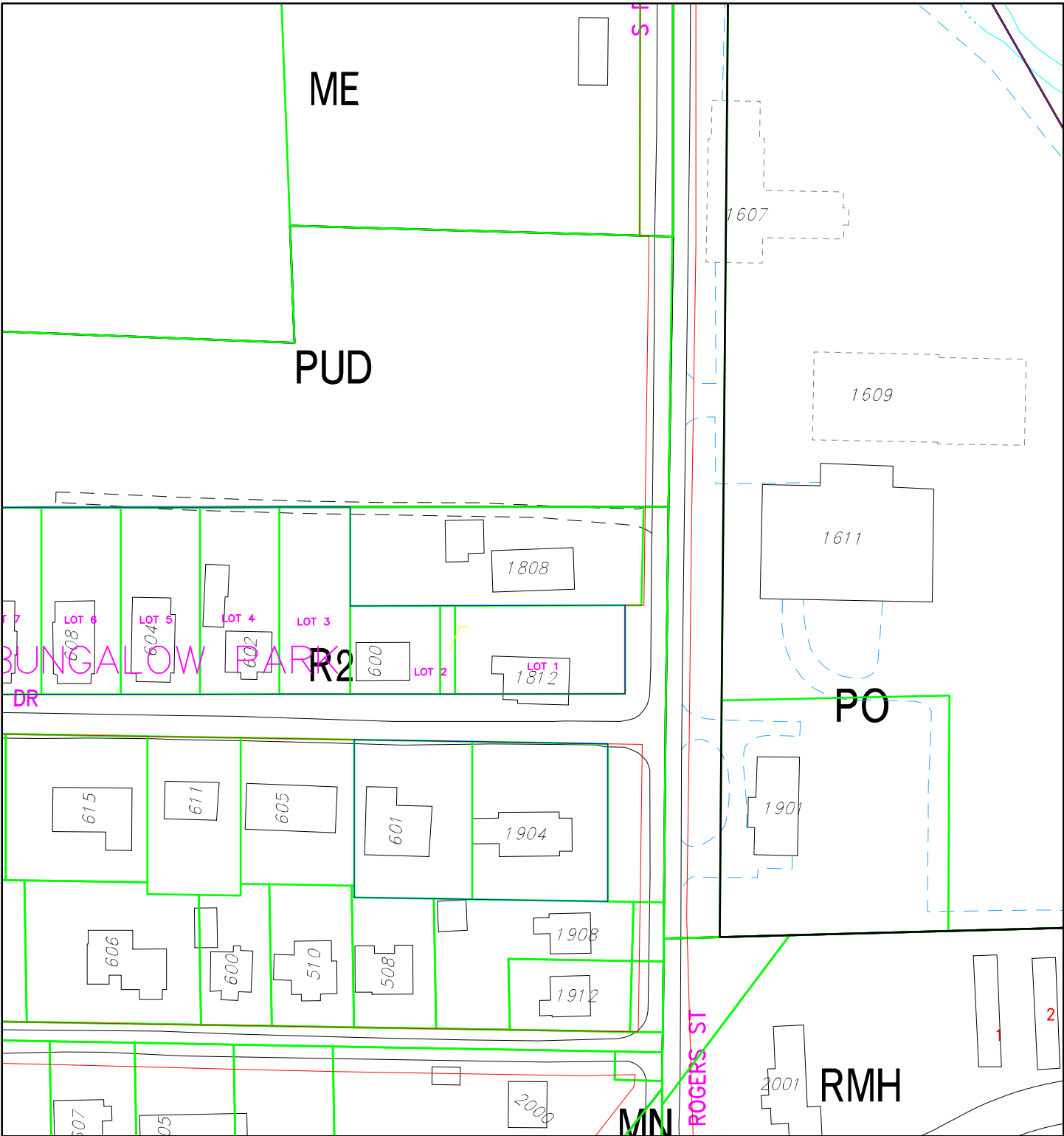
1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*
3. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*

4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

PROPOSED FINDING: No exterior changes are being proposed with this home occupation. No additional lighting will be required for this proposed home occupation. Staff finds no nuisance regarding noise, smoke, odors, vibrations, or lighting. No special lighting or unusual hours of operation are proposed with this request. The business will not operate before 8:00 AM or after 8:00 PM. At this time, we have not received any comments from adjacent property owners regarding this petition.

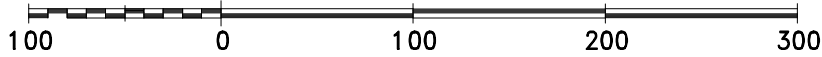
RECOMMENDATION: Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of CU-22-21 with the following conditions:

1. This conditional use is limited to the proposed use as described in the petitioner statement, no other use is approved.
2. The petitioner must meet all City of Bloomington Utilities standards before the Conditional Use permit is issued.
3. The petitioner must meet all Monroe County Health Department standards before the Conditional Use permit is issued.



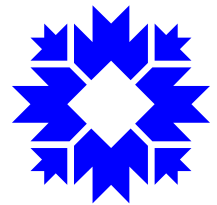
By: keegan.gulick

16 Dec 21

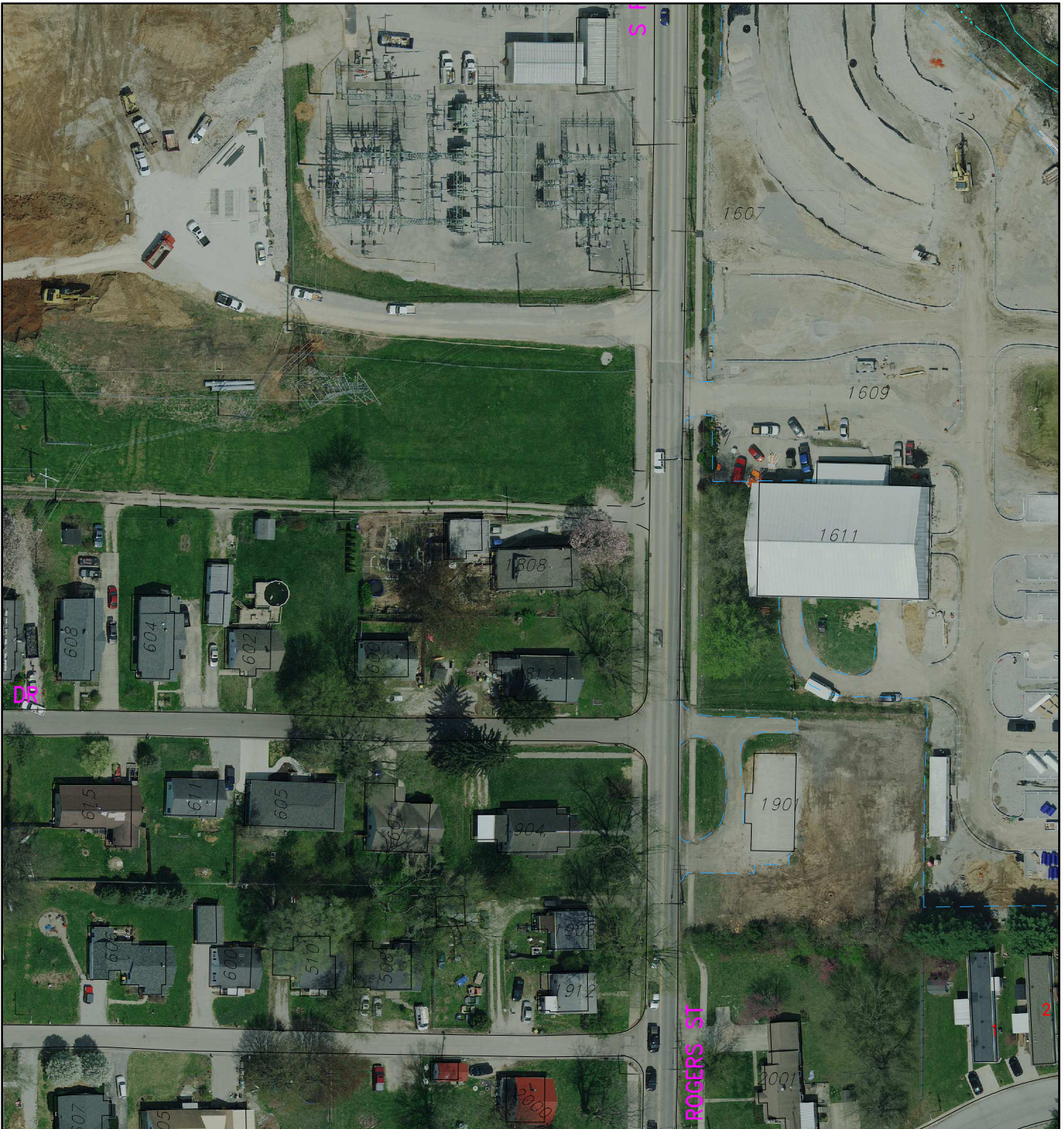


For reference only; map information NOT warranted.

City of Bloomington
Planning



Scale: 1" = 100'



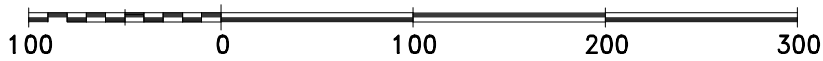
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67

ROGERS ST

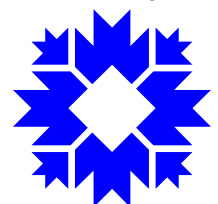
By: keegan.gulick

16 Dec 21



For reference only; map information NOT warranted.

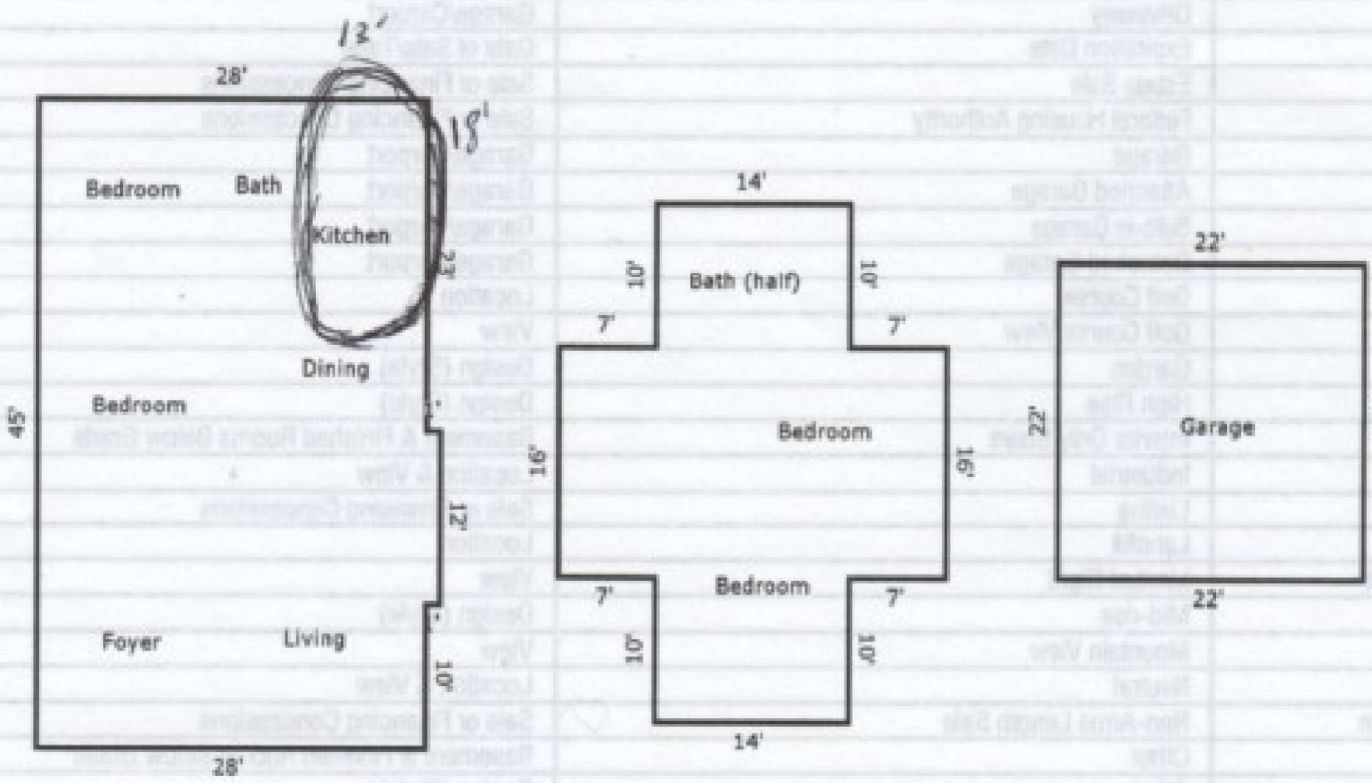
City of Bloomington
Planning



Scale: 1" = 100'

I am writing this petitioner's statement with the intent of obtaining home occupation approval for my Home-Based Vending business Frostfall Baked Goods located at 1808 S Rogers St.

The business uses the home kitchen, which is 13' x 18' and is located in the back of the house. All items that are baked and sold fall under the Monroe County Health Departments guidelines for Home Based Vending and IN code 16-42-5-29. All items are sold through farmer's markets. The only area on the property that is used for the business is the kitchen. Baking happens between 5am and 11pm every Friday in preparation for markets on Saturday. Baking also happens throughout the week, between the hours of 5am and 5pm. All cooking and preparation surfaces are thoroughly cleaned before and after each baking session. The business will not produce any loud noises nor any other nuisances to adjacent properties as all work is done inside the building.



**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 106 E Hillside Drive**

**CASE #: V-23-21
DATE: December 23, 2021**

PETITIONER: WS Property Group
1507 S Piazza Drive,
Bloomington, IN 47401

REQUEST: The petitioner is requesting a variance from the required 20-foot front yard parking setback for the construction of five, 3-bedroom townhomes in the RM (Residential Multifamily) zoning district.

REPORT: The property is located at 106 E Hillside Drive and is zoned Residential Multifamily (RM) and is currently vacant as the previous home was demolished. The properties to the east and south are also zoned RM and have been developed with single-family and multifamily dwellings. The properties to the north across East Hillside Drive are zoned R3 and have been developed with detached single-family dwellings. The properties to the west are zoned MM and have been developed with single-family dwellings. Currently on the site there is a retaining wall that spans the entire site along Hillside Drive. The petitioner is proposing to construct a 5-unit structure on the site.

The Unified Development Ordinance (UDO) classifies this use as “Student Housing or Dormitory” due to the fact that more than 33% of the dwelling units have 3 bedrooms. For the use ‘Student Housing or Dormitory’, 20.03.030(b)(13)(A) in the UDO requires that any portions within the ground floor of a structure used for vehicular parking shall be located at least 20 feet behind the building façade facing a public street. The petitioner is requesting a variance to allow parking that encroaches into the 20 foot setback.

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: No adverse effect to the use or value of the adjacent properties is found as a result of this variance. The proposed use is required to obtain conditional use approval.

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 adjacent properties is found as a result of this petition. The variance will allow for adequate parking on-site. The improvements

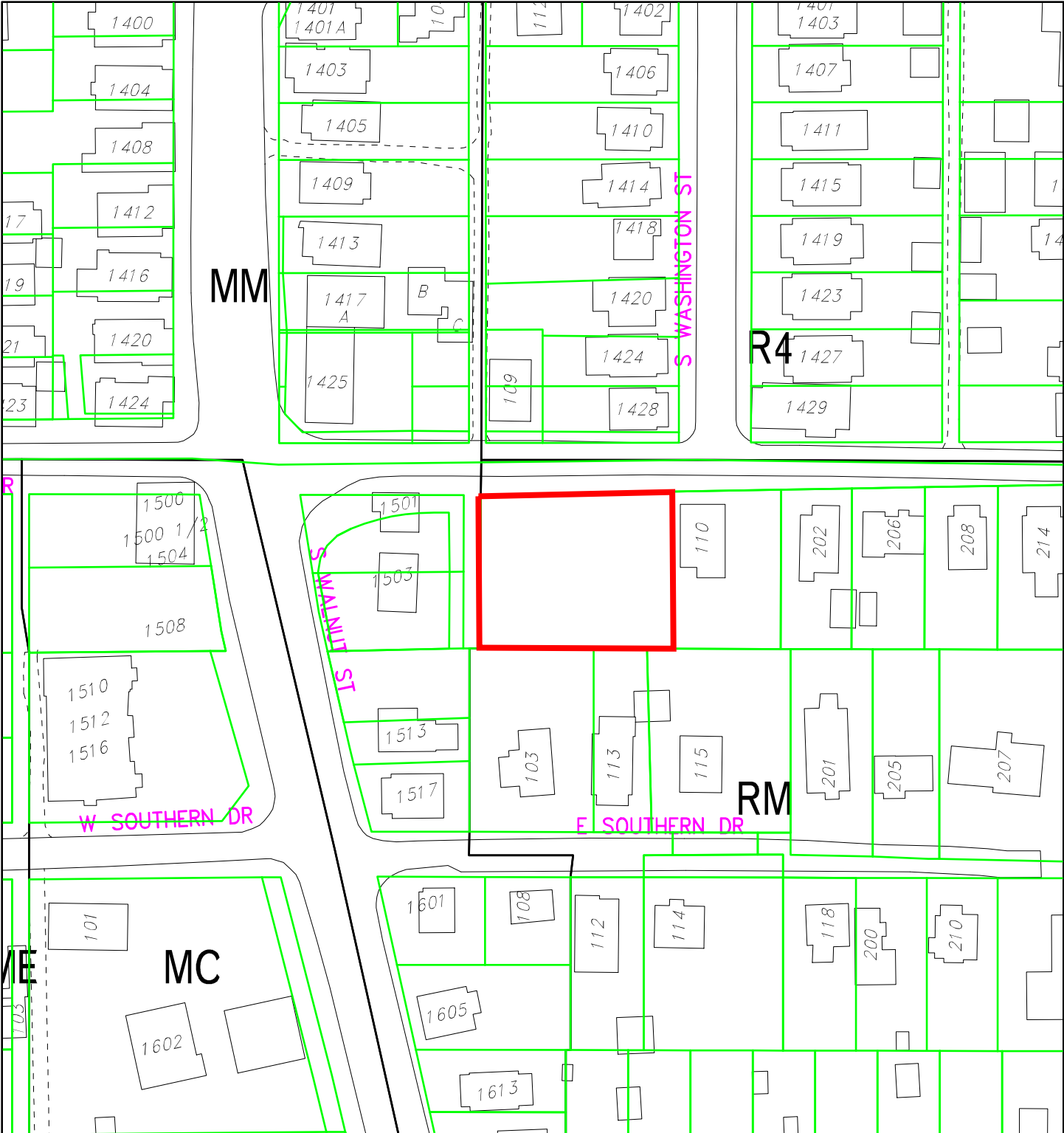
to the sidewalk and tree plot will provide a more pedestrian friendly streetscape than what is currently existing. The site is currently a vacant lot with a large retaining wall along the sidewalk.

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.*

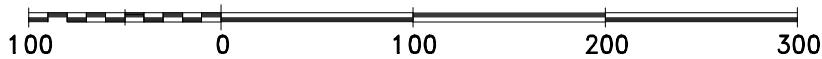
PROPOSED FINDING: Practical difficulty is found in the combination of the size of the lot and the lack of on-street parking available. The lot would not allow for the construction of adequate on-site parking behind the building that would meet setback and dimensional requirements. Parking in the building that is adequate for the use is not possible while also meeting the front parking setback. No on-street parking is available on Hillside, and ground floor parking is typical for a development of this type.

RECOMMENDATION: Based upon the written findings above, the Department recommends that the Board of Zoning Appeals adopt the proposed findings and recommends approval of V-23-21 with the following conditions:

1. A grading permit is required before earth moving begins
2. The petitioners must obtain a building permit prior to construction.

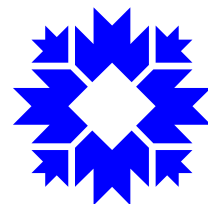


By: keegan.gulick
17 Nov 21

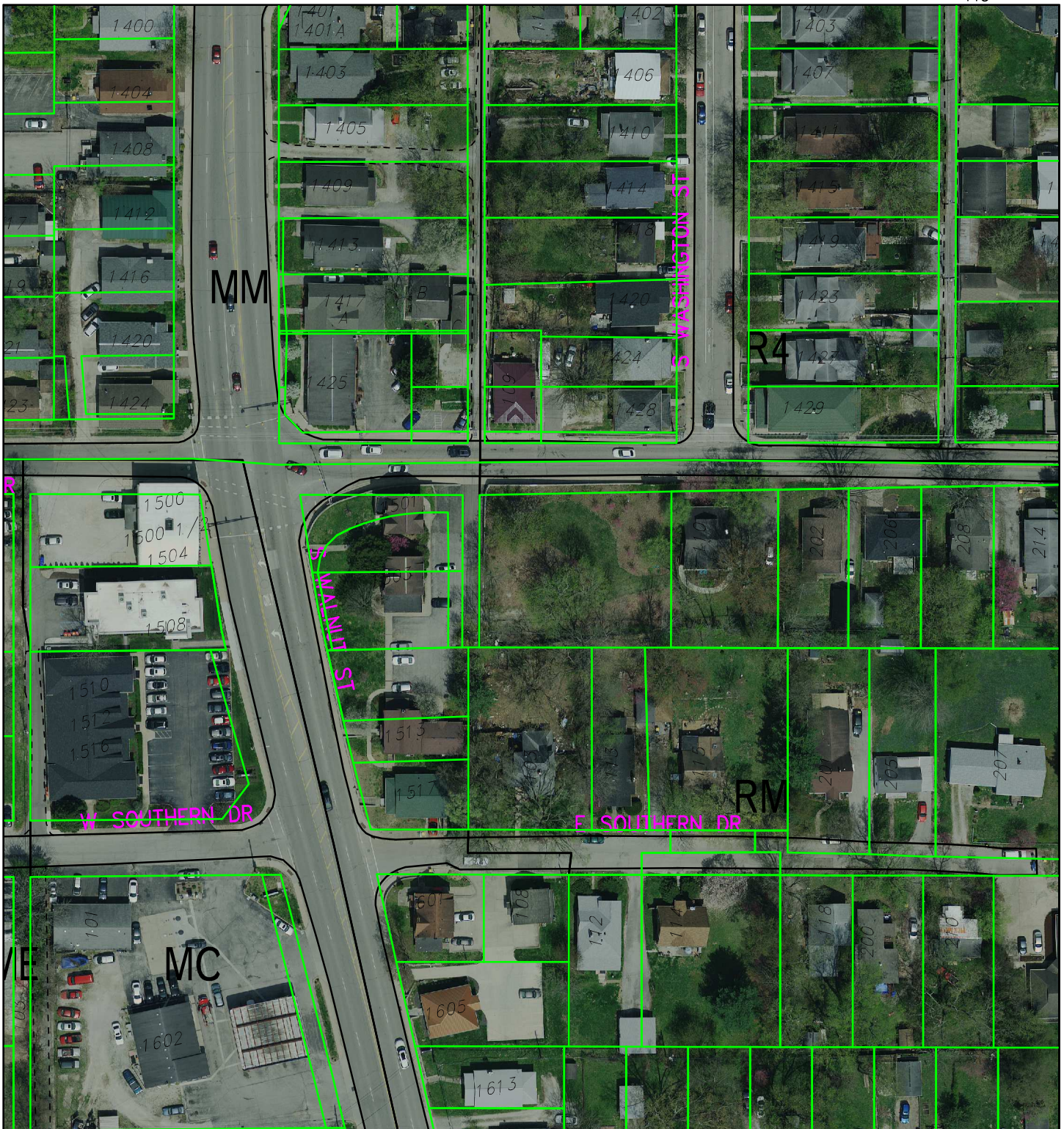


For reference only; map information NOT warranted.

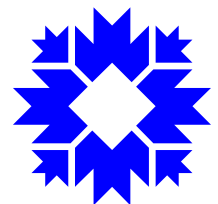
City of Bloomington
Planning



Scale: 1" = 100'



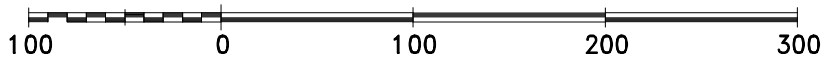
City of Bloomington
Planning



Scale: 1" = 100'

By: keegan.gulick

17 Nov 21



For reference only; map information NOT warranted.



WS Property Group
 1507 South Piazza Drive
 Bloomington, IN 47401
 office: 812.332.9575
 fax: 812.332.0261
www.WSPropertyGroup.com

December 16, 2021

Keegan Gulick
 City of Bloomington Planning and Transportation Dept.
 401 N. Morton Street
 Bloomington, IN. 47402

RE: 110 Hillside Drive – Variance Parking Setback with-in a building.

Dear Keegan,

WS Property Group is proposing to redevelop a vacant lot at 110 E Hillside Drive. We are requesting a variance from 20.04.0?0(?) to allow a garage on the lower level of a townhome.

The project anticipates the construction of a single building comprised of 5 townhomes. Each townhome is comprised of 3 levels; parking, main-living, and bedroom. Recent changes in the Code make it illegal to park on the first floor of a building unless the garage wall is 20 feet behind the front wall of the building. We believe this “buffering” is unnecessary and creates an undue burden for a townhome type building.

We feel the approval of this variance will not be injurious to the public, nor adversely affect the use and value of the adjacent properties.

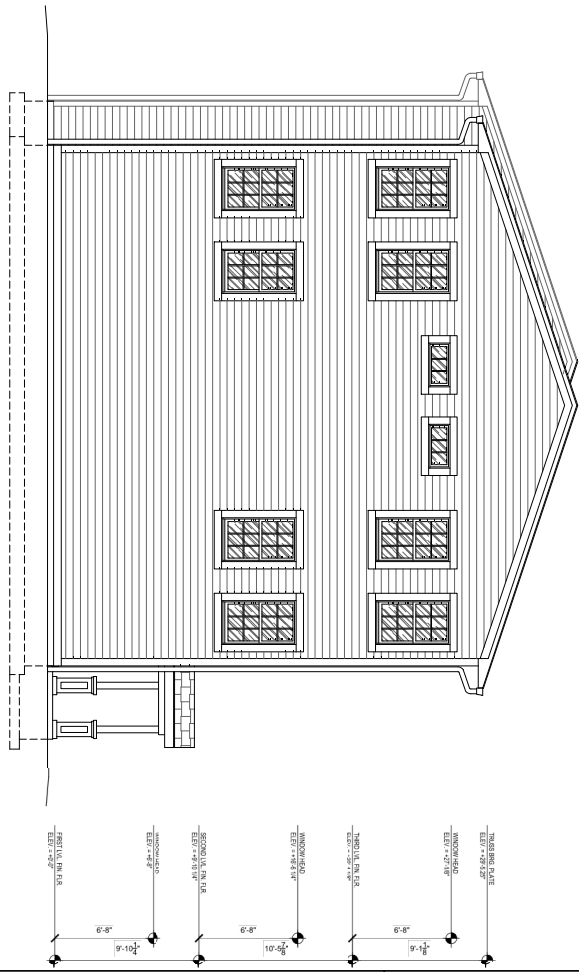
Please find attached the required information to render your approval.

Respectfully,
WSProperty Group

Timothy A. Hanson
 V.P. Development



THIS DRAWING IS UNLESS OTHERWISE NOTED AND SUBJECT TO CONTRACT PROVISIONS. CONSULT THE ARCHITECT FOR ANY CHANGES TO THIS DRAWING. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE BUILDING. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON.



1 BUILDING WEST ELEVATION

ELEVATION NOTES:

- 1 FINISHED CONCRETE FOUNDATION WALL, VERTICAL SLOPE MAX. 1/4" PER FT. AWAY FROM BASE @ ALL LOC.
- 2 FINISHED CONCRETE FOUNDATION WALL AND CONCRETE FORMING, SEE STRUCTURAL DWGS.
- 3 FINISHED TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 4 FINISH CONC. EXPOSED FOUNDATION WALL & STOPS PER CUSTOMER APPROVED CODE TO FINISH.
- 5 FINISH CHIMNEY MANTLE TO FIN. FINISH COLUMN BASE.
- 6 FINISH CHIMNEY MANTLE TO FIN. FINISH COLUMN.
- 7 4" MINERAL BRICK.
- 8 INSULATION FINISH OVER BRICK, MINIMUM 2" MINERAL WOOL INSULATION, FINISH ALL CORNERS, SEE INSULATION NOTES SECTION.
- 9 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 10 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 11 1/2" FINISHED TRIM, FINISH TRIM, FINISH & FLASH PER MFG. INSTRUCTIONS, OVER ALL FS.
- 12 1/2" FINISHED TRIM, FINISH TRIM, FINISH & FLASH PER MFG. INSTRUCTIONS.
- 13 CONCRETE ROOF OVER 8" ROOF DECK.
- 14 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 15 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 16 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 17 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 18 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 19 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.
- 20 FINISH TRIM TO A FINISH, INSTALL & FLASH PER MFG. INSTRUCTIONS.

NEW TOWNHOME BUILDING FOR:

HILLSIDE DRIVE

110 E HILLSIDE DR.
BLOOMINGTON, INDIANA 47401

PROJECT NO. 2021

DATE: OCTOBER 11, 2021

DRAWN BY: S.M.A./T.B.C.


ORDERED BY: D. SARGE

SHEET NAME: NORTH ELEVATION S-UNIT

SHEET NO.:

REVISIONS

NO.	DESCRIPTION



TABOR BRUCE
ARCHITECTURE & DESIGN INC.

1101 S. WALNUT STREET • BLOOMINGTON, IN 47401
TELEPHONE: (812) 332-2258 • WEB: WWW.TABORBRUCE.COM

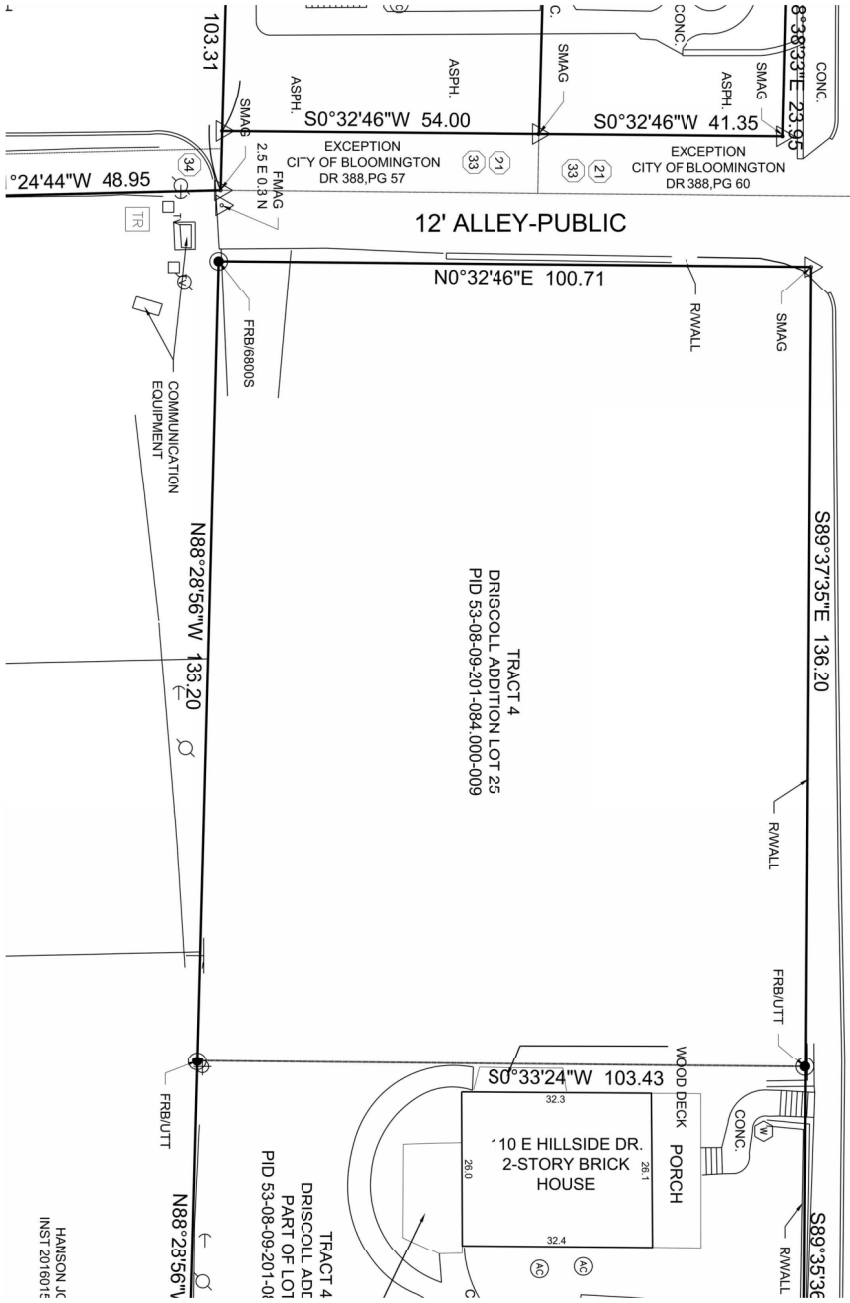
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110 TOWNS
110 E HILLSIDE DRIVE
BLOOMINGTON INDIANA 47401



WS PROPERTY GROUP
1507 S PIAZZA DRIVE
BLOOMINGTON, IN 47401



HILLSIDE DRIVE
(PUBLIC-R/W VARIES)
ASPH.



HANSON, J.C.
INST 201601E

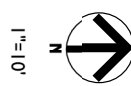
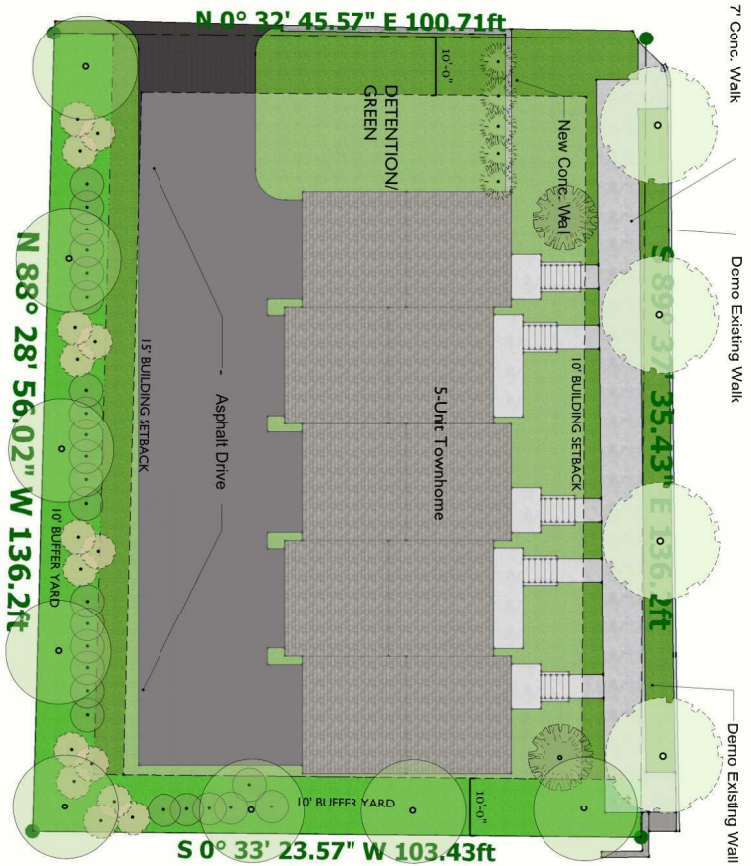
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110 TOWNS
110 E HILLSIDE DRIVE
BLOOMINGTON INDIANA 47401



WS PROPERTY GROUP
1507 S PIAZZA DRIVE
BLOOMINGTON, IN
110 TOWNS

REVISIONS	
MM/DD/YY	REMARKS



TOTAL LOT AREA = 13,901 SF
 PUBLIC WALK = 939 SF 6.8%
 PERVIOUS = 5,705 SF 41.0%
 IMPERVIOUS = 7,257 SF 52.2%

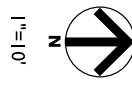
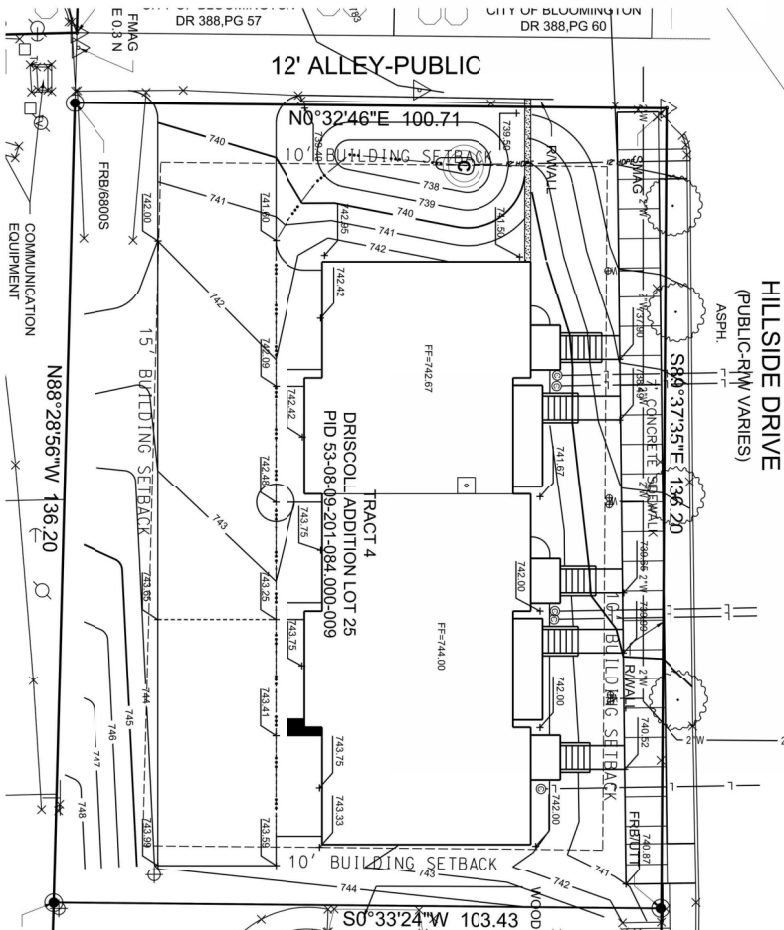
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110 TOWNS
 110 E HILLSIDE DRIVE
 BLOOMINGTON INDIANA 47401

WS PROPERTY GROUP
 WS PROPERTY GROUP
 1507 S PIAZZA DRIVE
 BLOOMINGTON, IN
 110 TOWNS

REVISIONS	
MM/DD/YY	REMARKS

DEVELOPMENT PLAN



A
04

110 TOWNS
110 E HILLSIDE DRIVE
BLOOMINGTON INDIANA 47401



WS PROPERTY GROUP
1507 S PIAZZA DRIVE
BLOOMINGTON, IN

110 TOWNS

REVISIONS	
MM/DD/YY	REMARKS

To the BZA:

Thank you for the opportunity to address concerns regarding the proposal to build Student/Dormitory Housing at 106 E Hillside Drive.

Please deny this request. A change to conditional use will not result in a community good, such as a school, daycare, or place of worship.

Denial of the conditional use will allow the site to be developed according to current RM zoning. This would be an enormous opportunity to achieve many of the goals of the Comprehensive plan. Adding “missing middle” forms that blend with the established neighborhood and providing needed options of housing options for a large range of people would benefit the neighborhood and the city. Small housing forms with less intense use would benefit and attract young professionals, small families, workforce residents or empty nesters.

Sincerely,

Jan Sorby

Bloomington Restorations Inc., Chair of Endangered Historic Properties, Hillside property owner, Former President of the Bryan Park Neighborhood Association

20.06.040(d)(6) Approval Criteria: i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

Objection

The proposed development does not agree with the *Comprehensive Plan* or acknowledge the unsafe conditions reported in the *2019 Bloomington Transportation Plan*.

The *Comprehensive Plan* that recognizes that most new housing development the past decade has been student housing. Now, a primary goal is to change this trend and offer a wider variety of housing options built for a broader range of people. The location of the proposed development does not meet the criteria listed in the *Comprehensive Plan* for appropriate locales for Student/Dormitory Housing. Appropriate locations are close to campus that already have a high percentage of student-oriented housing, within easy walking distance to campus, have easy access to university-provided parking, and IU transit system. The *Comprehensive Plan* redirects Student/Dormitory housing away from the areas near downtown. The proposed site is currently serviced by city buses; however, it will soon be limited when Bloomington Transit changes the routes.

Promoting more housing opportunities in urban neighborhoods close to employment, shopping, and other amenities for young professionals, workforce residents, families, residents at different stages of life and household incomes, is a primary goal of the *Comprehensive Plan*. The proposed development meets none of the provisions above. Apartments with 3-bedrooms will limit who can afford an expensive large apartment. Many people will be priced out of the proposed development.

The proposed development does not promote housing solutions that mitigate against rapid price changes in the neighborhood. To the contrary, Student/Dormitory housing will bring more short-term residents to the neighborhood. At almost 70% rental the neighborhood is at risk of destabilization. Rental for young families, workforce housing and young professionals or owner-occupied multifamily could help stabilize the neighborhood. Housing that only students will be able to afford does just the opposite.

Below are quotations from the *Comprehensive Plan* that support the objection to this development.

- (Pg 64) *Comprehensive Plan Objectives: Policy 5.3.4: Redirect new student-oriented housing developments away from the Downtown and nearby areas, and toward more appropriate location closely proximate to the IU campus that already contain a*

relatively high percentage of student-oriented housing units, are within easy walking distance to the campus, and have direct access to university-provided parking as well as the university transit system

- *(pg. 61) Housing and Neighborhood: Goals & Policies: 14: Offer a wide variety of quality housing options for all incomes, ages, and abilities.*
- *(pg. 61) Housing and Neighborhood: Policy 5.1.3: Encourage a wide range of housing types to provide a more diverse mix of housing opportunities and household income levels, preferably within neighborhoods and multi-family housing developments.*
- *(pg. 63) Housing and Neighborhood Goals & Policies: New multifamily housing projects catering largely to students must be better planned and distributed adjacent to campus or in underdeveloped commercial corridors along transit routes outside Downtown, but still relatively close to the university*
- *(pg. 63) Housing and Neighborhood Goals & Policies: 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.*
- *(pg. 60) Housing and Neighborhood: Now that 1,900 new housing units have been constructed Downtown within the past decade (almost all of them apartments), the market dynamic is shifting. More market opportunities may exist to convert single-family homes from student-rental to owner occupied. This can allow more people to have a chance to live in urban neighborhoods, which are often closer to employment, shopping, and other amenities.*
- *(pg. 64) Housing and Neighborhood: Goal 5.4: Neighborhood Stabilization: Promote a variety of homeownership and rental housing options, mitigate against unforeseen eviction and rapid price changes, and promote opportunities for community interaction that are also aimed towards different stages of life, ages, and household incomes.*
- *(pg. 61) Housing and Neighborhood: Bloomington's older urban, small scale, compact, single family housing stock located primarily around the city center and university provide some of the city's more affordable housing stock and must be protected. Building a growing stock of affordable housing requires assuring sustainability so unaffordable stock is not the only option for future generations. Mixed income neighborhoods are fundamental to successful, sustained, affordable housing stock. New multifamily housing projects catering largely to students must be better planned and distributed adjacent to campus or in underdeveloped commercial corridors along transit routes outside Downtown, but still relatively close to the university*
- *(Pg. 65) Housing and Neighborhood: Seek to expand compact urban housing solutions such as pocket neighborhoods, tiny houses, accessory dwelling units, and similar housing solutions, in a manner that attracts workforce and senior populations or otherwise complements the surrounding neighborhood*

20.06.040(d)(6) Approval Criteria: ii. Provides Adequate Public Services and Facilities

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

Objection

The proposed development will adversely impact the overall health and well-being of people who live in the development as well as the surrounding neighborhood. Student/Dormitory housing use at this site is not appropriate, ill-advised and will endanger public safety.

The Hillside area presents enormous infrastructure challenges. Because of the traffic, this is a dangerous location. It is especially dangerous for the intensity of use that Student/Dormitory housing triggers. If built, it will require crossing Hillside to reach on-street parking for residents and visitors. Dangerous midblock crossings will be the norm. Pedestrians crossing Hillside from the north at the signaled intersection are impeded by a utility pole installed in the middle of the narrow sidewalk before reaching the pedestrian crosswalk. The 7' tall wall obstructs sightlines in both directions at the signal. And the enormous turning radius encourages fast traffic. Hillside is narrow, lacking a tree plot, turning lane or bike lane. The Washington/Hillside intersection has extremely limited sightlines that force vehicles into the intersection and past the pedestrian crosswalk.

Mixed urban residential neighborhoods are described in the Comprehensive Plan as missing basic and essential utilities. This neighborhood is exactly such a neighborhood and has been skipped over for improvement for decades.

There are no sidewalks, storm sewers, curbs, gutters, or tree plots on Southern, Wilson, Grant, and Palmer streets. These streets are very narrow with high crowns and deep ruts on both sides, and the pavement is crumbling at the edges. Worn out water mains erupt on a regular basis in the neighborhood. The sidewalks on Hillside, Washington, and Lincoln are sub-standardly narrow with sections rated as the poorest condition in Bloomington on the *Sidewalk Inventory Report*.

The *2019 Bloomington Transportation Plan* identifies the Hillside, Walnut, Washington area as a hotspot for pedestrian/motor vehicle accidents and as one of the least connected areas on the *Bicycle Network Analysis* map. Hillside is Bloomington's main southern east/west corridor and carries a greater volume of daily traffic than is recommended for a general urban street. The traffic is extraordinarily fast and a digital traffic warning sign displaying speeds of motorist is now a permanent fixture on Hillside at Grant. As a general urban street, Hillside lacks the basic requirements such as on-street parking, 25mph speed, turning lanes, tree plots between sidewalk and street, or buffered/protected bike lanes.

The south side of Hillside is basically 2 "superblocks", each 3 blocks long with the only cross street at Grant. Grant dead ends at Southern. Washington, Lincoln, Dunn, and Palmer dead end into Hillside. Southern is blocked from Walnut just west of Grant. The superblocks lack alleys or direct access to on-street parking. The alley west of the proposed development dead ends mid-block before reaching Southern and the exit onto Hillside is very close to the intersection. The prevailing development pattern in this area is exceptionally dense at about 0.12 acres (5,227 sq. ft.) per lot and most of the houses are modest in size. The area includes owner-occupied and rental, single-family and duplex/fourplex-multifamily. The neighborhood was built before modest families owned cars and therefore the few existing driveways were retrofitted. Washington, Lincoln, and the new Dunn PUD are the only streets offering alley parking opportunities. Hillside has limited driveways and no on-street parking. Washington and Lincoln provide the only on-street parking for all the residents and visitors in the area and are routinely congested. Washington has seen an increased use since the apartment building at Driscoll and Walnut was granted a parking variance for required on-site parking.

Creating a pedestrian friendly edge to the neighborhood along Hillside will be challenging but neighbors requested, and still hope for, a subarea plan to help find solution for this problematic area. Hillside could be a true asset for the neighborhood and the city. The South Dunn PUD demonstrates how wonderfully a street can be remade.

Below are quotations from the 2019 Bloomington Transportation Plan and the Comprehensive Plan that support the objection

2019 Bloomington Transportation Plan

- (pg. 11) *Traffic Volumes: S Walnut St from E Wilson St to S Monon Dr, 2008, the average daily traffic volume was vehicles/day =27,052. General Urban Street. Auto traffic volume (ADT) should be 10,000-20,000.*
- (pg. 14 Map) *Hillside is categorized as forth busiest streets and a hotspot for motor vehicles-pedestrian crash density*
- (pg. 18 map) *Listed as one of the least connected areas on the Bicycle Network Analysis*
- (pg. 36) *General urban street specifications are: 2 auto travel lanes 10' wide, on-street parking, recommends target speed 25mph, preferred Bike facility (2 buffered or protected bike lanes)*

Comprehensive Plan

- (pg. 63) *Housing & Neighborhoods: Goals & Policies: Policy 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.*
- (pg. 16) *UDO Objectives: Objective: 11: Ensure all land development activity makes a positive and lasting community contribution*

- (Pg. 63) *Housing & Neighborhoods: Goals & Policies: Policy 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.*
- (pg. 63) *Housing & Neighborhoods: Objective 13: Embrace all of our neighborhoods as active and vital community assets that need essential services, infrastructure assistance, historic protection, and access to small-scaled mixed-use centers*
- (pg. 64) *Housing & Neighborhoods: Neighborhood Stabilization: Goal 5.4: Enhance the appearance, safety, and walkability of sidewalks, multi-use paths and trails, and streets in all neighborhoods through proactive repair and cleaning programs to reinforce an open network connecting each neighborhood to adjacent land uses and to the city as a whole*
- (Pg. 84) *Mixed Urban Residential: Land Use: Mixed Urban Residential: Additionally, many of these areas were built without essential urban amenities such as storm sewers, curbs, and sidewalks.*

20.06.040(d)(6) Approval Criteria: iii. Minimizes or Mitigates Adverse Impacts

1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*

Objection

The proposed development would be disruptive to the established relationship between the built environment and street. The proposed development is profoundly inconsistent with the historic development pattern in the area and will affect how the street feels and is used. The jarring shift in scale, bulk and orientation of the proposed building will make reclaiming Hillside as a walkable urban asset out of reach. In addition, the shadows cast on neighboring houses will stop the possibility for owners (on the east and west) of the proposed development, to utilize solar energy in the future.

The proposed development will deprive adjacent properties of natural light.

The *Comprehensive Plan* states that existing residential neighborhoods, or any portions of a neighborhood having a consistent built character, should be maintained at their prevailing pattern of development, building distribution, and scale. Guidance for appropriate site design in mixed urban residential areas stipulates that redevelopment and rehabilitation must respect the prevailing character and development pattern of adjacent properties in the older neighborhoods. In-fill development must continue to emphasize pre-WWII neighborhood characteristics regarding building mass, scale, and other site planning features. Guidance for land use development approvals require that vacant lots be redeveloped with compatible infill that reflects the prevailing character of the neighborhood.

The orientation, scale and building distribution of the proposed Student/Dormitory housing is not compatible with the prevailing historic development pattern. The historic development pattern surrounding the proposed development is a consistent human-scale, pre-auto, 1920s pattern. The distribution of these narrow buildings is close together with small side yards between each house. The scale is small, approximately 24' to 28' wide with one or two stories. The orientation of the existing buildings is with the narrow wall facing the street and the long wall to the side. The neighborhood commercial buildings follow the same historic development pattern in scale, distribution, and bulk. Altogether, this historic pattern creates a human-scale and walkable environment.

The develop pattern for the proposed project is suburban. It is characterized by wide buildings that are orientated with the broad side of the building facing the street. The design of the proposed development was used to build the University Manor complex in a suburban context on the north side of Bloomington. The proposed structure is very wide, about 100', making it approximately four times as wide as the compact urban neighborhood context. The expanse of the proposed building is contrary to the compact urban human-scale surrounding the site.

Additionally, the site for this proposal is in the Monon Historic Study district. It has been an important study area since at least 2004 when it was listed in the *City of Bloomington Interim Report*. All eight adjacent houses are listed with the state of Indiana in their *Indiana Historic Sites and Structures Inventory* as either Notable or contributing. Breaking the historic building pattern will adversely impact these properties. This is not a locally designated district, and no design regulations are required beyond what is specified in the *Comprehensive Plan* for all Mixed Urban Residential neighborhoods.

Significant adverse impact will be created by the height of the proposed building which is located at the crest of a hill and will block access to natural light on the east and west of the site. Two different façade drawings are shown in the developer's packet; one drawing shows a 3-story building and the other shows a 3.5-story building. Both drawings lack measurements for the total height of the proposed project. Regardless, the elevation of the hill exacerbates the reach the shadows cast on houses to the east and west. Owners to either side of this proposed development will be impeded by the shadows to use solar energy in the future.

Below are quotations from the Comprehensive Plan that support the objection

- *(Pg. 84) Mixed Urban Residential: Land Use Development Approvals: Vacant lots should be redeveloped with compatible infill that reflects the prevailing character of the neighborhood.*
- *(pg. 84) Mixed Urban Residential: Land Use Development Approvals: Allow context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles.*
- *(pg. 63) Housing & Neighborhoods: Policy 5.2.6: Existing residential neighborhoods, or any portions of a neighborhood having a consistent built character, should be maintained at their prevailing pattern of development, building distribution, and scale. This built character may be complemented by both traditional and contemporary architecture.*
- *(pg. 63) Housing & Neighborhoods: Policy 5.2.4: Design and arrange new multifamily buildings, including entries and outdoor spaces, so that dwellings have a clear relationship with the public street and operate on a pedestrian scale.*
- *(Pg. 84) Mixed Urban Residential: Site Design: The majority of centrally located neighborhoods have been built out, so major changes will occur with redevelopment and rehabilitation of existing structures must respect the prevailing character and development pattern of adjacent properties. Although there may be various architectural styles that would be appropriately compatible with the existing architecture in these older neighborhoods, the district must continue to emphasize pre-WWII neighborhood characteristics regarding building mass, scale, landscaping, and other site planning features.*
- *(Pg. 84) Mixed Urban Residential: Land Use Development Approvals: Allow context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles.*
- *(pg. 63) Housing & Neighborhoods: Goals & Policies Principals: 11: Ensure all land development activity makes a positive and lasting community contribution*
- *(Pg. 85) Mixed Urban Residential: Form Based Code: To better respond to the relationship of buildings to the street, architectural massing, shape and design, and the location of on-site parking. A form-based code focuses on the physical shape and configuration of the build environment rather than land uses. Using this approach can offer more predictability than flexible Planned Units Developments processes offer. This strategy should not be used exclusively but rather in balance with use-based zoning. Land use decisions should be based both on compatible uses as well as on form.*
- *(Pg 96) Focus Areas & Strategies: Focus Areas are locations expected to see significant change in land use activities over the next decade; however, they should follow their respective development themes (Maintain, Enhance, and Transform)*

iii. Minimizes or Mitigates Adverse Impacts

1. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

Although these was no requirement to meet with neighbors there was not a good-faith effort to address the concerns of the adjoining property owners when concerns were lodged through the Planning and Transportation Department.

The Unified Development Ordinance specifies that at least one sign should be posted on the property informing Bloomington residents of a proposed change in use. No notice was posted on the property.

The notice listed in the newspaper included an incorrect address for development on the parcel at 107 E Hillside. The notice to adjacent property owners also contained the wrong address.

**BLOOMINGTON BOARD OF ZONING APPEALS
STAFF REPORT
LOCATION: 106 E Hillside Drive**

**CASE#: CU-24-21
DATE: November 24, 2021**

PETITIONER: WS Property Group
1507 S Piazza Drive, Bloomington, IN 47401

CONSULTANT: Smith Design Group
2755 E Canada Drive, Bloomington, IN 47401

REQUEST: The petitioner is requesting Conditional Use approval to allow the use “Student Housing or Dormitory” in the Residential Multifamily (RM) zoning district to allow for one new building containing five, three-bedroom apartments.

REPORT: The property is located at 110 E. Hillside Drive and is currently zoned Residential Multifamily (RM). The properties to the south, east, and west are also zoned RM. The properties to the north are zoned Residential Urban (R4). The property is currently a vacant lot. The site is not within a historic district or any overlay districts.

The petitioner is proposing to construct a new three-story structure with ground floor parking spaces and five three-bedroom dwelling units. Since the proposed units will each contain 3 bedrooms, they are classified as student housing or dormitory use. Student housing is listed as a conditional use in the RM zoning district and the petitioner is therefore requesting conditional use approval to allow for this new construction. The petitioner previously received a variance under V-16-20 to allow for the front steps of the structure to encroach into the setback. The petitioner is also requesting a variance from the required front parking setback of 20’ to allow for ground floor parking, which will be heard by the Board of Zoning Appeals on December 23, 2021.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6) Approval Criteria

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

- i. Compliance with this UDO
- ii. Compliance with Other Applicable Regulations
- iii. Compliance with Utility, Service, and Improvement Standards
- iv. Compliance with Prior Approvals

PROPOSED FINDING: There are use-specific standards that apply to student housing within the RM district. The UDO restricts the maximum floor plate for student housing uses in the RM district to 5,000 square feet per lot. The proposed building will be approximately 3,519 square feet and therefore meets the 5,000 square foot maximum floor plate allowance. This petition received a variance from front setback standards under V-16-20 and is currently requesting a variance from the required front parking setback which is pending. This petition complies with other applicable regulations, utility, service, and improvement standards as required by the general compliance criteria.

The UDO requires that student housing or dormitory uses outside of the Mixed-Use Student Housing (MS) zoning district be separated from other student housing or dormitory uses by at least 300 feet. Planning staff did not find any existing student housing or dormitory uses within 300 feet of this property.

(C) Additional Criteria Applicable to Conditional Uses

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is in line with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as “Mixed Urban Residential.” Infill development within this district is encouraged as part of creating a compact urban form. This petition provides additional housing units on a property that is currently vacant. The construction of five dwelling units on this site is not expected to have any negative impacts.

ii. Provides Adequate Public Services and Facilities

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

PROPOSED FINDING: This site is well served by utility service and no problems with providing utility service to this site are expected. This site is near the 7 and 1 bus lines and intends to provide adequate parking for the residents.

iii. Minimizes or Mitigates Adverse Impacts

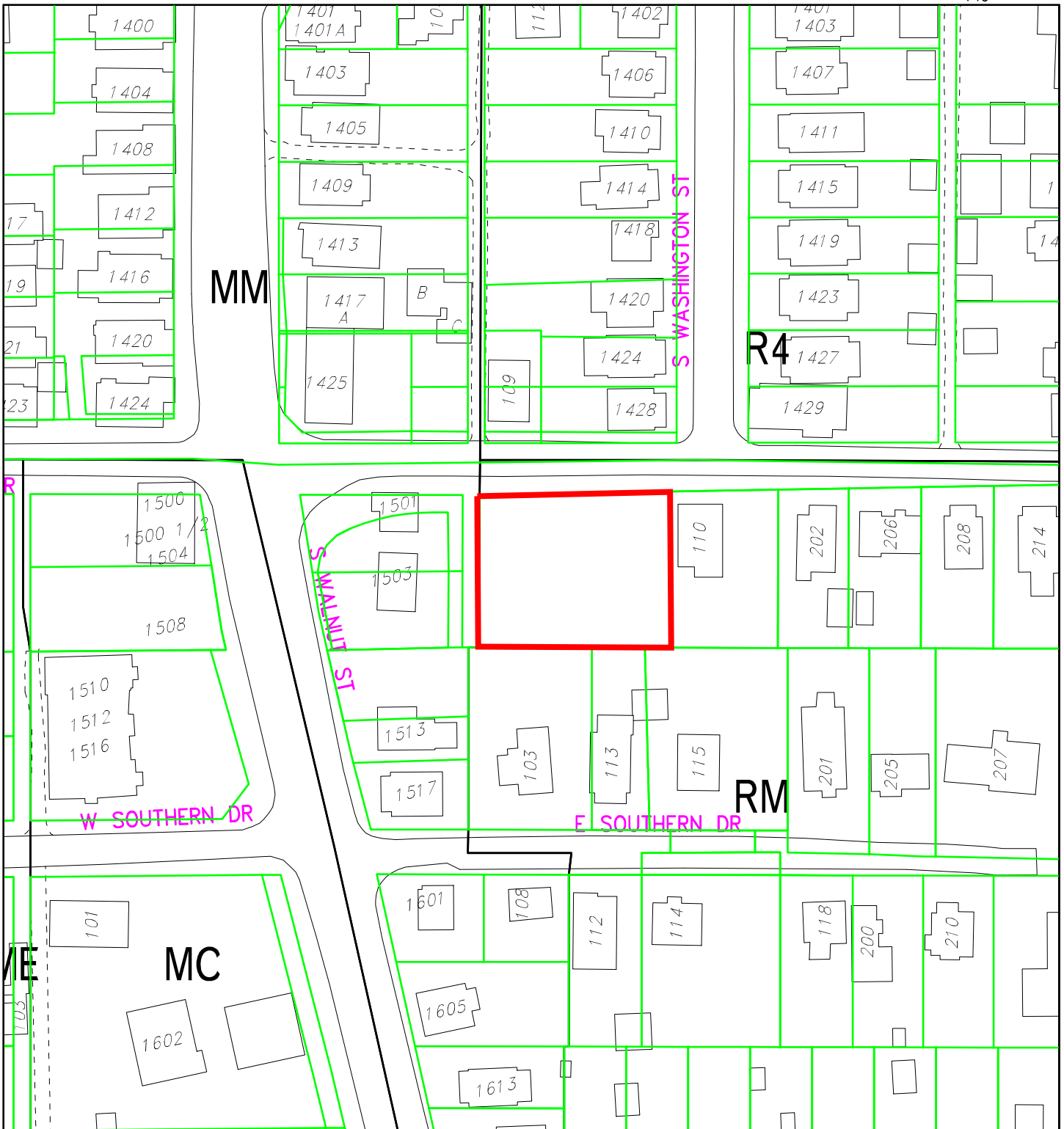
1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*
3. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*
4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

PROPOSED FINDING: There are no natural, scenic, or historic features that will be impacted. The creation of five dwelling units for student housing on this property is not expected to have any adverse impacts on surrounding properties. No additional lighting outside of what is typical

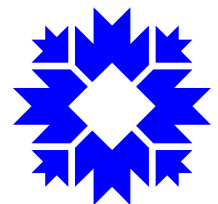
of a residential unit is being proposed. No nuisance regarding noise, smoke, odors, vibrations, lighting, or hours of operation is found. No pre-submittal neighborhood meeting is required.

RECOMMENDATION: The Department recommends that the Hearing Officer adopts the proposed findings and recommends approval of CU-24-21 with the following conditions:

1. This conditional use is limited to a maximum of five units and a maximum of three bedrooms per unit as submitted, no other use is approved.
2. A grading permit is required before construction can begin.



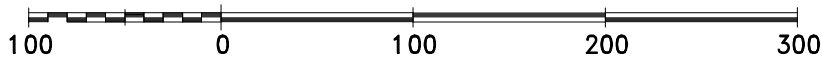
City of Bloomington
Planning



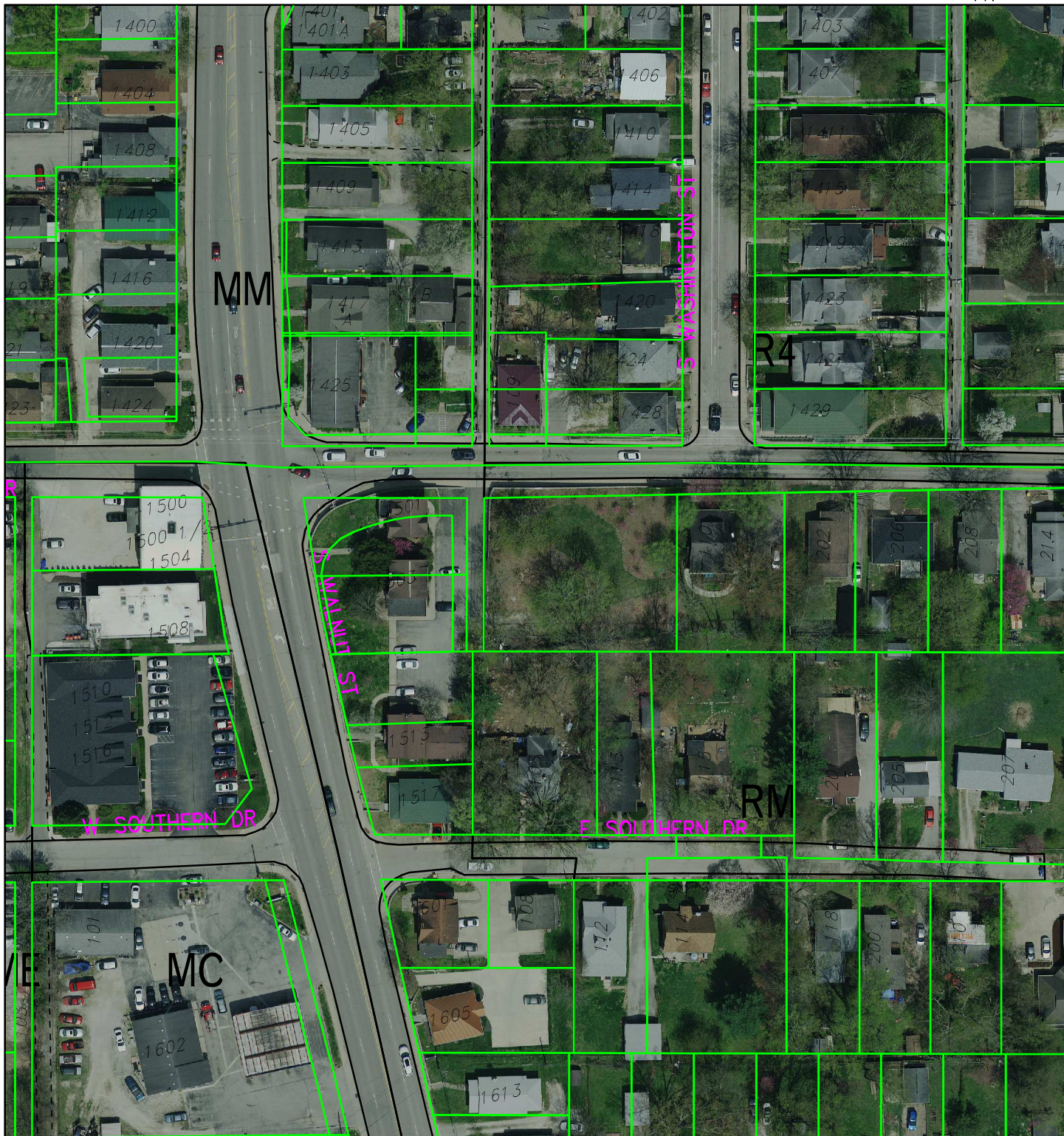
Scale: 1" = 100'

By: keegan.gulick

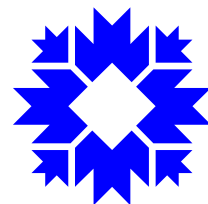
17 Nov 21



For reference only; map information NOT warranted.



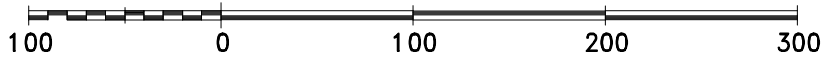
City of Bloomington
Planning



Scale: 1" = 100'

By: keegan.gulick

17 Nov 21



For reference only; map information NOT warranted.



WS Property Group
1507 South Piazza Drive
Bloomington, IN 47401
office: 812.332.9575
fax: 812.332.0261
www.WSPropertyGroup.com

November 17, 2021

Keegan Gulick
City of Bloomington Planning and Transportation Dept.
401 N. Morton Street
Bloomington, IN. 47402

RE: 110 Hillside Drive – Student Housing

Dear Keegan,

WS Property Group is proposing to redevelop a vacant lot at 110 E Hillside Drive and are requesting a variance from 20.04.0?0(?) to allow 5 three-bedroom townhomes to be constructed.

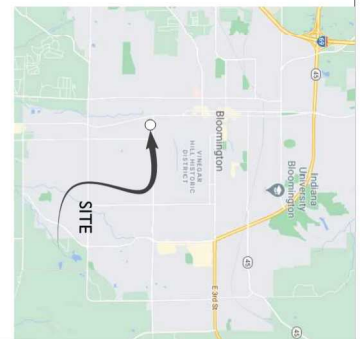
The project anticipates the construction of a single building comprised of 5 townhomes. Each townhome is comprised of 3 levels; parking, main-living, and bedroom. We believe the scale and scope of the project fits with the surrounding uses and will not be injurious to the public, nor adversely affect the use and value of the adjacent properties.

Please find attached the required information to render your approval.

Respectfully,
WSProperty Group

Timothy A. Hanson
V.P. Development

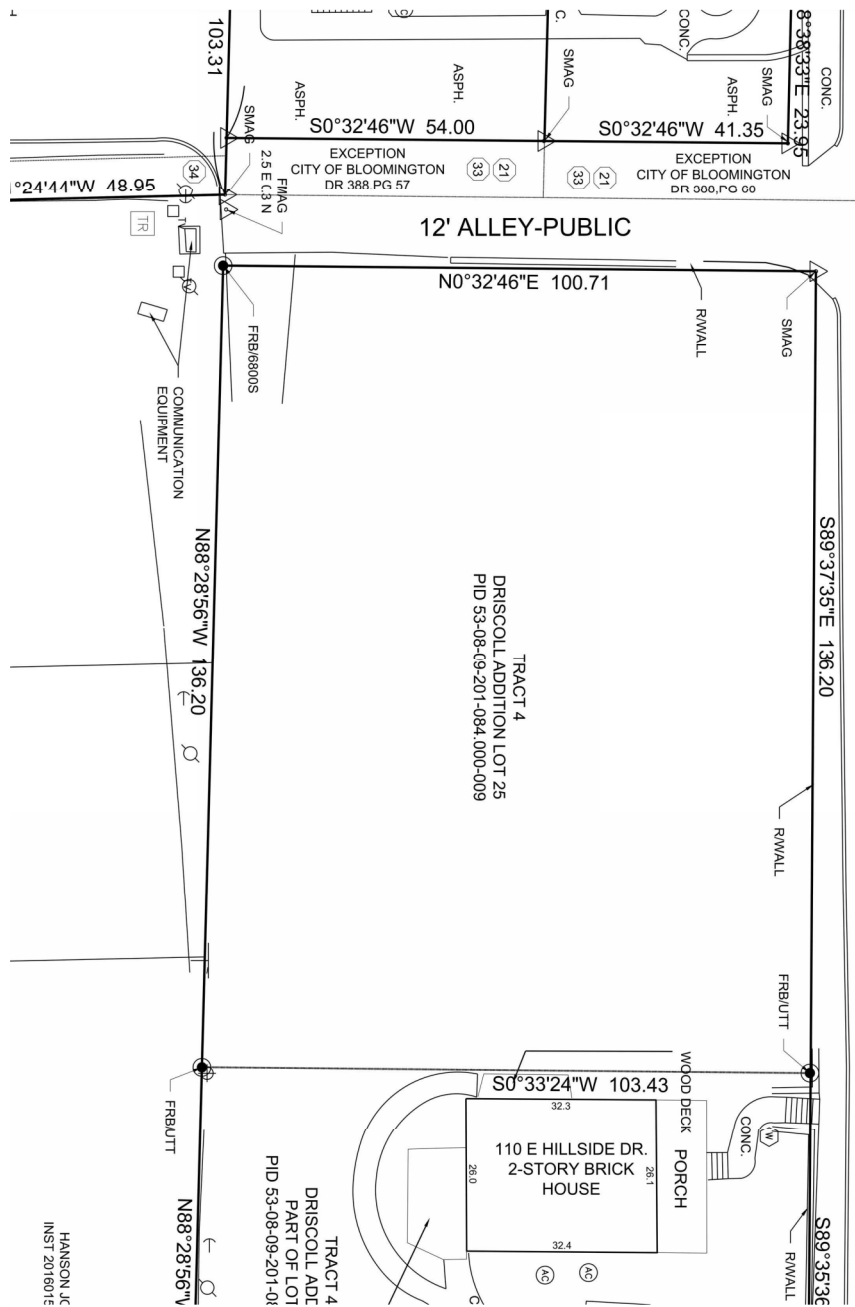




110 TOWNS
110 E HILLSIDE DRIVE
BLOOMINGTON INDIANA 47401



WS PROPERTY GROUP
1507 S PIAZZA DRIVE
BLOOMINGTON, IN 47401



HILLSIDE DRIVE
(PUBLIC-RW VARIES)
ASPH.



HANSON J.C.
INST 2016015

A 01

110 TOWNS
110 E HILLSIDE DRIVE
BLOOMINGTON INDIANA 47401



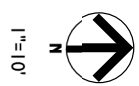
WS PROPERTY GROUP
1507 S PIAZZA DRIVE
BLOOMINGTON, IN

110 TOWNS

REVISIONS	
NO.	REMARKS
1	
2	
3	
4	
5	



TOTAL LOT AREA = 13,901 SF
 PUBLIC WALK = 939 SF 6.8%
 PERVIOUS = 5,705 SF 41.0%
 IMPERVIOUS = 7,257 SF 52.2%



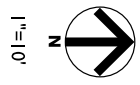
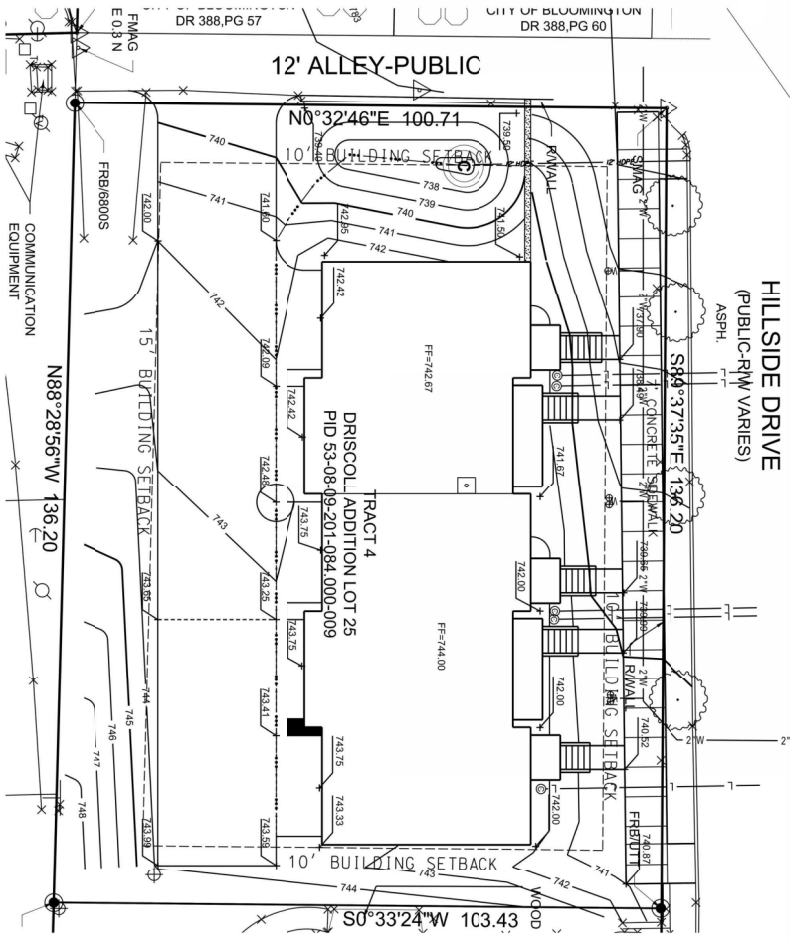
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110 TOWNS
 110 E HILLSIDE DRIVE
 BLOOMINGTON INDIANA 47401

WS PROPERTY GROUP
 WS PROPERTY GROUP
 1507 S PIAZZA DRIVE
 BLOOMINGTON, IN
 110 TOWNS

REVISIONS	
MM/DD/YY	REMARKS

DEVELOPMENT PLAN



A
04

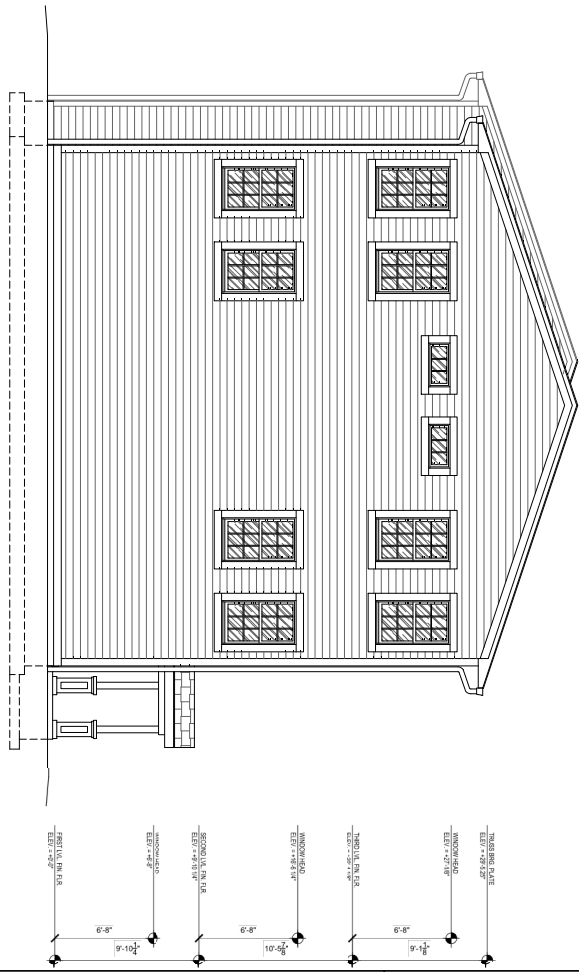
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BLOOMINGTON INDIANA 47401



WS PROPERTY GROUP
1507 S PIAZZA DRIVE
BLOOMINGTON, IN
110 TOWNS

REVISIONS	
MM/DD/YY	REMARKS

THIS DRAWING IS UNLESS OTHERWISE NOTED AND SUBJECT TO CONTRACT PROVISIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS OF EXISTING CONDITIONS. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES.



1 BUILDING WEST ELEVATION

ELEVATION NOTES:

- 1 FINISHED FLOOR FIN. DIMS. SEE SET PLAN. SLOPE FIN. 1/4" PER FT. AWAY FROM BASE @ ALL LOC.
- 2 FINISHED CONC. FOUNDATION WALL AND CONC. FOOTING. SEE STRUCTURAL DWGS.
- 3 FINISHED TRIM TO. @ SPACED. INSTALL & FINISH PER MFG'S INSTRUCTIONS.
- 4 FINISH CONC. FOUNDATION WALL & STOPS FOR CURB/STAIR/PAVEMENT CODE TO FINISH.
- 5 FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN BASE.
- 6 FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN.
- 7 4" MINERAL BRICK.
- 8 HORIZONTAL FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN. SEE SET PLAN FOR FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN.
- 9 HORIZONTAL FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN. SEE SET PLAN FOR FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN.
- 10 FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN. SEE SET PLAN FOR FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN.
- 11 4" FINISHED FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN. SEE SET PLAN FOR FINISH CURB/STAIR/PAVEMENT TO FIN. FINISH COLUMN.
- 12 1/2" FINISHED CONC. & FINISH TRIM. INSTALL & FINISH PER MFG'S INSTRUCTIONS.
- 13 CONC. ROOF OVER 8 ROOF WALKS.
- 14 FINISH CONC. WALK FINISHING & FINISH WALL & ROOF CONNECTIONS. INSTALL PER MFG'S INSTRUCTIONS.
- 15 EXTENSION ROOF OVER WALKS. INSTALL PER MFG'S INSTRUCTIONS. SEE PLAN FOR STAIR INFORMATION.
- 16 FINISH CONC. ROOF OVER WALKS. INSTALL PER MFG'S INSTRUCTIONS. SEE PLAN FOR STAIR INFORMATION.
- 17 2" FINISH CONC. ROOF OVER WALKS. INSTALL PER MFG'S INSTRUCTIONS. SEE PLAN FOR STAIR INFORMATION.
- 18 FINISH CONC. ROOF OVER WALKS. INSTALL PER MFG'S INSTRUCTIONS. SEE PLAN FOR STAIR INFORMATION.
- 19 FINISH CONC. ROOF OVER WALKS. INSTALL PER MFG'S INSTRUCTIONS. SEE PLAN FOR STAIR INFORMATION.
- 20 FINISH CONC. ROOF OVER WALKS. INSTALL PER MFG'S INSTRUCTIONS. SEE PLAN FOR STAIR INFORMATION.

NEW TOWNHOME BUILDING FOR:

HILLSIDE DRIVE

110 E HILLSIDE DR.
BLOOMINGTON, INDIANA 47401

PROJECT NO. 2021

DATE: OCTOBER 11, 2021

DRAWN BY: S.M.A./T.B.R.

CREATED BY: D. SARGE

SHEET NAME: NORTH ELEVATION S-UNIT

SHEET NO.:

REVISIONS

TABOR BRUCE
ARCHITECTURE & DESIGN INC.

1101 S. WALNUT STREET • BLOOMINGTON, IN 47401
TELEPHONE: (812) 332-2258 • WEB: WWW.TABORBRUCE.COM

AE204

To the BZA:

Thank you for the opportunity to address concerns regarding the proposal to build Student/Dormitory Housing at 106 E Hillside Drive.

Please deny this request. A change to conditional use will not result in a community good, such as a school, daycare, or place of worship.

Denial of the conditional use will allow the site to be developed according to current RM zoning. This would be an enormous opportunity to achieve many of the goals of the Comprehensive plan. Adding “missing middle” forms that blend with the established neighborhood and providing needed options of housing options for a large range of people would benefit the neighborhood and the city. Small housing forms with less intense use would benefit and attract young professionals, small families, workforce residents or empty nesters.

Sincerely,

Jan Sorby

Bloomington Restorations Inc., Chair of Endangered Historic Properties, Hillside property owner, Former President of the Bryan Park Neighborhood Association

20.06.040(d)(6) Approval Criteria: i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

Objection

The proposed development does not agree with the *Comprehensive Plan* or acknowledge the unsafe conditions reported in the *2019 Bloomington Transportation Plan*.

The *Comprehensive Plan* that recognizes that most new housing development the past decade has been student housing. Now, a primary goal is to change this trend and offer a wider variety of housing options built for a broader range of people. The location of the proposed development does not meet the criteria listed in the *Comprehensive Plan* for appropriate locales for Student/Dormitory Housing. Appropriate locations are close to campus that already have a high percentage of student-oriented housing, within easy walking distance to campus, have easy access to university-provided parking, and IU transit system. The *Comprehensive Plan* redirects Student/Dormitory housing away from the areas near downtown. The proposed site is currently serviced by city buses; however, it will soon be limited when Bloomington Transit changes the routes.

Promoting more housing opportunities in urban neighborhoods close to employment, shopping, and other amenities for young professionals, workforce residents, families, residents at different stages of life and household incomes, is a primary goal of the *Comprehensive Plan*. The proposed development meets none of the provisions above. Apartments with 3-bedrooms will limit who can afford an expensive large apartment. Many people will be priced out of the proposed development.

The proposed development does not promote housing solutions that mitigate against rapid price changes in the neighborhood. To the contrary, Student/Dormitory housing will bring more short-term residents to the neighborhood. At almost 70% rental the neighborhood is at risk of destabilization. Rental for young families, workforce housing and young professionals or owner-occupied multifamily could help stabilize the neighborhood. Housing that only students will be able to afford does just the opposite.

Below are quotations from the *Comprehensive Plan* that support the objection to this development.

- (Pg 64) *Comprehensive Plan Objectives: Policy 5.3.4: Redirect new student-oriented housing developments away from the Downtown and nearby areas, and toward more appropriate location closely proximate to the IU campus that already contain a*

relatively high percentage of student-oriented housing units, are within easy walking distance to the campus, and have direct access to university-provided parking as well as the university transit system

- *(pg. 61) Housing and Neighborhood: Goals & Policies: 14: Offer a wide variety of quality housing options for all incomes, ages, and abilities.*
- *(pg. 61) Housing and Neighborhood: Policy 5.1.3: Encourage a wide range of housing types to provide a more diverse mix of housing opportunities and household income levels, preferably within neighborhoods and multi-family housing developments.*
- *(pg. 63) Housing and Neighborhood Goals & Policies: New multifamily housing projects catering largely to students must be better planned and distributed adjacent to campus or in underdeveloped commercial corridors along transit routes outside Downtown, but still relatively close to the university*
- *(pg. 63) Housing and Neighborhood Goals & Policies: 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.*
- *(pg. 60) Housing and Neighborhood: Now that 1,900 new housing units have been constructed Downtown within the past decade (almost all of them apartments), the market dynamic is shifting. More market opportunities may exist to convert single-family homes from student-rental to owner occupied. This can allow more people to have a chance to live in urban neighborhoods, which are often closer to employment, shopping, and other amenities.*
- *(pg. 64) Housing and Neighborhood: Goal 5.4: Neighborhood Stabilization: Promote a variety of homeownership and rental housing options, mitigate against unforeseen eviction and rapid price changes, and promote opportunities for community interaction that are also aimed towards different stages of life, ages, and household incomes.*
- *(pg. 61) Housing and Neighborhood: Bloomington's older urban, small scale, compact, single family housing stock located primarily around the city center and university provide some of the city's more affordable housing stock and must be protected. Building a growing stock of affordable housing requires assuring sustainability so unaffordable stock is not the only option for future generations. Mixed income neighborhoods are fundamental to successful, sustained, affordable housing stock. New multifamily housing projects catering largely to students must be better planned and distributed adjacent to campus or in underdeveloped commercial corridors along transit routes outside Downtown, but still relatively close to the university*
- *(Pg. 65) Housing and Neighborhood: Seek to expand compact urban housing solutions such as pocket neighborhoods, tiny houses, accessory dwelling units, and similar housing solutions, in a manner that attracts workforce and senior populations or otherwise complements the surrounding neighborhood*

20.06.040(d)(6) Approval Criteria: ii. Provides Adequate Public Services and Facilities

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

Objection

The proposed development will adversely impact the overall health and well-being of people who live in the development as well as the surrounding neighborhood. Student/Dormitory housing use at this site is not appropriate, ill-advised and will endanger public safety.

The Hillside area presents enormous infrastructure challenges. Because of the traffic, this is a dangerous location. It is especially dangerous for the intensity of use that Student/Dormitory housing triggers. If built, it will require crossing Hillside to reach on-street parking for residents and visitors. Dangerous midblock crossings will be the norm. Pedestrians crossing Hillside from the north at the signaled intersection are impeded by a utility pole installed in the middle of the narrow sidewalk before reaching the pedestrian crosswalk. The 7' tall wall obstructs sightlines in both directions at the signal. And the enormous turning radius encourages fast traffic. Hillside is narrow, lacking a tree plot, turning lane or bike lane. The Washington/Hillside intersection has extremely limited sightlines that force vehicles into the intersection and past the pedestrian crosswalk.

Mixed urban residential neighborhoods are described in the Comprehensive Plan as missing basic and essential utilities. This neighborhood is exactly such a neighborhood and has been skipped over for improvement for decades.

There are no sidewalks, storm sewers, curbs, gutters, or tree plots on Southern, Wilson, Grant, and Palmer streets. These streets are very narrow with high crowns and deep ruts on both sides, and the pavement is crumbling at the edges. Worn out water mains erupt on a regular basis in the neighborhood. The sidewalks on Hillside, Washington, and Lincoln are sub-standardly narrow with sections rated as the poorest condition in Bloomington on the *Sidewalk Inventory Report*.

The *2019 Bloomington Transportation Plan* identifies the Hillside, Walnut, Washington area as a hotspot for pedestrian/motor vehicle accidents and as one of the least connected areas on the *Bicycle Network Analysis* map. Hillside is Bloomington's main southern east/west corridor and carries a greater volume of daily traffic than is recommended for a general urban street. The traffic is extraordinarily fast and a digital traffic warning sign displaying speeds of motorist is now a permanent fixture on Hillside at Grant. As a general urban street, Hillside lacks the basic requirements such as on-street parking, 25mph speed, turning lanes, tree plots between sidewalk and street, or buffered/protected bike lanes.

The south side of Hillside is basically 2 "superblocks", each 3 blocks long with the only cross street at Grant. Grant dead ends at Southern. Washington, Lincoln, Dunn, and Palmer dead end into Hillside. Southern is blocked from Walnut just west of Grant. The superblocks lack alleys or direct access to on-street parking. The alley west of the proposed development dead ends mid-block before reaching Southern and the exit onto Hillside is very close to the intersection. The prevailing development pattern in this area is exceptionally dense at about 0.12 acres (5,227 sq. ft.) per lot and most of the houses are modest in size. The area includes owner-occupied and rental, single-family and duplex/fourplex-multifamily. The neighborhood was built before modest families owned cars and therefore the few existing driveways were retrofitted. Washington, Lincoln, and the new Dunn PUD are the only streets offering alley parking opportunities. Hillside has limited driveways and no on-street parking. Washington and Lincoln provide the only on-street parking for all the residents and visitors in the area and are routinely congested. Washington has seen an increased use since the apartment building at Driscoll and Walnut was granted a parking variance for required on-site parking.

Creating a pedestrian friendly edge to the neighborhood along Hillside will be challenging but neighbors requested, and still hope for, a subarea plan to help find solution for this problematic area. Hillside could be a true asset for the neighborhood and the city. The South Dunn PUD demonstrates how wonderfully a street can be remade.

Below are quotations from the 2019 Bloomington Transportation Plan and the Comprehensive Plan that support the objection

2019 Bloomington Transportation Plan

- (pg. 11) *Traffic Volumes: S Walnut St from E Wilson St to S Monon Dr, 2008, the average daily traffic volume was vehicles/day =27,052. General Urban Street. Auto traffic volume (ADT) should be 10,000-20,000.*
- (pg. 14 Map) *Hillside is categorized as forth busiest streets and a hotspot for motor vehicles-pedestrian crash density*
- (pg. 18 map) *Listed as one of the least connected areas on the Bicycle Network Analysis*
- (pg. 36) *General urban street specifications are: 2 auto travel lanes 10' wide, on-street parking, recommends target speed 25mph, preferred Bike facility (2 buffered or protected bike lanes)*

Comprehensive Plan

- (pg. 63) *Housing & Neighborhoods: Goals & Policies: Policy 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.*
- (pg. 16) *UDO Objectives: Objective: 11: Ensure all land development activity makes a positive and lasting community contribution*

- (Pg. 63) *Housing & Neighborhoods: Goals & Policies: Policy 5.2.1: Evaluate all new developments and redevelopments in light of their potential to positively or adversely impact the overall health and well-being of the people who live in the surrounding neighborhood.*
- (pg. 63) *Housing & Neighborhoods: Objective 13: Embrace all of our neighborhoods as active and vital community assets that need essential services, infrastructure assistance, historic protection, and access to small-scaled mixed-use centers*
- (pg. 64) *Housing & Neighborhoods: Neighborhood Stabilization: Goal 5.4: Enhance the appearance, safety, and walkability of sidewalks, multi-use paths and trails, and streets in all neighborhoods through proactive repair and cleaning programs to reinforce an open network connecting each neighborhood to adjacent land uses and to the city as a whole*
- (Pg. 84) *Mixed Urban Residential: Land Use: Mixed Urban Residential: Additionally, many of these areas were built without essential urban amenities such as storm sewers, curbs, and sidewalks.*

20.06.040(d)(6) Approval Criteria: iii. Minimizes or Mitigates Adverse Impacts

1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*

Objection

The proposed development would be disruptive to the established relationship between the built environment and street. The proposed development is profoundly inconsistent with the historic development pattern in the area and will affect how the street feels and is used. The jarring shift in scale, bulk and orientation of the proposed building will make reclaiming Hillside as a walkable urban asset out of reach. In addition, the shadows cast on neighboring houses will stop the possibility for owners (on the east and west) of the proposed development, to utilize solar energy in the future.

The proposed development will deprive adjacent properties of natural light.

The *Comprehensive Plan* states that existing residential neighborhoods, or any portions of a neighborhood having a consistent built character, should be maintained at their prevailing pattern of development, building distribution, and scale. Guidance for appropriate site design in mixed urban residential areas stipulates that redevelopment and rehabilitation must respect the prevailing character and development pattern of adjacent properties in the older neighborhoods. In-fill development must continue to emphasize pre-WWII neighborhood characteristics regarding building mass, scale, and other site planning features. Guidance for land use development approvals require that vacant lots be redeveloped with compatible infill that reflects the prevailing character of the neighborhood.

The orientation, scale and building distribution of the proposed Student/Dormitory housing is not compatible with the prevailing historic development pattern. The historic development pattern surrounding the proposed development is a consistent human-scale, pre-auto, 1920s pattern. The distribution of these narrow buildings is close together with small side yards between each house. The scale is small, approximately 24' to 28' wide with one or two stories. The orientation of the existing buildings is with the narrow wall facing the street and the long wall to the side. The neighborhood commercial buildings follow the same historic development pattern in scale, distribution, and bulk. Altogether, this historic pattern creates a human-scale and walkable environment.

The develop pattern for the proposed project is suburban. It is characterized by wide buildings that are orientated with the broad side of the building facing the street. The design of the proposed development was used to build the University Manor complex in a suburban context on the north side of Bloomington. The proposed structure is very wide, about 100', making it approximately four times as wide as the compact urban neighborhood context. The expanse of the proposed building is contrary to the compact urban human-scale surrounding the site.

Additionally, the site for this proposal is in the Monon Historic Study district. It has been an important study area since at least 2004 when it was listed in the *City of Bloomington Interim Report*. All eight adjacent houses are listed with the state of Indiana in their *Indiana Historic Sites and Structures Inventory* as either Notable or contributing. Breaking the historic building pattern will adversely impact these properties. This is not a locally designated district, and no design regulations are required beyond what is specified in the *Comprehensive Plan* for all Mixed Urban Residential neighborhoods.

Significant adverse impact will be created by the height of the proposed building which is located at the crest of a hill and will block access to natural light on the east and west of the site. Two different façade drawings are shown in the developer's packet; one drawing shows a 3-story building and the other shows a 3.5-story building. Both drawings lack measurements for the total height of the proposed project. Regardless, the elevation of the hill exacerbates the reach the shadows cast on houses to the east and west. Owners to either side of this proposed development will be impeded by the shadows to use solar energy in the future.

Below are quotations from the Comprehensive Plan that support the objection

- *(Pg. 84) Mixed Urban Residential: Land Use Development Approvals: Vacant lots should be redeveloped with compatible infill that reflects the prevailing character of the neighborhood.*
- *(pg. 84) Mixed Urban Residential: Land Use Development Approvals: Allow context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles.*
- *(pg. 63) Housing & Neighborhoods: Policy 5.2.6: Existing residential neighborhoods, or any portions of a neighborhood having a consistent built character, should be maintained at their prevailing pattern of development, building distribution, and scale. This built character may be complemented by both traditional and contemporary architecture.*
- *(pg. 63) Housing & Neighborhoods: Policy 5.2.4: Design and arrange new multifamily buildings, including entries and outdoor spaces, so that dwellings have a clear relationship with the public street and operate on a pedestrian scale.*
- *(Pg. 84) Mixed Urban Residential: Site Design: The majority of centrally located neighborhoods have been built out, so major changes will occur with redevelopment and rehabilitation of existing structures must respect the prevailing character and development pattern of adjacent properties. Although there may be various architectural styles that would be appropriately compatible with the existing architecture in these older neighborhoods, the district must continue to emphasize pre-WWII neighborhood characteristics regarding building mass, scale, landscaping, and other site planning features.*
- *(Pg. 84) Mixed Urban Residential: Land Use Development Approvals: Allow context sensitive multifamily redevelopment along higher volume roads, along district edges, and near major destinations when appropriately integrated with adjacent uses and styles.*
- *(pg. 63) Housing & Neighborhoods: Goals & Policies Principals: 11: Ensure all land development activity makes a positive and lasting community contribution*
- *(Pg. 85) Mixed Urban Residential: Form Based Code: To better respond to the relationship of buildings to the street, architectural massing, shape and design, and the location of on-site parking. A form-based code focuses on the physical shape and configuration of the build environment rather than land uses. Using this approach can offer more predictability than flexible Planned Units Developments processes offer. This strategy should not be used exclusively but rather in balance with use-based zoning. Land use decisions should be based both on compatible uses as well as on form.*
- *(Pg 96) Focus Areas & Strategies: Focus Areas are locations expected to see significant change in land use activities over the next decade; however, they should follow their respective development themes (Maintain, Enhance, and Transform)*

iii. Minimizes or Mitigates Adverse Impacts

1. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

Although these was no requirement to meet with neighbors there was not a good-faith effort to address the concerns of the adjoining property owners when concerns were lodged through the Planning and Transportation Department.

The Unified Development Ordinance specifies that at least one sign should be posted on the property informing Bloomington residents of a proposed change in use. No notice was posted on the property.

The notice listed in the newspaper included an incorrect address for development on the parcel at 107 E Hillside. The notice to adjacent property owners also contained the wrong address.