

MONROE COUNTY BOARD OF ZONING APPEALS



**July 1st, 2020
5:30 p.m.**

Held Via Zoom:

[https://monroecounty-
in.zoom.us/j/85251269608?pwd=T1VlKzc4ZThCQktlUGt4YStwN09LZz09](https://monroecounty-in.zoom.us/j/85251269608?pwd=T1VlKzc4ZThCQktlUGt4YStwN09LZz09)

**IF CALLING INTO THE ZOOM MEETING, DIAL: 312-626-6799.
WHEN PROMPTED, ENTER THE MEETING ID #: 852 5126 9608.
PASSWORD: 212473**

AGENDA

MONROE COUNTY BOARD OF ZONING APPEALS (BZA)

Telelink: <https://monroecounty-in.zoom.us/j/85251269608?pwd=T1VlKzc4ZThCQktlUGt4YStwN09LZz09>

July 1, 2020

5:30 p.m.

REGULAR MEETING

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

December 4, 2019

January 8, 2020

ADMINISTRATIVE BUSINESS: None.

OLD BUSINESS: None.

NEW BUSINESS:

- | | | |
|------------------------|--|----------------|
| 1. 2005-VAR-25a | Drewes Front Yard Setback Variance from Chapter 804 | PAGE 4 |
| 2. 2005-VAR-25b | Drewes Side Yard Setback Variance from Chapter 804
One (1) 0.64 +/- acre parcel in Richland Township, Section 14 at 5021 W Autumn Circle.
Zoned LR. Contact: rpayne@co.monroe.in.us | |
| 3. 2006-VAR-29 | Smith Minimum Lot Size Variance from Chapter 804 | PAGE 24 |
| 4. 2006-VAR-30 | Smith Minimum Lot Width Variance from Chapter 804
One (1) 0.55 +/- acre parcel in Van Buren Township, Section 28 at 7875 W Elwren RD.
Zoned AG/RR. Contact: dmyers@co.monroe.in.us | |
| 5. 2006-VAR-31 | Monroe Side Yard Setback Variance from Chapter 804
One (1) 11.58 +/- acre parcel in Washington Township, Section 29 at 6130 N Bottom RD.
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us
CONTINUED BY STAFF | |
| 6. 2006-VAR-32 | Mahaffey Minimum Lot Size Variance from Chapter 804 | PAGE 43 |
| | One (1) 1.45 +/- acre parcel in Richland Township, Section 28 at 7996 E Howard RD.
Zoned AG/RR. Contact: rpayne@co.monroe.in.us | |
| 7. 2006-CDU-01 | Stafford Historic Adaptive Reuse Conditional Use Chapter 813 | PAGE 61 |
| | One (1) 1.66 +/- acre parcel in Bloomington Township, Section 24 at 5598 E Ward LN.
Zoned SR/ECO3/HP Overlay. Contact: tbehrman@co.monroe.in.us | |

REPORTS:

- 1. Planning:** Larry Wilson
- 2. County Attorney:** David Schilling

NOTE: This is a virtual meeting via ZOOM as authorized by executive orders issued by the Governor of the State of Indiana. Please contact the Monroe County Planning Department at PlanningOffice@co.monroe.in.us or by phone (812) 349-2560 for the direct web link to this virtual meeting.

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at: PlanningOffice@co.monroe.in.us no later than June 3, 2020 at 4:00 PM.

Said hearing will be held in accordance with the provisions of: IC 36-7-4-100 et seq.; & the County Code, Zoning Ordinance, and the Rules of the Board of Zoning Appeals of Monroe County, IN. All persons affected by said proposals may be heard at this time, & the hearing may be continued as necessary.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of Monroe County, should contact Monroe County Title VI Coordinator Angie Purdie, (812)-349-2553, apurdie@co.monroe.in.us, as soon as possible but no later than forty-eight (48) hours before the scheduled event.

Individuals requiring special language services should, if possible, contact the Monroe County Government Title VI Coordinator at least seventy-two (72) hours prior to the date on which the services will be needed.

The meeting will be open to the public via ZOOM.

CASE NUMBER: 2005-VAR-25A and 25B
PLANNER: Rebecca Payne
PETITIONER(S): David Drewes (Property Owner)
REQUEST: Design Standards Variance: Chapter 804 Front Yard Setback
Design Standards Variance: Chapter 804 Side Yard Setback
ADDRESS: 5021 W Autumn Circle
ZONING: Low Density Residential (LR)
ACRES: 0.64 +/- acres
TOWNSHIP: Richland
SECTION(S): 14
PLAT(S): Autumn Hills Subdivision
COMPREHENSIVE PLAN DESIGNATION: Designated Community Plans

EXHIBITS:

- 1) Petitioner Letter
- 2) Site Plan
- 3) Site Plan Created by Planning Staff

RECOMMENDED MOTION:

Approve the Design Standards Variance to the Front Yard Setback standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.

Approve the Design Standards Variance to the Side Yard Setback standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact and with the following condition:

1. Submit a professional survey showing the proposed garage location and western boundary property line in order to confirm construction location.

SUMMARY

The petitioner, David Drewes, is requesting two design standard variances to property located at 5021 W Autumn Circle. The requests are for a variance from the Front Yard Setback standard and the Side Yard Setback standard in Chapter 804 of the Monroe County Zoning Ordinance. The petitioner is the property owner.

DISCUSSION

The petition site is zoned Low Density Residential (LR) and contains +/- 0.64 acres. The petitioner would like to extend the existing attached garage in order to add a third bay. The total square footage of the proposed new structure is 18' x 30'.

Side yard setbacks in the Low Density Residential (LR) zone are as follows:

Low Density Residential (LR) Zone	Required	Proposed
Front Yard Setback	50' from centerline	43'
Side Yard Setback	10'	8'

This expansion will create an encroachment on the Front Yard Setback by approximately 7ft. It will create an approximate 2ft encroachment on the Side Yard Setback. Staff requests that the petitioner obtain a professional survey for the garage expansion in order to avoid a utility easement that measures 7.5 feet. If the side yard setback variance is approved, staff requests a condition that would require a professional survey showing the proposed garage location and western boundary property line in order to confirm

construction will occur outside of the platted utility easement. If the petitioner is required to get a survey for the western boundary before a permit can be issued, staff can be assured the expansion will not encroach into the utility easement. If the expansion is in the utility easement, additional steps will need to be taken or the expansion will need to be amended.

The petitioner states that the neighbor to the east has conducted a survey and that the property boundaries shown on GIS are inconsistent (See Exhibit 3). The petitioner states that the property boundary is closer to the row of trees planted between the petitioner and the neighbor to the east. When staff requested to review the survey, they were unable to supply the survey. Staff reviewed the site on GIS and compared it to the plat for Autumn Hills Subdivision. With this information, staff could show that the petitioner was eligible to apply for a side setback variance and likely not encroach into the utility easement. However, a survey would prove the location did not encroach into the easement, as well as ensure the placement of the structure is installed according to the submitted drawings.

LOCATION MAP

The parcel is located in Richland Township, Section 14 on W Autumn Circle. The property is in a platted subdivision called Autumn Hills Subdivision.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Incorporated Areas**
- Ellettsville
- Parcels

0 0.015 0.03 0.06 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020




ZONING AND LAND USE

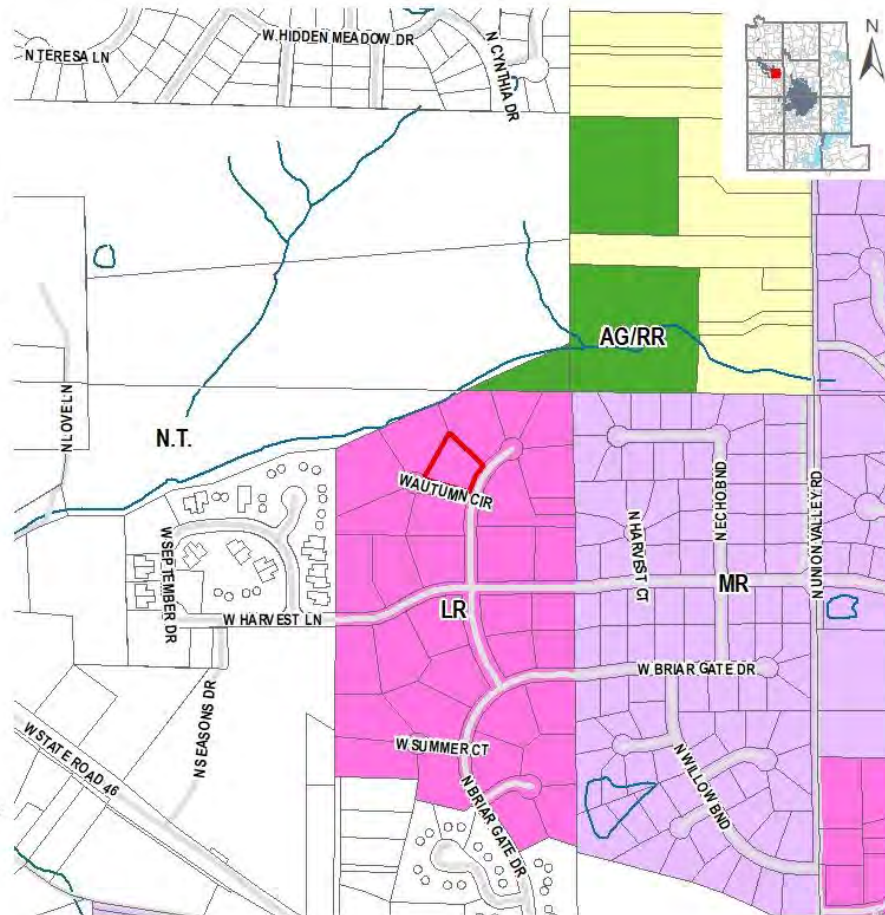
The property is zoned Low Density Residential (LR). The adjacent properties are zoned the same.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
 -  AG/RR - Agriculture/Rural Reserve
 -  ER - Estate Residential
 -  LR - Low Density Residential
 -  MR - Medium Density Residential
 -  N.T. - No Tag (Outside Juris.)
 -  Town of Ellettsville

0 0.04 0.08 0.16 Miles





 Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



SITE CONDITIONS

The site contains no known karst features and no floodplain.

Site Conditions Map

-  Petitioner
-  Local Roads [50']
-  FEMA Floodplain
-  Hydrologic Features

0 37.5 75 150 225 300 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



SLOPE MAP

The parcel is sloped in the rear of the property. However, the proposed garage expansion is not on slope.

Slope Map

- Local Roads [50']
- Petitioner
- Parcels
- 2-Foot Contours
- 15_Percent Slope (2010)**
 - 0 - 15
 - > 15
- FEMA Floodplain
- Hydrologic Features

0 15 30 60 90 120 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



SITE PICTURES



Figure 1. Looking west



Figure 2. West side of house where garage expansion is proposed.



Figure 3. Looking north.



Figure 4. Looking east.



Figure 5. Looking north.



Figure 6. Looking east; proposed location of garage expansion.



Figure 7. Front of house.



Figure 8. Looking south.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Designated Community Plans designation, which states:

10. DESIGNATED COMMUNITY PLANS

The Board of County Commissioners adopted the previous Monroe County Comprehensive Land Use Plan on February 2, 1996, establishing a blueprint for the future growth and development of the unincorporated portions of Monroe County. A central element of this plan was the development of a number of focused rural community plans. Each of the plans takes the vision, goals, and preferred development patterns in the prior 1996 comprehensive plan and applies them in a more detailed manner within each of the county's existing rural communities.

As stated in the 1996 Comprehensive Plan, "Growth will primarily occur within the City of Bloomington, guided by the city's Growth Policies Plan; in appropriate areas in the Bloomington fringe, guided by the County's Comprehensive Plan; within the Town of Ellettsville, guided by the town's Comprehensive Plan and within the existing small rural communities located throughout the county, each guided by its own rural community plan. The remaining portions of the county will remain rural with very low residential densities, active agricultural lands, mineral extraction operations, and logging activities, as well as substantial areas of open space. The comprehensive plan proposes this development pattern for a number of reasons, including wise management of limited fiscal resources, protection of the natural and manmade environment, and capitalizing on existing public and private investments."

These rural plans are now incorporated as part of the updated 2010 Monroe County Comprehensive Plan.

Comprehensive Plan

- Petitioner
- Townships
- Parcels
- Roads

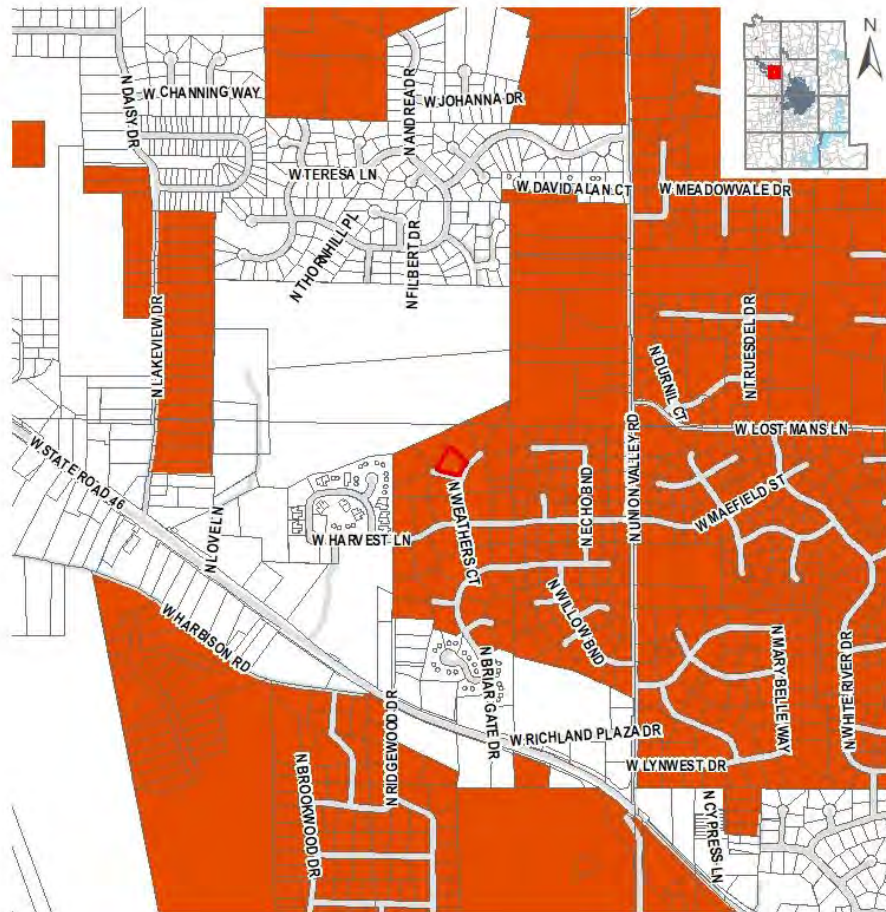
Comp. Plan Land Use (Updated 2015)

- Designated Communities
- Town of Ellettsville

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



FINDINGS OF FACT: Front Yard Setback Standard

812-6. Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find that:

(A) The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:

(1) It would not impair the stability of a natural or scenic area;

Findings:

- Approval of the variance would allow the petitioner to expand the existing garage;
- The parcel currently has a home and attached garage;
- The proposed expansion is 18' x 30';
- The proposed expansion will result in an encroachment of 7 feet on the Front Yard Setback standard. In this case, the Front Yard Setback for the parcel is 50 feet from the centerline of W Autumn Rd;
- The proposed expansion will result in an encroachment of 2' feet on the Side Yard Setback standard. In this case, the Side Yard Setback for the parcel is 10 feet;
- Due to the existing configuration of the home, the proposed location of the attached garage expands into both the front and side setback;
- W Autumn Circle is classified as a Local Road;
- The petition site is zoned Low Density Residential (LR);
- There is no evidence that the building site is located on sensitive lands;
- There is no known karst on the property;
- There is no evidence that the building site would obstruct a natural or scenic view;
- The site is not within the FEMA floodplain;
- The site is adjacent to residential lots and undeveloped areas;
- Conclusion: It would not impair the stability of a natural or scenic area.

(2) It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

Findings:

- See findings under section A (1);
- The existing and proposed expansion on the petition site would not have an effect on pedestrian or vehicular movement along W Autumn Circle;
- If the petitioner is required to get a survey for the western boundary before a permit can be issued, staff can be assured the expansion will not encroach into the utility easement. If the expansion is in the utility easement, additional steps will need to be taken or the expansion will need to be amended;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

(3) The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,

Findings:

- See findings under section A (1) and A (2);
- Front setback requirements are based on the thoroughfare plan, as well as the zoning district;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the

relevant zoning district.

(4) It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant public health, safety, and welfare concerns raised during the hearing;
- (B) The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:**

(1) The specific purposes of the design standard sought to be varied would be satisfied;

Findings:

- See findings under section A;
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied.

(2) It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,

Findings:

- See findings under section A and B (1);
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area.

(3) It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant property use and value concerns raised during the hearing on the requested variance;
- (C) The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.**

Findings:

- See findings under section A (1);
- If the variance is not granted, the specific proposal will not be permitted per ordinance;
- The petitioner has applied for a Front Yard setback variance and a Side Yard setback variance, which appear to be the minimum variances necessary to match the petitioner's request.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval

applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

NOTE: The Board must establish favorable findings for ALL THREE criteria in order to legally approve a design standards variance.

FINDINGS OF FACT: Side Yard Setback Standard

812-6. Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find that:

(A) The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:

(1) It would not impair the stability of a natural or scenic area;

Findings:

- Approval of the variance would allow the petitioner to further develop a 0.64 +/- acre parcel;
- The parcel currently has a home and attached garage;
- The proposed expansion is 18' x 30';
- The proposed expansion will result in an encroachment of 2 feet on the Side Yard Setback standard. In this case, the Side Yard Setback for the parcel is 10 feet;
- The proposed expansion will result in an encroachment of 7 feet on the Front Yard Setback standard. In this case, the Front Yard Setback for the parcel is 50 feet from centerline of W Autumn Rd;
- W Autumn Rd is classified as a Local Road;
- The petition site is zoned Low Density Residential (LR);
- There is no evidence that the building site is located on sensitive lands;
- There is no known karst on the property;
- There is no evidence that the building site would obstruct a natural or scenic view;
- The site is not within the FEMA floodplain;
- The site is adjacent to residential lots;
- Conclusion: It would not impair the stability of a natural or scenic area.

(2) It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

Findings:

- See findings under section A (1);
- The existing and proposed expansion on the petition site would not have an effect on pedestrian or vehicular movement along W Autumn Circle;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

(3) The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,

Findings:

- See findings under section A (1) and A (2);
- Conclusion: The character of the property included in the variance would not be altered in a manner

that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district.

(4) It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant public health, safety, and welfare concerns raised during the hearing;
- (B) The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:**

(1) The specific purposes of the design standard sought to be varied would be satisfied;

Findings:

- See findings under section A;
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied.

(2) It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,

Findings:

- See findings under section A and B (1);
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area.

(3) It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant property use and value concerns raised during the hearing on the requested variance;
- (C) The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.**

Findings:

- See findings under section A (1);
- If the variance is not granted, the specific proposal will not be permitted per ordinance;
- The petitioner has applied for a Front Yard setback variance and a Side Yard setback variance, which appear to be the minimum variances necessary to match the petitioner's request.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons

of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

NOTE: The Board must establish favorable findings for ALL THREE criteria in order to legally approve a design standards variance.

EXHIBIT ONE: Petitioner Letter



05/07/2020

To the Board of Zoning Appeals,

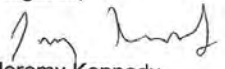
I am writing this letter requesting a setback variance for the property located at

5021 West Autumn Circle
Bloomington, IN 47401

Our client wishes to build an attached garage on his property and a variance is needed to do so.

Thank you for your attention to this matter.

Regards,


Jeremy Kennedy
Straight Line Construction, LLC

[illegible]

EXHIBIT THREE: Site Map Created by Planning Staff

The pink line illustrates the parcel lines as shown on the GIS. The yellow line illustrates the property boundary as shown on the Autumn Hills Subdivision plat. The proposed garage and its location are shown to scale in red.



MONROE COUNTY BOARD OF ZONING APPEALS**July 1, 2020**

CASE NUMBER: 2006-VAR-29-30
PLANNER: Drew Myers
PETITIONER(S): Jeremy Smith
REQUEST: Design Standards Variances:
1. 2006-VAR-29 Minimum Lot Size, Chapter 804
2. 2006-VAR-30 Minimum Lot Width, Chapter 804
ADDRESS: 7875 W Elwren RD
ZONING: Agriculture/Rural Reserve (AG/RR)
ACRES: 0.55 acres +/-
TOWNSHIP: Van Buren
SECTION(S): 28
COMP PLAN
DESIGNATION: Rural Residential

EXHIBITS:

1. Petitioner Letter
2. Site Plan
3. Remonstrance Letter

RECOMMENDED MOTIONS

Approve the design standards variance to Chapter 804 for Minimum Lot Size based on the findings of fact.
Approve the design standards variance to Chapter 804 for Minimum Lot Width based on the findings of fact.

SUMMARY/DISCUSSION

The petitioner requests two design standards variances from Chapter 804 in order to build a 960 sq. ft. (30' x 32') pole storage barn on a pre-existing nonconforming lot. The lot contains an existing single-family residence with an attached garage, a carport, and two utility sheds. The petitioner's building permit application for a pole barn structure was received by the Monroe County Building Department on May 18, 2020. Upon Planning Staff's review of the application it was discovered that the petition site does meet the minimum lot size or the minimum lot width requirements for property in the Agriculture/Rural Reserve zone. Planning Staff informed the petitioner that property is allowed to exist as is, but any new development would require the variance process.

The two design standard variance requests are as follows:

Variance Request	Minimum Needed	Proposed
Minimum lot size	2.5 acres	0.55 acres
Minimum Lot Width	200 feet	142 feet

The petitioner is requesting a variance from the required 2.5 acre minimum lot size in order to develop this approximately 0.55 acre lot. The lot also does not conform to the lot width minimum of 200 feet at building line; the lot width is approximately 142 feet at the property line.


LOCATION MAP

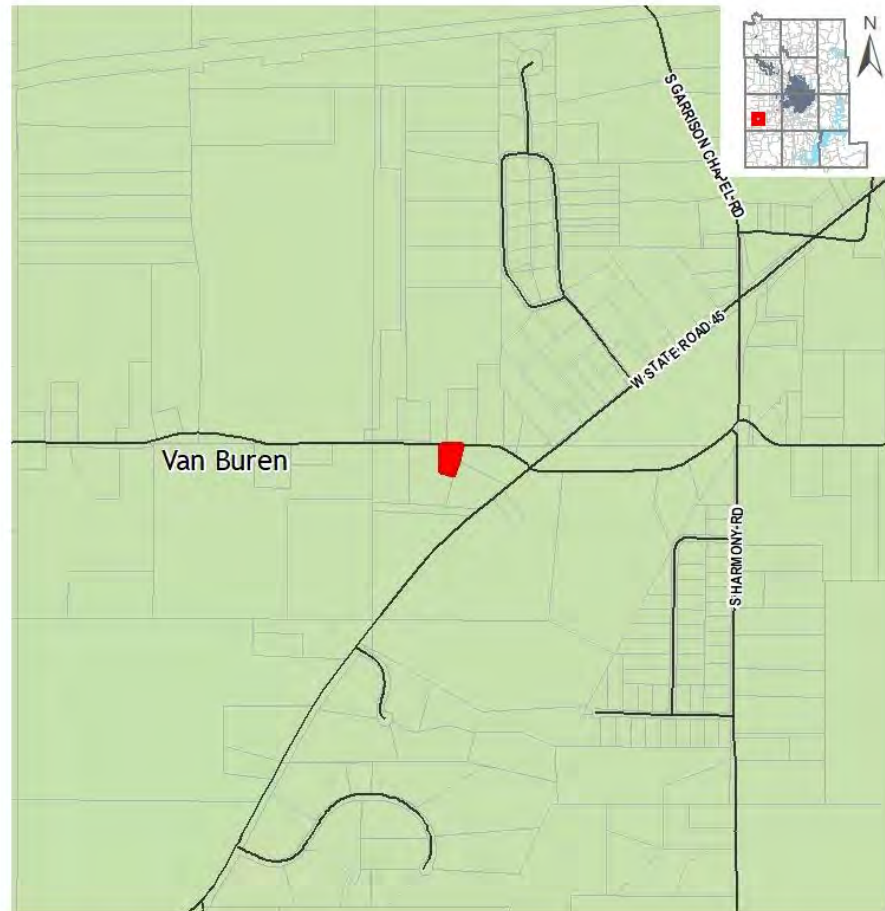
The site is located at 7875 W Elwren RD in Van Buren Township, Section 28.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels

0 0.075 0.15 0.3 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/18/2020

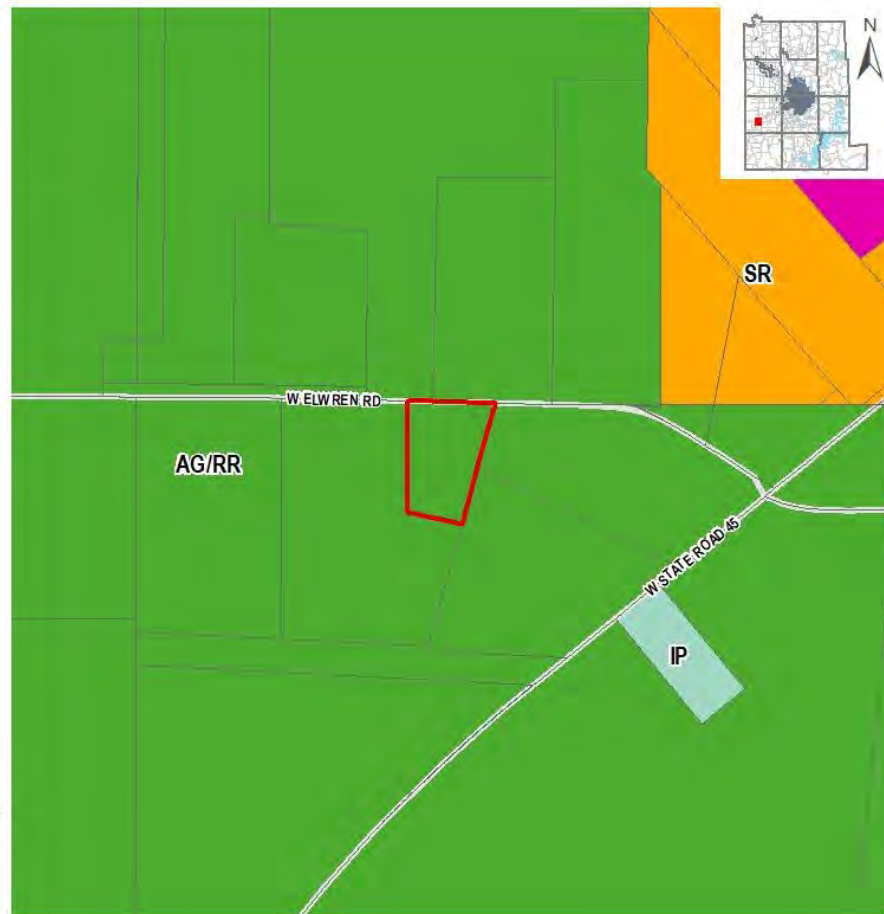
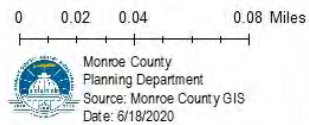


ZONING AND LAND USE

The property is zoned Agriculture/Rural Residential (AG/RR). The adjoining parcels are AG/RR. The surrounding uses are single-family residential.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  IP - Institutional/Public
-  PB - Pre-Existing Business
-  SR - Suburban Residential

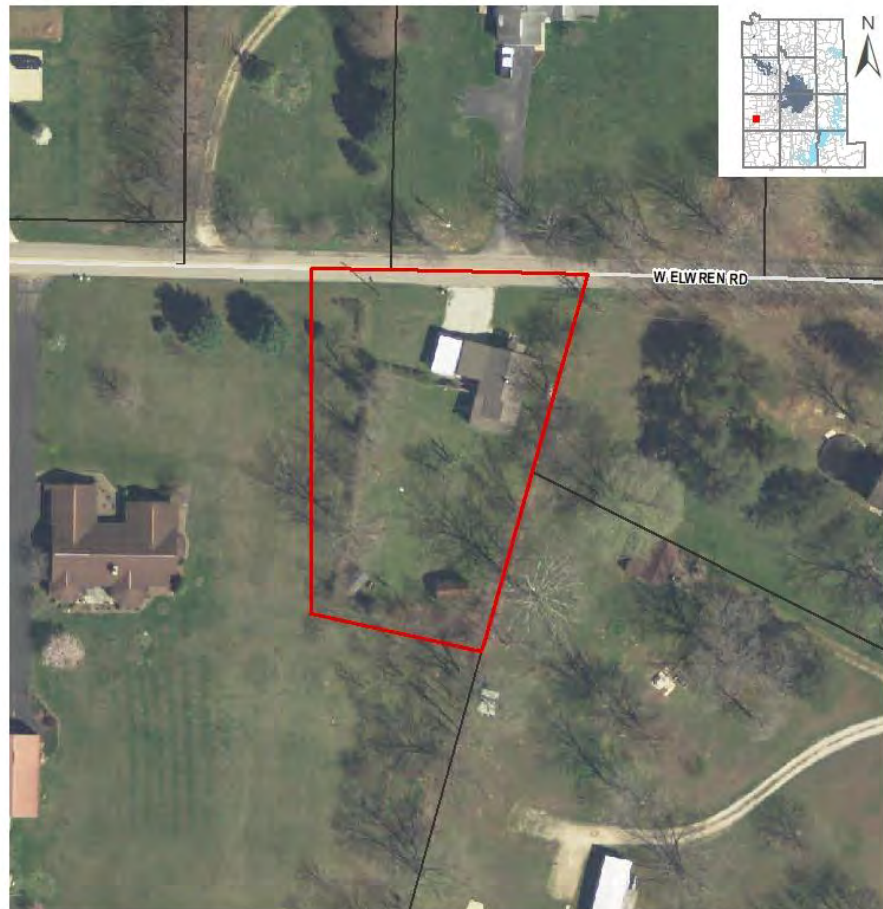


SITE CONDITIONS

The petition site is approximately 0.55 +/- acres and receives access off of W Elwren RD (a local road). There are no visible karst or other hydrological features present on the property. There is no FEMA floodplain delineated on this property. The petition site is not located in the Environmental Constraints Overlay Area. The petition site is serviced by a septic system.

Site Conditions Map

-  Petitioner
-  Local Roads [50']
-  Parcels



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/18/2020

SLOPE

The petition site is predominantly flat with drainage flow to the east. The approximate area for the proposed pole storage barn is illustrated by a blue rectangle below. This structure will be located in buildable area that is less than 15 percent slope.

Slope Map

-  Petitioner
 -  Roads
 -  Parcels
 -  2-Foot Contours
- All Slope - Percent (2010)**
-  0 - 12
 -  13 - 15
 -  16 - 18
 -  19 - 21
 -  22 - 24
 -  > 25

PARCEL #:
53-09-28-200-007.000-015

NOTE:
Areas > 15% slope are classified as
nonbuildable area per Chapter 804.

0 10 20 40 60 80 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/18/2020



SITE PHOTOS



Photo 1. Facing east



Photo 2. Facing west



Photo 3. Facing south



Photo 4. Facing south



Photo 5. Facing south



Photo 6. Facing east



Photo 7. Facing southeast



Photo 8. Facing south



Photo 9. Aerial pictometry from south



Photo 10. Aerial pictometry from north

COMPREHENSIVE PLAN

The petition site is located within the Rural Residential Comprehensive Plan designation which states:

Rural Residential



The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available.

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities. To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads

Comp. Plan Land Use (Updated 2015)

-  Farm and Forest
-  Rural Residential

0 0.025 0.05 0.1 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/18/2020



FINDINGS OF FACT: Minimum Lot Size

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find that:

(A) The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:

(1) It would not impair the stability of a natural or scenic area;

Findings:

- Approval of the variance would allow the petitioner to develop this pre-existing nonconforming lot of record;
- The site contains an existing single-family residence with an attached garage, a carport, and two utility sheds;
- The area is not located within the floodplain or the Environmental Constraints Overlay area;
- Conclusion: It would not impair the stability of a natural or scenic area.

(2) It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

Findings:

- W Elwren Road is a local road maintained by the County Highway Department. There are currently no plans to improve W Elwren RD;
- The septic system is currently located to the south of the existing single family residence and will be interfered with the proposed pole storage barn location;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

(3) The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,

Findings:

- See Findings under Section A(1) and A(2);
- The zoning of the surrounding adjacent properties is Agriculture/Rural Reserve (AG/RR);
- There are some properties nearby that are zoned Suburban Residential (SR). This lot cannot be rezoned to SR due to the minimum lot size being less than 1 acre;
- There are other parcels nearby that are zoned AG/RR and have less than 2.5 acre lot sizes;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district;

(4) It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant public

health, safety, and welfare concerns raised during the hearing;

- (B) **The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:**

(1) The specific purposes of the design standard sought to be varied would be satisfied;

Findings:

- See Findings under Section A(1);
- Any proposed structure on this lot requiring a building permit would need a minimum lot size and lot width variance;
- Conclusion: Approval of the variance would satisfy the design standard sought to be varied.

(2) It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,

Findings:

- See Findings under Section A(1);
- The property drains to the east;
- The proposed location of the pole storage barn will not interfere with existing septic system;
- There is no FEMA floodplain on the site;
- There are no visible karst features on the site;
- Conclusion: It would not promote conditions detrimental to the use and enjoyment of other properties in the area.

(3) It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant property use and value concerns raised during the hearing on the requested variance;

- (C) **The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.**

Findings:

- There is a hardship in that the property owner cannot do any development to this pre-existing nonconforming lot of record without first receiving a lot width and lot size variance, or seeking a rezone. The lot was in existence prior to the 1997 zoning ordinance and therefore was made nonconforming by the ordinance. A rezone to Suburban Residential is also not a viable option since the net acreage of the lot is less than 1 acre;

FINDINGS OF FACT: Minimum Lot Width

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find that:

(A) The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:

(1) It would not impair the stability of a natural or scenic area;

Findings:

- Approval of the variance would allow the petitioner to develop this pre-existing nonconforming lot of record;
- The site contains an existing single-family residence with an attached garage, a carport, and two utility sheds. The area is not located within the floodplain or the Environmental Constraints Overlay area;
- Conclusion: It would not impair the stability of a natural or scenic area.

(2) It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

Findings:

- W Elwren Road is a local road maintained by the County Highway Department. There are currently no plans to improve W Elwren RD;
- The septic system is currently located to the south of the existing single family residence and will be interfered with the proposed pole storage barn location;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

(3) The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,

Findings:

- See Findings under Section A(1) and A(2);
- The zoning of the surrounding adjacent properties is Agriculture/Rural Reserve (AG/RR);
- Other AG/RR zoned lots in the area are in compliance with lot width but not lot size;
- There are some properties nearby that are zoned Suburban Residential (SR). This lot cannot be rezoned to SR due to the minimum lot size being less than 1 acre;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district;

(4) It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant public health, safety, and welfare concerns raised during the hearing;

(B) The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:

(1) The specific purposes of the design standard sought to be varied would be satisfied;

Findings:

- See Findings under Section A(1);
- Any proposed structure on this lot requiring a building permit would need a minimum lot size and lot width variance;
- Conclusion: Approval of the variance would satisfy the design standard sought to be varied.

(2) It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,

Findings:

- See Findings under Section A(1);
- The property drains to the east;
- The proposed location of the pole storage barn will not interfere with existing septic system;
- There is no FEMA floodplain on the site;
- There are no visible karst features on the site;
- Conclusion: It would not promote conditions detrimental to the use and enjoyment of other properties in the area.

(3) It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant property use and value concerns raised during the hearing on the requested variance;

(C) The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.

Findings:

- There is a hardship in that the property owner cannot do any new development to this pre-existing nonconforming lot of record without first receiving a lot width and lot size variance, or seeking a rezone. The lot was in existence prior to the 1997 zoning ordinance and therefore was made nonconforming by the ordinance. A rezone to Suburban Residential is also not a viable option since the net acreage of the lot is less than 1 acre;

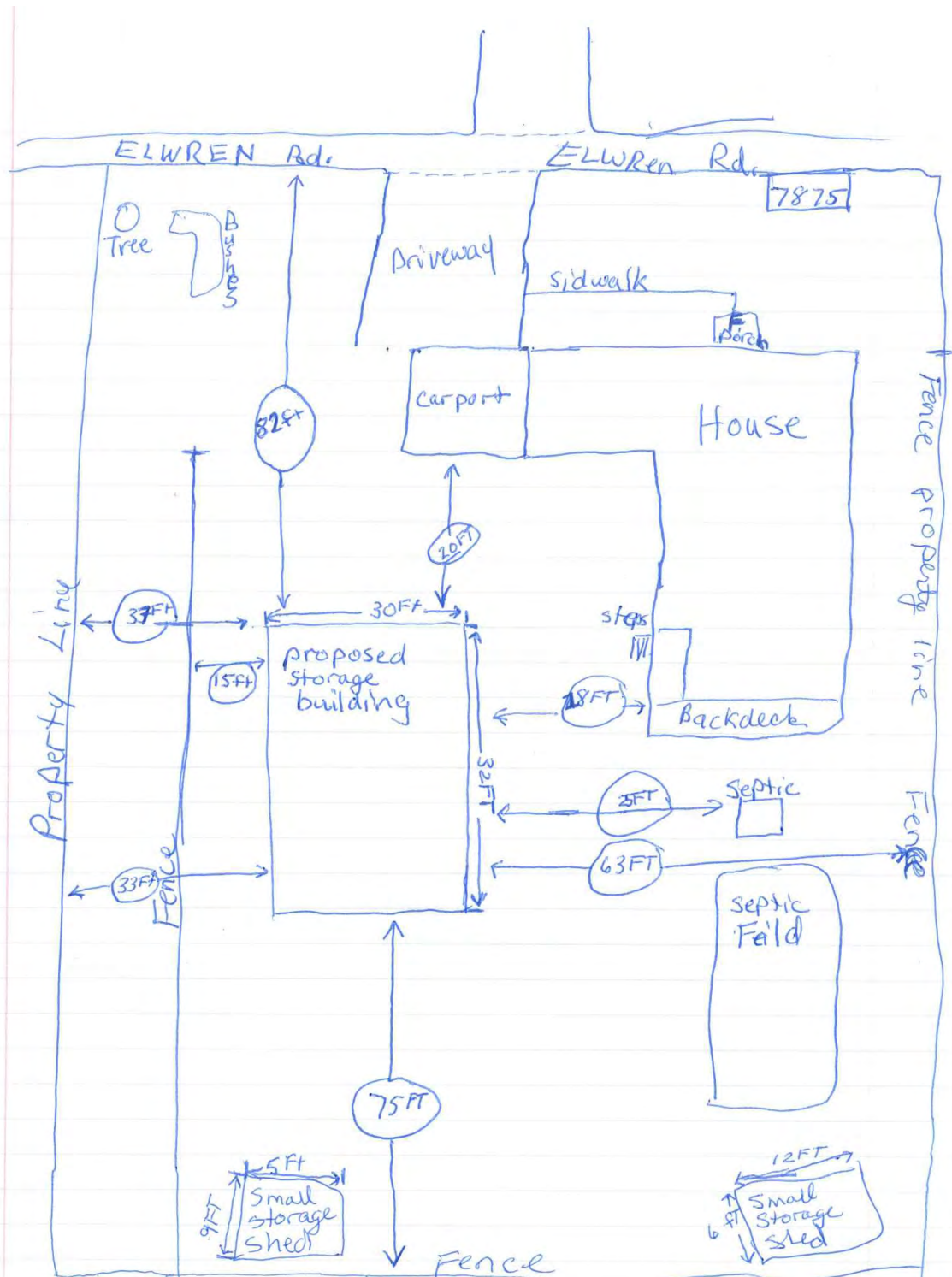
EXHIBIT ONE: PETITIONER LETTER

To the Board of Zoning Appeals,

Property location is 7875 W. Elwren Rd.
I Jeremy Smith am the property owner I am requesting
a property variance so I can build a storage garage
the garage is 30x32 the building is for storage.
The building will be professionally built it will be a
pole building type structure.

Property owner & Petitioner
Jeremy Smith
Jeremy Smith

EXHIBIT TWO: PETIONER'S SITE PLAN





MONROE COUNTY BOARD OF ZONING APPEALS**July 1, 2020**

CASE NUMBER: 2006-VAR-32
PLANNER: Rebecca Payne
PETITIONER(S): Casey & Emily Mahaffey
REQUEST: Design Standards Variance: Chapter 804 Minimum Lot Size
ADDRESS: 7996 W Howard RD
ZONING: Agriculture/Rural Reserve (AG/RR)
ACRES: 1.45 +/- acres
TOWNSHIP: Richland
SECTION(S): 28
PLAT(S):
COMPREHENSIVE PLAN DESIGNATION: Farm and Forest

RECOMMENDATION MOTION

Staff recommends **approval** the design standards variance to Chapter 804 for Minimum Lot Size based on the findings of fact.

SUMMARY

The petitioners request one design standards variance from Chapter 804 for the purpose of building a 26' x 40' addition to their existing single family home. The proposed new addition will serve as a garage with an upstairs that includes two bedrooms, a bath and a small living area. The proposed addition will meet all other design standards including setbacks, open space requirements and buildable area.

The design standards variance request is as follows:

Variance Request	Minimum Needed	Existing
Minimum Lot Size	2.5 acres	1.45 acres

The petition site derives access through a shared driveway to the west by way of an easement. The property is a legal lot of record and is unplatted.

LOCATION MAP

The site is located at 7996 W Howard RD in Richland Township, Section 28; parcel number 53-04-28-200-015.000-011.

Location Map

- Petitioner
- Roads
- Civil (Political) Townships
- Parcels



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020


CURRENT ZONING

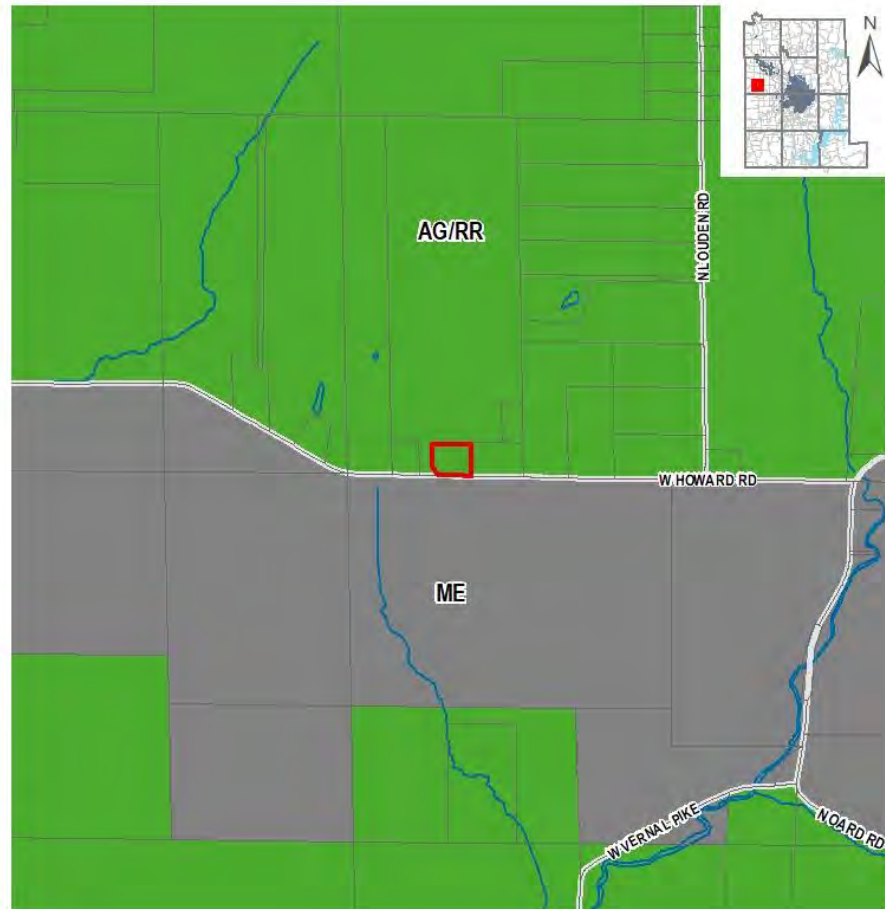
The petition site is zoned Agriculture/Rural Reserve (AG/RR). Surrounding properties are zoned AG/RR and Mineral Extraction (ME). Surrounding uses are residential and agricultural.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  ME - Mineral Extraction

0 0.075 0.15 0.3 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



SITE CONDITIONS

The site has frontage and access on W Howard RD, which is classified as a local road. There are no karst features visible on the lot. FEMA floodplain is not located on the property.

Site Conditions Map

- ▭ Petitioner
- 2-Foot Contours
- Local Roads [50']

0 15 30 60 90 120 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



SLOPE MAP

Some slope is present around the site but none where the proposed new addition is planned.

Slope Map

Local Roads [50']

Petitioner

Parcels

2-Foot Contours

15_Percent Slope (2010)

0 - 15

> 15

0 10 20 40 60 80 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



SITE PHOTOS



Figure 1. North side of existing house, where addition will be built



Figure 2. Looking east, at location of proposed addition



Figure 3. West side of house and lawn



Figure 4. Looking west on W Howard RD



Figure 5. Looking east on W Howard RD

COMPREHENSIVE PLAN

Farm and Forest

Farm and Forest Residential

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests.

Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County.

A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

In reviewing rezoning, subdivision and site development proposals, the County Plan Commission shall consider the following:

- ◆ Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.

- ♦ New residential density places additional stress on nearby vulnerable natural features that can not be mitigated by sustainable practices without additional public expense.
- ♦ Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential units sharing the same ingress/egress onto a County or state roadway shall not occur on rural property in this category. All property subdivided in this category must provide for adequate contiguous Resilient Land to support either two independent conventional septic fields or one replaceable mound system, sufficient space for buildings traditionally associated with this type use must also be available. In addition, public roadways shall not experience less than the Monroe County Level of Service standard designation which exists at the time this Plan is adopted as a result of subdivision. Roadways classified as state Highways, major collectors, or local arterials are exempt from this requirement.

COMPREHENSIVE PLAN

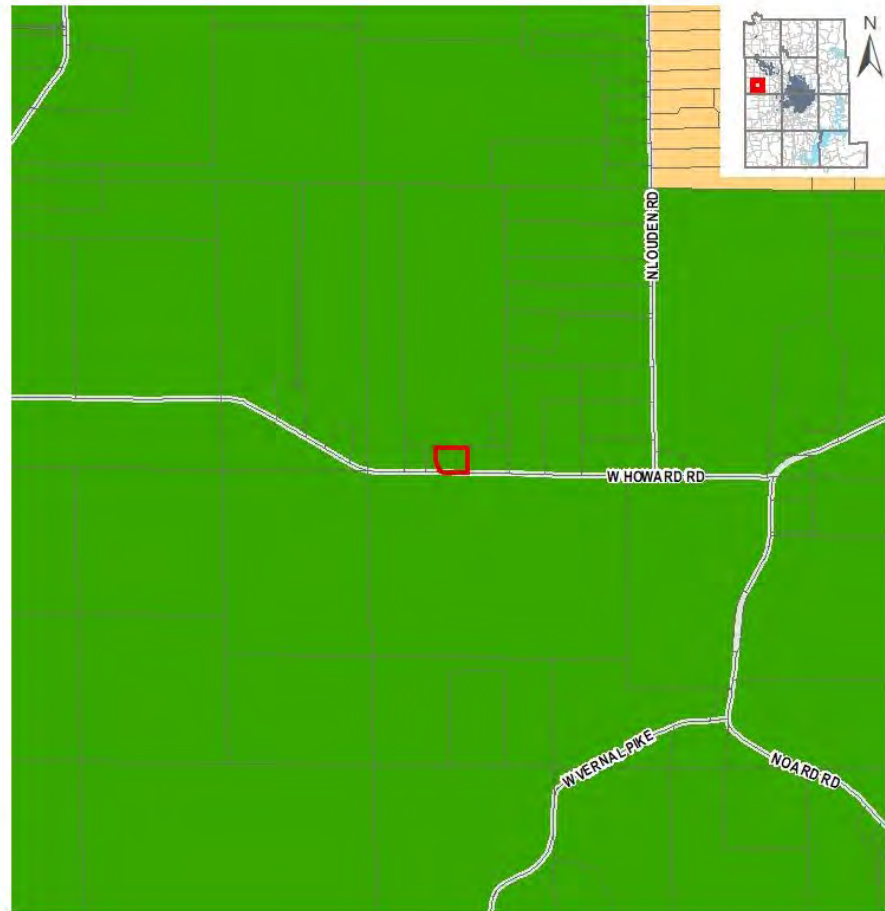
Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
-  Farm and Forest
-  Rural Residential

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/22/2020



FINDINGS OF FACT: Minimum Lot Size Chapter 804

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find that:

- (A) **The approval, including any conditions or commitments deemed appropriate, will not be injurious to the public health, safety, and general welfare of the community, because:**

(1) It would not impair the stability of a natural or scenic area;

Findings:

- Approval of the variance would allow the petitioner to further develop this lot of record;
- The site is has an existing single family residence;
- The area is not located within the floodplain or the Environmental Constraints Overlay area;
- **Conclusion:** It would not impair the stability of a natural or scenic area.

(2) It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

Findings:

- See Findings A(1);
- W Howard RD is a local road that runs along the southern property line;
- Adding a residential addition will have no foreseeable impact on utilities;
- The site utilizes a septic system;
- **Conclusion:** Approval of the variance would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

(3) The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district. That is, the approval, singularly or in concert with other approvals - sought or granted, would not result in a development profile (height, bulk, density, and area) associated with a more intense zoning district and, thus, effectively re-zone the property; and,

Findings:

- See Findings A(1) and A(2);
- The property is zoned Agriculture/Rural Reserve (AG/RR);
- The required minimum lot size is 2.5 acres;
- The lot size measures approximately 1.45 acres;
- The use is residential with surrounding uses residential;
- The Comprehensive Plan designates this area as Farm and Forest;
- The proposed residential structure will meet all required setbacks;
- **Conclusion:** Approval of the variance would not alter the character of the property in a

manner that substantially departs from the characteristics sought to be achieved and maintained with the relevant zoning district.

(4) It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant public health, safety, and welfare concerns raised during the hearing;

(B) The approval, including any conditions or commitments deemed appropriate, would not affect the use and value of the area adjacent to the property included in the variance in a substantially adverse manner, because:

(1) The specific purposes of the design standard sought to be varied would be satisfied;

Findings:

- See Findings A(1) and A(3);
- The purpose of the minimum lot size is to preserve the general character of zoning district;
- Nearby parcels zoned AG/RR to the west and the east also do not comply with the minimum lot size requirement of 2.5 acres;
- **Conclusion:** Approval of the variance would not significantly impact the purposes of the design.

(2) It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.); and,

Findings:

- See Findings A(1) and A(3);
- The residential addition does not interfere with any easements or utilities, and exceeds minimum setbacks;
- **Conclusion:** There are no foreseeable detrimental conditions to the use and enjoyment of other properties that would result from the proposed expansion.

(3) It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,

Findings:

- The Board of Zoning Appeals may request the petitioner to address any other significant property use and value concerns raised during the hearing on the requested variance;

(C) The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property, which would otherwise result from a strict application of the terms of the Zoning Ordinance.

Findings:

- Practical difficulties have been demonstrated in that the lot exists in the current configuration, which does not meet the minimum lot size for the zoning district (AG/RR);
- There was a home on the lot; it was preexisting at the time of the zoning ordinance adoption in 1997, which required the minimum lot size of 2.5 acres;
- Petitioner has applied for one variance, which is the minimum necessary in order to do further development on this preexisting nonconforming lot.

EXHIBIT 1

Rebecca Payne

From: Barefoot Tile <barefoottile@yahoo.com>
Sent: Wednesday, June 3, 2020 1:50 PM
To: Rebecca Payne
Subject: Variance checklist from Mahaffey

Request for Variance for residential property:

Hello,

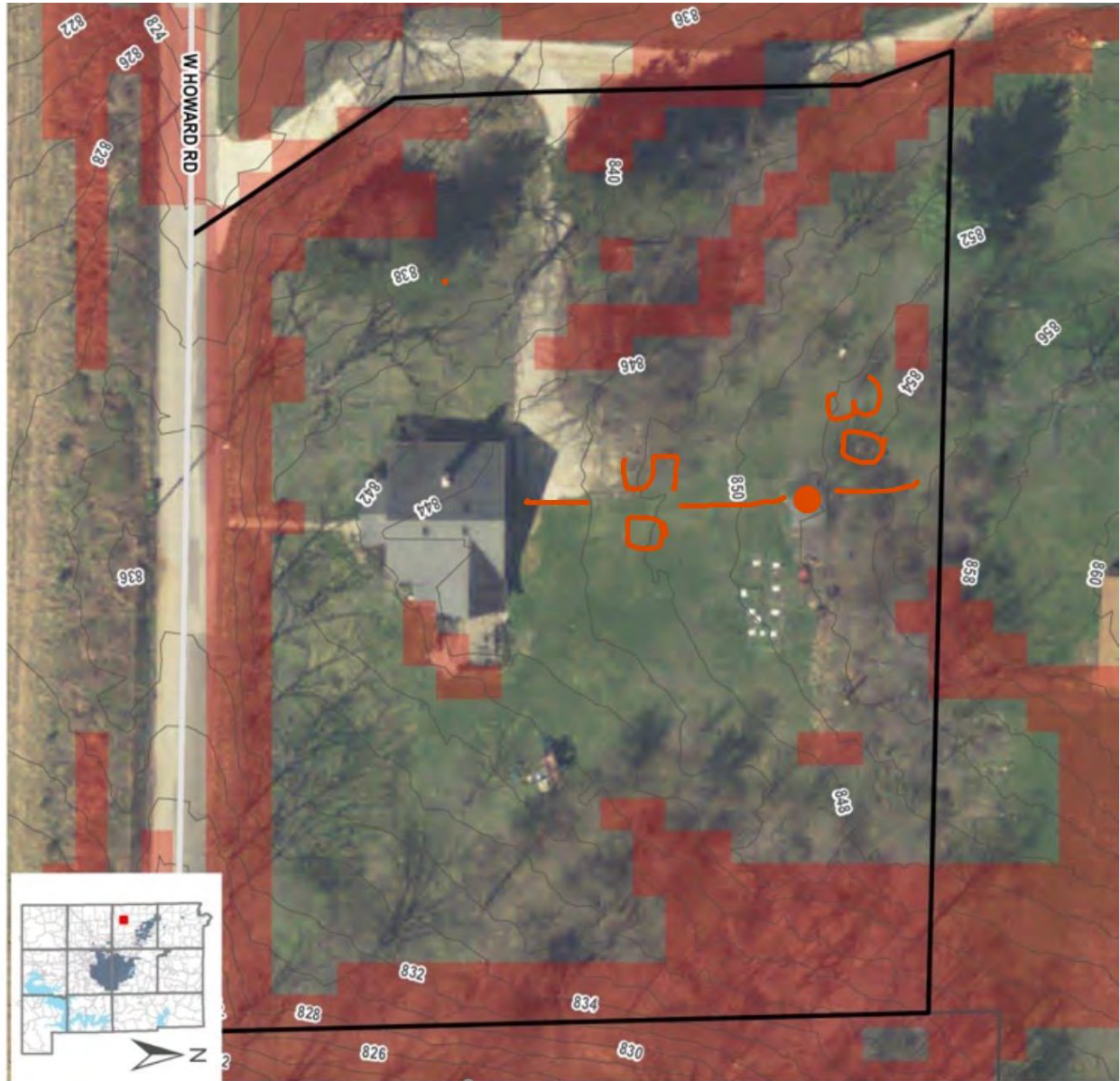
We are requesting a variance to build a 26 x 40' addition to our existing home. The lower portion would serve as a garage and an entry and laundry area, and the upstairs would be two bedrooms, a bath, and a small living area. In addition, we would be adding a short retaining wall with drainage on the high side (North side) of the proposed addition.

The location of this residential property is:

[7996 W. Howard Rd](#)
[Bloomington IN 47404](#)

I have submitted two pictures which combined are the Site Plan. I think it would have been too messy to try to put all the necessary markings on one. In the pictures the blue boxes represent the septic tank and field and the purple line represents the proposed retaining wall with drainage. The 26x40 box in yellow represents the proposed addition. The orange lines show the distances for the existing 10x14' shed and the orange

EXHIBIT 2



PLANNER Tammy Behrman
CASE NUMBER 2006-CDU-01, Stafford Conditional Use
PETITIONER Philip B and Linda L Stafford
ADDRESS 5598 E Ward Lane
REQUEST Conditional Use of Historic Adaptive Reuse
ACRES 1.66 +/-
ZONE Suburban Residential (SR); ECO Area 3; HP Overlay
TOWNSHIP Bloomington
SECTION 24
COMP PLAN
DESIGNATION: Farm and Forest

EXHIBITS

1. Petitioner Letter
2. Petitioner Site Plan
3. Improvement Location Permit 19-RA-130

RECOMMENDATION

Approve the conditional use request for Historic Adaptive Reuse based on the findings of fact.

SUMMARY

The petition site, Ward House, is a 1.66 acre +/- parcel located in Bloomington Township Section 24. The parcel maintains frontage along E Ward Lane (Local Road) and E State Road 45 (Major Collector). The property currently contains eight minor *structures* and the following main structures:

1. Residential double-pen home constructed in 1840 (addition in 1990)
2. Corn crib (date unknown)
3. Transverse 3-bay barn constructed between 1890-1900

The petitioner filed for local historic preservation designation for the property in 2020. The Monroe County Commissioners approved the local historic designation on June 3, 2020 ([Ordinance No. 2020-27](#)). The historic designation affects the preservation of the current structures, not the preservation of the current zoning of the property.

Finally, the petitioner is requesting a Conditional Use for the use “Historic Adaptive Reuse” in order to be able to reuse the relocated barn as a Tourist Home use (see Exhibit 1).

BACKGROUND

The petitioner was issued Improvement Location Permit number 19-RA-130. This was to allow the relocation of the barn with the condition, “*For residential storage and workspace ONLY, no commercial activity or dwelling use. Permit covers the relocation and remodel of existing barn for use as a workspace.*” (Exhibit 3). The permit application contained a septic permit # 22002 issued 7/19/2019 for 1+ bedrooms.

The petitioner desires to use the barn for short term rental / tourist home in addition to having their personal residence. This Tourist Home use is only permitted in AG/RR, CR, and FR zones. A rezone to one of these zones was not possible due to lot size. The Tourist Home Use must meet Special Conditions #48 as shown below with an explanation of current conditions. The petitioner’s lot is zoned SR and also does not meet the normal minimum lot size for a Tourist Home or either 2.5 acres or 5 acres. The distance to the nearest principle use is also not compliant with a regularly permitted Tourist Home Use as defined

in the Monroe County Zoning Ordinance Chapter 802. Historic Adaptive reuse would allow for flexibility on the conditions for a Tourist Home if the Board of Zoning Appeals approves the request.

Tourist Home or Cabin. A building, or portion thereof, in which four (4) or fewer guest rooms are furnished to the public under the terms of a *short-term lodging agreement*.

Short-Term Lodging Agreement. An agreement under which rooms are provided for a fee, rate, or rental, and are occupied for overnight lodging or habitation purposes for *a period of less than thirty (30) days*.

48. Criteria for Tourist Home or Cabin uses in AG/RR, FR, and CR zoning districts:

- (a) The lot must meet or exceed the minimum lot size and infrastructure facilities (i.e. **septic system**, driveway) requirement for the zoning district prior to the commencement of the Tourist Home or Cabin use; **The petitioner's lot is 1.66 acres.**
- (b) The Tourist Home or Cabin shall be located no closer than two-hundred (200') feet from any adjoining principal use structure not currently being used as a Tourist Home or Cabin from the adjoining property setback line if no adjoining principle use structure exists. **The barn is approximately 145' from the petitioner's home and should a house be built on the vacant lot across the street it could be as near as 103'.**
- (c) Any outdoor pool or spa facilities must meet State and Local Board of Health requirements and must be visually screened from surrounding properties and properly secured with a Power Safety Pool Cover or Enclosure as defined in Indiana Code (675 IAC 20-4-7 – Safety Features; 675 IAC 20-3-9 – Enclosure) standards for a Class C, Semi-Public Pool. **N/A**

The following conditions can be confirmed during the site plan review:

- (d) Parking:
 - (1) Parking only on paved or graveled driveways;
 - (2) No parking is allowed on the street or road;
 - (3) One (1) parking space per guest room; and,
 - (4) No parking of any vehicles in any yard or setback area as defined by Chapter 804 of the Zoning Ordinance.
- (e) Rules, in a readable size and format, shall be posted outside near the main entrance to the Tourist Home or Cabin and shall include the following:
 - (1) Rules and regulations for ensuring safety and preservation of neighborhood values (e.g., emergency phone numbers; 24 hour contact number for property owner or manager; noise restrictions; solid waste management rules; fishing license rules; etc.);
 - (2) Diagram of property boundary lines; and
 - (3) Diagram of designated parking.
- (f) Smoke detectors and a fire extinguisher shall be installed and maintained in working order in all Tourist Homes or Cabins.
- (g) All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy.
- (h) No more than two (2) guests per guest room. **The petitioner's barn plan to have one bedroom and a small loft for couples with children. The septic permit can accommodate this capacity.**

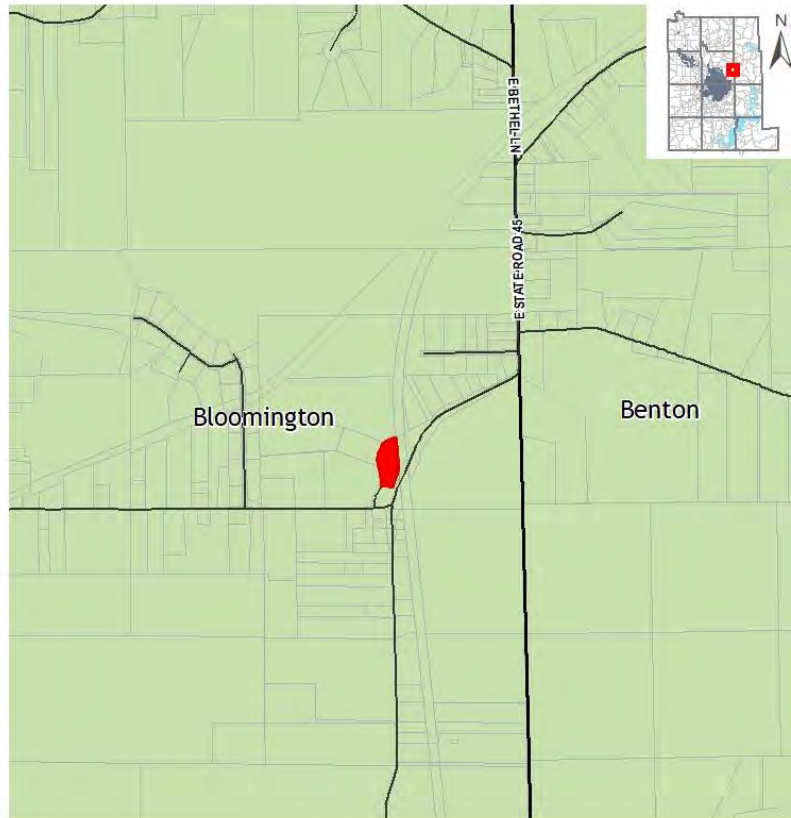
Finally, each lot is allowed one primary use. The petitioner obtained a recent the rezone for the Historic Preservation Overlay to allow for the right to request the Historic Adaptive Reuse for the barn's use conversion. If the Conditional Use is granted then the petitioner could have two primary uses under the umbrella of this conditional use.

LOCATION MAP

The parcel is located at 5598 E Ward Lane in Section 24 of Bloomington Township. It formerly had the address of 5598 E State Road 45 before improvements were made to the Indiana Railroad and State highway.

Location Map

-  Petitioner
-  Roads
-  Civil (Political) Townships
-  Parcels








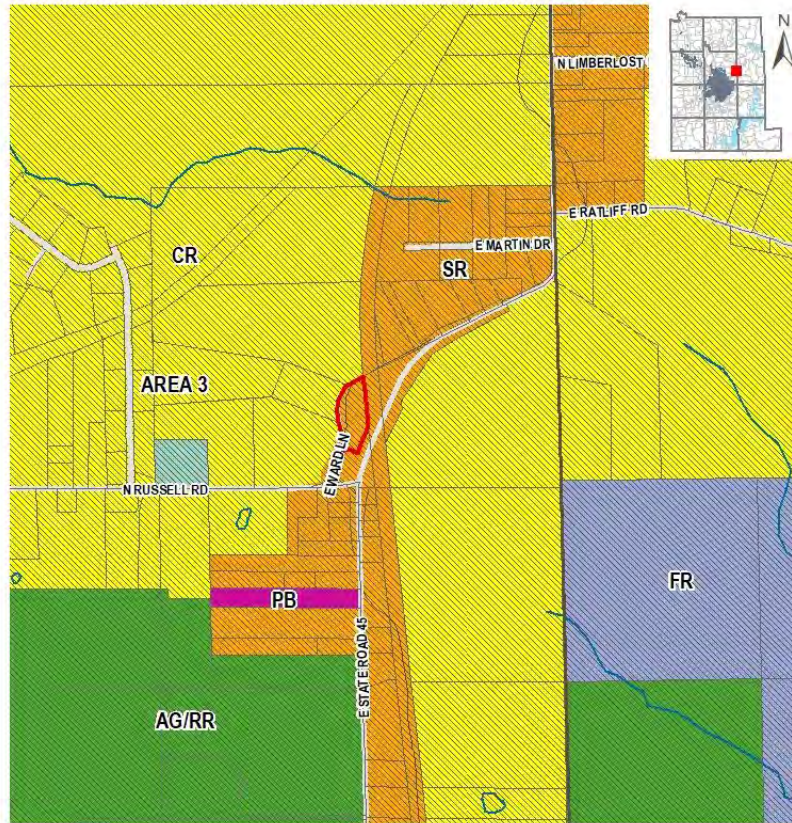
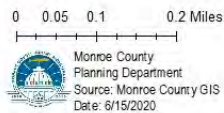
ZONING MAP

The site is zoned Suburban Residential (SR). The adjacent properties to the north and south are zoned the same. The site is within the Environmental Constraints Overlay Area 3 (ECO3) for Lake Monroe. Other adjacent properties are zone Conservation Residential (CR) The use is currently single family residential and the surrounding properties are also single family residential or vacant.

The petitioner obtained a recent the rezone for the Historic Preservation Overlay to allow for the right to request the historic adaptive reuse for the barn use conversion.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- ECO Areas**
 -  Area 3
- Monroe County Zoning**
 -  AG/RR - Agriculture/Rural Reserve
 -  CR - Conservation Residential
 -  FR - Forest Reserve
 -  IP - Institutional/Public
 -  PB - Pre-Existing Business
 -  SR - Suburban Residential



SITE CONDITIONS

The site contains a residence, barn, corn crib and one other shed. There is no FEMA Floodplain on the site or visible karst features. The property gains access by E Ward Lane, which is designated as a local road. It also maintains frontage on E State Road 45 designated as a Major Collector in the County Thoroughfare Plan. The Indiana Railroad runs along the eastern property line. The Highway and the Railroad were reconfigured around 2000 taking property from the petition site in the form of right of way. The barn was left very close to the new road. It is currently being relocated to meet property line setbacks.

Slope Map

- Major Collector [70']
- Local Roads [50']
- ▭ Petitioner
- ▭ Parcels
- 2-Foot Contours

15_Percent Slope (2010)

- 0 - 15
- > 15

0 15 30 60 90 120 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/15/2020



SITE PHOTOGRAPHS

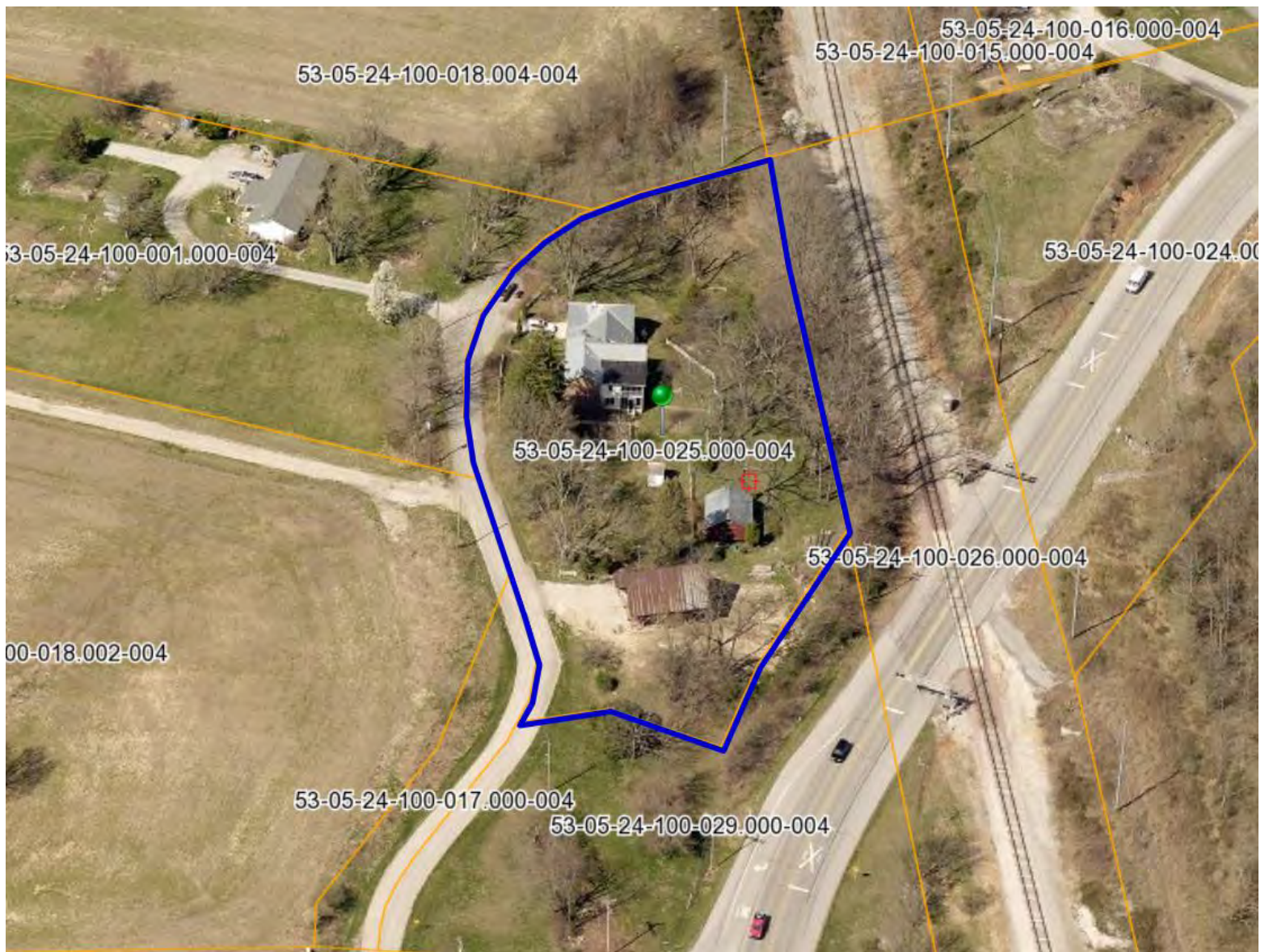


Figure 1. Pictometry view facing north of the commercial structure in April 2020.



Figure 2. Pictometry view of petitioner site from March 2019.



Figure 3. Facing west, pictometry view from April 2020 depicting the barn relocation.



Figure 4. Facing east, pictometry view from March 2019.



Figure 5. Facing east, Pictometry view from April 2020 depicting the barn relocation.

COMPREHENSIVE PLAN DISCUSSION

Farm and Forest

Much of Monroe County is still covered by hardwood forests, in no small part because of the presence of the Hoosier National Forest, Morgan-Monroe State Forest, Army Corps of Engineers properties, and Griffy Nature Preserve. Much of the low lying floodplains and relatively flat uplands have been farmed for well over 100 years. These areas are sparsely populated and offer very low density residential opportunities because of both adjoining Vulnerable Lands and the lack of infrastructure necessary for additional residential density. This category encompasses approximately 148,000 acres including about 40,000 acres of our best agricultural property located primarily in the Bean-Blossom bottoms and western uplands of Richland Township and Indian Creek Township. It includes private holdings within the state and federal forests. Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential category. These natural features provide a low density residential option while protecting the lakes and the water supply resources of the County. The Farm and Forest areas comprise most of the Vulnerable Land in Monroe County. A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, these areas do not have sanitary sewer services and have limited access on narrow, winding roadways. Those portions not already used for agriculture are usually heavily forested and have rugged topography. They offer unique and sustainable residential opportunities that cannot be replaced.

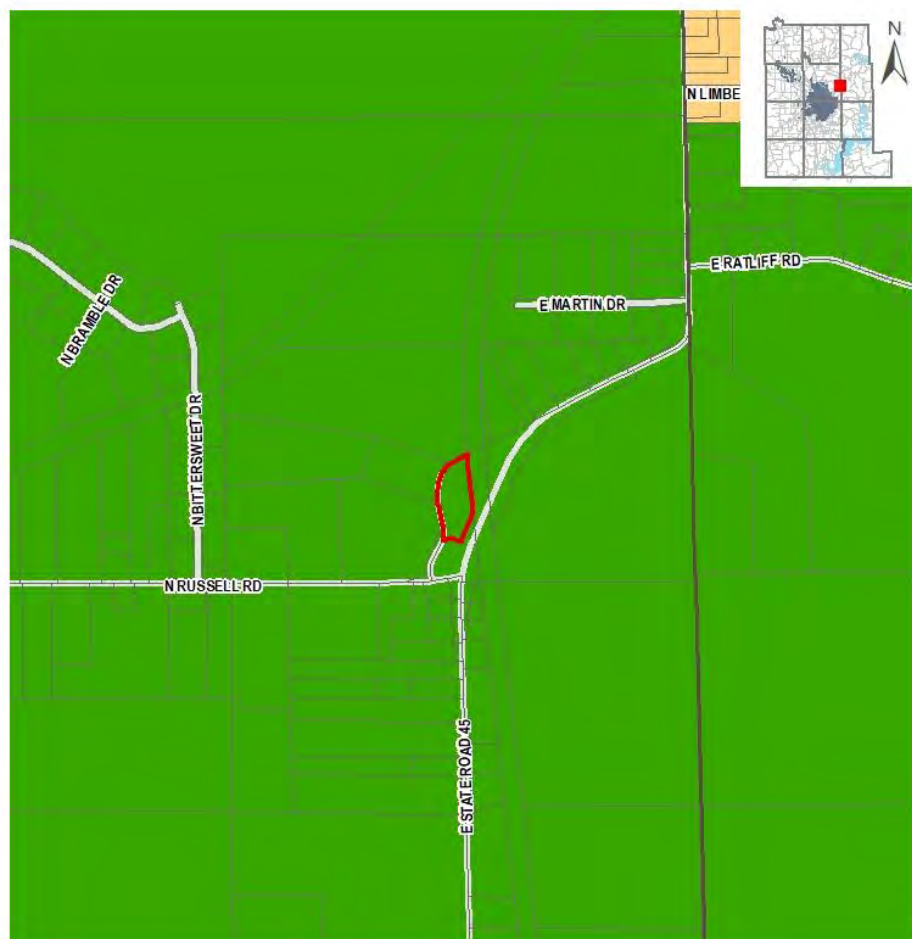
Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
-  Farm and Forest
-  Rural Residential

0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/15/2020



FINDINGS OF FACT: Conditional Use, Chapter 813

In order to approve a conditional use, the Board must have findings pursuant to Chapter 813-5 Standards for Approval. The Board must find that:

- (A) The requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction) or Table 33-3 (for the former Fringe) for the zoning district in which the subject property is located. In addition to the other relevant standards imposed by or pursuant to this chapter, the standards, uses and conditions set forth in Section 813-8 are hereby incorporated as standards, uses and conditions of this chapter;**

Findings:

- The proposed use is listed as “Historic Adaptive Reuse” in the Use Table in Chapter 802 of the Monroe County Zoning Ordinance;
- Two conditions are attached to the proposed use in Chapter 802, Conditions 15 and 44;
- Condition 15 reads, “The Plan Commission may attach additional conditions to its approval in order to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste or other objectionable conditions and to protect and preserve the character of the surrounding neighborhood,” in this case it would be the Board of Zoning Appeals;
- Condition 44 reads, “Subject to the procedure described in Chapter 813 of the Monroe County Zoning Ordinance.”;
- The petition property is zoned Suburban Residential (SR);

- (B) All conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;**

Findings:

- The petitioner is requesting approval to be able to use the existing historic barn as a short term rental / tourist home use;
- The barn was previous used as residential storage in the recent past;
- Further development on the site is required to meet Height, Bulk, Area, and Density requirements for the (SR) Zoning District, in addition to other ordinance specifications;
- An Improvement Location Permit was issued to relocate the barn to meet the non-residential setbacks associated with a commercial use such as Tourist Home;

- (C) Granting the conditional use shall not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives the Comprehensive Plan;**

Findings:

- The zoning ordinance allows for Historic Adaptive Reuse as a conditional use in the (SR) zone;
- The Comprehensive Plan designates the site as Farm and Forest;
- The description of the Comprehensive Plan’s Farm and Forest designation is provided in this report;
- The Suburban Residential (SR) Zoning District has a 1.0 acre minimum lot size requirement;
- The petition site is 1.66 acres;

- (D) The conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities;**

Findings:

- The conditional use property can be served with adequate facilities;
- Septic permit 22002 was issued 7/19/2019 for 1+ bedrooms for the purpose of relocating the

- barn;
- The petitioner has stated the remodeled barn will have one bedroom and a small loft to accommodate couples with children;
- A existing home is on a separate septic system;

(E) The conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with performance standards delineated in this ordinance;

Findings:

- The petitioners will be required to comply with the Performance Standards set forth in Chapter 802-4 of the Monroe County Zoning Ordinance;
- The proposed use will not have an adverse impact on traffic conditions in the area;

(F) The conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and uses;

Findings:

- Approval of the conditional use will not produce a conflicting relationship between the petition site and its surrounding area;
- A site plan is required for the Tourist Home that will undergo review by the Monroe County Historic Preservation Board of Review;

(G) The conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;

Findings:

- The petition site has frontage on two roadways, E State Road 45 which is mostly vegetated and E Ward Land, a short local road that terminates after 0.12 miles;
- The site has adjoining agricultural uses;

(H) The conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,

Findings:

- The petition site will be accessed off of E Ward Lane;
- The gravel driveway has two access points that were deemed ‘historic’ in nature by the HP board of Review;
- No additional access points are proposed;

(I) All permits required by other Federal, State and local agencies have been obtained;

Findings:

- Further development on the site is required to meet Height, Bulk, Area, and Density requirements for the (AG/RR) Zoning District, in addition to other ordinance specifications;

All conditional uses are subject to the criteria established in Section 813-5. Additional criteria as specified in this section must be met by the following categories of conditional use.

Historic Adaptive Reuse:

- (1) Property shall have been designated or have filed a petition for Historic designation at the time of the application for a conditional use permit;**

Findings:

- The Monroe County Commissioners approved local historic designation for the petition site on June 3, 2020 (Ordinance No. 2020-27);

- (2) Proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said district;**

Findings:

- Historic Adaptive Reuse approval per the petitioner's submitted request will not diminish the historic character of the property;

- (3) Proposed use shall enhance the ability to restore and/or preserve the property;**

Findings:

- The proposed use will enhance the ability to preserve the property and reuse its designated historic structures on site;

- (4) The granting of the conditional use permit shall be contingent upon any required Certificate of Appropriateness and upon the granting of Historic designation;**

Findings:

- Historic designation has been granted for the petition site, meaning all external changes to the buildings will require Certificate of Appropriateness.

EXHIBIT 1: Petitioner Letter

PHILIP B. STAFFORD

5598 East Ward Lane | 812-361-6267 | staffor@indiana.edu

May 30, 2020

Monroe County Board of Zoning Appeals
Larry J. Wilson, Planning Director
501 North Morton St., Ste. 224
Bloomington, IN. 47408

Dear Mr. Wilson

We would like to request the Historic Adaptive Re-use permit under the Monroe County Conditional Use zoning ordinance for our property located at 5598 East Ward Lane, Bloomington. We feel that we currently meet or expect to meet the conditions outlined in Chapter 813 of the Monroe County Zoning Ordinance.

Under the general conditional use regulations:

- (A) the requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction), specifically Historic Adaptive Re-Use (813-10 #4).
- (B) all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied.
- (C) granting the conditional use shall not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives the Comprehensive Plan.
- (D) the conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities.
- (E) the conditional use shall not involve any element or cause any condition that may be dangerous, injurious or noxious to any other property or persons, and shall comply with performance standards delineated in this ordinance.

(F) the conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and uses.

(G) the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(H) the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(I) all permits required by other Federal, State and local agencies have been **(or will be)** obtained.

Under the Historic Adaptive Re-use regulations (813 10 -B (4):

(a) Property shall have been designated Historic or have filed a petition for Historic designation at the time of the application for a conditional use permit. ***(The petition for Historic Designation has been applied for and is under consideration).***

(b) Proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said district. ***(The use shall restore a circa 1890 barn, one of the contributing structures on the property, in compliance with the expected Certificate of Appropriateness, to be filed at the necessary point in time.)***

(c) Proposed use shall enhance the ability to restore and/or preserve the property. ***(Our goal is to establish a tourist home sufficient to generate revenue that may offset the considerable expense associated with the barn's restoration. The primary residence shall not be vacated by the owners.)***

(d) The granting of the conditional use permit shall be contingent upon any required Certificate of Appropriateness and upon the granting of Historic designation. ***(We fully understand the requirements of this condition.)***

Sincerely,

Philip B. Stafford Philip B. Stafford

Linda Stafford Linda Stafford

EXHIBIT 2: Petitioner Site Plan

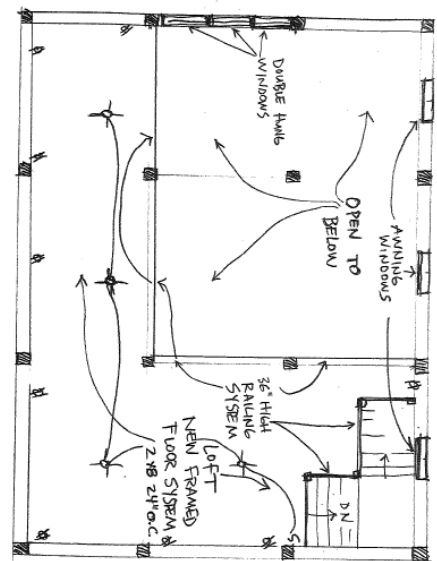
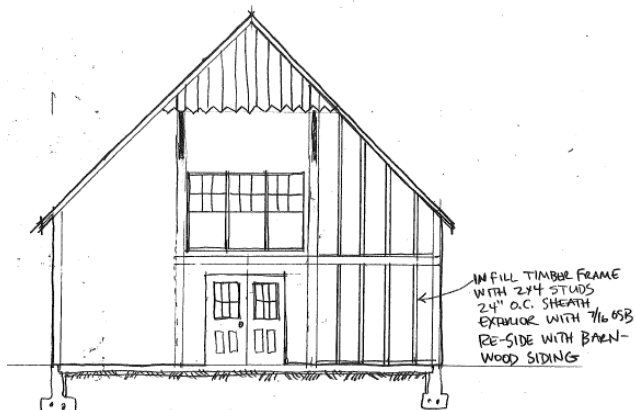
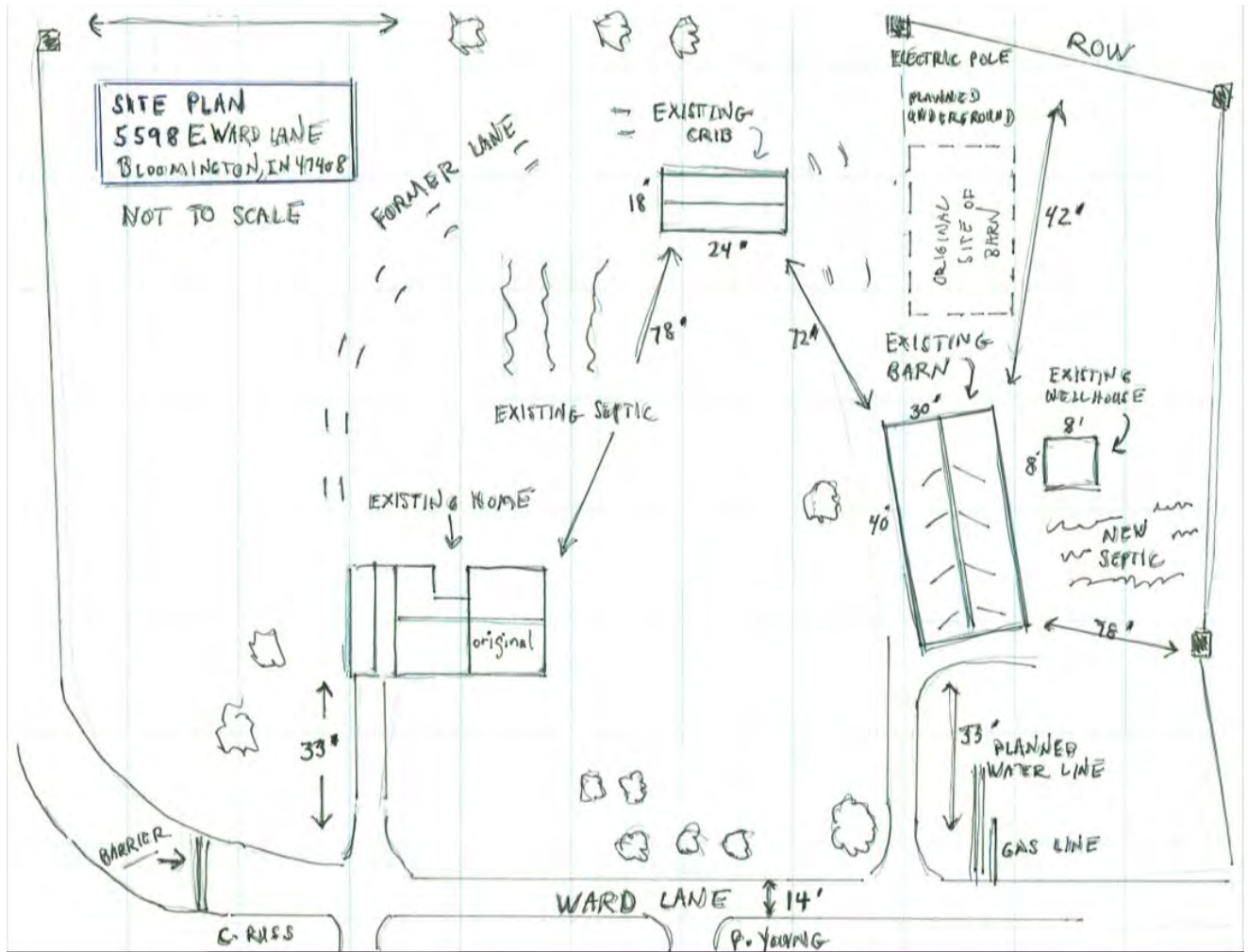



EXHIBIT 3: Improvement Location Permit 19-RA-130

 <div>Monroe County Single Family Residence Accessory Residential Improvement Location Permit Owner responsible for verification of property lines//One residence per parcel</div>	
Permit Number: 19-RA-130	
Name: Phil Stafford 812-361-6267	
Purpose of Permit- 1800 sq ft detached barn; 1200 first floor, 600 second floor	
Project address	5598 E Ward Lane Bloomington, IN 47408
Builder address/contact	Mark Longacre 812-327-2338 marklongacre@comcast.net
Township	Bloomington
Section	24
Subdivision	
Lot	
Zoning / Floodplain	SR// No Floodway
ECO ECO3 There shall be no construction, earth disturbance, or clearing of existing vegetation within the area of the lot where the natural existing slopes of land is greater than your designated slope. The following pages have slope restrictions and erosion control measures to be used. Call the office with any questions. The planning department will conduct site inspections.	
Property line setbacks- (Corner lot setbacks may apply)	Front: 25' from ROW- Ward Lane Front Corner Lot: 35" from ROW- SR 45 Side: 5' Side Corner Lot: Rear: 10' Maximum Height Principal Structure: 35' Maximum Height Accessory Structure: 35'
Parcel number-	53-05-24-100-025.000-004
Constraints/notes-	Any- outside lighting shall be shielded with appropriate light fixtures directing light down and away from adjacent properties in order that the illumination at the property line shall not exceed one (1) foot candle. Subject to Chapter 802 & 816 of the Monroe County Zoning Ordinance. See Page 2&3 regarding erosion control **RESIDENTIAL ONLY**
Applicants bedroom request and septic permit or sewer provider-	0/22002
Building application-	66607
Reviewed by & Issued date-	RH 8/9/2019
	*For residential storage and workspace ONLY, no commercial activity or dwelling use. Permit covers the relocation and remodel of existing barn for use as a workspace.
Permit Inspection Dates and Erosion Control Requirements <i>Monroe County, by issuance of a permit has no power to and does not abrogate, vary, terminate, waive, or release any such covenants, declarations, conditions, and/or restrictions of record which may be applicable to the subject property.</i>	