

# **MONROE COUNTY BOARD OF ZONING APPEALS**



**March 3, 2021**

**5:30 p.m.**

**Held Via Zoom:**

[https://monroecounty-  
in.zoom.us/j/84992412568?pwd=Vm5yMnNRem01bmlwVnRjQ0xIME9qUT09](https://monroecounty-in.zoom.us/j/84992412568?pwd=Vm5yMnNRem01bmlwVnRjQ0xIME9qUT09)

If calling into the Zoom meeting, dial: 312-626-6799.  
When prompted, enter the Meeting ID #: 849 9241 2568  
Password: 373168

**AGENDA**  
**MONROE COUNTY BOARD OF ZONING APPEALS (BZA)**

Zoom link: <https://monroecounty-in.zoom.us/j/84992412568?pwd=Vm5yMnNRem01bmlwVnRjQ0xIME9qUT09>

March 3, 2021

5:30 p.m.

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**REGULAR MEETING**

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**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES – None.**

**OLD BUSINESS:**       None.

**NEW BUSINESS:**

- 1. 2011-VAR-92       Dickerson 125' Lake Setback Variance to Chapter 825**
- 2. 2011-VAR-93       Dickerson ECO Area 1 Variance to Chapter 825**
- 3. 2011-VAR-94       Dickerson Buildable Area Variance to Chapter 804**  
One (1) 1.38 +/- acre parcel in Clear Creek Township, Section 24 at 8041 E Hardin Ridge RD.  
**Zoned FR/ECO1.** Contact [tbehrman@co.monroe.in.us](mailto:tbehrman@co.monroe.in.us)  
**\*\*\*CONTINUED BY PETITIONER\*\*\***
  
- 4. 2101-VAR-05       Andersen Side Yard Setback Variance from Chapter 833       PAGE 4**  
One (1) 1.03 +/- acre parcel in Perry Township, Section 12 at 3913 E Larry Wayne DR.  
**Zoned RE1.** Contact [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)
  
- 5. 2101-VAR-06       Lisa Land Minimum Lot Size Variance to Chapter 804       PAGE 22**  
One (1) 1.04 +/- acre parcel in Bean Blossom Township, Section 21 at 7111 W Walker Ln.  
**Zoned AG/RR.** Contact: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)
  
- 6. 2101-VAR-07       Feigenbaum Conditions for a Tourist Home Variance to Chapter 802**  
One (1) 0.74 +/- acre parcel in Salt Creek Township, Section 5 at 6056 E State Road 46. **PAGE 36**  
**Zoned CR/ECO3.** Contact [tbehrman@co.monroe.in.us](mailto:tbehrman@co.monroe.in.us)
  
- 7. 2102-VAR-08       Langdon Rear Yard Setback Variance to Chapter 833       PAGE 51**  
One (1) 0.92 +/- acre parcel in Richland Township, Section 36 at 1207 N Logan RD.  
**Zoned RS3.5.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)
  
- 8. 2102-VAR-09       Fishel Buildable Area (15% Slope) Variance to Chapter 804       PAGE 65**  
One (1) 15.29 +/- acre parcel in Bean Blossom Township, Section 23 at 5466 W Woodland RD.

**Zoned AG/RR.** Contact: [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

**9. 2102-VAR-10**  
**10. 2102-VAR-11**

**Morris Minimum Lot Size Variance to Chapter 804**  
**Morris Buildable Area (15% Slope) Variance to Chapter 804**  
One (1) 1.41 +/- acre parcel in Perry Township, Section 34 at 1680 E Sanders Second AVE.  
**Zoned CR, ECO3.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)  
**\*\*\*CONTINUED BY STAFF\*\*\***

**11. 2102-VAR-12**

**Burns Front Yard Setback Variance to Chapter 833**  
One (1) 1.11 +/- acre parcel in Bloomington Township, Section 31 at 3519 W Vernal PIKE.  
**Zoned RS3.5.** Contact: [tberhman@co.monroe.in.us](mailto:tberhman@co.monroe.in.us)  
**\*\*\*CONTINUED BY PETITIONER\*\*\***

**12. 2102-VAR-13**

**Terry Weaver Minimum Lot Size Variance to Chapter 804** **PAGE 84**  
One (1) 2.19 +/- acre parcel in Washington Township, Section 34 at 7241 N Old State Road 37.  
**Zoned AG/RR.** Contact [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)

**13. 2102-VAR-14**

**Lucas Sympson DADU Special Condition #55 Variance to** **PAGE 98**  
**Chapter 802**  
One (1) 20.39 +/- acre parcel in Perry Township, Section 28 at 985 E Dillman RD.  
**Zoned AG/RR.** Contact: [rpayne@co.monroe.in.us](mailto:rpayne@co.monroe.in.us)

**14. 2102-VAR-15**

**Pitchard Minimum Lot Size Variance to Chapter 804** **PAGE 115**  
One (1) 3.797 +/- acre parcel in Salt Creek Township, Section 3 at 1094 N Brummetts Creek RD.  
**Zoned FR, ECO 1.** Contact [dmyers@co.monroe.in.us](mailto:dmyers@co.monroe.in.us)

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](mailto: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](mailto:PlanningOffice@co.monroe.in.us) no later than March 3, 2021 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](mailto: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.

<b>CASE NUMBER</b>	2101-VAR-05
<b>PLANNER</b>	Drew Myers
<b>PETITIONER</b>	Greg Andersen, C/o Todd Borgman, Smith Design Group, Inc.
<b>REQUEST</b>	Design Standard Variance: Ch. 833 Side Yard Setback
<b>ADDRESS</b>	3913 E Larry Wayne DR
<b>ACRES</b>	1.03 +/- acres
<b>ZONE</b>	Estate Residential 1 (RE1)
<b>TOWNSHIP</b>	Perry
<b>SECTION</b>	12
<b>PLATS</b>	Wayneshire Estates Subdivision Phase 1 Lot 2
<b>COMP PLAN</b>	MCUA Phase I – Rural Transition
<b>DESIGNATION</b>	

**EXHIBITS:**

1. Petitioner Letter
2. Site Plan and Build Plan
3. Wayneshite Estates Subdivision Ph. 1 Plat

**RECOMMENDED MOTION:**

**Deny** the Design Standards Variance to Chapter 833 of the Monroe County Zoning Ordinance based on the findings of fact, specifically Finding (C): Findings (C) found that the petition request does not meet the Chapter 801 definition of “practical difficulties”, criteria (C), which is: “*cannot be reasonably addressed through the redesign or relocation of the development/building/structure (existing or proposed)*”.

**SUMMARY/BACKGROUND**

The petition site is a 1.03 +/- acres lot located in Perry Township, Section 12 at 3913 E Larry Wayne Drive. This parcel contains an existing ~4,683 sq. ft. single family residence, a ~384 sq. ft. in ground pool, approximately 168 sq. ft. of concrete patio, and approximately 305 sq. ft. of porch. The current zoning is Estate Residential 1 (RE1) in Chapter 833. The parcel is identified as Lot 2 of the Wayneshire Estates Subdivision Phase 1. The petitioner is requesting a variance from Chapter 833 Side Yard Setback requirement of the Monroe County Zoning Ordinance. The purpose of this variance is to allow the petitioner to construct a 900 sq. ft. (30' x 30') detached garage that will encroach 10' into the required 20' side yard setback. Chapter 833 of the Monroe County Zoning Ordinance requires a 20' side yard setback in the RE1 zoning district. The 20' side yard setback requirement is also listed on the Wayneshire Estates Subdivision Ph. 1 plat.

Chapter 833 of the Monroe County Zoning Ordinance provides for a reduced side yard setback requirement of 5' for detached garages, carports, and storage sheds under 15' in height. However, the proposed detached garage measures approximately 17.67' by method of measurement outlined in the Monroe County Zoning Ordinance.

Approval of this variance would allow the proposed detached garge to be constructed with a 10' encroachment into the required 20' side yard setback for the RE1 zone and the Wayneshire Estates Subdivision Ph. 1. If denied, the proposed detached garage will need to be relocated to accommodate the the required 20' side yard setback or be reduced in height to meet the Ch. 833 provision for a reduced side yard setback of 5'.



## LOCATION MAP

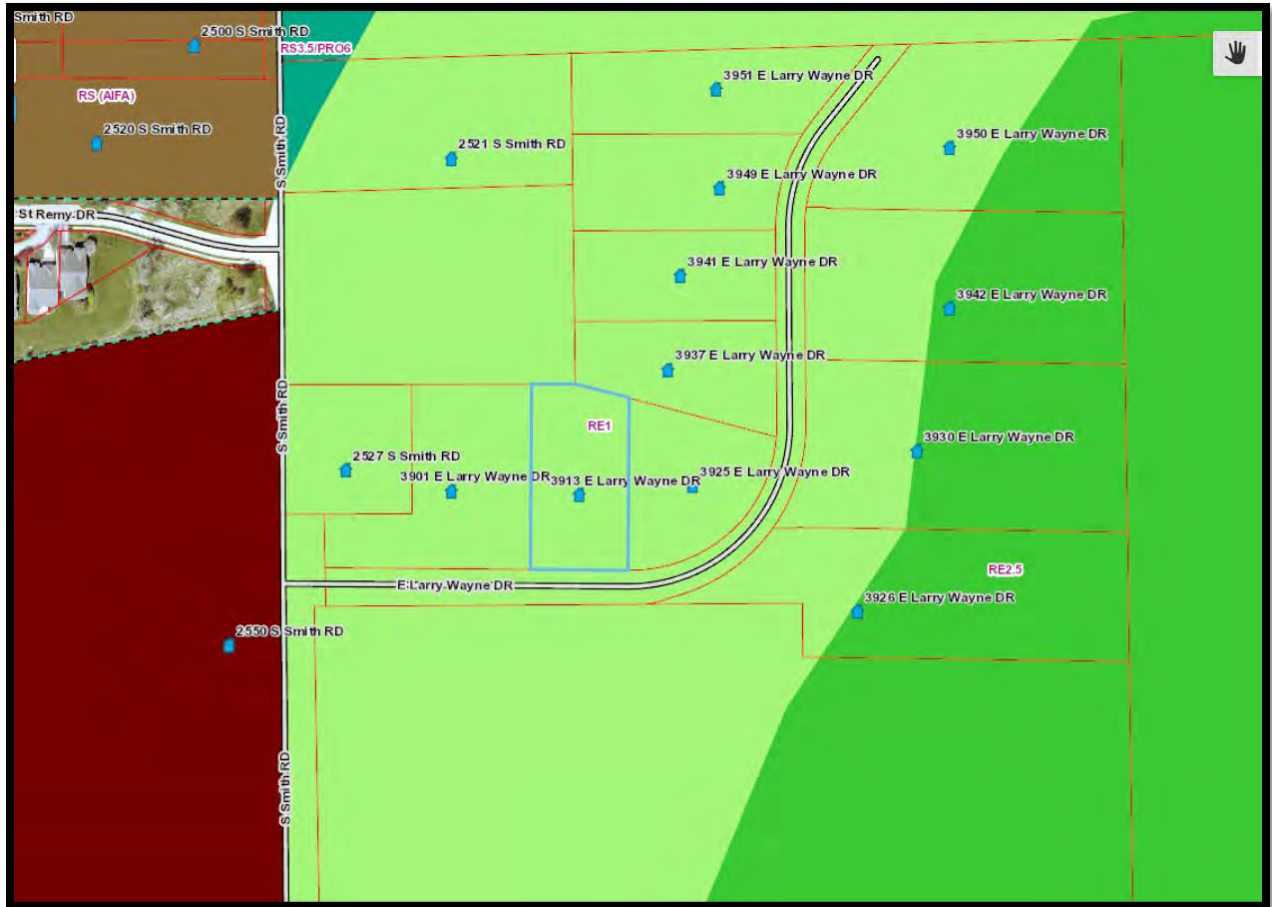
The parcel is located in Perry Township, Section 12 at 3913 E Larry Wayne DR (parcel #: 53-08-12-301-009.002-008).



Map produced on Monroe County Elevate GIS

## ZONING AND LAND USE

The property is zoned Estate Residential 1 (RE1). Surrounding properties are also zoned RE1, Estate Residential 2.5 (RE2.5), and Stone Ridge Planned Unit Development (PUD). The surrounding uses on this parcel comply with uses in the Estate Residential 1 (RE1) as well as residential uses to the west, east and south.



Map produced on Monroe County Elevate GIS

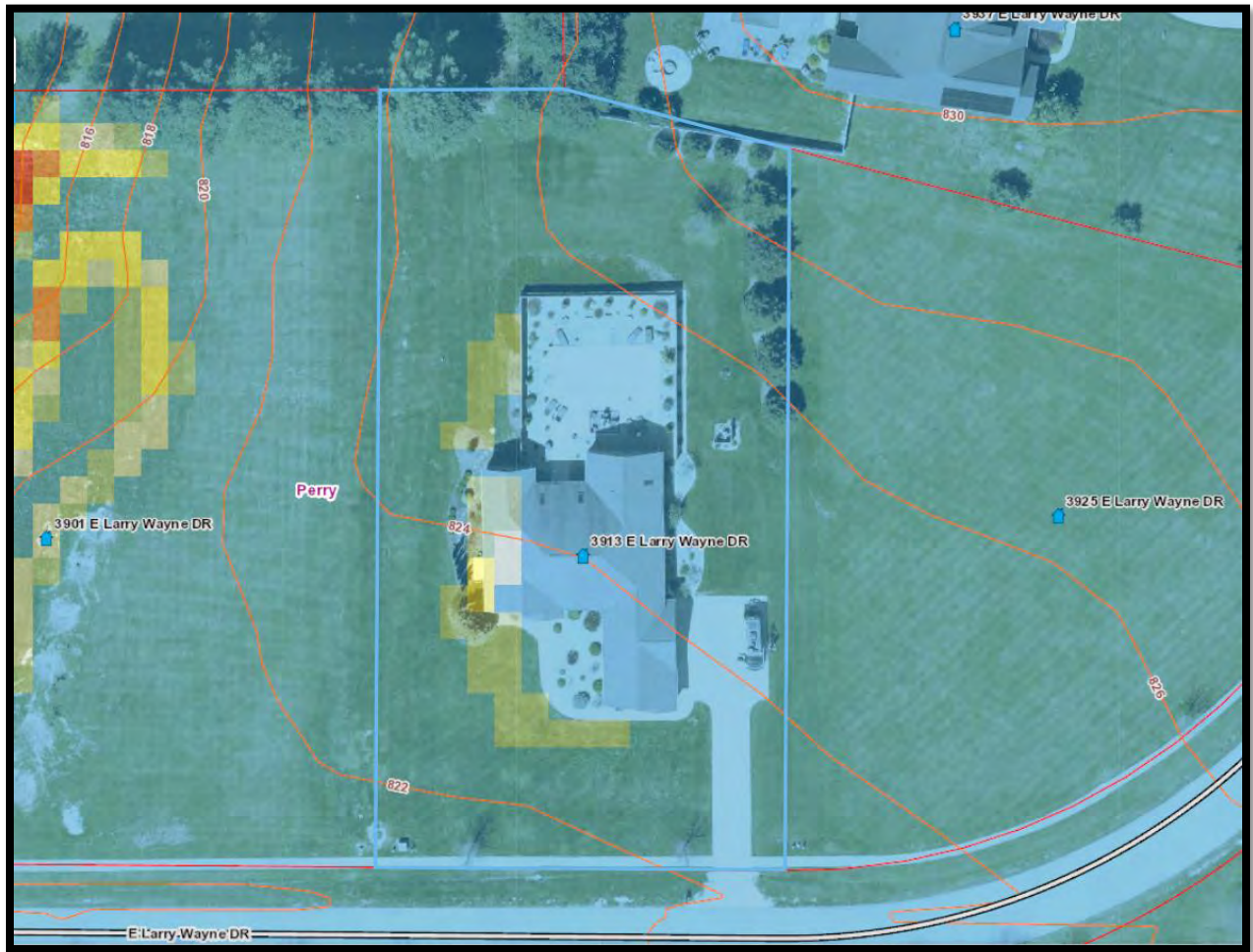


### **SITE CONDITIONS & SLOPE**

The petition site contains an existing ~4,683 sq. ft. single family residence, a ~384 sq. ft. in ground pool, approximately 168 sq. ft. of concrete patio, and approximately 305 sq. ft. of porch. There is no FEMA floodplain on the petition site, there are no known karst features on the petition site, and the site is not located in the Environmental Constraints Overlay. The petition site has access to sanitary sewer service via City of Bloomington.



**Map produced on Monroe County Elevate GIS**



Map produced on Monroe County Elevate GIS

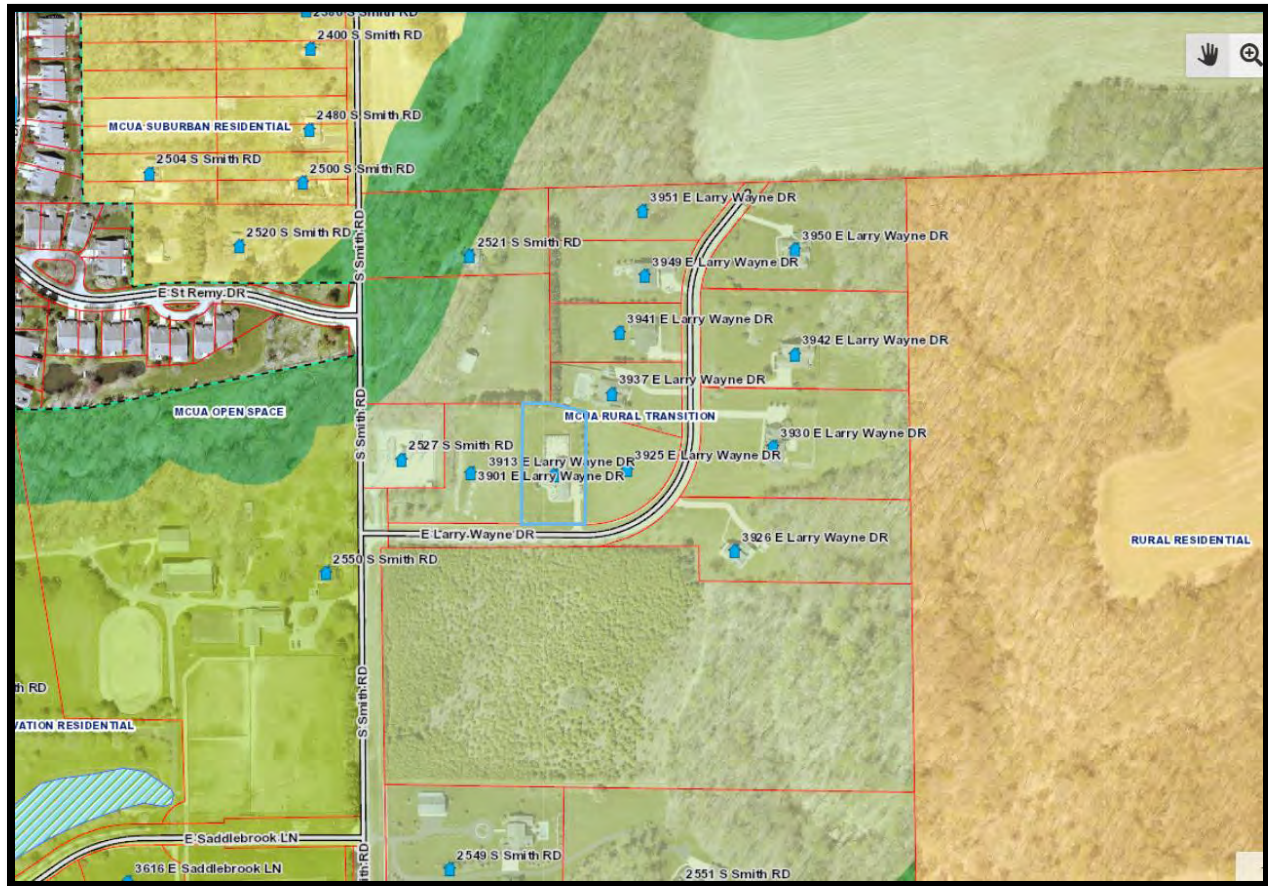


## COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Monroe County Urbanizing Area Plan Designation of “Rural Transition”, which states:

### MCUA Phase I – Rural Transition

*Portions of the Urbanizing Area, primarily to the east and south, are not suitable for intensive development due to access, infrastructure and environmental constraints.*



Map produced on Monroe County Elevate GIS

These areas offer an opportunity to transition the scale and intensity of development along the urban to rural transect. Residential uses are low in density, primarily single-family, and typically are located along existing rural roadways rather than in subdivisions. Larger scale agricultural uses may occur within this area. Within the Urbanizing Area, Rural Transition lands may serve as a “holding” land use category that may be converted to other uses depending on future market demands and infrastructure expansion opportunities. The most likely uses for conversion include Conservation Residential, Parks and Open Spaces, Employment uses, and Quarry expansions that are best suited for low-density, relatively isolated development contexts. The potential for conversion to other uses should be considered as part of future updates to the Urbanizing Area Plan.

### A. Transportation

#### *Streets*

Development in Rural Transition areas is intended to occur along existing rural roadways. These

are typically designed with two travel lanes and a berm or shoulder with open drainage. New roadway construction will be minimal and will likely respond to broader safety or connectivity needs within the larger transportation system, rather than demand generated by new development within the Rural Transition area.

Automobile travel is necessary in rural areas. Care should be taken to avoid roadway improvements that prioritize speed and capacity at the expense of rural roadway character.

#### *Bike, Pedestrian, and Transit Modes*

Due to the low-density character and distance from destinations, travel by foot will be less common in Rural Transition areas. However, bicycle travel should be encouraged. Opportunities to extend shared use/bicycle paths as part of a county-wide greenway system should be explored. Roadside paths may be appropriate in some cases, but care should be taken to preserve the scenic character of rural roadways. This can be accomplished through meandering alignments that provide space for landscape features such as mounding, fencing, limestone walls and naturalized plantings. Expansion opportunities for Rural Transit routes should be explored to enhance accessibility of more remote areas.

### **B. Utilities**

#### *Sewer*

Sewer service in rural transition areas will be limited. Residential development is expected to continue using on-site sewage disposal (septic systems), provided there is sufficient space, topography and soil conditions to meet minimum State and County installation and maintenance requirements.

#### *Power*

Overhead utility lines should be buried wherever feasible in the Rural Transition area.

#### *Communications*

Communications needs will vary within the rural transition neighborhoods, but upgrades to infrastructure need to be a key consideration for future development sites. Communications features will likely differ from all other areas of development since transportation and infrastructure improvement will be limited. Wireless towers should be located sensitively to minimize disruption to scenic viewsheds.

### **C. Open Space**

#### *Park Types*

Open spaces within Rural Transition areas should emphasize interconnected greenway systems and preservation of environmentally sensitive lands, whether public or private. Where feasible, shared use/bicycle paths should be provided to create continuous recreational and alternative transportation connections as part of the larger Monroe County system. Opportunities for new County parks should be explored, as well as opportunities for land preservation by private non-profit organizations such as the Sycamore Land Trust.

#### *Agriculture*

The Rural Transition area provides an opportunity to support food production within the Urbanizing Area. Particular emphasis should be placed on encouraging small-scale, locally-operated farming operations such as hobby farms, Community-Supported Agriculture (CSA), vineyards and orchards. These are vital elements of the local economy, and proximity to the City

of Bloomington offers an opportunity to integrate these uses into the local Farm-to-Table and Farm-to-Institution supply chains.

#### **D. Public Realm Enhancements**

##### *Lighting*

Roadway lighting should be avoided on rural roadways to preserve rural character and minimize light pollution, except where necessary for safety.

##### *Street/Site Furnishings*

Street and site furnishings will be limited to public parks and greenways.

#### **E. Development Guidelines**

##### *Open Space*

Development in the Rural Transition area will typically not provide public open space but will be required to protect environmentally sensitive features as development occurs.

##### *Parking Ratios*

Parking needs are typically minimal for rural businesses, and requirements should be flexible based on the specific use.

##### *Site Design*

Subdivision of land along rural roadways should avoid creating “residential strips” that block scenic vistas and change the character of the roadway from rural to suburban. Building setbacks will vary based on topography, but will typically exceed 50 feet and may be much larger.

##### *Building form*

Simple building massings typical of rural places are encouraged.

##### *Materials*

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Rural development will typically require a lower degree of aesthetic scrutiny than is typical of higher density development areas; however, basic aesthetic standards should be met.

##### *Private Signs*

Residential development will typically not include signs, unless the residence is also operated as a business. Business signs will typically be groundmounted monument-style or post-style signs and should be limited to no more than six feet in height. Signs should be secured to the ground and should not include changeable copy. Signs may be painted on barns in the manner of historic rural barn signs.

## SITE PICTURES



**Photo 1.** Aerial pictometry from the south





**Photo 2.** Aerial pictometry from the north



**Photo 3.** Aerial pictometry from the east

### **FINDINGS OF FACT: Side Yard Setback Chapter 833**

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:**

- The site is 1.03 +/- acres and is zoned Estate Residential 1 (RE1);
- The site is accessed off of E Larry Wayne DR, a local road;
- The site is not located within an environmentally sensitive area;
- There are no visible karst features on the site or FEMA floodplain;
- There are no designated natural or scenic areas nearby;
- Approval would allow the proposed detached garage to encroach of 10' into the 20' side yard setback;
- The proposed detached garage will meet all other required design standards;
- **Conclusion:** It would not interfere with 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 A(1);
- The site has access to water and a sanitary sewer system;
- The proposed location of the detached garage will not negatively impact utilities;
- **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 A(1) and A(2);
- The petition site is zoned RE1;
- The use of the petition site and adjacent properties is residential;
- Residential use within RE1 requires a 20' side yard setback;
- The Waynshire Estates Subdivision Ph. 1 recorded plat requires a 20' side yard setback;
- MCUA Phase 1 designates this area as MCUA – Rural Transition;
- **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 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 under A(1), A(2), and A(3);
- The petitioner is applying for a side yard setback variance;
- **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 A(1) and A(2);
- Approval of the variance would allow the proposed detached garage to be constructed in a location that encroaches 10' into the required 20' side yard setback;
- **Conclusion:** 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.).

*(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 A(1);
- Practical difficulties do not exist as the property owner could redesign or relocate the detached garage structure to meet the standard 20' side yard setback requirement or reduced 5' side yard setback requirement.
- **Conclusion:** There are no practical difficulties in the use of the property as defined in Chapter 801;

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**



Todd M. Borgman, PS  
Katherine E. Stein, PE  
Donald J. Kocarek, L.A.  
Stephen L. Smith, Founder

"Professional design, surveying and land planning since 1979"

January 6, 2021

To: Board of Zonings Appeals

This letter is to serve as a variance request for a property located at 3913 E Larry Wayne Dr, Bloomington, Indiana. The property is Zoned RE1 and has a side setback of 20 feet. We are requesting a variance to reduce the side setback to 10 feet. The owner would like to build a detached garage in-line with the existing driveway.

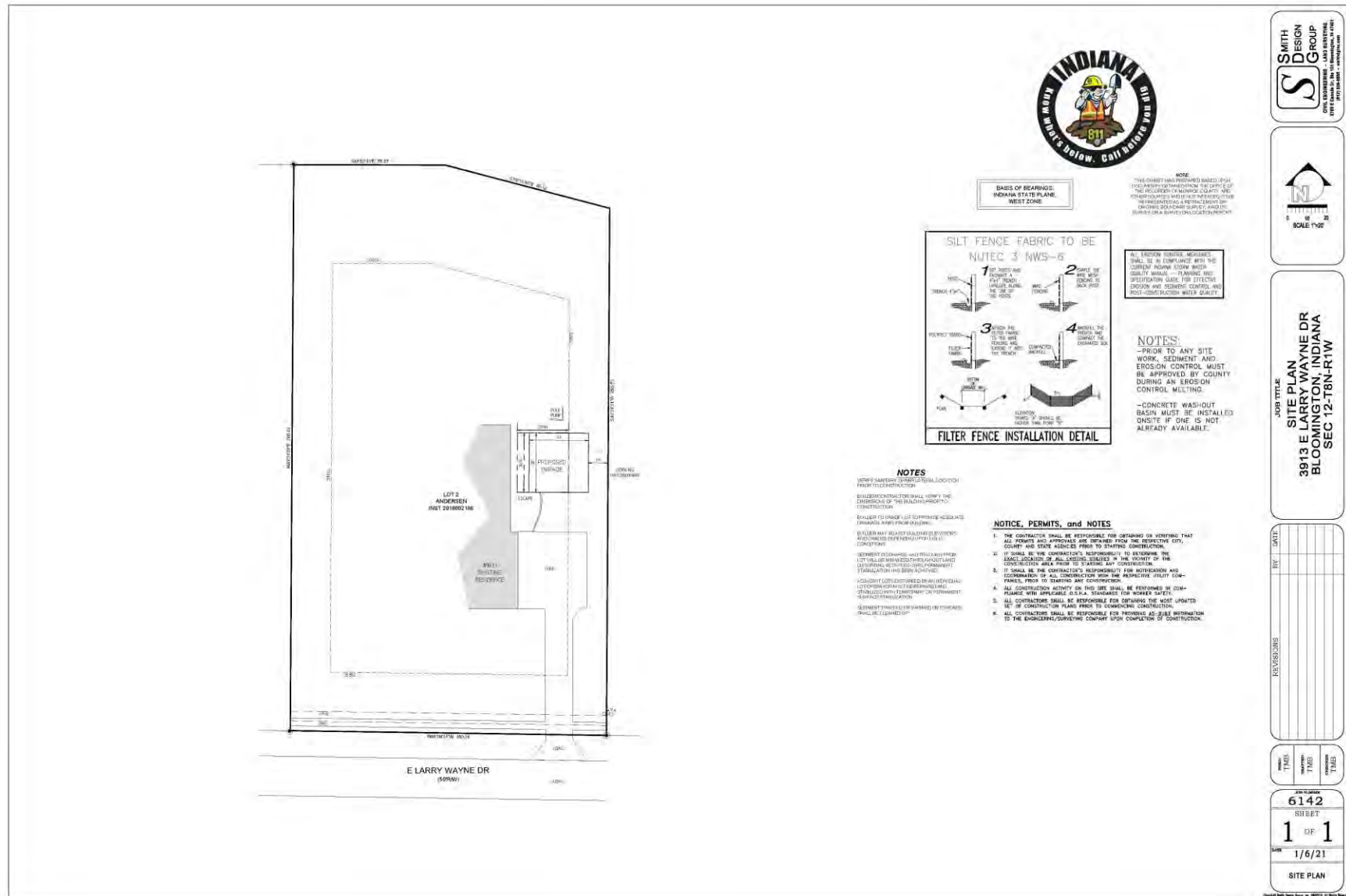
We appreciate your consideration for this variance.

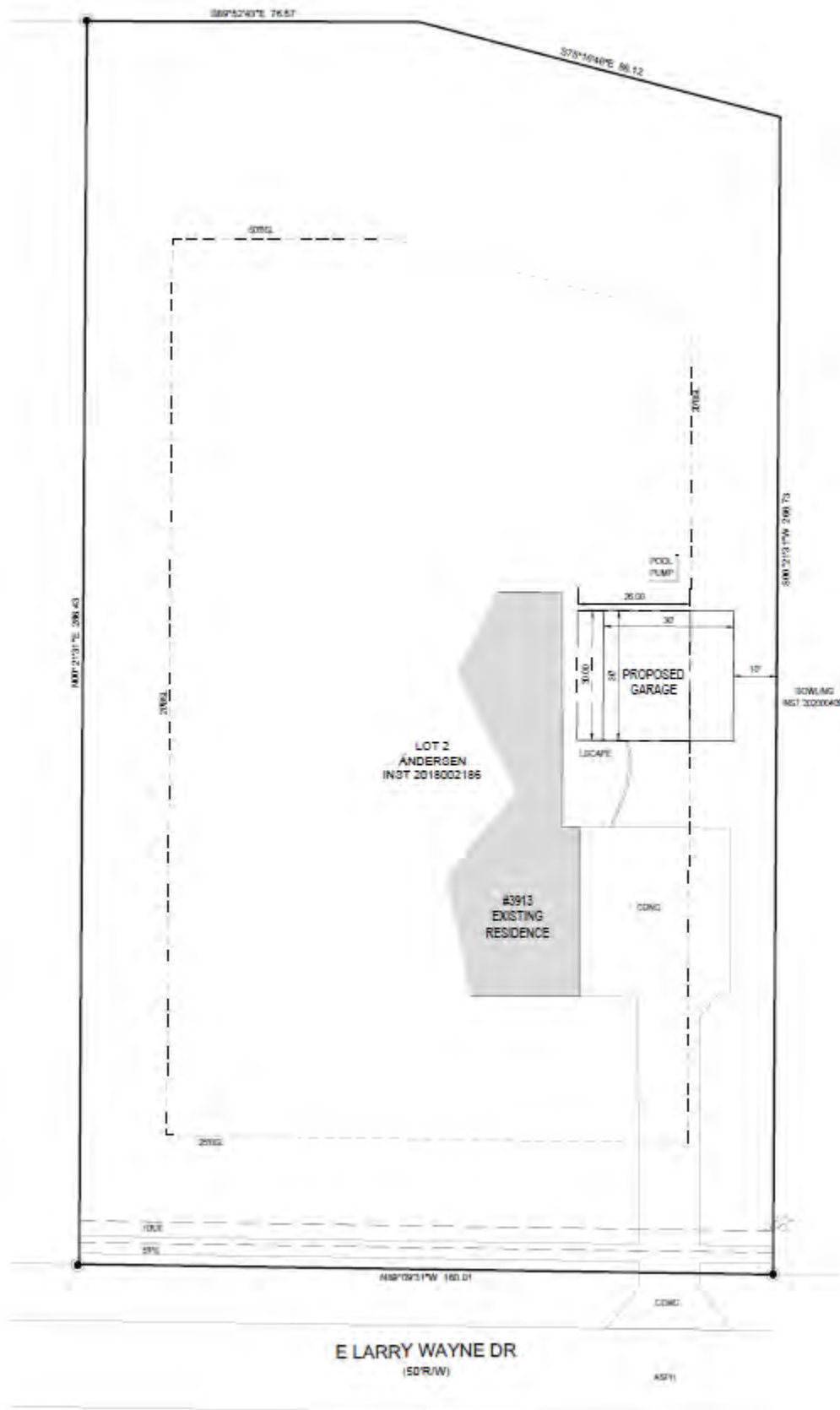
On behalf of Greg Andersen,

Todd M. Borgman, PS

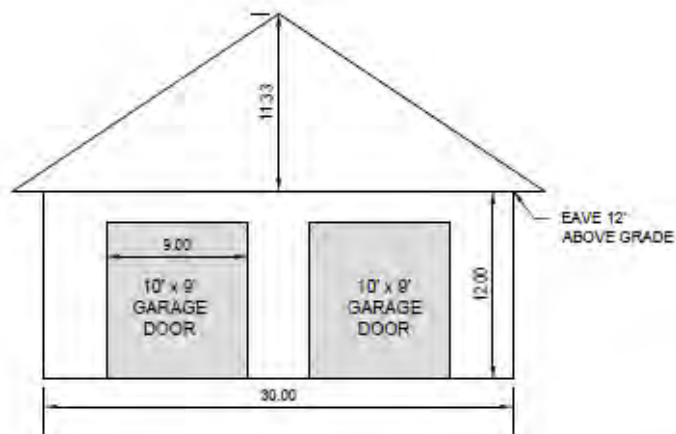
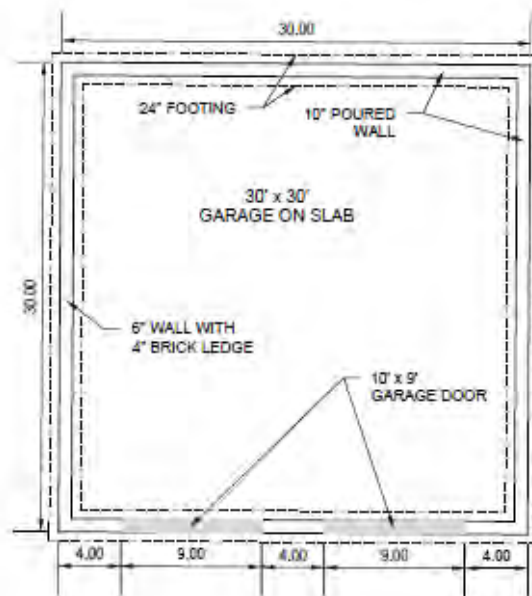
2755 E Canada Dr, Ste 101  
Bloomington, Indiana 47401  
Telephone 812-336-6536  
www.smithdgroup.com

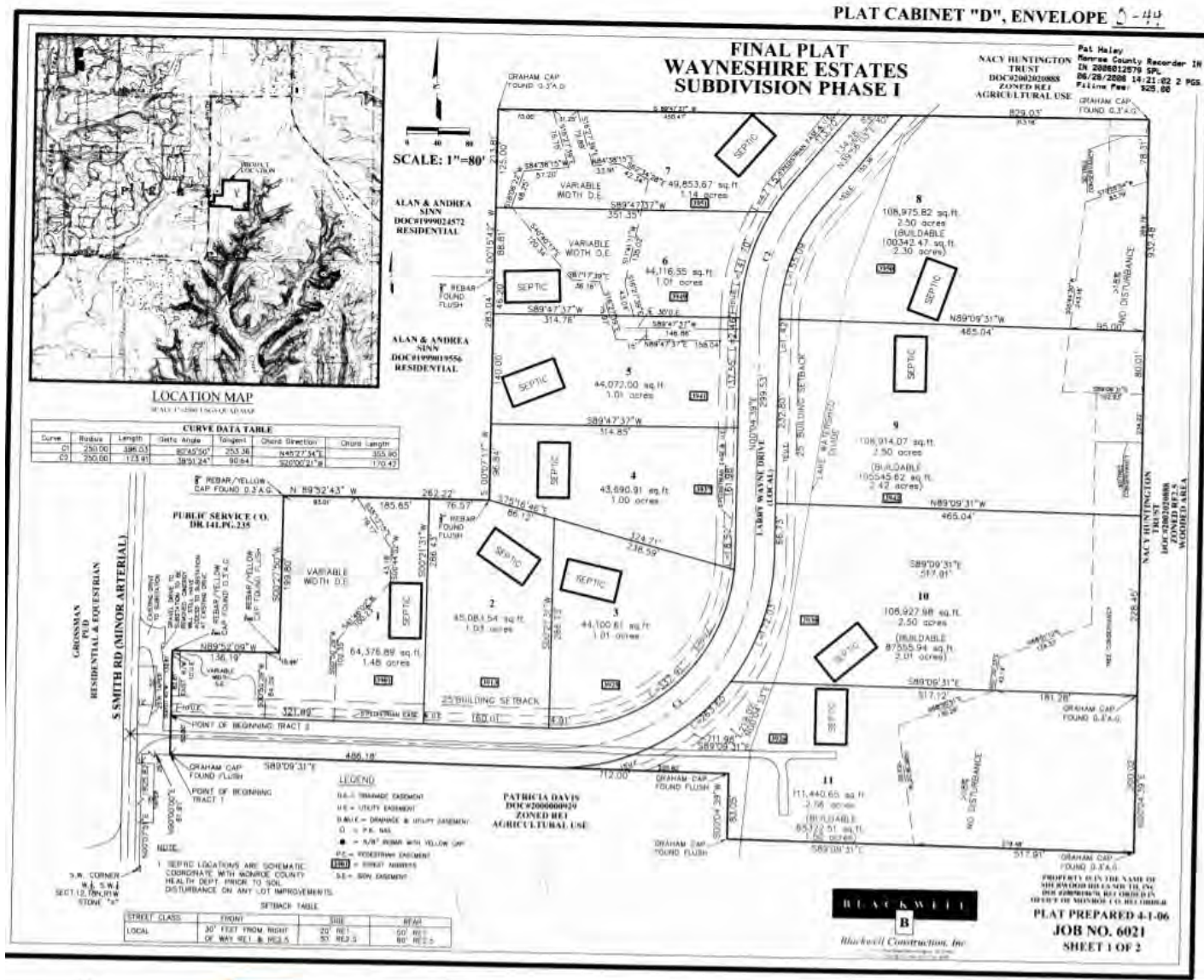
## EXHIBIT TWO: Site Plan and Build Plan









**EXHIBIT THREE: Wayneshire Estates Subdivision Ph. 1**





**MONROE COUNTY BOARD OF ZONING APPEALS****MARCH 3, 2021**

**CASE NUMBER:** 2101-VAR-06  
**PLANNER:** Rebecca Payne  
**PETITIONER(S):** Lisa Land  
**REQUEST:** Design Standards Variance: Minimum Lot Size requirement of Chapter 804  
**ADDRESS:** 7111 W Walker LN  
**ZONING:** Agriculture/Rural Reserve (AG/RR)  
**ACRES:** 1.04 +/- acres  
**TOWNSHIP:** Bean Blossom  
**SECTION(S):** 21  
**PLAT(S):**  
**COMPREHENSIVE PLAN DESIGNATION:** Designated Communities

**EXHIBITS:**

1. Petitioner Letter
2. Site Plan
3. Parcel Size Map

**RECOMMENDED MOTION**

Staff recommends **approval** of a Design Standards variance to the Minimum Lot Size standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact and subject to County Highway and drainage engineer reports.

**SUMMARY/BACKGROUND**

The petition site is a 1.04 +/- acre lot located in Bean Blossom Township, at 7111 W Walker LN, parcel #53-03-21-100-038.000-001. The petitioner is requesting one (1) design standards variance from the Minimum Lot Size requirement of Chapter 804 of the Monroe County Zoning Ordinance. The variance requested is for the purpose of constructing a 1500- 2500 square foot single family residence.

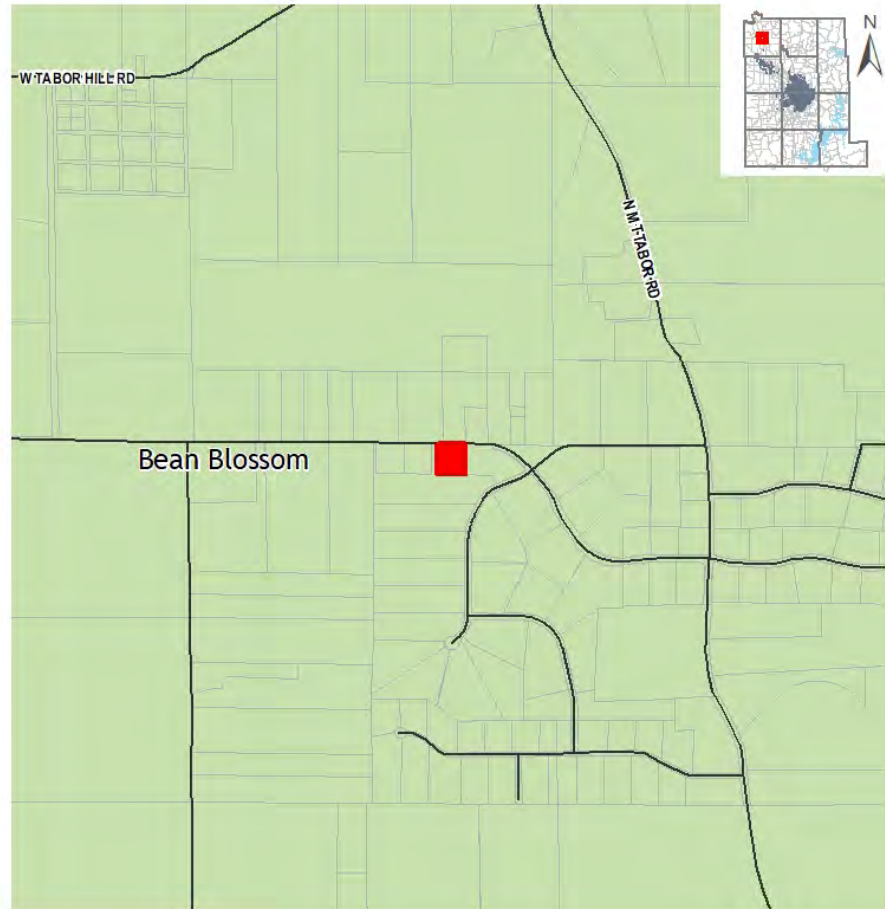
	<b>REQUIRED</b>	<b>EXISTING</b>
<b>LOT SIZE</b>	2.5 acres	1.04acres

## LOCATION MAP

The petition site is located at 7111 W Walker LN, section 21, in Bean Blossom Township, parcel no: 53-03-21-100-038.000-001.

### 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: 2/17/2021

## CURRENT ZONING

The property is zoned Agricultural Rural Reserve. Adjacent and surrounding properties are zoned Agricultural/Rural Reserve. Surrounding properties are residential use.

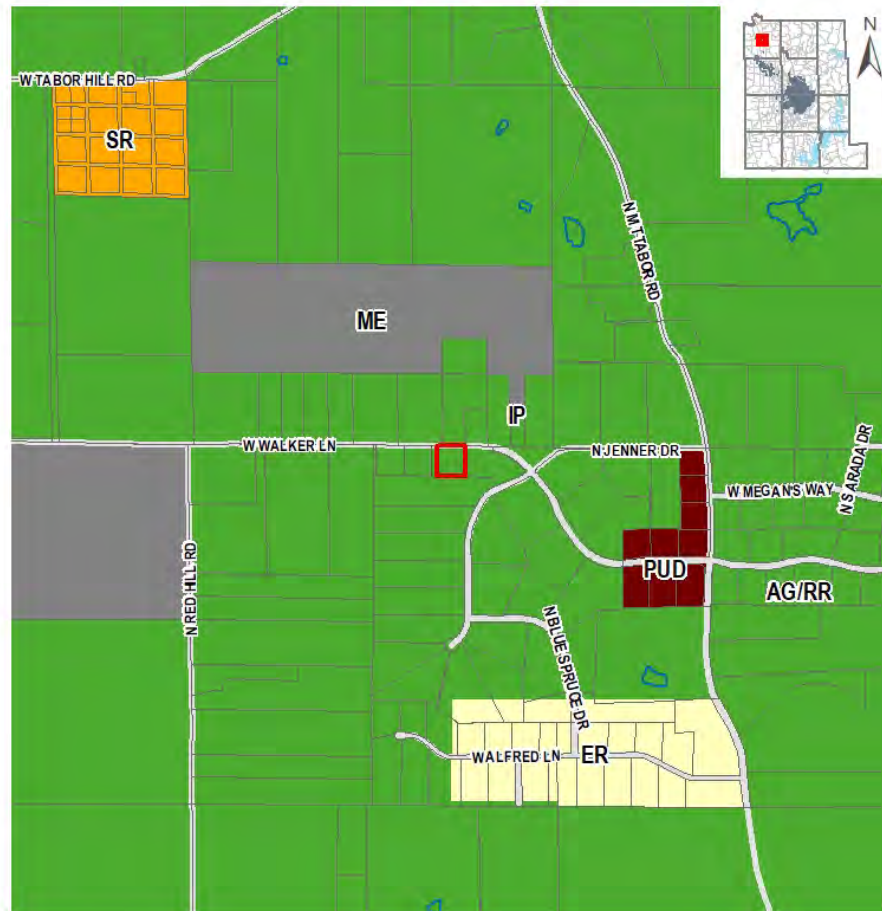
### Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
- ER - Estate Residential
- IP - Institutional/Public
- ME - Mineral Extraction
- PUD - Planned Unit Development
- SR - Suburban Residential

0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021

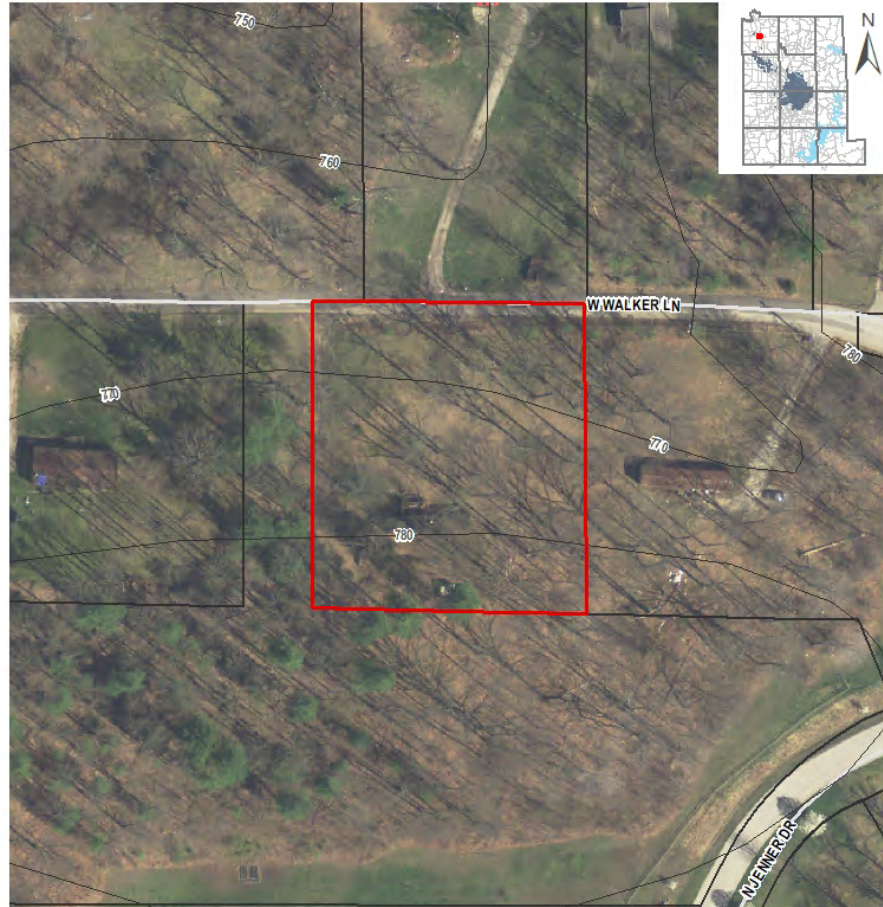


## SITE CONDITIONS

The site does not contain any FEMA floodplain, and is not located in or near any karst features. Drainage from the proposed single family residence construction and installation of septic are not expected to affect this pattern.

### Site Conditions Map

-  Petitioner
-  10-Foot Contours
-  Local Roads [50']
-  Parcels



0 0.0075 0.015 0.03 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021



## SLOPE MAP

Some 15% or greater slope exists on the site but not at the location of the proposed new single family residence.

### Slope Map

- Local Roads [50']
- Petitioner
- Parcels
- 10-Foot Contours

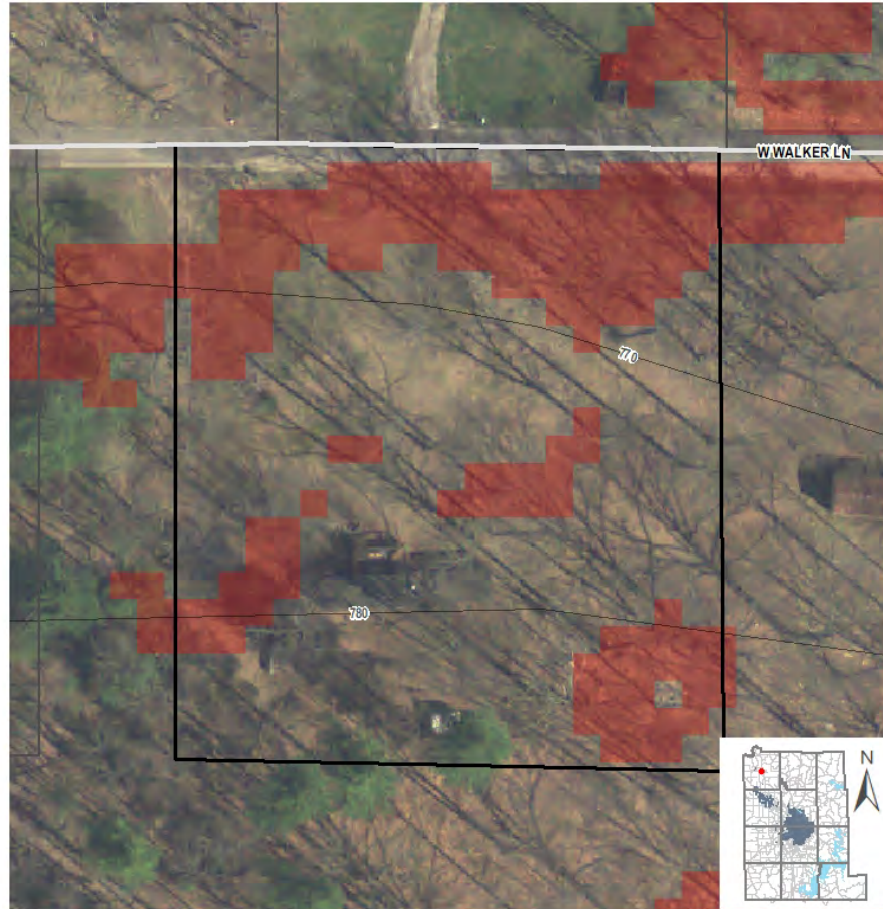
### 15\_Percent Slope (2010)

- 0 - 15
- > 15

0 12.5 25 50 75 Ft

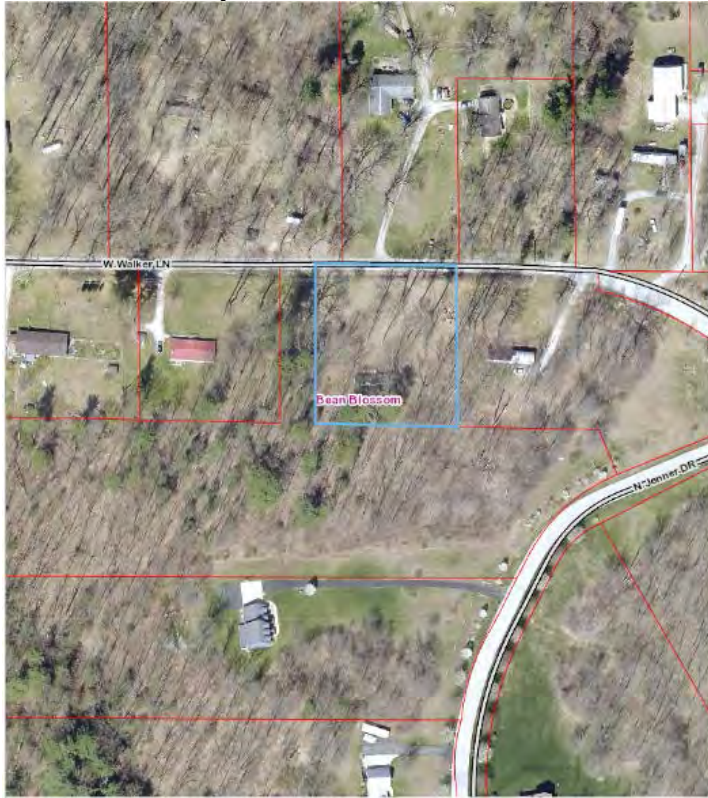


Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021



## **SITE PICTURES**

**Photo 1: Bird's Eye View**



**Photo 2: Existing wooden deck structure and approximate location of the proposed single family residence**





**Photo 3: Looking east down W Walker LN**



**Photo 4: Looking west down W Walker LN**





# COMPREHENSIVE PLAN

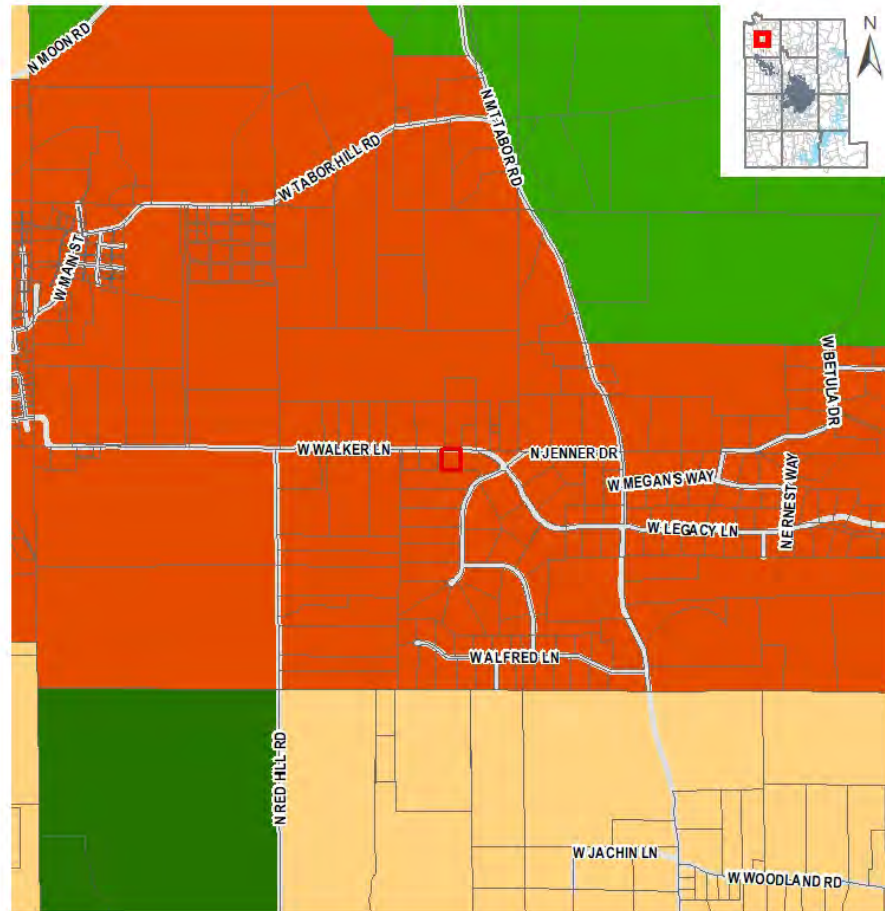
## Comprehensive Plan

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

0 0.125 0.25 0.5 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021



## **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.

### **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:**

- The site is currently vacant except for the remainder of an old wooden deck;
- The property, as currently configured, is a pre-existing nonconforming, legal lot of record;
- Approval of the Minimum Lot Size variance is the minimum variance required to add a structure;
- The petitioners are proposing to purchase the property dependent upon the approval of the variances with the intent to construct a 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:**

- W Walker LN is a local road by the County Highway Department;
- **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 adjacent and surrounding properties is Agriculture/Rural Reserve (AG/RR);
- There are other parcels adjacent to and nearby that are zoned AG/RR and have less than the required 2.5 acres;
- **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 would need a minimum lot size 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 north;
- 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 further development to this pre-existing nonconforming legal lot of record without first receiving a 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.
- **Conclusion:** There are practical difficulties in the use of the property as defined in Chapter 801.

**EXHIBIT 1: Letter to BZA**

Lisa Land  
9494 N Moon Road  
Gosport, Indiana 47433

January 24, 2020

Monroe County Board of Zoning Appeals  
Monroe County Government Center  
501 N Morton Street  
Bloomington, Indiana 47404

Dear Monroe County Board of Zoning Appeals,

I, Lisa Land, am requesting a variance to the minimum lot size requirement of Chapter 804 of the Monroe County Zoning Ordinance for 7111 W Walker Lane, Ellettsville, Indiana 47429. I wish to build a single-family home, 1500-2500 square feet. The Monroe County Health Department has already issued me a permit for a new septic system at this property.

Thank you for your time.  
Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Land', with a long horizontal flourish extending to the right.

Lisa Land

## EXHIBIT 2: Site Plan

### Slope Map

Local Roads [50']

Petitioner

Parcels

10-Foot Contours

### 15\_Percent Slope (2010)

0 - 15

> 15

### FRONT SETBACK

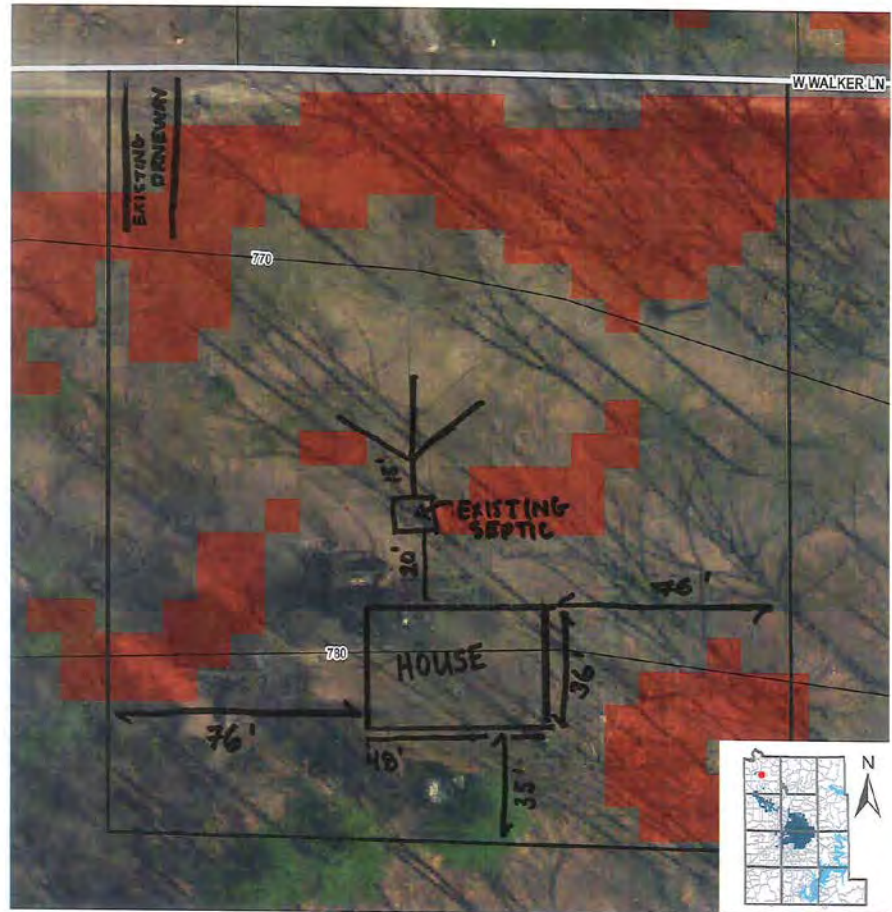
REQUIRED : 25' ROW

EXISTING : 155'

0 10 20 40 60 Ft



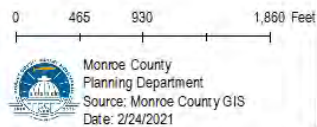
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/18/2021



# EXHIBIT 3: PARCEL SIZE MAP

## Parcel Size Map

- Petitioner
- Roads
- Parcel Size (Acres)**
- 0.000000 - 2.500000
- 2.500001 - 620.760000



**MONROE COUNTY BOARD OF ZONING APPEALS****March 3, 2021**

**CASE NUMBER:** 2101-VAR-07  
**PLANNER:** Tammy Behrman  
**PETITIONER(S):** Scholars Inn Keep LLC c/o Kerry Feigenbaum  
**REQUEST:** Design Standards Variance Chapter 802 Condition No. 48 (Minimum Lot Size Criteria and Setback for *Tourist Home or Cabin*)  
**ADDRESS:** 6056 E State Road 46  
**ZONING:** Conservation Residential (CR);  
Environmental Constraints Overlay Area 3 (ECO3)  
**ACRES:** 0.74 +/- acres  
**TOWNSHIP:** Salt Creek  
**SECTION (S):** 5  
**COMP. PLAN**  
**DESIGNATION:** Rural Residential

**EXHIBITS:**

1. Petitioner Letter
2. Site Survey

**RECOMMENDED MOTION:**

**Deny** the design standards variance to Chapter 802 Condition No. 48 (Minimum Lot Size Criteria and Setback for *Tourist Home or Cabin*) based on the findings of fact specifically Findings B(1) and C.

**SUMMARY/DISCUSSION**

The petitioner is seeking a variance from Chapter 802 Condition No. 48 criteria for a *Tourist Home or Cabin* use) in the Conservation Residential (CR) zoning district for two existing structures built in the early 1900's previously used as a Bed and Breakfast. A *Tourist Home or Cabin* is a permitted use in the Conservation Residential (CR) zoning district, provided the use meets the criteria associated with the aforementioned Condition No. 48.

The Chapter 802 **Condition No. 48(a)** requires the tourist home to meet the minimum lot size for the zone. The minimum lot size for conservation Residential is 2.5 acres and the petition site is 0.74 acres.

Chapter 802 **Condition No. 48(b)** requires that 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*, or from the adjoining property setback line if no adjoining principal use structure exists. The adjoining properties are used as a single family dwelling. The proposed *Tourist Home or Cabin* structures on the petition site are located approximately 168' and 170' from principle use structures to the south, and 78' from the western residence thus requiring a variance. The setback requirement is measured from the closest point of each structure (see Site Conditions Maps).

Should the variance to Condition No. 48 be approved the next step would be to seek site plan approval for a Tourist Home and a review of remaining special conditions would ensue. The petitioner is currently not adding any structures to the site. Any expansion would require a minimum lot size from Chapter 804.

**BACKGROUND**

The site was approved as a Bed and Breakfast in 1997 by County Planning through a site plan review. The definitions are different in Chapter 802 for the previous Bed and Breakfast use and the proposed Tourist Home use as are the Special Conditions the uses must meet.

**Bed and Breakfast.** An operator occupied residence in which four (4) or fewer guest rooms, and breakfast,



are furnished to the public under a short term lodging agreement.

8. A site plan and notification of adjoining property owners are required. At least one (1) rented room shall be located in the principal dwelling unit. The proposed bed and breakfast shall retain the architectural orientation and form characteristic of the surrounding neighborhood.

---

**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:**

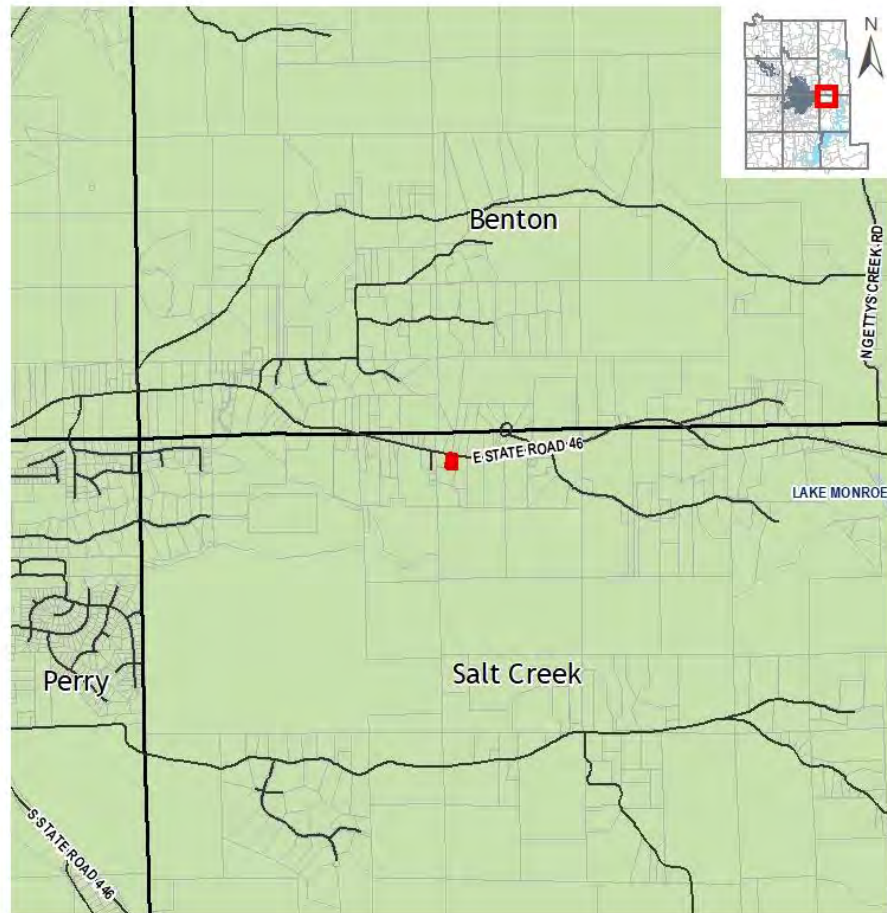
- (a) **The lot must meet or exceed the minimum lot size** and infrastructure facilities (i.e. septic system, driveway) requirement for the zoning district prior to the commencement of the Tourist Home or Cabin use; **To be reviewed during site plan**
- (b) The Tourist Home or Cabin shall be located **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.
- (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. **Not applicable.**
- (d) Parking: **To be reviewed during site plan**
  - (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: **To be reviewed during site plan**
  - (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. **To be reviewed during site plan**
- (g) All solid waste and refuse shall be removed from the property and properly disposed of prior to a change of occupancy. **To be reviewed during site plan**
- (h) No more than two (2) guests per guest room. **To be reviewed during site plan**

## LOCATION MAP

The petition site is located at 6056 E State Road 46 in Salt Creek Township, Section 5; Parcel No. 53-07-05-200-015.000-014.

### Location Map

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



0 0.2 0.4 0.8 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/4/2021

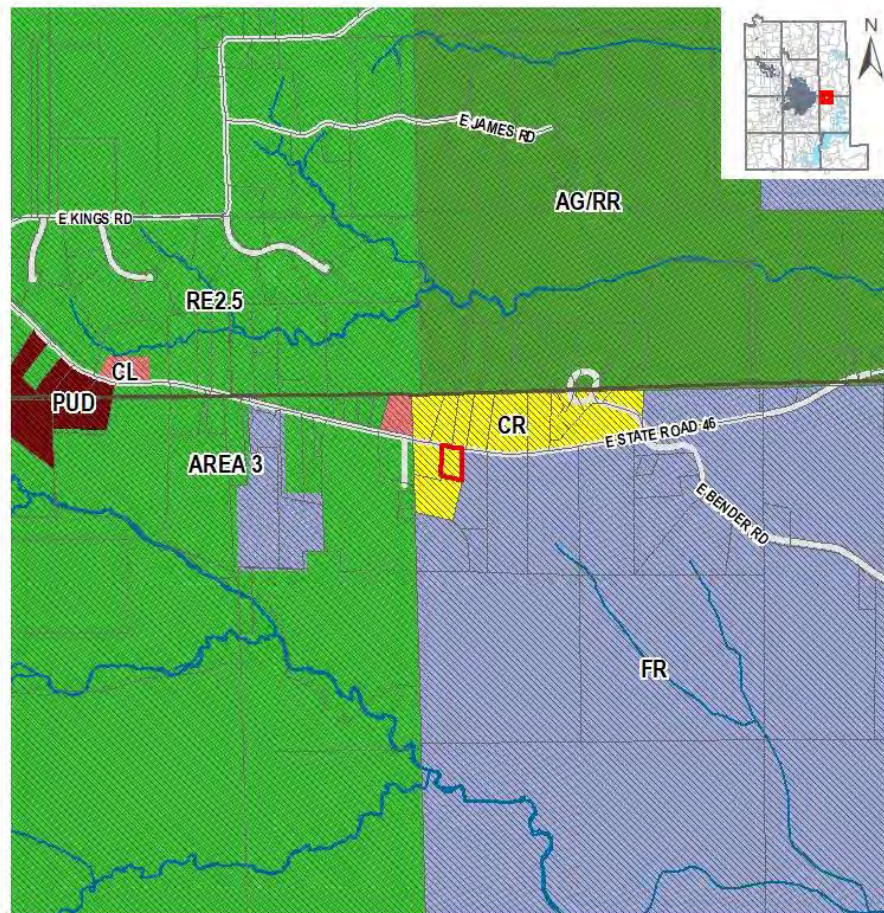
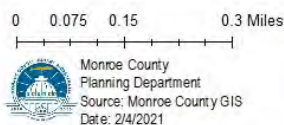
## ZONING AND LAND USE

The petition site is zoned Conservation Residential (CR) and is located in the Environmental Constraints Overlay Area 3 (ECO3). The neighboring properties are zoned (CR) and Forest Reserve (FR).

The proposed use of the petition site is *Tourist Home or Cabin*. The surrounding uses in the area appear to be primarily single family residential.

### Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- ECO Areas**
-  Area 3
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural Reserve
-  CL - Limited Commercial
-  CR - Conservation Residential
-  FR - Forest Reserve
-  PUD - Planned Unit Development
-  RE2.5 - Estate Residential 2.5





## SITE CONDITIONS

The petition site is a 0.74 +/- acre and maintains frontage along E State Road 46, which is classified as a Major Arterial, and gains access via an existing driveway. The petition site contains two structures (2,388 sf and 552 sf) that have been used for Bed and Breakfast commercial use. The two structures are also considered 'Contributing' in the 2015 Indiana Historic Sites and Structures Inventory. There is no FEMA Floodplain present, and there are no known karst areas. The site is on a septic system.

### Slope Map

- Major Arterial [150']
- Local Roads [50']
- ▭ Petitioner
- ▭ Parcels
- 2-Foot Contours

#### 15\_Percent Slope (2010)

- ▭ 0 - 15
- ▭ > 15

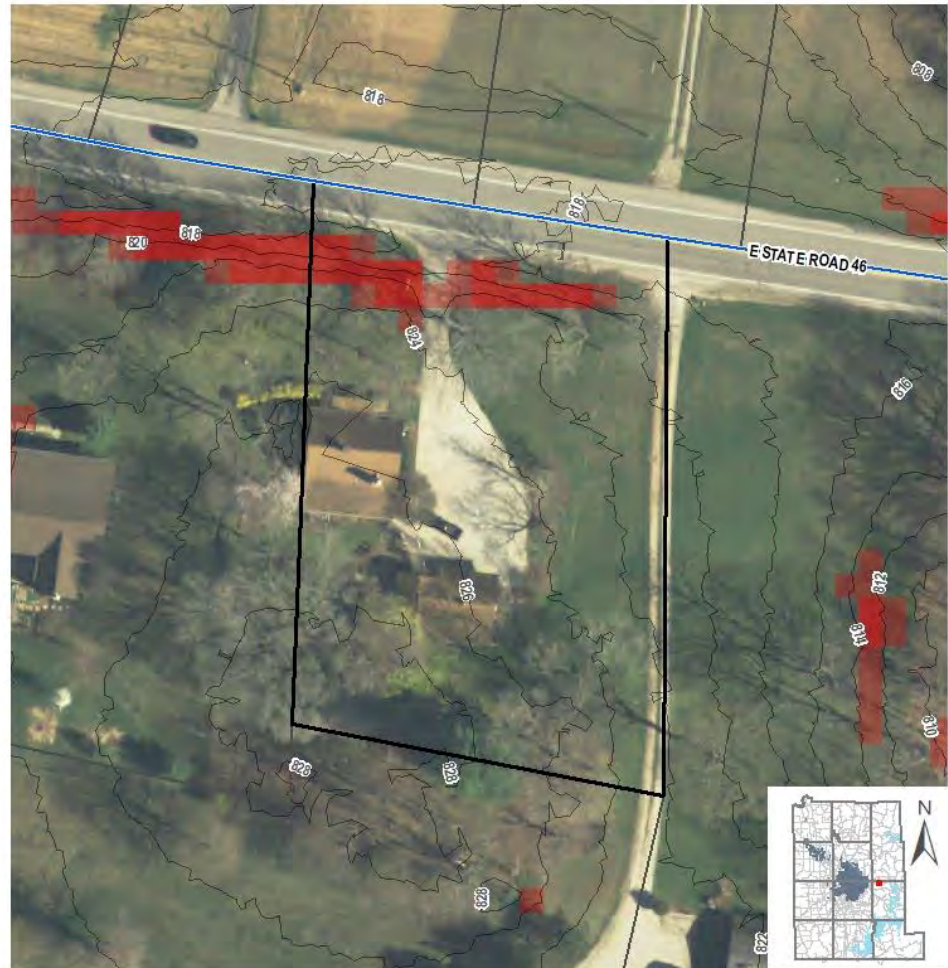
#### 18\_Percent Slope (2010)

- ▭ 0 - 18
- ▭ > 19

0 15 30 60 90 Ft



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/4/2021



### Site Conditions Map

- Major Arterial [150']
- ▭ Petitioner
- Local Roads [50']
- ▭ Parcels

Required distance is 200'

0 0.005 0.01 0.02 Miles  
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/19/2021



The map above is a study of the distance from the neighboring principle use structures. The southern structures are 170' and 168' and the western distance is 78'.

**Criteria #48 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.

Staff heard via telephone from the owner across the street (238') and they did not have an issue with the conversion from Bed and Breakfast to Tourist Home.



## SITE PHOTOS



Figure 1. Pictometry View facing north from April 2020.



Figure 2. Pictometry view facing south from April 2020.





Figure 3. Facing east. Petition site on the right-sign is visible.



Figure 4. Facing southeast. View from E State Road 46 of the petition site.



Figure 5. Facing west, petition site on the left.

## COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Rural Residential designation area of the Comprehensive Plan:

### Rural Residential

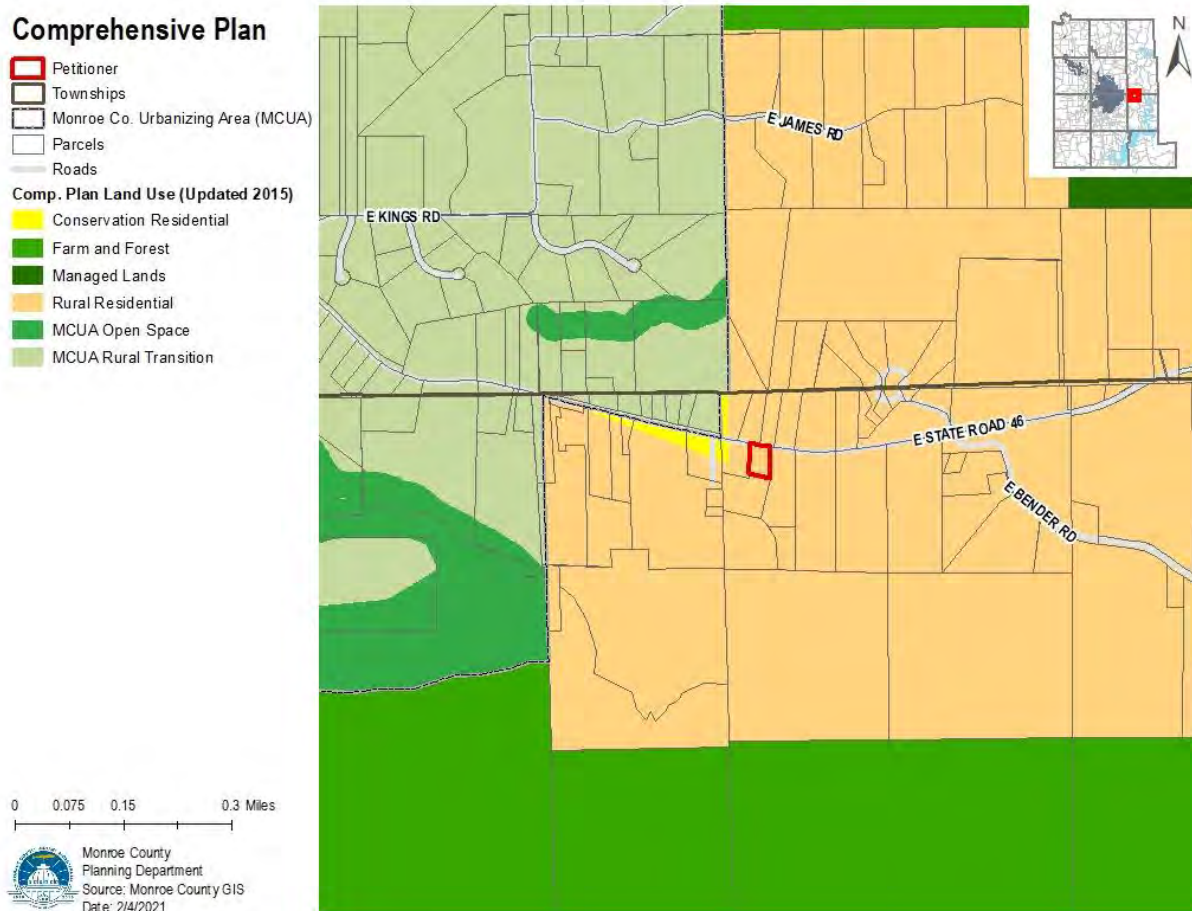
The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas 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 Rural Residential 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. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public



roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.



## **FINDINGS OF FACT: Setback for a *Tourist Home or Cabin* Variance**

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 convert a Bed and Breakfast use into the *Tourist Home or Cabin* use on a lot size of 0.78 acres with a 78' to 170' setback distance to the adjoining properties principle use structures;
- The petition site is zoned Conservation Residential (CR) and is located within the Environmental Constraints Overlay Area 3 (ECO3);
- According to ordinance requirements, the proposed *Tourist Home or Cabin* shall be meet the minimum lot size requirements for the zone;
- Conservation Residential (CR) zoning requires 2.5 acre minimum lot size and the petition site is 0.78 acres;
- According to ordinance requirements, the proposed *Tourist Home or Cabin* shall be located no closer than two hundred (200') feet from any adjoining property's principal use structure not currently being used as a *Tourist Home or Cabin*;
- The two properties to the south each contain a principal use structure being used as a single family dwelling and is located 168' to 170' from the proposed Tourist Home;
- The property to the west has a principle use structure being used as a single family dwelling and is located 78' from the proposed Tourist Home;
- The petition site currently contains two structures, dating back to early 1900's and is listed as 'Contributing' in the 2015 Indiana Historic Sites and Structures Inventory;
- Access to the property is derived from E State Road 46, a designated Major Arterial;
- No future development of the petition site is proposed at this time;
- The petition site is not located in FEMA Floodplain;
- There are no known karst 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);
- No changes to road access, utilities, or existing private sewage disposal system are proposed by the petitioner with this variance request;
- The there was a site plan review in 1997 for the Bed and Breakfast which reviewed driveway and septic information;
- 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);
- Surrounding properties are zoned Conservation Residential (CR) and Forest Reserve (FR);



- The existing location of the structure in question would meet all other density, bulk, setback and area standards for a *Tourist Home or Cabin*;
- The 0.78 +/- acre parcel is a legal lot of record and is not platted;
- The previous use was Bed and Breakfast and operated for 23 years;
- The petition site has been operated for 23 years as a Bed and Breakfast use with no documented complaints to Planning Department;
- The proposed use of the petition site is *Tourist Home or Cabin*;
- *Tourist Home or Cabin* is defined as 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;
- The adjoining and surrounding uses appear to be primarily single family dwellings;
- One of the main differences is a Bed and Breakfast requires the site to be *operator occupied* and a Tourist Home use does not;
- The new owner of the site does not want the site to be ‘*operator occupied*’;
- 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;
- *Tourist Home or Cabin* is a permitted use in the Conservation Residential (CR) zoning district, provided Chapter 802 Condition No. 48 is satisfied;
- The distance of the proposed *Tourist Home or Cabin* is approximately 78’ to 170’ from the adjoining property’s principal use structures;
- *Tourist Home or Cabin* setback requirements ensure that neighboring property’s principal use structures are 200’ from a *Tourist Home or Cabin*, and that the comfort, convenience, use, and value of adjoining property owners are not impacted by Tourist Home or Cabin operations;
- *Tourist Home or Cabin* minimum lot requirements states it must meet that of the zoning;
- The lot size for the petition site is 0.78 acres and the minimum lot size in the CR zone is 2.5 acres;
- Conclusion: The specific purposes of the design standard sought to be varied would not 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);
- No future development of the petition site is proposed at this time;
- There is no FEMA floodplain on the petition site and no apparent karst features;
- Conclusion: It would 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:**

- If the variance request is approved, the petitioner is required to meet all other Improvement Location Permit (ILP) requirements and design standards for a *Tourist Home or Cabin* and a site plan review will be conducted by staff;
- Application of the 200' setback requirement and lot size for a *Tourist Home or Cabin* is a standard applied to all *Tourist Home or Cabin* uses;
- The main difference between a Bed and Breakfast is the fact that it is operator occupied and the Tourist Home is not;
- Owner does not want to live on the site but still wants to rent out the four rooms associated with the petition site;
- Conclusion: Practical difficulties have not been established;

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.

## **EXHIBIT 1: Petitioner Letter**

January 24, 2021

Dear Monroe County Planning Department,

My name is Kerry Feigenbaum and I along with my husband Lyle Feigenbaum are 24-year residents of Bloomington. For most of those years, 1996-2016, we owned and operated the Scholars Inn Bed & Breakfast at 801 N College as well as many other business establishments in Bloomington (Scholars Inn Gourmet Café & Wine Bar, Scholars Inn Bakehouses and currently Orangetheory Fitness (2 locations) as well). We now run the former Scholars Inn Gourmet Café and Wine bar located at 717 N College as an "Air B&B". In late September 2020, we purchased the "Southern Comfort B&B" at 6056 E SR 46 and have completely renovated the property...new roof(s), all new mechanicals both structures, new appliances, paint and flooring. It is our intention to run it as a "Tourist Home", and to operate both properties under our Scholars Inn Keep LLC. We will advertise on VRBO as well as our own website and through Visit Bloomington. I spoke to the director of Visit Bloomington, Mike McAfee back in the Fall and he expressed his excitement that the Southern Comfort was in good hands and would carry on the tradition of upscale and unique short-term lodging for our city. We are applying for 2 variances for 6056 E SR 46 to do so. One is for minimum lot size and the other for setback rules. Please consider our request. We wish to proceed as quickly as possible and would appreciate very much help with the Site Plan required. It is our hope to be a part of the variance hearing on March 3, 2021. I thank you for your consideration.

Sincerely,



Kerry Feigenbaum

Scholars Inn Keep Vacation Rentals LLC

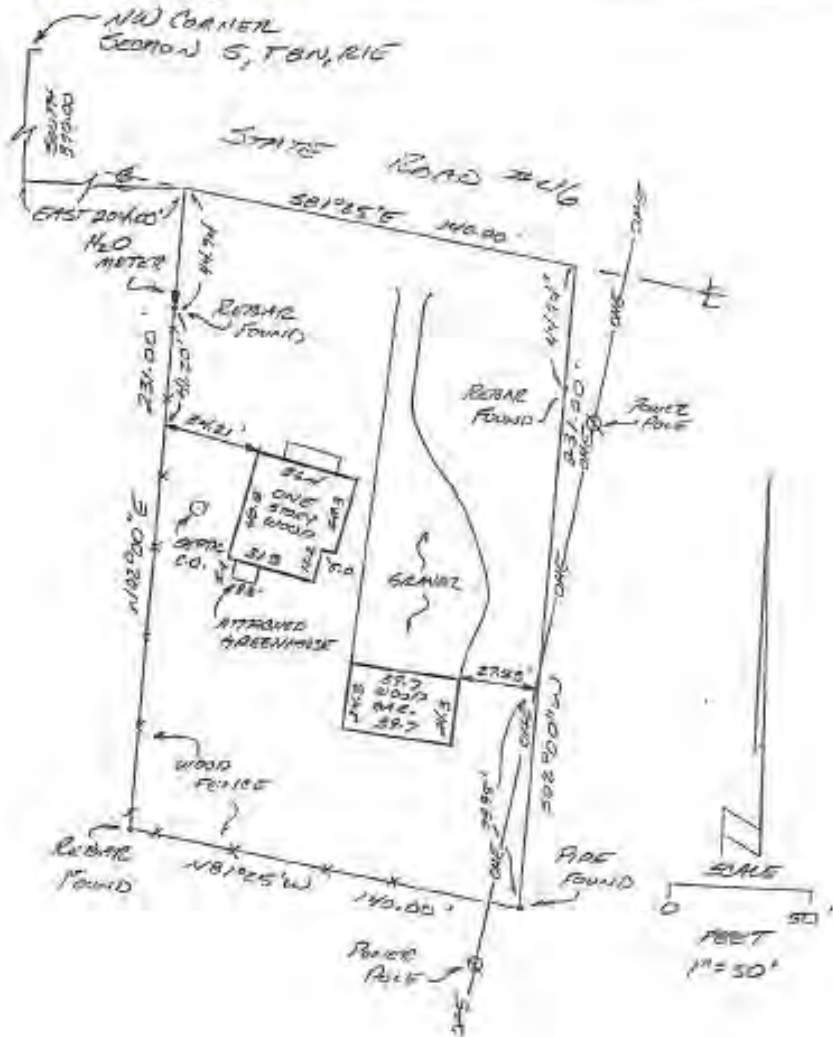
## EXHIBIT 2: Site Plan



(812) 334-8941

205 N. College Ave  
Suite 512  
Bloomington, IN 47404

## LAND SURVEYING



I, Steven W. Archer hereby certify that I am a Registered Land Surveyor, licensed with the laws of the State of Indiana, and that the above plat represents a Surveyor Location Report completed by me on May 28, 1997, and that all improvements are located on the subject tract and that there are no encroachments thereon or on adjoining properties.

Steven W. Archer  
RLS 8700094





<b>CASE NUMBER</b>	2102-VAR-08
<b>PLANNER</b>	Anne Crecelius
<b>PETITIONER</b>	David & Sheryl Langdon
<b>REQUEST</b>	Design Standards Variance: Chapter 833 Rear Yard Setback
<b>ADDRESS</b>	1207 N Logan RD
<b>ACRES</b>	0.92 +/-
<b>ZONE</b>	RS3.5
<b>TOWNSHIP</b>	Richland
<b>SECTION</b>	36
<b>PLATS</b>	Logan Howard Subdivision
<b>COMP PLAN</b>	MCUA Phase I: Employment
<b>DESIGNATION</b>	MCUA Phase II: Neighborhood Development

**EXHIBITS:**

- 1) Petitioner Letter
- 2) Site Plan
- 3) Letter of Support

**RECOMMENDED MOTION:**

**Approve** the design standard variance from the Rear Yard Setback requirement of Chapter 833 of the Monroe County Zoning Ordinance based on the findings of fact specifically findings (C).

**SUMMARY**

The petition site is a 0.92 +/- acre lot located in Richland Township, at 1207 N Logan Road. The petitioner is requesting a design standard variances from the Rear Yard Setback requirement of Chapter 833 of the Monroe County Zoning Ordinance. The variance requested are for the purpose of enclosing a portion of an existing porch into a sunroom. The porch and home are currently pre-existing non-confirming. The porch is located 8' from the property boundary and the home is 16', an encroachment of 17' and 9' into the 25' Rear Yard setback.

**BACKGROUND**

The petition site contains a 2,496 square foot single family residence and two points of access; one from N Logan Road and alley access from W Vernal Pike. The existing home and porch were built in 1920 per the property report card. Staff is unable to confirm whether the petition site is legally platted within the "Logan Howard" subdivision. The minimum rear yard setback is for the site 25'. The attached, uncovered porch is located approximately 8 from the property boundary, and the home at approximately 16' from the boundary. This variance is the minimum requirement to alter the footprint or roofline of the home. If approved this variance will allow the home and porch to be legally confirming to the Ordinance, allowing the petitioner to add a sunroom addition.

**LOCATION MAP**

The parcel is located in Richland Township, Section 36, addressed as 1207 N Logan Road (parcel number: 53-04-36-100-044.000-011).

#### Location Map

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

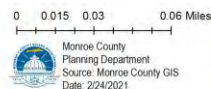


### ZONING AND LAND USE

The property is zoned Single Dwelling Residential (RS3.5) under Chapter 833 of the Zoning Ordinance. Adjacent properties are zoned RS3.5 and IG (General Industrial). The petition site is a residential use with surrounding uses including residential and commercial.

#### Current Zoning Map

- Petitioner
- Roads
- Parcels
- Monroe County Zoning**
- HI - Heavy Industrial
- IG - General Industrial
- IL - Limited Industrial
- PUD - Planned Unit Development
- RE1 - Estate Residential 1
- RS3.5 - Single Dwelling Res. 3.5



### SITE CONDITIONS & SLOPE

The petition site contains a 2,184 sf home built in 1960 per the property tax report. The property is accessed from a driveway off North Chapel Hill Road, a designated Local Road. There are no known karst features or FEMA floodplain. The petition site consists of mainly slopes less than 15%. Drainage isn't expected to be altered.

### Site Conditions Map

- Petitioner
- Sanitary Pipe
- Water Pipe
- 2-Foot Contours
- Local Roads [50']
- 15% Slope Restriction**
- 0 - 15
- > 15
- Parcels

0 0.003 0.006 0.012 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/24/2021



### SITE PICTURES



**Photo 1: Pictometry photo looking north.**





**Photo 2: Pictometry photo looking east.**



**Photo 3: Looking north-west at the front of the home.**





**Photo 4: Alley view of the rear of the home.**



**Photo 5: View of the existing porch that's proposed to be partially covered as a sunroom.**

#### **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the “MCUA Employment” zoning district of the Monroe County Urbanizing Area Plan Phase I. MCUA Phase II identifies that area as “N2”, or “Neighborhood Development”.

## Monroe County Urbanizing Area Plan Phase I

Employment-oriented uses include light industrial, manufacturing and assembly, research and development facilities, flex/office space, construction trades, warehousing and other types of commercial uses that may not be easily integrated into a mixed-use environment.

These uses may require large, isolated sites for large-format facilities, or multiple facilities may be organized into coordinated campus-style or industrial park settings. This land use category is intended to accommodate the expansion and changing operations of a wide variety of companies and to foster a well-rounded and diverse economy as part of the Greater Bloomington area.

Special attention should be paid to vehicular access management, buffering and landscape aesthetics, building and parking orientation, and basic architectural design standards. Business support services are encouraged to be integrated into larger employment areas.



## A. Transportation

### *Streets*

Employment areas require special considerations in roadway design. These areas are typically accessed through arterial connections from the freeway and require accommodations for heavy truck traffic.

Arterial connections may

Include mixed-use corridors, and special attention must be paid to balance the needs of all travel modes while also facilitating industrial deliveries and commuter traffic flow. Arterial streets, such as Third Street, should not exceed five lanes in width (four travel lanes with center turn lane). Local and collector streets will typically be two or three-lanes (two travel lanes with center turn lane). Street connections are encouraged to help distribute traffic, but should be balanced with access management plans to maximize safety. Center medians for select arterial roadways should be considered to improve access management and corridor aesthetics.

### *Freight*

Appropriate routes for truck traffic to and from I-69 should be designated with thoroughfares designed accordingly. Major highway access points to employment areas west of I-69 will include Sr-46, Third Street/Sr-48, 2nd Street/Sr-45 and Tapp road. Fullerton Pike will provide access to potential employment areas to the east of I-69. A new roadway connection between that road and South Walnut Street (old Sr-37) should be considered to open land between the highway and Clear Creek for employment uses.

### *Bike, Pedestrian, and Transit modes*

Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options

should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to karst farm Greenway and clear creek Trail. Opportunities to expand City of Bloomington and rural Transit service to employment areas should also be explored.

## **B. Utilities**

### *Sewer and water*

Employment-generating uses provide a fiscal benefit to the community that may warrant additional investments in and possible geographic expansion of sewer systems. Some areas designated for employment uses in the land Use Plan are located outside of current sewer service areas, most notably the area between Clear Creek and Sr 37. Additional studies should be undertaken to determine the potential for sewer expansion and necessary capital improvements to serve these areas. Additional studies and surveys may be required to determine the geographic restrictions within developable areas.

### *Power*

Where possible, overhead utility lines should be buried to minimize disruption during major weather events. Care should be taken to locate underground utilities in a manner that does not interfere with site development or business expansion. Opportunities to create redundant power systems with new electrical substations should be explored.

### *Communications*

State of the art communications systems should be prioritized in employment areas. Street infrastructure improvements should reserve space for burial of fiber-optic systems and/or other forms of high-speed internet and communications networks.

## **C. Open space**

### *Park Types*

Employment areas should provide open spaces primarily through the preservation of sensitive lands and creation of landscape buffers. Where opportunities exist, shared use path connections to the broader greenway network should be incorporated, providing a recreational amenity and alternative transportation option for employees, as well as linkages to the broader Bloomington/Monroe county system.

### *Urban Agriculture*

Community gardens and urban agricultural systems should be encouraged in near employment areas as a recreational and wellness opportunity for employees. However, soil suitability in existing industrial areas should be verified.

## **D. Public Realm Enhancements**

### *Wayfinding*

Regularly-located route signage for truck traffic to and from I-69 should be provided. business and industrial parks may incorporate multi-business panel signs at gateway locations to improve wayfinding, and should use high- quality materials, be aesthetically coordinated with surrounding architecture, and include attractive landscape features.

### *Lighting*

Roadways should be lighted for safety and will typically require taller poles (±30 feet).

### *Street/Site furnishings*

Street furnishings will be limited in employment districts, but may include bus stops/shelters and benches.

## **E. Development guidelines**

### *Open Space*

Open space in employment areas should be provided on-site (with the exception of significant environmental preservation areas) and determined through maximum lot coverage requirements, with 15 to 20% of a site reserved for landscaping, buffering, stormwater management and outdoor amenities for employees.

### *Parking ratios*

Parking needs will vary by business. In campus and business park settings, shared parking arrangements should be encouraged, although most businesses will require some amount of dedicated parking. Large industrial facilities, warehouses, and flex/r&d space will often have relatively low parking needs (e.g. 1 space per 2,000 square feet). Parking requirements should be based on the needs of individual businesses as opposed to mandatory minimum requirements.

### *Site Design*



Buildings should be oriented toward the front of the lot to create a street presence, but will typically be set back from the front property line by 30 to 50 feet. Parking in front of the building should be avoided, and limited to small visitor-oriented parking lots with close access to the main entrance. Employee parking should be located to the rear or side of the building. Sufficient maneuvering aisles and loading spaces will be necessary for freight delivery. Loading docks and bays should be oriented away from public streets or screened with landscaping or architecturally integrated walls extending from the building.

#### *Building form*

Industrial, flex and warehouse buildings should balance economic construction with basic aesthetics. Office components and main visitor entrances should be located on the front facade, be designed as distinct elements from the rest of the building, and incorporate high amounts of window transparency. Facilities may require light-controlled environments, but where possible, high windows above eye level should be incorporated, particularly along street-facing facades. Buildings will have simple forms and flat roofs. Parapets should be used to screen rooftop mechanical units.

#### *Materials*

Acceptable primary building materials include brick, stone (natural or cultured), pre-cast concrete panels, concrete masonry units, architectural metal panels, fiber-cement siding and eifS (exterior insulated finishing Systems). Smooth-faced and textured-faced metal panels are preferred, but corrugated or ribbed panels are also acceptable. Split-faced block may be acceptable if combined with other primary materials. Careful attention should be paid to how materials are installed, joined, and detailed, particularly at edges, corners and material transitions. Shadow lines, expression lines and variations in color and texture are encouraged to break up monolithic facades. Trees, shrubs and other vertical landscape elements should be incorporated along large, blank facades.

#### *Private Signs*

Sign designs should be coordinated with the character of the building, and may be building-mounted or ground-mounted monument signs. Pole signs should be prohibited. Monument signs should be located in landscape beds and may include exterior ground lighting. Digital and changeable copy signs are not appropriate. Sites will typically require directional signage for visitors, employees and freight delivery.

### **Monroe County Urbanizing Area Plan Phase II**

This district includes several existing residential subdivisions with primarily single-family lots, and is intended to provide a greater opportunity for diverse housing types and densities. Mixed use nodes may be appropriate at key locations within this larger district, consistent with the recommendations of the Mixed Residential land use type designated in the Urbanizing Area Plan.





## **FINDINGS OF FACT: Rear Yard Setback**

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:**

- The site is 0.92 +/- acres and is zoned Single Family Dwelling Residential (RS3.5);
- The RS3.5 zone requires a 25' Rear Yard setback;
- The site contains a Single Family Residential structure constructed in 1920;
- There are no visible karst features on the site;
- The petition doesn't contain FEMA floodplain;
- The existing SFR structure is located approximately 17' from the property boundary which is an encroachment of 9' into the 25' minimum rear yard setback;
- The existing attached, uncovered porch is located approximately 8' from the property boundary which is an encroachment of 17' into the 25' minimum rear yard setback;
- The petition site may be platted with what is called "Logan Howard" Subdivision (staff was unable to verify legality);
- Approval of this variance would allow the home and porch to be legally conforming with the Monroe County Zoning Ordinance which would allow the petitioner to construct a sunroom addition.
- **Conclusion:** The approval 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 A(1);
- The site is accessed off of N Logan Rd, a Local road, and by alley from W Vernal Pike, a Minor Arterial road;
- The site has access to water and sewer;
- The proposed construction would not expand the footprint of the home, therefore not increasing the rear encroachment;
- **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 A(1) and A(2);
- The use of the petition site and adjacent properties is residential with a commercial use to the west;
- The MCUA Phase I designates this area as Employment, with Phase II narrowing it to Neighborhood Development;

- The character of the surrounding properties consists of single family residential and commercial use to the west;
- **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 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 under A(1), A(2), and A(3);
- The petitioner is applying for a Rear Yard setback 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 A(1) and A(2);
- The proposed construction would not expand the footprint of the home, therefore no change is expected to the site drainage;
- **Conclusion:** 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.).

*(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 A(1);
- The home and attached porch was constructed in 1920 per the property report card;
- This variance is the minimum requirement to alter the footprint or roofline of the home;

- **Conclusion:** There are **not practical difficulties** in the use of the property as defined in Chapter 801;

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**

Monroe County Planning Dept  
501 North Morton Street Suite 224  
Bloomington, IN 47404  
Attn: Anne Crecelius

01/31/21

Letter for David and Sheryl Langdon to apply for a variance  
for the proposed Sunroom add on at 1207 North Logan  
Road Bloomington, In 47404.

David Langdon

Sheryl Langdon



## EXHIBIT TWO: Site Plan

# NORTH LOGAN SUNROOM ADDITION



CONSTRUCT NEW SUNROOM ON REAR OF HOUSE OVER EXISTING REAR PORCH

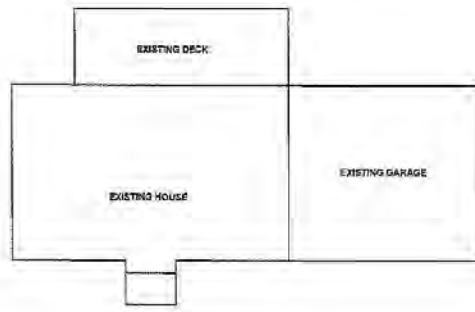
**SUNROOM ADDITION**  
1207 N. Logan Road  
Bloomington, IN 47404

Type of Coverage		File	Revision / Issue	Date
COVER	Protein / Low Protein	1		
AL	Phasic / Elevation	2		
		3		
		4		

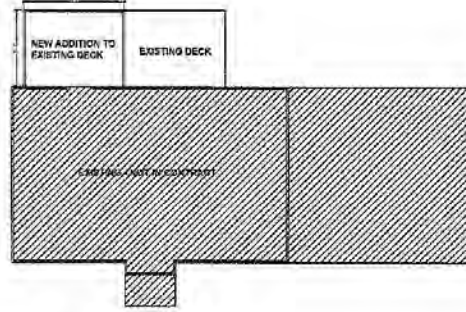
  

Square Foot Totals		Original Project	Revised Project
Existing Residence	3,747 sf	ZONING VARIANCE	
New Subdivs	193 sf	Date: 05.29.2009	
Total	3,940 sf	Created by: Wayne design build	

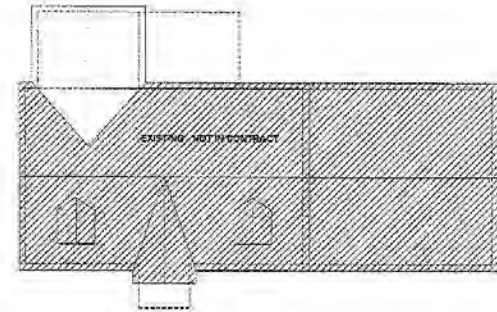
COVER



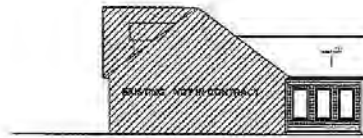
01 EXISTING PLAN



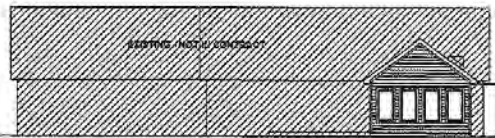
02 PROPOSED PLAN



03 ROOF PLAN



04 NORTH ELEVATION



05 WEST ELEVATION



06 SOUTH ELEVATION

**Scope of Work:**

COMPLETE DEMOLISH OF EXISTING STRUCTURE AND BUILD NEW SINGLE FAMILY RESIDENTIAL DWELLING

# **NORTH MADISON MODERN TOWNHOUSE** 1205 North Madison Street Bloomington, IN 47404

**Table of Contents**

A1: Demolition Plans  
A2: Foundation & Footing Plans  
A3: First & Second Floor Plans  
A4: Electrical & HVAC Plans  
A5: Plumbing & Gas Plans  
A6: Lighting & Misc. Plans

**Space Requirements**

Main Level: 800 sq ft  
Upper Level: 800 sq ft  
Total: 1,600 sq ft

**Project Information**

No. 1  
Revision/Issue  
Date  
Project Name  
CONSTRUCTION  
Owner  
Architect  
Structural Engineer  
Mechanical Engineer  
Electrical Engineer  
Plumbing Engineer  
Civil Engineer  
Landscape Architect  
Interior Designer  
Other

**A1**

**MONROE COUNTY BOARD OF ZONING APPEALS****March 3, 2021**

**CASE NUMBER:** 2102-VAR-09  
**PLANNER:** Drew Myers  
**PETITIONER(S):** Daniel J. Fishel  
**REQUEST:** Design Standards Variance: Chapter 804 Buildable Area (15% Slope)  
**ADDRESS:** 5466 W Woodland RD  
**ZONING:** Agriculture/Rural Reserve (AG/RR)  
**ACRES:** 15.29 acres +/-  
**TOWNSHIP:** Bean Blossom  
**SECTION(S):** 23  
**COMPREHENSIVE PLAN DESIGNATION:** Farm and Forest

**EXHIBITS:**

1. Petitioner Letter
2. Petitioner Site Plan

**RECOMMENDED MOTIONS**

**Approve** the design standards variance to Chapter 804 for Buildable Area (15% Slope Requirement) based on the findings of fact.

**SUMMARY/DISCUSSION**

The petitioner requests one design standard variance from Chapter 804 in order to build a 1,800 square foot (30' x 60') single family residence that will encroach into areas that exhibit slopes greater than 15 percent.

The lot currently contains a 1,280 square foot mobile home, a 1,800 pole barn, and a small utility shed. The petitioner plans to remove the existing mobile home structure and construct a new 1,800 square foot single-family residence with a walk-out basement type design on the property. The proposed location of the new single-family residence will encroach into an area that exhibits slopes greater than 15 percent. According to Chapter 804 of the Monroe County Zoning Ordinance, areas with slope greater than 15 percent are classified as non-buildable area unless a variance is approved by the Board of Zoning Appeals.

If the variance request for the single family residence is approved, the petitioner is required to meet Improvement Location Permit (ILP) requirements, including setbacks and all other design standards for construction of the new 1,800 square foot home. If this variance petition is denied by the BZA, the petitioner must relocate or reduce the footprint of their proposed single family residence in order to meet the buildable area requirement.

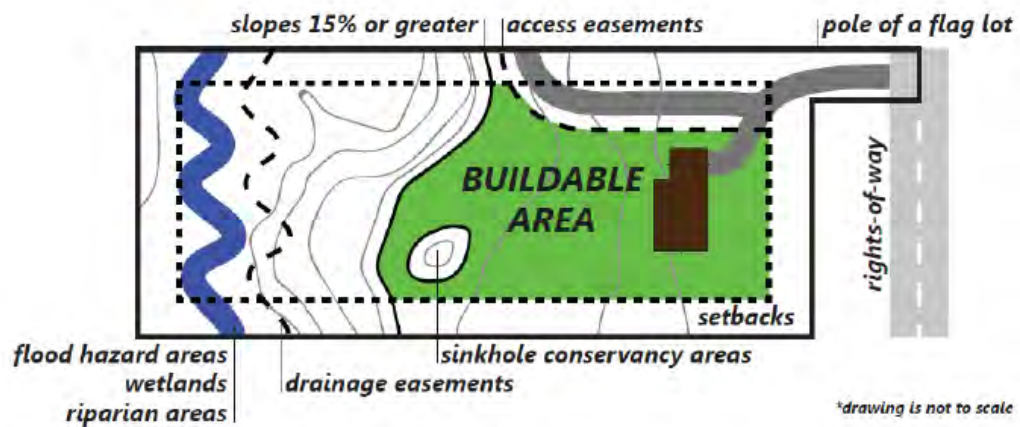
The definition of Buildable Area is as follows: **Buildable Area.** A designated area of a lot that is compact in form and necessary for the safe construction or placement of structures and associated utility infrastructure.

Please refer to the following for design standards criteria for buildable area, which can be found in Chapter 804-4 of the Monroe County Zoning Ordinance:

(E) Any building or structure constructed after October 2, 2015 must be located within a buildable area. The following shall not be included in the buildable area:

- Special Flood Hazard Area as specified in Chapter 808;
- Wetlands as specified in Chapter 801;
- Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations;
- Sinkhole Conservancy Areas as specified in Chapter 829;
- Drainage Easements as specified in Chapter 856;
- Riparian Conservancy Areas as specified in Chapter 801;
- Rights-of-way as specified in Chapter 801;
- Easements for access;
- Pole of a flag lot as specified in Chapter 801; and,
- Setbacks as specified by Ordinance.

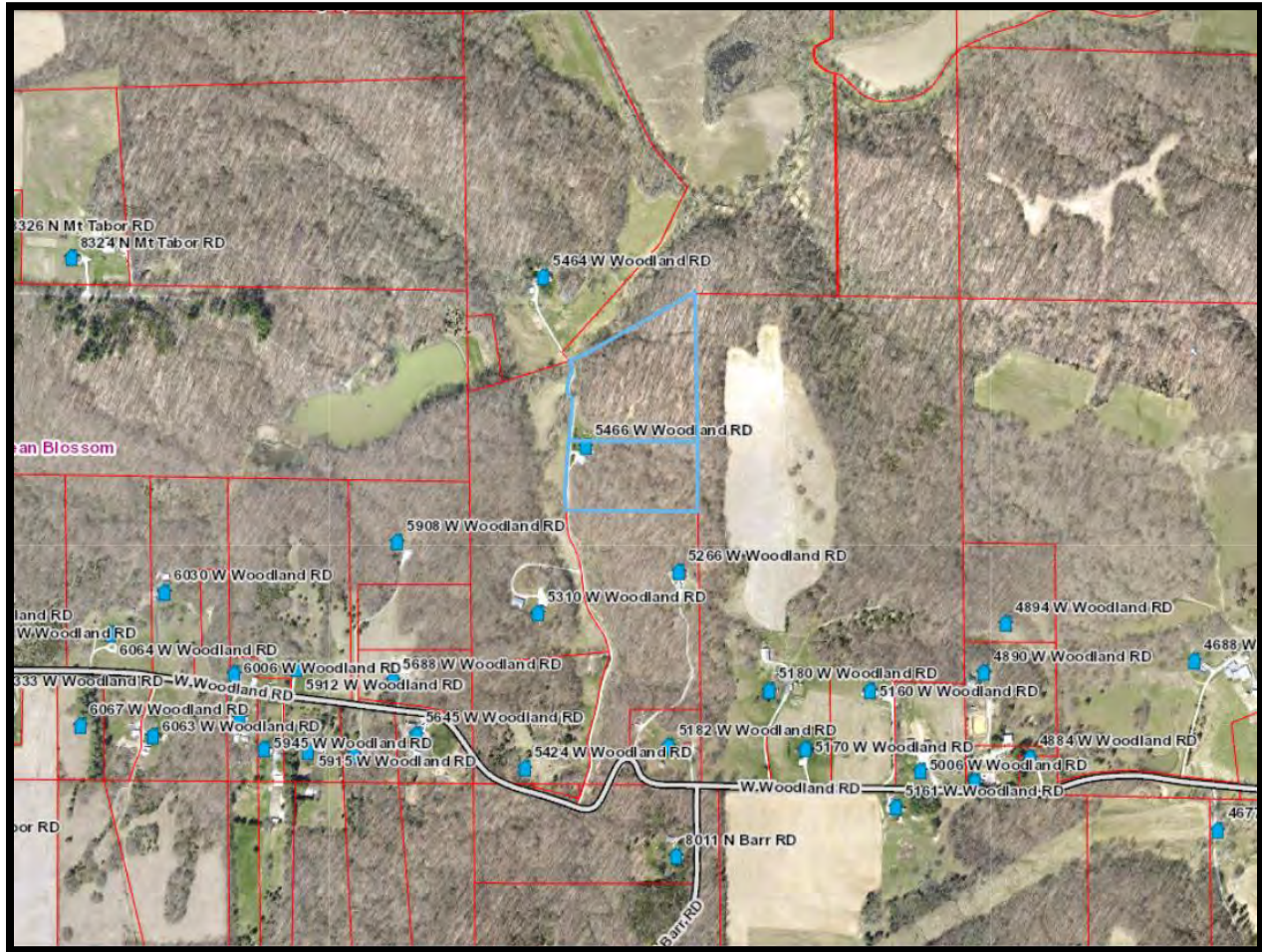
Figure 4-2





## LOCATION MAP

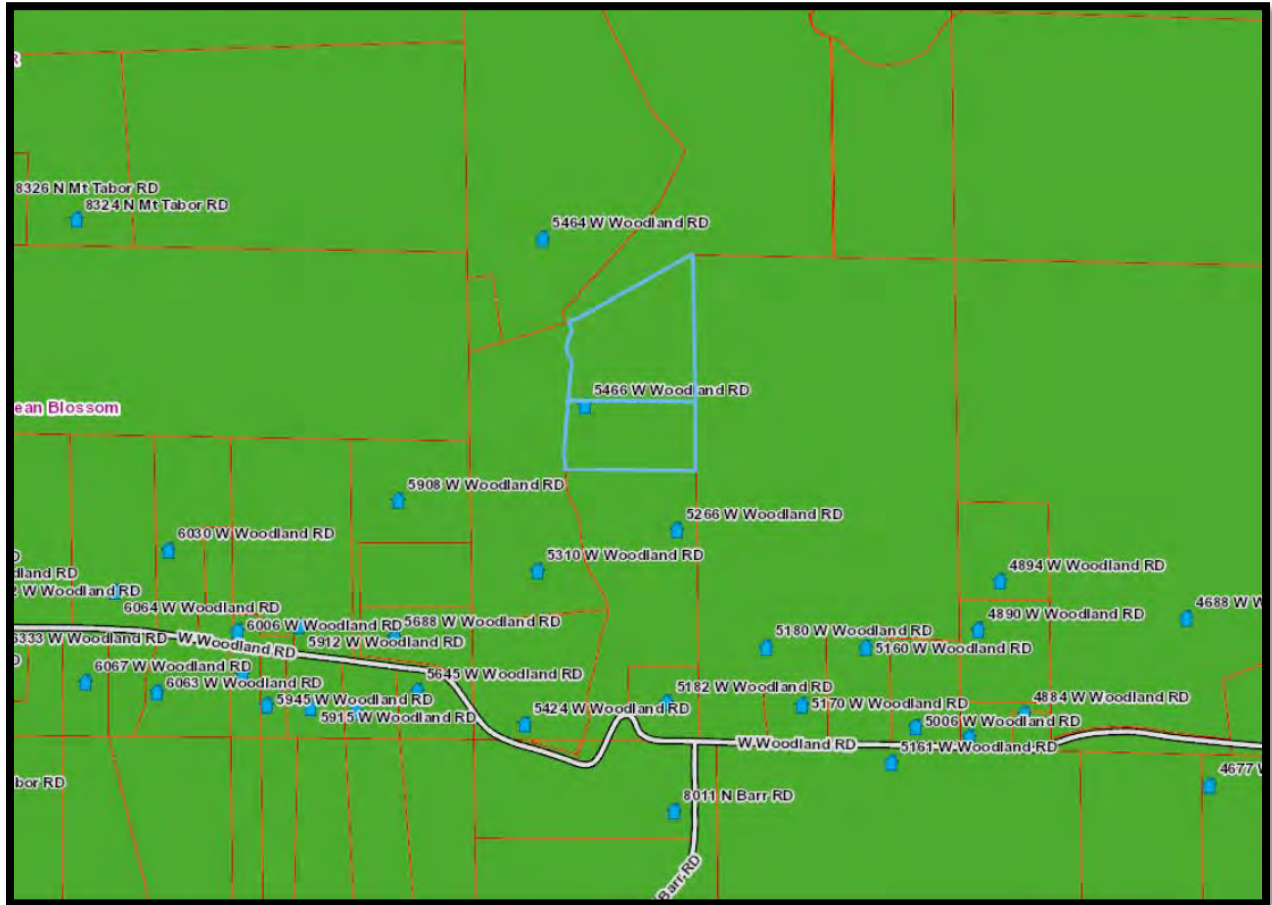
The site is located at 5466 W Woodland RD in Bean Blossom Township, Section 23 (parcel no. 53-03-23-300-008.000-001 and 53-03-23-300-011.000-001).



Map produced on Monroe County Elevate GIS

## 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 or agricultural.

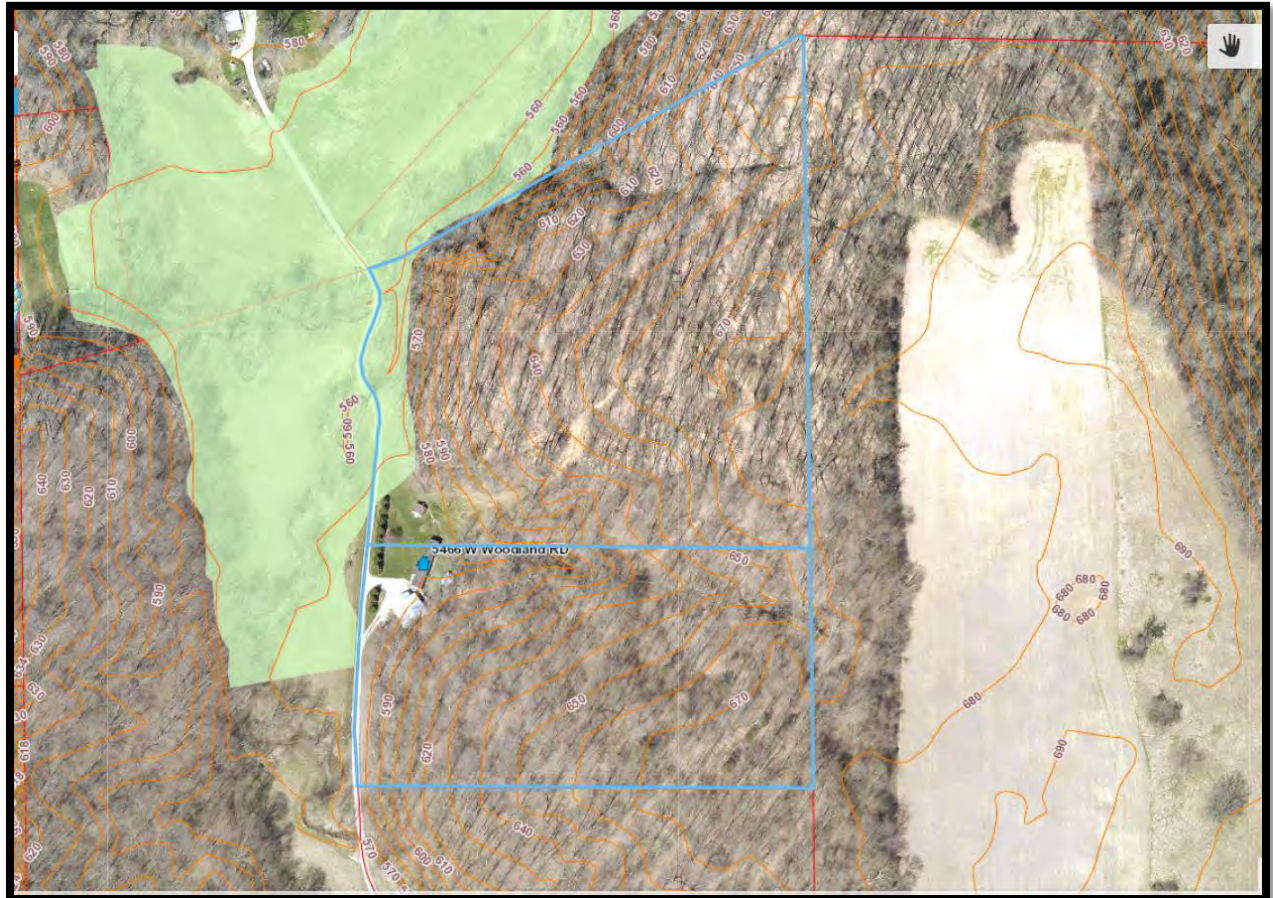


**Map produced on Monroe County Elevate GIS**



## SITE CONDITIONS

The site is approximately 5.03 +/- acres and exhibits access off of an easement that intersects with W Woodland RD (a local road). The parcel contains an existing 1,280 sq. ft. (16' x 80') mobile home, a 1,800 sq. ft. (30' x 60') pole barn, and a utility shed. The petition site exhibits a small area designated as floodplain by the DNR Best Available Floodplain Mapping (green tint in the map below), as well as a slightly larger portion of land designated as FEMA Floodplain (see slope maps below). There are no known karst features on the property. The majority of the property is substantially wooded.









**Map produced on Monroe County Elevate GIS**



## SLOPE

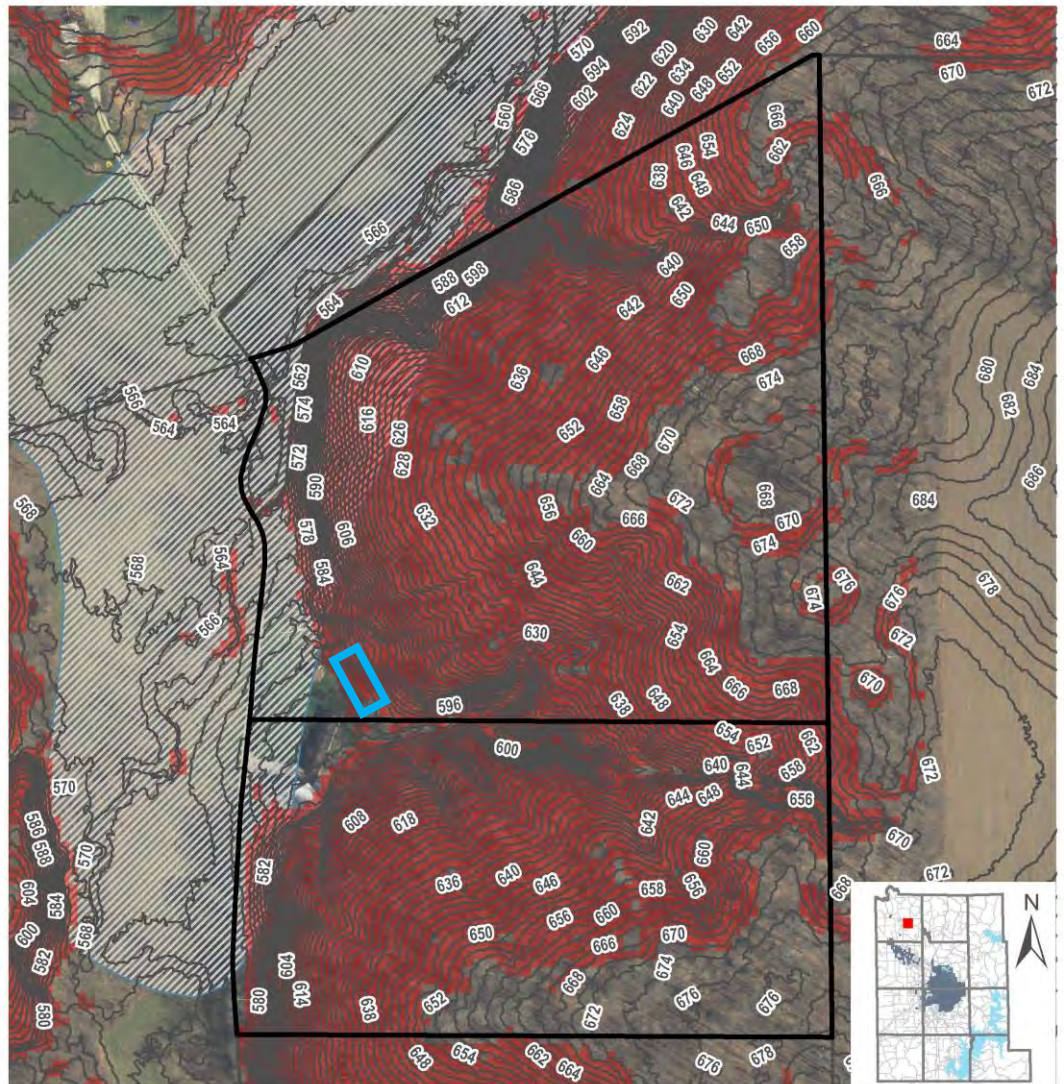
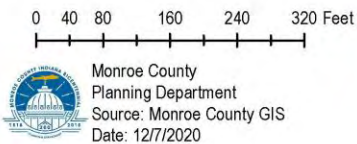
The petition site exhibits a large amount of area with slopes greater than 15%. The location of the existing 1,280 sf mobile home and 1,800 sf pole barn does exhibit some slopes less than 15%. The southern third of the property does exhibit suitable buildable area and is where the 2,184 sq. ft. existing metal car shed is located. The approximate location and footprint of the proposed single family residence is depicted by the blue polygon on the two slope maps below. Note: the polygon is not drawn to scale and serves more as a visual reference. Please see Exhibit 2 site plan for more accurate depiction of the proposed single family residence's location.

### Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
- 15% Slope (2010)**
-  0 - 15
-  > 15
-  FEMA Floodplain



PARCEL #:  
53-03-23-300-011.000-001;  
53-03-23-300-008.000-001

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








## Slope Map

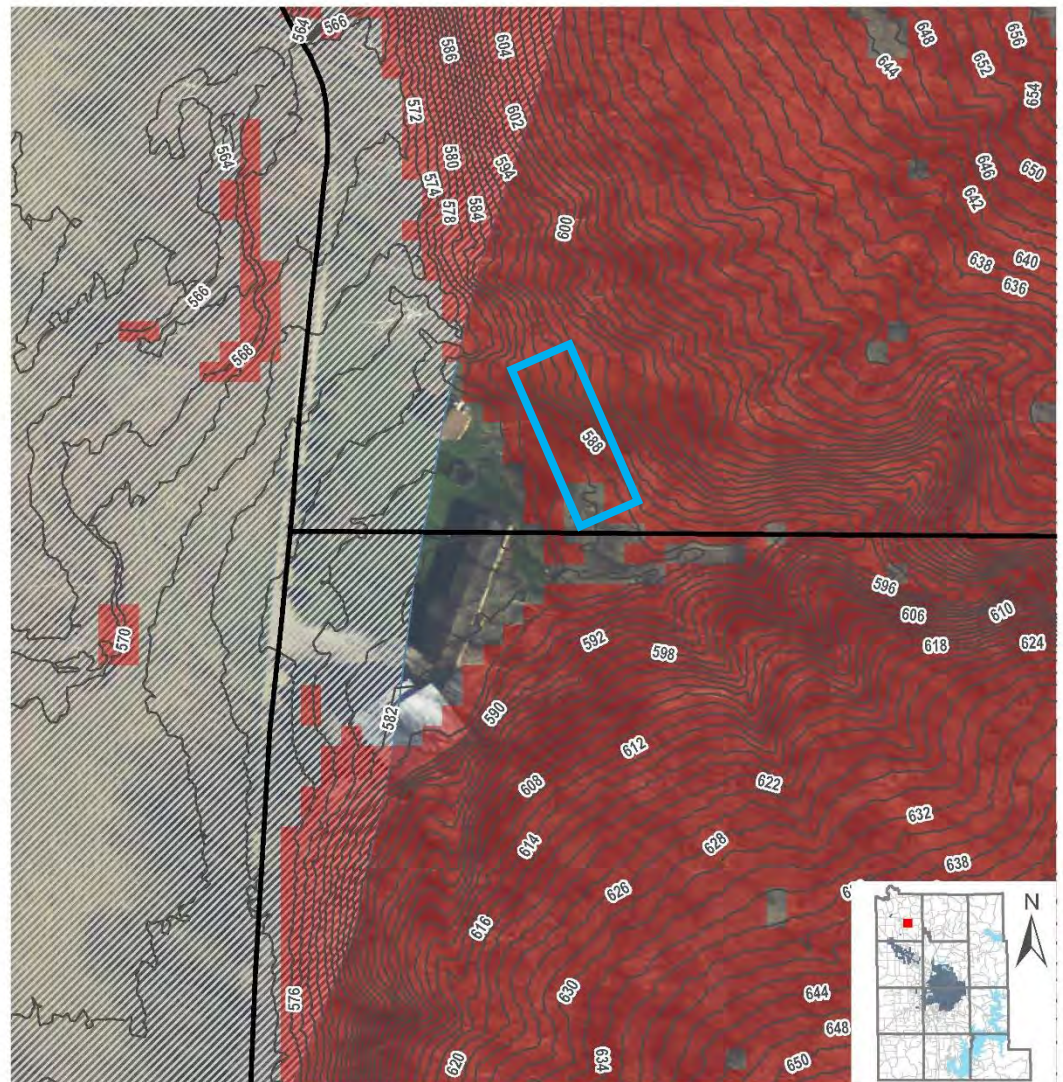
-  Petitioner
-  Parcels
-  2-Foot Contours

### 15% Slope (2010)

-  0 - 15
-  > 15
-  FEMA Floodplain

PARCEL #:  
53-03-23-300-011.000-001;  
53-03-23-300-008.000-001

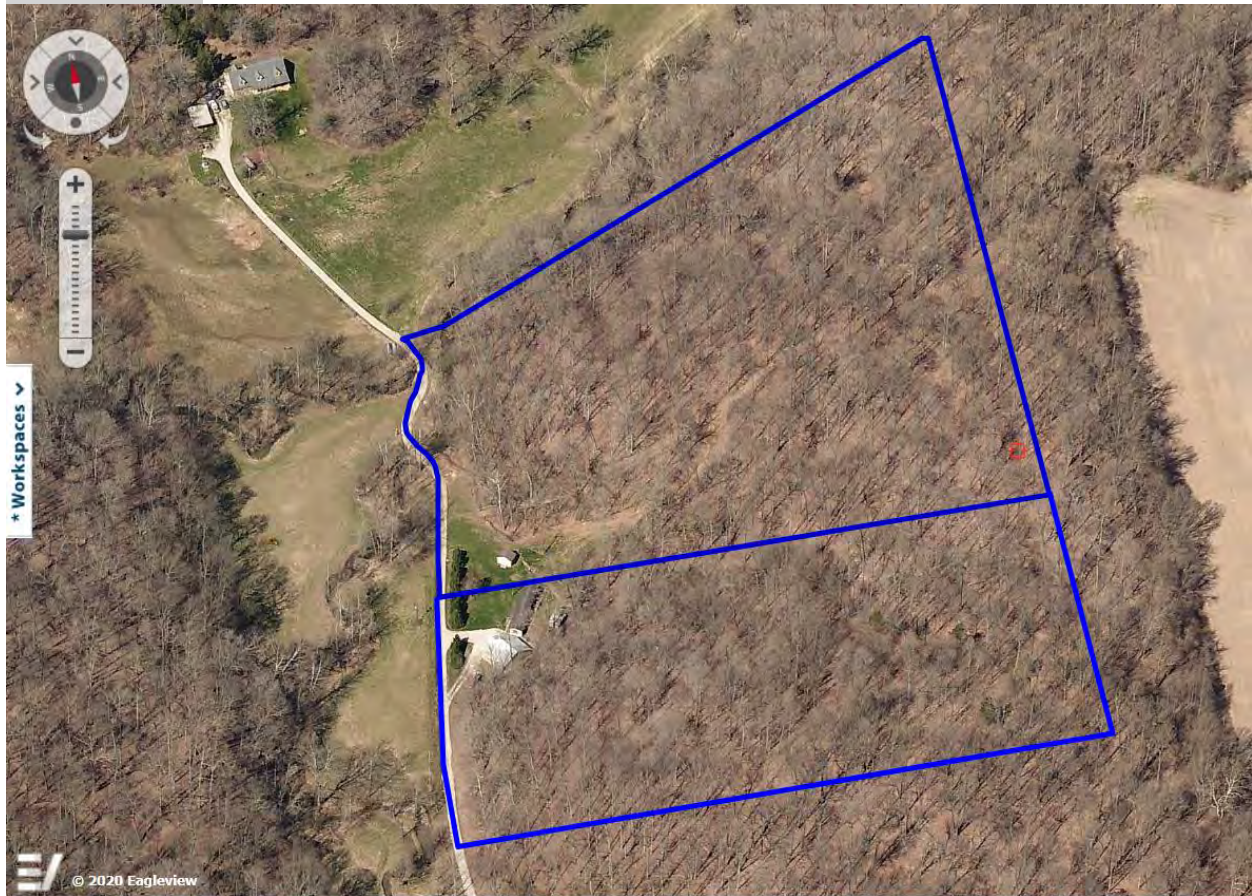
NOTE:  
Areas > 15% slope are classified as  
nonbuildable area per Chapter 804.



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 12/7/2020



## SITE PHOTOS



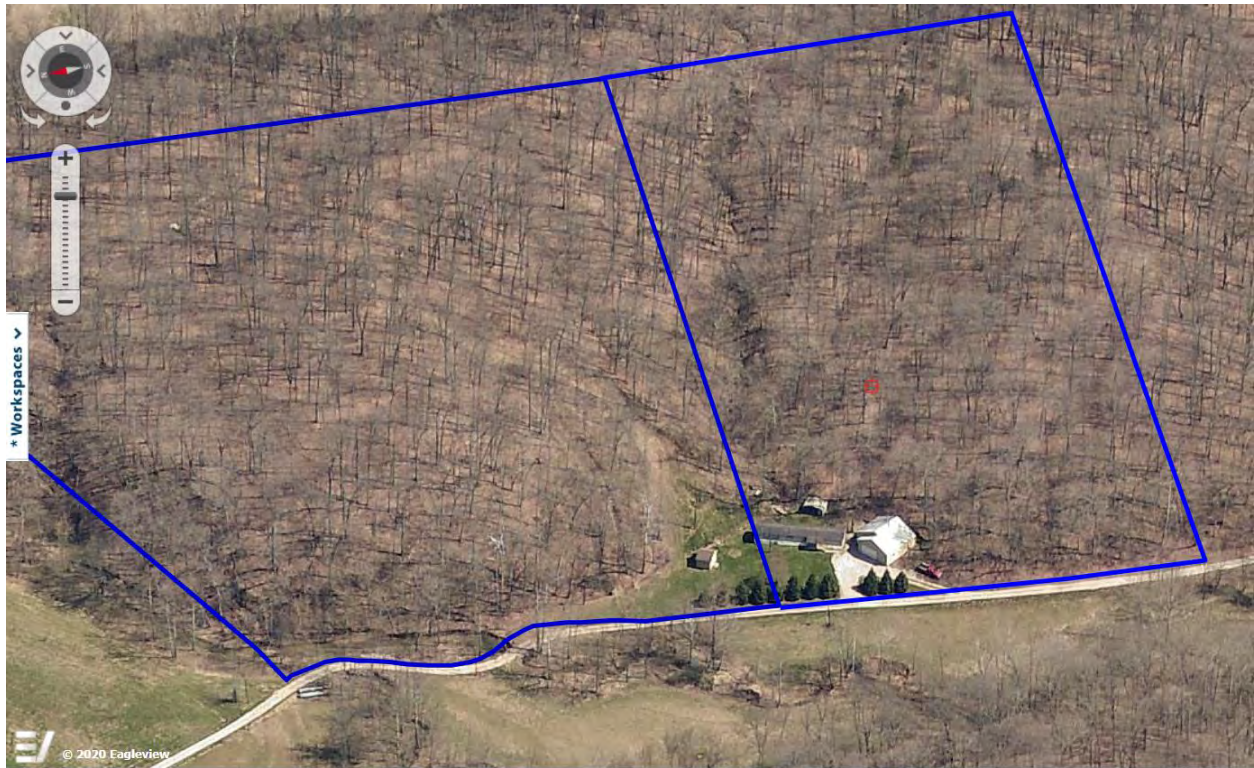
**Photo 1.** Pictometry from the south





**Photo 2.** Pictometry from the north





**Photo 3.** Pictometry from the west



**Photo 4.** Pictometry from the west with contours



## **COMPREHENSIVE PLAN**

The petition site is located within the Farm and Forest Comprehensive Plan designation, which states:

### **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.

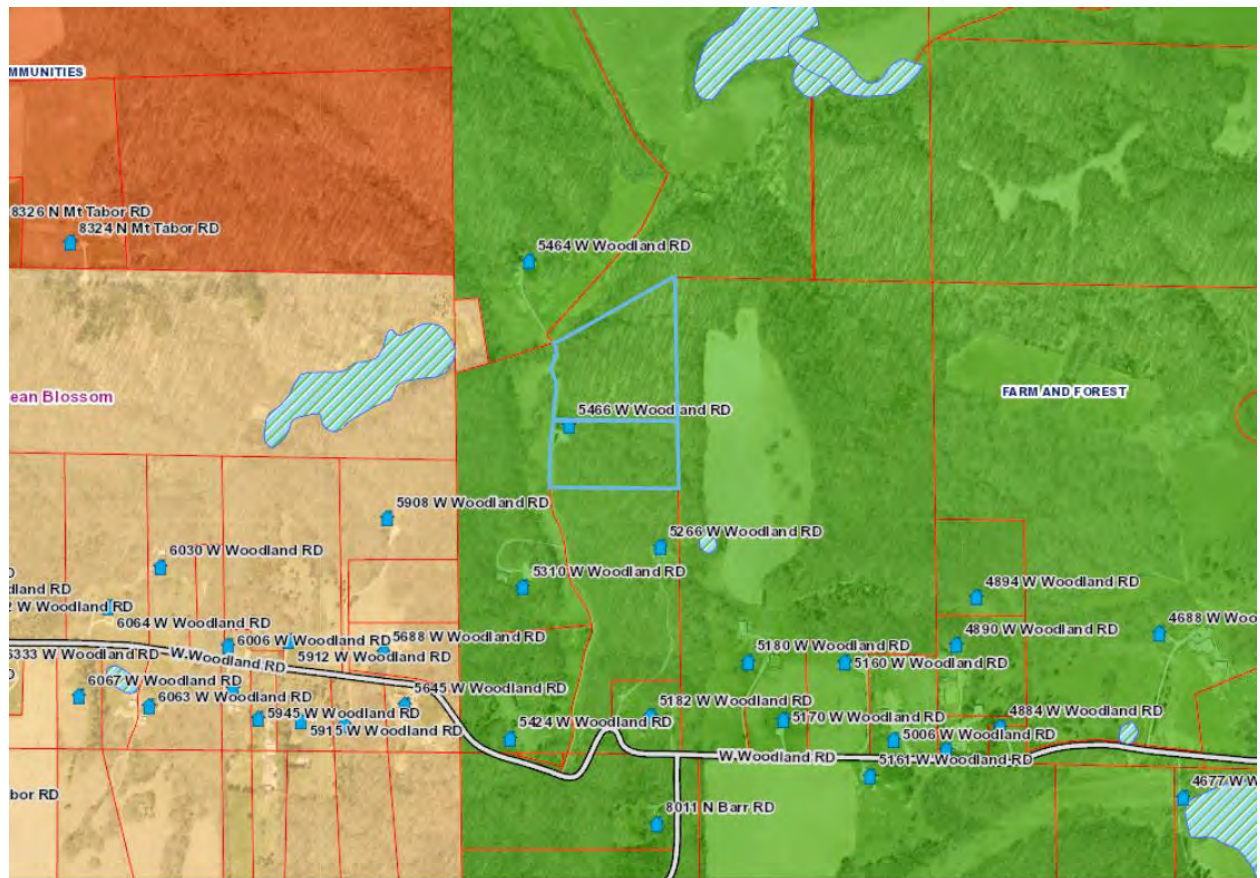
Farm and Forest Residential also includes the environmentally sensitive watersheds of Monroe Reservoir, Lake Lemon, and Lake Griffy and several other large vulnerable natural features in Monroe County. There are approximately 78,000 acres of watershed area in this portion of the Farm and Forest Residential 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.

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 cannot 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 roadways 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.



### **FINDINGS OF FACT: Buildable Area Requirement**

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 construct a 1,800 sq. ft. single family residence that encroaches into the 15% slope area according to Elevate GIS (as defined in Chapter 825 Area 2 Regulations);
- The site is not in a platted subdivision;
- The site is adjacent to residential uses and vacant land;
- The site contains some area designated as FEMA floodplain;
- The site contains some area designated as floodplain by the DNR Best Available Floodplain Mapping;
- There are no known hydrologic features present on the petition site;
- There are no known karst features present on the petition site;
- The site is not located in 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 under Section A(1);
- The site gains access to W Woodland Road (a local road), via a private ingress/egress easement;
- The home site encroaches into the 15% slope non-buildable area of the property;
- The owner is going to be constructing a walkout basement, which may reduce the overall amount of grading work in the area of steep slope;
- The existing septic system is located on the west side of the property and therefore will not interfere with the proposed home 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 site is zoned Agriculture/Rural Reserve (AG/RR);
- The surrounding area is zoned Agriculture/Rural Reserve (AG/RR);
- The proposed single family residence will meet density, bulk, setback and area standards for Agriculture/Rural Reserve (AG/RR);

- The proposed single family residence will meet all other requirements from Chapter 804-4(E), excluding the 15% slope requirement;
- The site is an existing parcel of record;
- The petitioner submitted unrecorded documentation of his intent to combine the two existing parcels for planning and zoning purposes;
- The buildable area requirement applies to all properties, regardless of their underlying 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(1), A(2), A(3);
- The variance from slope requirements only applies to the proposed single family residence. Any future expansion on this site into areas greater than 15% slope would require another buildable area variance at a minimum;
- 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), A(2), A(3), and B(1);
- 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:**

- Petitioner has applied for this variance, which appears to be the minimum variance necessary to eliminate practical difficulties in the use of the property. Practical difficulties do exist on the property as there are no alternative locations to construct the proposed home within the Zoning Ordinance's Buildable Area standard.
- Theoretically, the property owner could relocate the proposed single family residence to the site of the mobile home once it is removed and thereby eliminate the need for a buildable area variance with respect to the 15% slope provision of Chapter 804; however, the property owner would then not have a place to live during the construction of the new residence.

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.

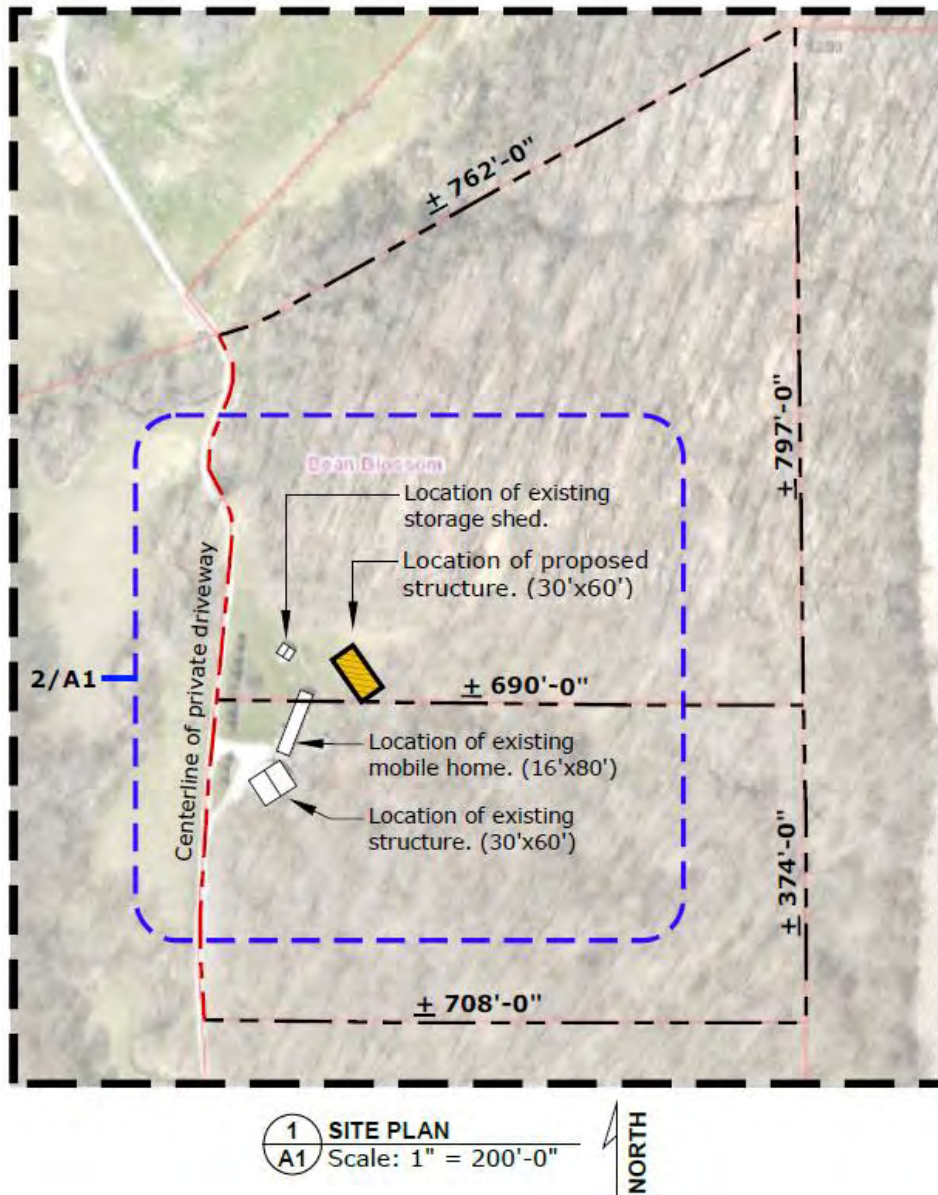
**EXHIBIT 1: Petitioner Letter**

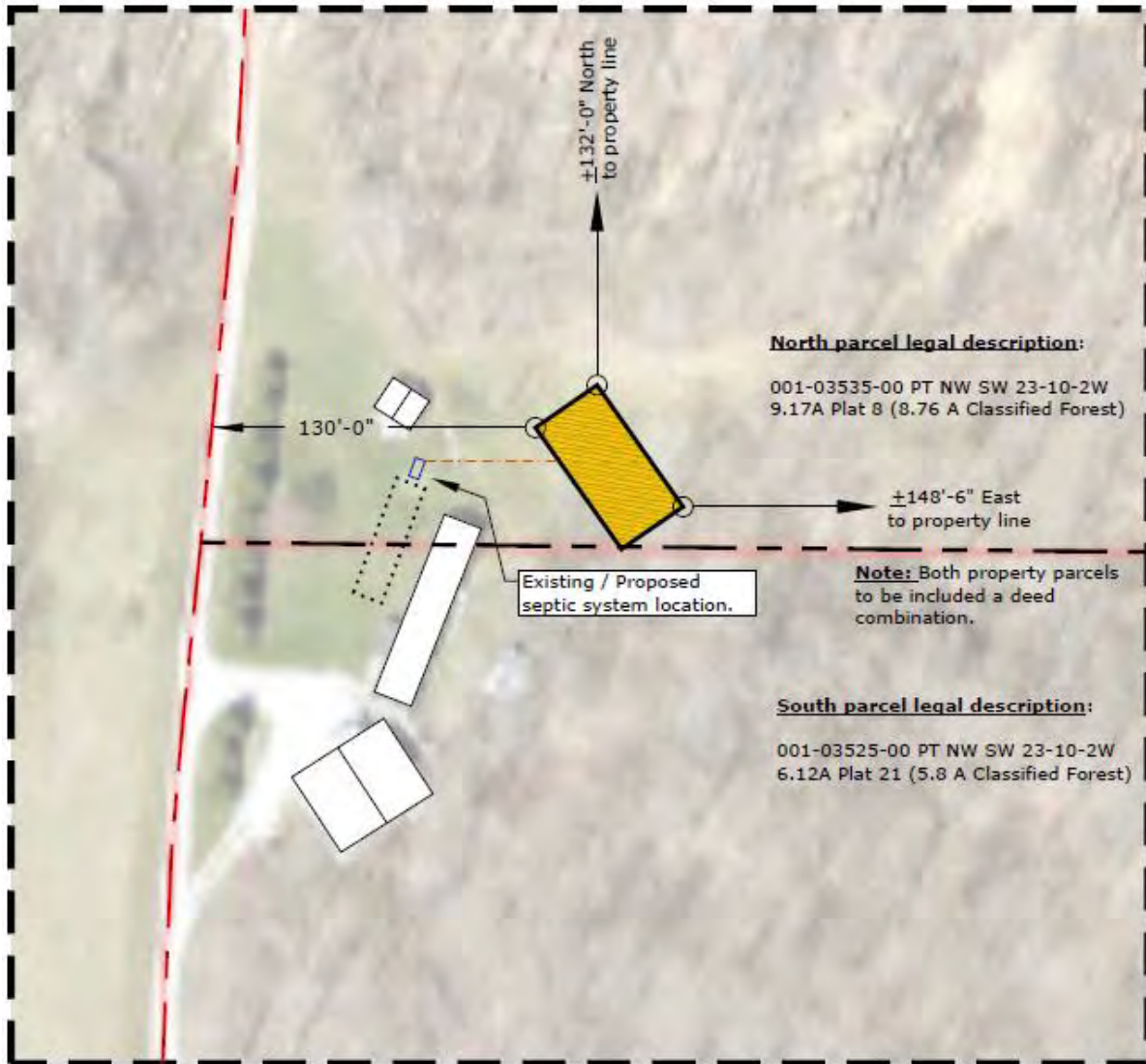
My name is Daniel Eshel my address is  
5466 W Woodland RD Ellettsville IN 47429

I am requesting a variance from chapter 804  
for buildable area.

My reason is because I would like to build a house  
with a walk out basement

## EXHIBIT 2: Petitioner's Site Plan





2 SITE PLAN DETAIL  
 A1 Scale: 1" = 60'-0"

NORTH



### **EXHIBIT 3: Letters of Support**

**MONROE COUNTY BOARD OF ZONING APPEALS****MARCH 3, 2021**

**CASE NUMBER:** 2102-VAR-13  
**PLANNER:** Rebecca Payne  
**PETITIONER(S):** Terry Weaver  
**REQUEST:** Design Standards Variance: Minimum Lot Size requirement of Chapter 804  
**ADDRESS:** 7241 N Old State RD 37  
**ZONING:** Agriculture/Rural Reserve (AG/RR)  
**ACRES:** 2.19 +/- acres  
**TOWNSHIP:** Washington  
**SECTION(S):** 34  
**PLAT(S):** Unplatted  
**COMPREHENSIVE PLAN DESIGNATION:** Farm and Forest

**EXHIBITS:**

1. Petitioner Letter
2. Proposed Site Plan
3. Parcel Size Map

**RECOMMENDED MOTION**

Staff recommends **approval** of a Design Standards variance to the Minimum Lot Size standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact and subject to County Highway and drainage engineer reports.

**SUMMARY/BACKGROUND**





The petition site is a 2.19 +/- acre lot located in Washington Township, at 7241 N Old State RD 37, parcel #53-02-34-100-002.000-017. The petitioner is requesting a design standards variance from the Minimum Lot Size requirement of Chapter 804 of the Monroe County Zoning Ordinance. The variance requested is for the purpose of constructing a 30' x 32' detached garage. Petitioner states a garage located near the existing single family residence would eliminate the use of a set of stairs they must currently use in order to access their house, thereby facilitating access to the residence. Existing access is a growing concern of theirs as they approach their late 60's.

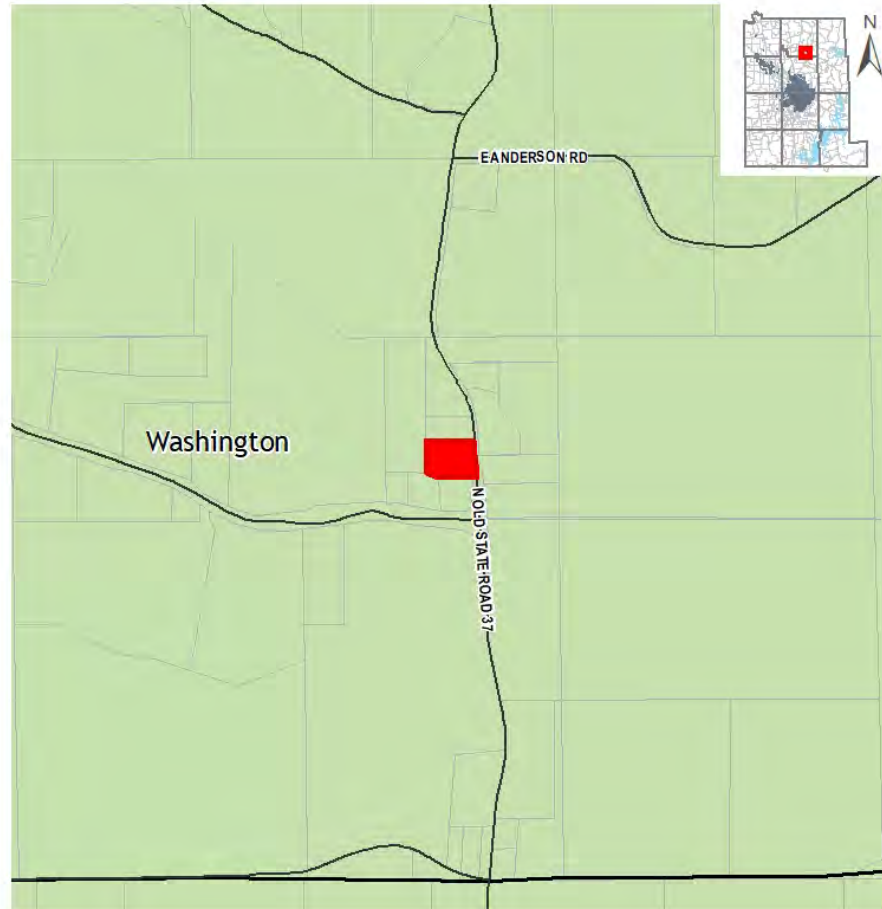
	<b>REQUIRED</b>	<b>EXISTING</b>
<b>LOT SIZE</b>	2.5 acres	2.19 acres

## LOCATION MAP

The petition site is located at 7241 N Old State RD 37, section 34, in Washington Township, parcel no: 53-02-34-100-002.000-017.

### Location Map

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



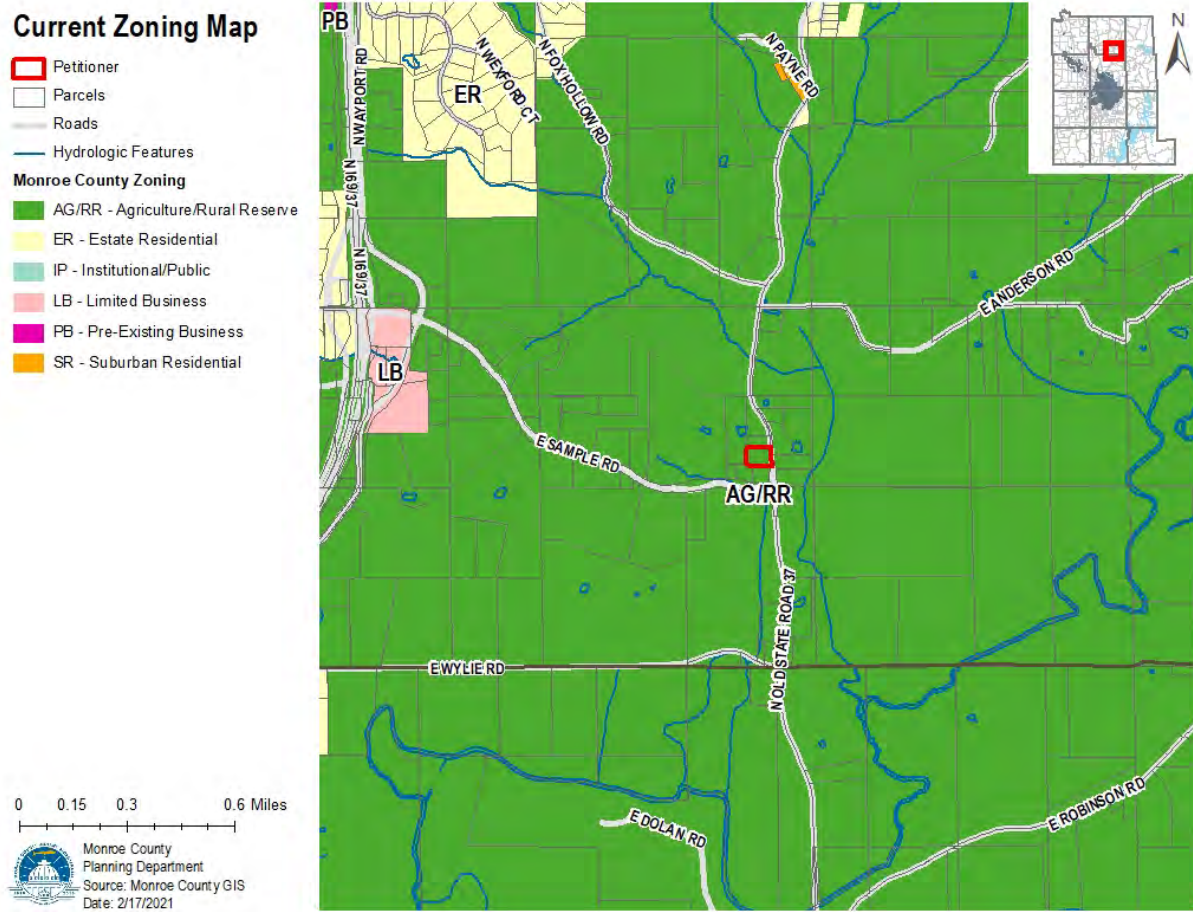
0 0.075 0.15 0.3 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021

## CURRENT ZONING

The petition site is currently zoned Agriculture/Rural Reserve (AG/RR). Adjacent properties are also zoned AG/RR.





## SITE CONDITIONS

The site contains an existing single family residence. The petition site has access to water and utilizes a septic system. The property is accessed from a driveway off of N Old State RD 37 which is designated a major collector. There are no known karst features or FEMA floodplain on the site. Drainage runs primarily to the west. Drainage from the proposed 30' x 32' detached garage is not expected to interfere with this pattern.

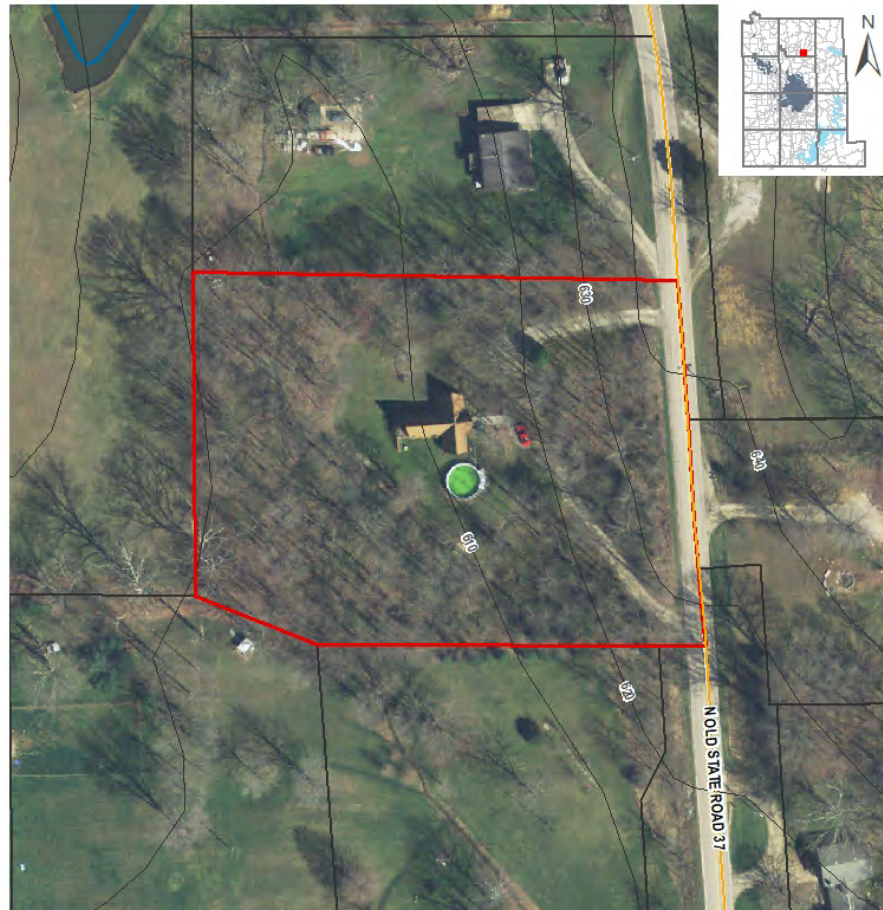
### Site Conditions Map

- Major Collector [90']
- Petitioner
- 10-Foot Contours
- Local Roads [50']
- Hydrologic Features
- Parcels

0 0.0075 0.015 0.03 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021



## SLOPE MAP

Some slope 15% or greater exists on the site but not at the location of the proposed new garage.

### Slope Map

Major Collector [90']

Local Roads [50']

Petitioner

Parcels

10-Foot Contours

### 15\_Percent Slope (2010)

0 - 15

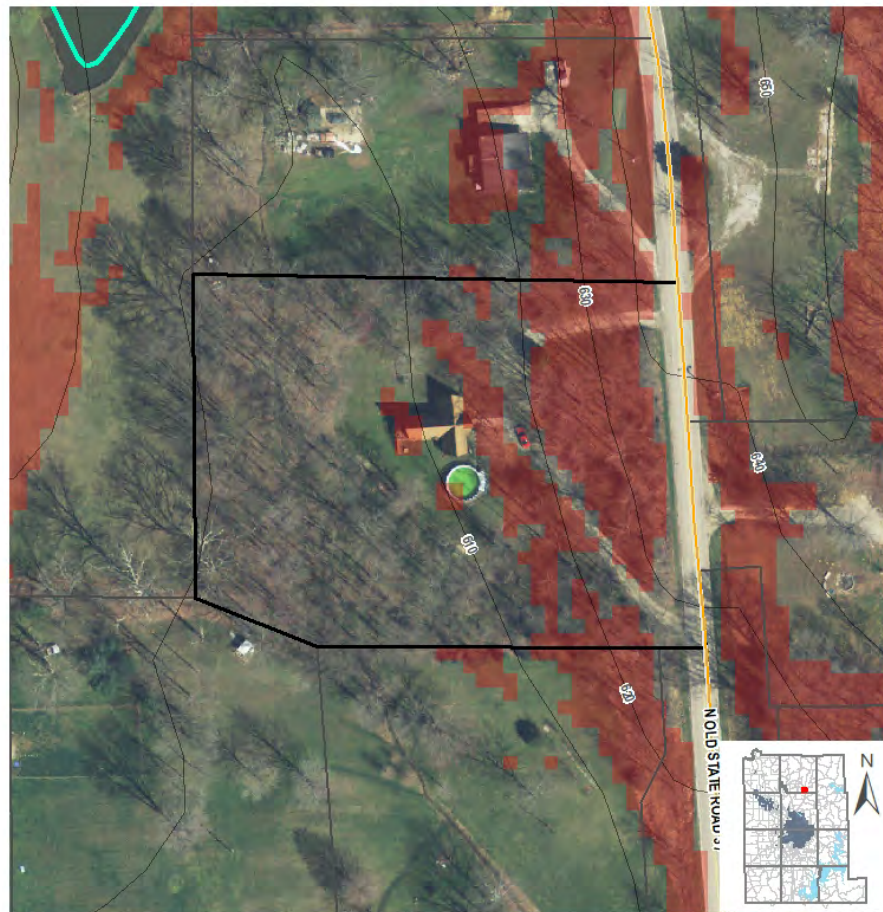
> 15

Hydrologic Features

0 25 50 100 150 Ft



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021





## **SITE PICTURES**

**Photo 1: Bird's eye view of petition site**



**Photo 2: Looking west, proposed location of the detached garage**



**Photo 3: Looking northwest, proposed location of detached garage**



**Photo 4: Existing single family residence**





**Photo 5: Driveway access off or Old State RD 37**



**Photo 6: Driveway access**



## **COMPREHENSIVE PLAN DISCUSSION**

### **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.

#### **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:**

- The site is currently contains a single family residence;
- The property, as currently configured, is a pre-existing nonconforming, legal lot of record;
- Approval of the Minimum Lot Size variance is the minimum variances required to add a structure;
- 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:**

- S Leonard Springs Road is a major collector maintained by the County Highway Department;
- **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 adjacent and surrounding properties is Agriculture/Rural Reserve (AG/RR);
- There are other parcels adjacent to and nearby that are zoned AG/RR and have less than the required 2.5 acres;
- **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 would need a minimum lot size 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 west;
- 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 further development to this pre-existing nonconforming legal lot of record without first receiving a 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.
- **Conclusion:** There are practical difficulties in the use of the property as defined in Chapter 801.



## **EXHIBIT 1: Letter to BZA**

Terry L. Weaver  
7241 N. Old State Road 37  
Bloomington, IN 47408  
812.272.7167

February 1, 2021

Monroe County Planning Department  
Monroe County Government Center  
501 N. Morton Street, Suite 224  
Bloomington, IN 47404

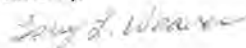
**ATTN: Monroe County Board of Zoning Appeals**

Dear Monroe County Board of Zoning Appeals,

Please accept this correspondence regarding property located 7241 N. Old State Road 37, Bloomington, Indiana. My wife and I have resided here since December, 1984. We are requesting a variance in order to construct a detached garage/pole barn. Our lot size is 2.19 acres, slightly under the requirement of 2.5 acres to add a new structure. We do not currently have any sort of garage for parking. It would be ideal to be able to park out of the weather. Also, if we are able to park in a garage near our home, it would eliminate the several stairs that we currently must use in order to access our home. As we approach our late 60's, it is a growing concern of mine.

Thank you for your time and consideration regarding this matter. If you have any questions, concerns or need additional information please do not hesitate to contact me.

Sincerely,



Terry L. Weaver

## EXHIBIT 2: Site Plan

### Slope Map

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

### 15 Percent Slope (2010)

- 0 - 15
- > 15
- Hydrologic Features

**PROPOSED GARAGE:**  
30' x 32'

0 25 50 100 150 Ft



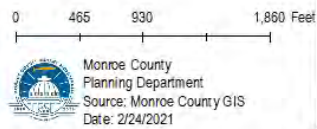
Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 1/29/2021



### EXHIBIT 3: Parcel Size Map

#### Parcel Size Map

- Petitioner
- Roads
- Parcel Size (Acres)**
- 0.000000 - 2.500000
- 2.500001 - 620.760000



**CASE NUMBER:** 2102-VAR-14  
**PLANNER:** Rebecca Payne  
**PETITIONER:** Lucas Sympson  
**REQUEST:** Design Standards Variance, Chapter 802  
Condition #55 (1,000 sq. ft. limit for residential space for DADU)  
**ADDRESS:** 985 E Dillman RD  
**ZONING:** Agriculture/Rural Reserve (AG/RR)  
**ACRES:** 20.39 +/-  
**TOWNSHIP:** Perry  
**SECTION(S):** 28  
**COMPREHENSIVE PLAN DESIGNATION:** MCUA Rural Transition

**EXHIBITS:**

1. Petitioner's Letter
2. Site Plan
3. Floor Plan

**RECOMMENDED MOTIONS**

**Deny** the design standards variance to Chapter 802, Condition #55 from the 1,000 square feet of residential space limit for a Detached Accessory Dwelling Unit (DADU) based on the findings of fact, specifically Finding C, related to practical difficulties.

**SUMMARY**

The petitioner is seeking a variance from the 1,000 square foot limit for residential space. DADUs are a permitted use in the AG/RR zone on lots greater than 5 acres. Condition #55 states that a DADU is limited to 1,000 square feet of residential space. The property contains a newly constructed ~2700 sf single family residence and they would like to add a DADU to provide residential space for the petitioner's elderly parents.

The petitioner would like to build a pole barn structure on their lot that contains a 1,460 sq ft dwelling unit. Petitioner stated he would like more than 1,000 sf ft of living space for his parents in the likely event both become wheelchair bound. The extra square footage is intended to accommodate two wheelchairs. The petition site currently contains a single family dwelling.

If the variance request is approved, the petitioner would be required to meet Improvement Location Permit requirements and all other design standards for the construction of a DADU. Condition #55 reads:

55. The principal dwelling unit or accessory dwelling unit (ADU) or Detached Accessory Dwelling Unit (DADU) must be occupied by the owner of the lot, the minimum lot size must be 5 acres, and must utilize a shared driveway with principal dwelling unit. Before final occupancy of the ADU or DADU, the property owner must record an affidavit and commitment stating that the property owner will reside on the property in either the principal dwelling unit or ADU or DADU. Once recorded, the affidavit and commitment (requiring owner occupancy) may not be removed or modified without Plan Commission approval. Only one accessory dwelling unit per lot of record is permitted. The following design criteria also apply to accessory dwelling units:

Detached accessory dwelling unit (DADU) requirements:

1. A DADU is limited to 1,000 square feet of residential space.
2. The DADU must meet current standards of the residential, building, mechanical, electrical, energy, and environmentally critical areas codes.
3. One off-street parking space is required for the DADU.
4. A manufactured home may not be used as an accessory dwelling unit if it was constructed prior to January 1, 1981.
5. A DADU must have a permanent connection to either an approved septic system or sewer system.
6. A Recreational Vehicle (RV) is not permitted as a DADU.
7. Each DADU lot shall have a separate buildable area for each dwelling.
8. A DADU lot or parcel of record created via the Sliding Scale subdivision option may only be constructed on the Parent Parcel Remainder.

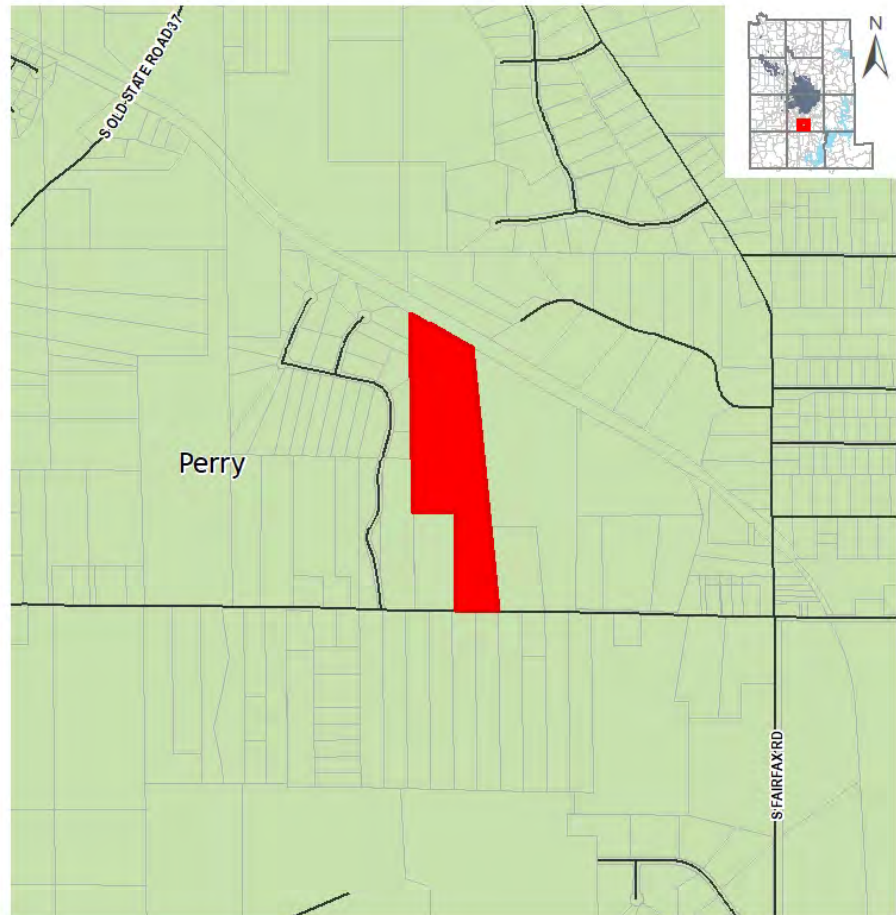


## LOCATION MAP

The petition site is located at 985 E Dillman Road in Perry Township, section 28; parcel number: 53-08-28-400-019.001-008.

### 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: 2/17/2021

## ZONING AND LAND USE

The petition site is zoned Agriculture/Rural Reserve (AG/RR). The adjoining parcels are zoned AG/RR and Estate Residential (ER). The current use of the petition site is Single Family Dwelling which will remain unchanged by this petition through the addition of a detached accessory dwelling unit. The surrounding uses in the area are Single Family Dwelling.

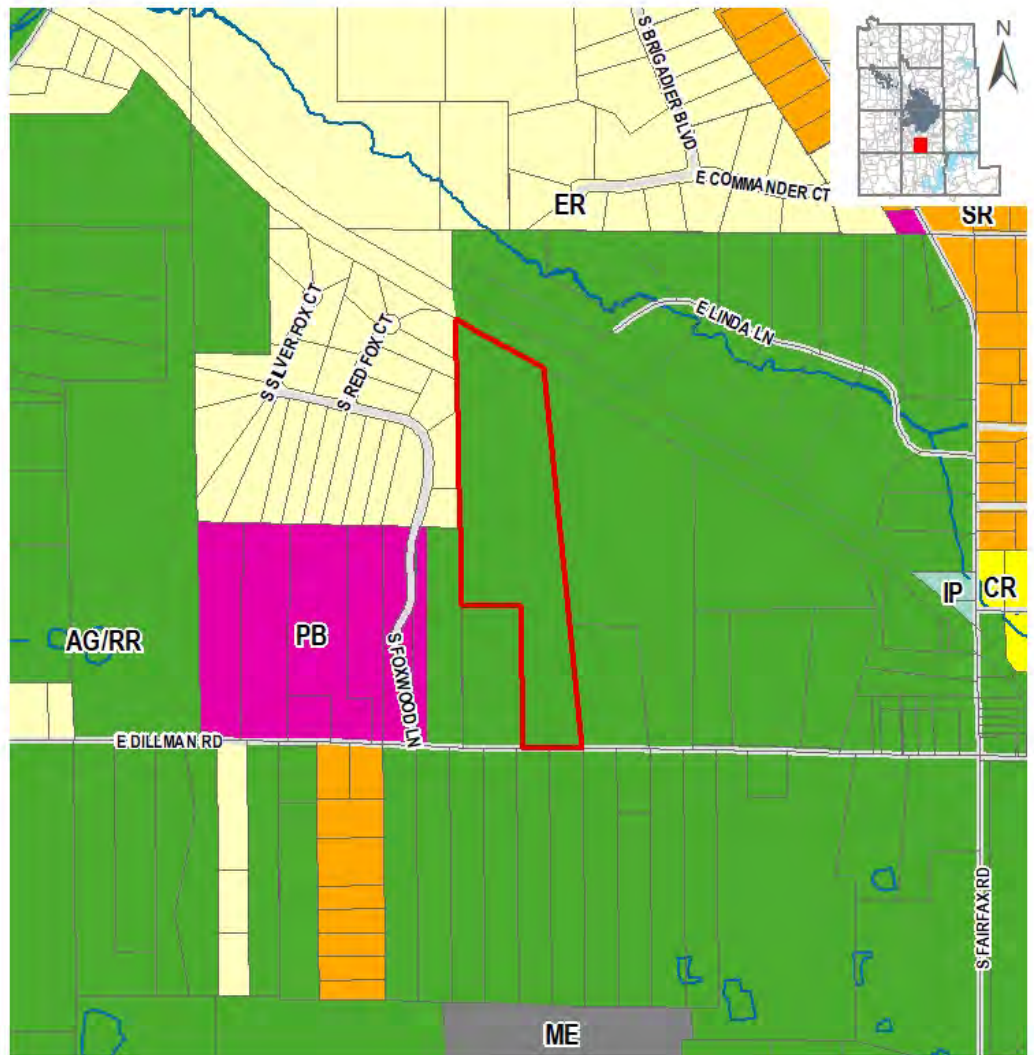
### Current Zoning Map

- Petitioner
  - Parcels
  - Roads
  - Hydrologic Features
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
  - CR - Conservation Residential
  - ER - Estate Residential
  - IP - Institutional/Public
  - ME - Mineral Extraction
  - PB - Pre-Existing Business
  - SR - Suburban Residential

0 0.05 0.1 0.2 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021



## SITE CONDITIONS

The site currently contains a single family dwelling. Access to the property is via E Dillman RD, a designated minor collector. Slopes greater than 15% are shown on maps below. These slope areas do not affect the proposed development.

### Site Conditions Map

- Minor Collector [90']
- ▭ Petitioner
- 10-Foot Contours
- Local Roads [50']
- Hydrologic Features
- ▭ Parcels

0 0.0275 0.055 0.11 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021





## Slope Map

- Minor Collector [90']
- Local Roads [50']
- ▬ Petitioner
- ▬ Parcels
- 10-Foot Contours

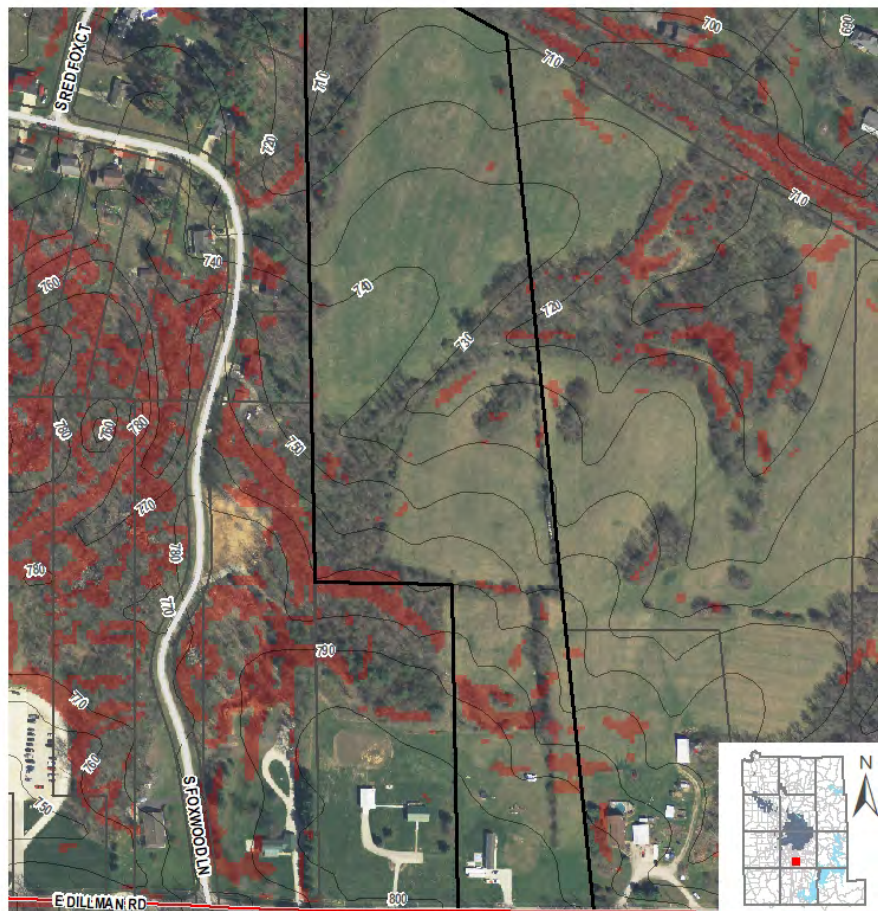
### 15\_Percent Slope (2010)

- 0 - 15
- > 15

0 85 170 340 510 Ft



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021





## SITE PHOTOS



Photo 1: Looking east



Photo 2: Looking north at newly constructed single family residence. Pole barn with DADU proposed directly east of house, on other side of driveway.



Photo 3: Looking south, down the driveway



Photo 4: Approximate location of pole barn with DADU

## **COMPREHENSIVE PLAN DISCUSSION**

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

### **5.1.7 Rural Transition**

*Portions of The urbanizing area, primarily to the east and South, are not suitable for intensive development due To access, infrastructure and environmental constraints.*

These areas offer an opportunity to transition the scale and intensity of development along the urban to rural transect. Residential uses are low in density, primarily single-family, and typically are located along existing rural roadways rather than in subdivisions. Larger scale agricultural uses may occur within this area.

Within the Urbanizing Area, rural Transition lands may serve as a “holding” land use category that may be converted to other uses depending on future market demands and infrastructure expansion opportunities. The most likely uses for conversion include conservation residential, Parks and open Spaces, employment uses, and Quarry expansions that are best suited for low-density, relatively isolated development contexts. The potential for conversion to other uses should be considered as part of future updates to the Urbanizing Area Plan.

### **A. Transportation**

#### *Streets*

Development in rural Transition areas is intended to occur along existing rural roadways. These are typically designed with two travel lanes and a berm or shoulder with open drainage. New roadway construction will be minimal and will likely respond to broader safety or connectivity needs within the larger transportation system, rather than demand generated by new development within the rural Transition area.

Automobile travel is necessary in rural areas. Care should be taken to avoid roadway improvements that prioritize speed and capacity at the expense of rural roadway character.

#### *Bike, pedestrian, and Transit modes*

Due to the low-density character and distance from destinations, travel by foot will be less common in rural Transition areas. However, bicycle travel should be encouraged. Opportunities to extend shared use/bicycle paths as part of a county-wide greenway system should be explored. Roadside paths may be appropriate in some cases, but care should be taken to preserve the scenic character of rural roadways. This can be accomplished through meandering alignments that provide space for landscape features such as mounding, fencing, limestone walls and naturalized plantings. Expansion opportunities for rural Transit routes should be explored to enhance accessibility of more remote areas.

### **B. Utilities**

#### *Sewer*

Sewer service in rural transition areas will be limited. Residential development is expected to continue using on-site sewage disposal (septic systems), provided there is sufficient space, topography and soil conditions to meet minimum State and county installation and maintenance requirements.

#### *Power*

Overhead utility lines should be buried wherever feasible in the rural Transition area.

### *Communications*

Communications needs will vary within the rural transition neighborhoods, but upgrades to infrastructure need to be a key consideration for future development sites. Communications features will likely differ from all other areas of development since transportation and infrastructure improvement will be limited. Wireless towers should be located sensitively to minimize disruption to scenic view-sheds.

## **C. Open space**

### *Park Types*

Open spaces within rural Transition areas should emphasize interconnected greenway systems and preservation of environmentally sensitive lands, whether public or private. Where feasible, shared use/bicycle paths should be provided to create continuous recreational and alternative transportation connections as part of the larger Monroe county system. Opportunities for new county parks should be explored, as well as opportunities for land preservation by private non-profit organizations such as the Sycamore land Trust.

### *Agriculture*

The rural Transition area provides an opportunity to support food production within the Urbanizing Area. Particular emphasis should be placed on encouraging small-scale, locally-operated farming operations such as hobby farms, community-Supported Agriculture (CSA), vineyards and orchards. These are vital elements of the local economy, and proximity to the City of Bloomington offers an opportunity to integrate these uses into the local farm-to-Table and farm-to-institution supply chains.

## **D. Public Realm Enhancements**

### *Lighting*

Roadway lighting should be avoided on rural roadways to preserve rural character and minimize light pollution, except where necessary for safety.

### *Street/Site furnishings*

Street and site furnishings will be limited to public parks and greenways.

## **E. Development guidelines**

### *Open Space*

Development in the rural Transition area will typically not provide public open space but will be required to protect environmentally sensitive features as development occurs.

### *Parking ratios*

Parking needs are typically minimal for rural businesses, and requirements should be flexible based on the specific use.

### *Site design*

Subdivision of land along rural roadways should avoid creating “residential strips” that block



scenic vistas and change the character of the roadway from rural to suburban. Building setbacks will vary based on topography, but will typically exceed 50 feet and may be much larger.

#### *Building form*

Simple building massings typical of rural places are encouraged.






#### *Materials*

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Rural development will typically require a lower degree of aesthetic scrutiny than is typical of higher density development areas; however, basic aesthetic standards should be met.

#### *Private signs*

Residential development will typically not include signs, unless the residence is also operated as a business. Business signs will typically be ground-mounted monument-style or post-style signs and should be limited to no more than six feet in height. Signs should be secured to the ground and should not include changeable copy. Signs may be painted on barns in the manner of historic rural barn signs.

## Comprehensive Plan

-  Petitioner
-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads

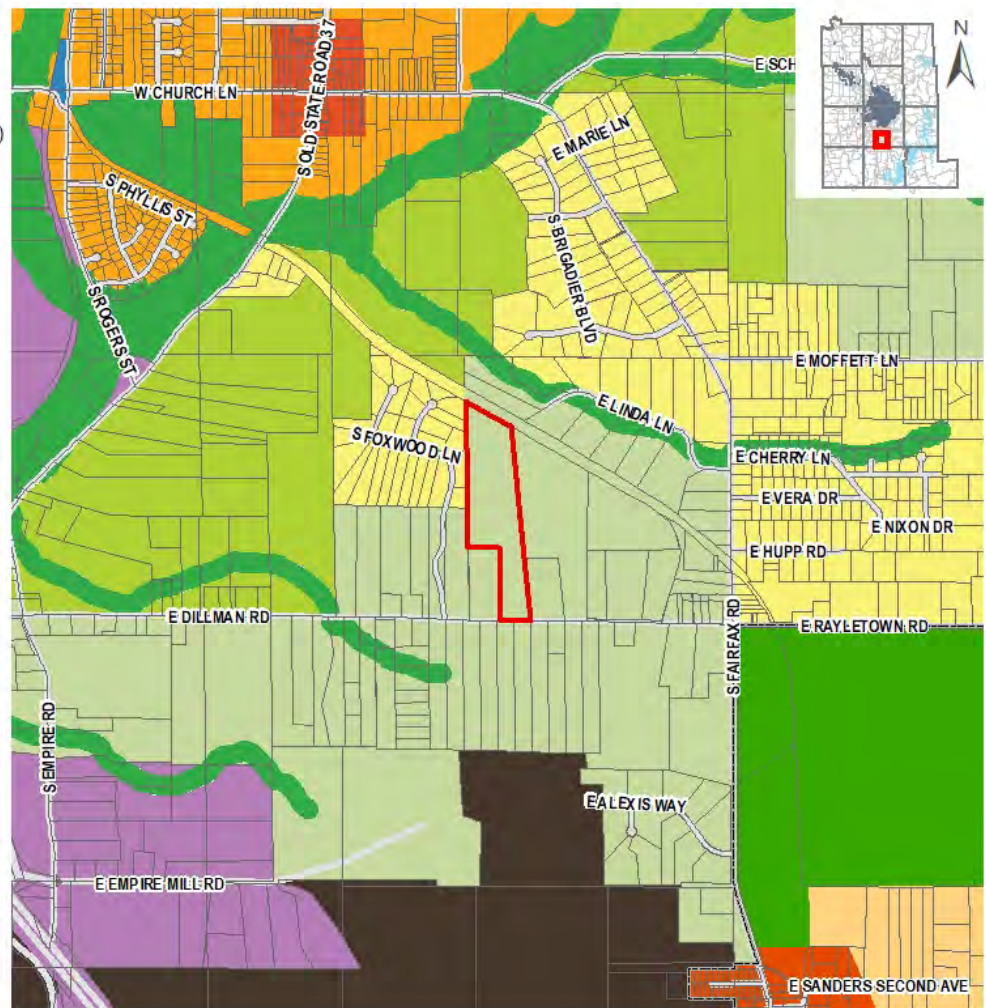
### Comp. Plan Land Use (Updated 2015)

-  Designated Communities
-  Farm and Forest
-  Rural Residential
-  MCUA Conservation Residential
-  MCUA Employment
-  MCUA Institutional
-  MCUA Mixed Residential
-  MCUA Mixed Use
-  MCUA Open Space
-  MCUA Quarry Landscape
-  MCUA Rural Transition
-  MCUA Suburban Residential

0 0.125 0.25 0.5 Miles



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/17/2021



## **FINDINGS OF FACT:**

### **A Detached Accessory Dwelling Unit is limited to 1,000 square feet of residential space**

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 use a portion of a proposed pole barn as a Detached Accessory Dwelling Unit;
- The site currently contains a single family dwelling;
- The parcel has a driveway permit on file;
- The proposed pole barn includes 1,460 square feet of residential space;
- Chapter 802, Condition #55 states that a Detached Accessory Dwelling Unit “is limited to 1,000 square feet of residential space”;
- The site is adjacent to single family residential uses;
- The site is not in an Environmental Constraints Overlay area;
- The site has no FEMA floodplain on the lot;
- The site is not in a natural or scenic area;
- Conclusion: The approval 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);
- Access to the property is derived from E Dillman Rd, a Minor Collector;
- The existing driveway on the lot has been reviewed and approved by the Highway Department;
- The existing home has a septic system to the north of the single-family dwelling;
- 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);
- The petition site is zoned Agriculture/Rural Reserve (AG/RR);
- The 20.39 +/- acre parcel is a legal lot of record;
- The minimum lot size to file for a subdivision without sewer connection is 10 acres;
- A DADU is permitted in the Agriculture/Rural Reserve (AG/RR) zone if the property has at least 5 acres;
- Surrounding properties are zoned Agriculture/Rural Reserve (AG/RR) and Estate Residentail (ER);
- Any new proposed development will be required to meet all height, bulk, area, and density provisions, including setback standards;

- Proposed development is required to meet Improvement Location Permit requirements and all other design standards for the construction of a DADU;
- 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 & 3);
- Proposed development is required to meet all other design standards for the construction of a DADU;
- If the petitioner added more residential space by way of an expansion, they would trigger the need to apply for a subsequent variance;
- 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(1 & 3);
- 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:**

- See findings under (A)(1)
- Conclusion: No practical difficulties exist in that the petitioner could decrease the size of the proposed Detached Accessory Dwelling unit to meet the 1,000 sq ft limitation.

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.

**EXHIBIT ONE: Petitioner's Letter**

11 February 2021

Monroe County Board of Zoning Appeals  
Monroe County Planning Department  
501 N. Morton Street  
Bloomington, IN 47404

Dear Board Members:

Thank you for your consideration of my request for a Design Standards Variance for my property located at 985 East Dillman Rd (parcel: 53-08-28-400-019.001-008). The variance requested is from the Conditions Pertaining to Permitted Uses requirement of Chapter 802, Condition #55 (1,000 square feet limit of residential space for DADU) of the Monroe County Zoning Ordinance for the purpose of constructing a detached accessory dwelling unit (DADU).

My request is to construct a pole barn with a living quarters for my elderly disabled parents to reside in. I would like to increase the residential size from 1,000 to 1,460 square feet to accommodate two bedrooms and two bathrooms.

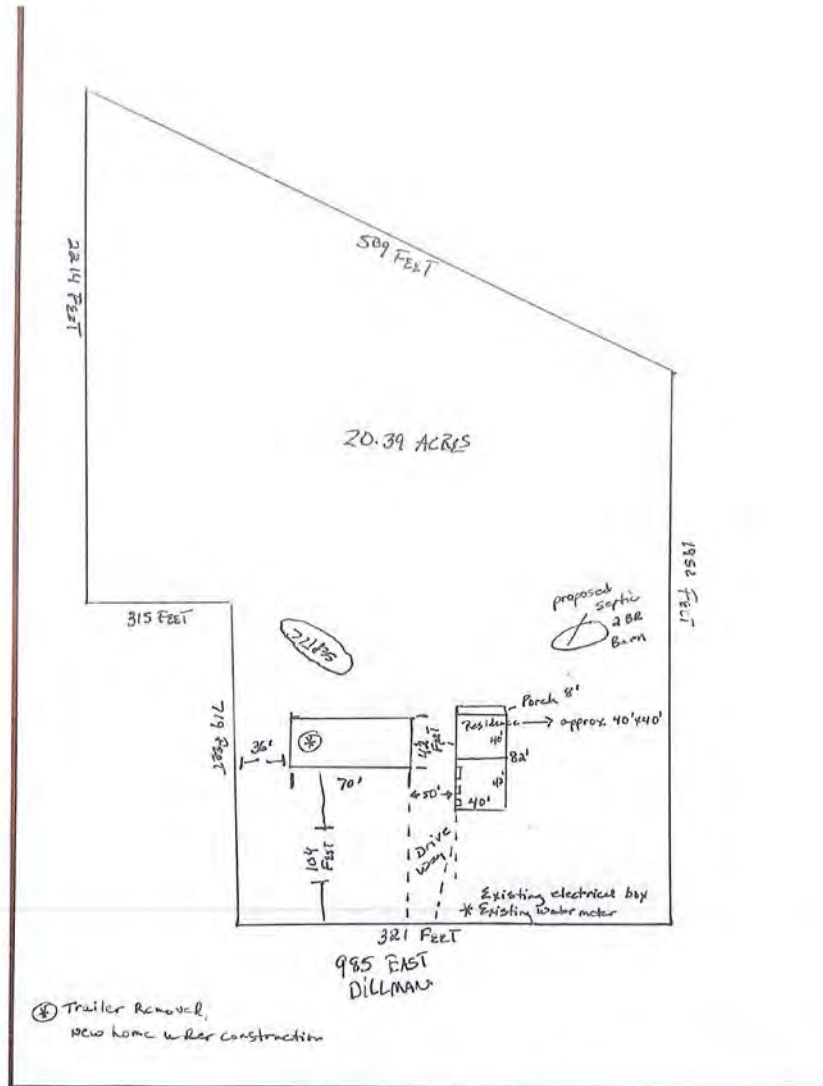
Again, thank you for your consideration of my variance request.

Sincerely,

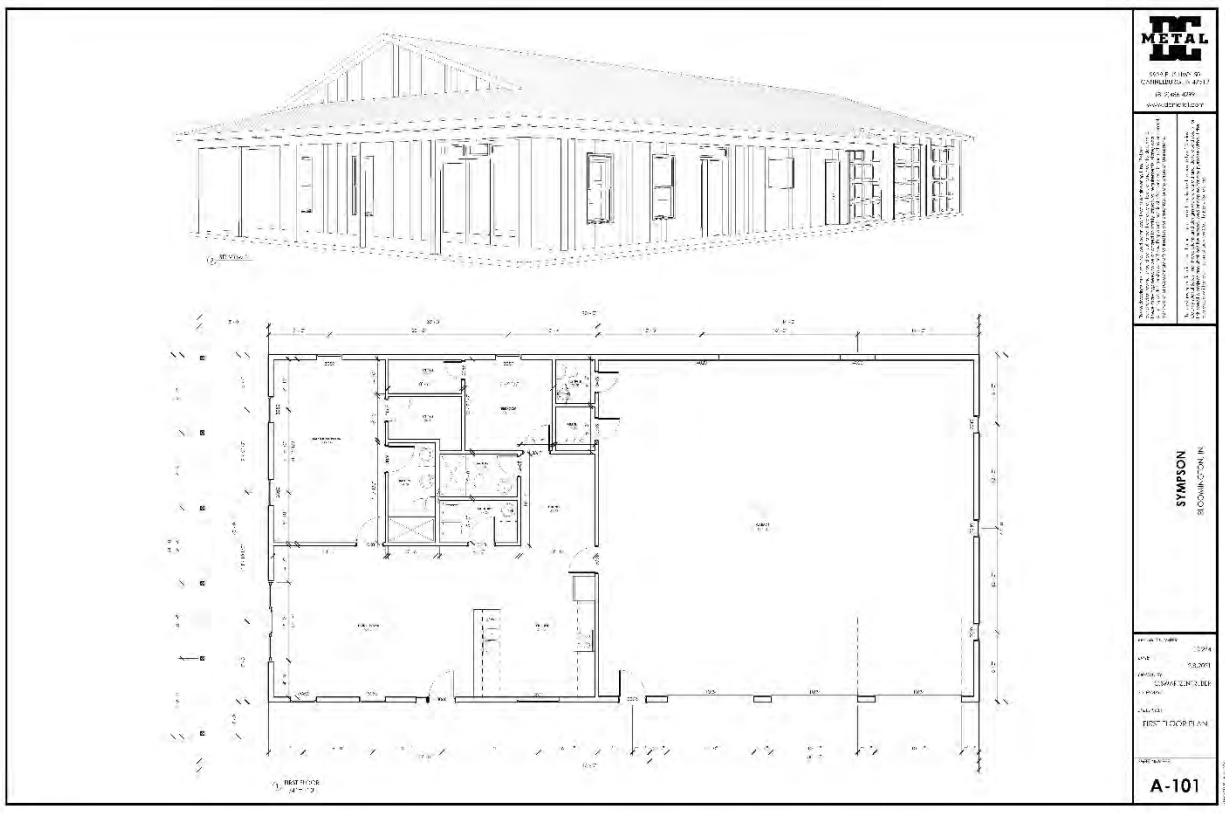


Lucas A. Simpson

## EXHIBIT TWO: Site Plan



# EXHIBIT THREE: Floor Plan





<b>CASE NUMBER</b>	2102-VAR-15
<b>PLANNER</b>	Drew Myers
<b>PETITIONER</b>	Genevieve L. Pritchard, C/o Ernesto Castaneda, Loren Wood Builders
<b>REQUEST</b>	Design Standards Variance: Minimum Lot Size Ch. 804
<b>ADDRESS</b>	1094 N Brummetts Creek RD
<b>ACRES</b>	3.797 +/-
<b>ZONE</b>	Forest Reserve (FR); ECO Area 1
<b>TOWNSHIP</b>	Salt Creek
<b>SECTION</b>	3
<b>PLATS</b>	Caroline Beebe Type "E" Administrative Subdivision
<b>COMP PLAN</b>	
<b>DESIGNATION</b>	Farm and Forest

**EXHIBITS:**

- 1) Petitioner Letter
- 2) Site Plan
- 3) Type "E" Administrative Subdivision plat

**RECOMMENDED MOTION:**

**Approve** the Minimum Lot Size Variance to Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.

**SUMMARY**

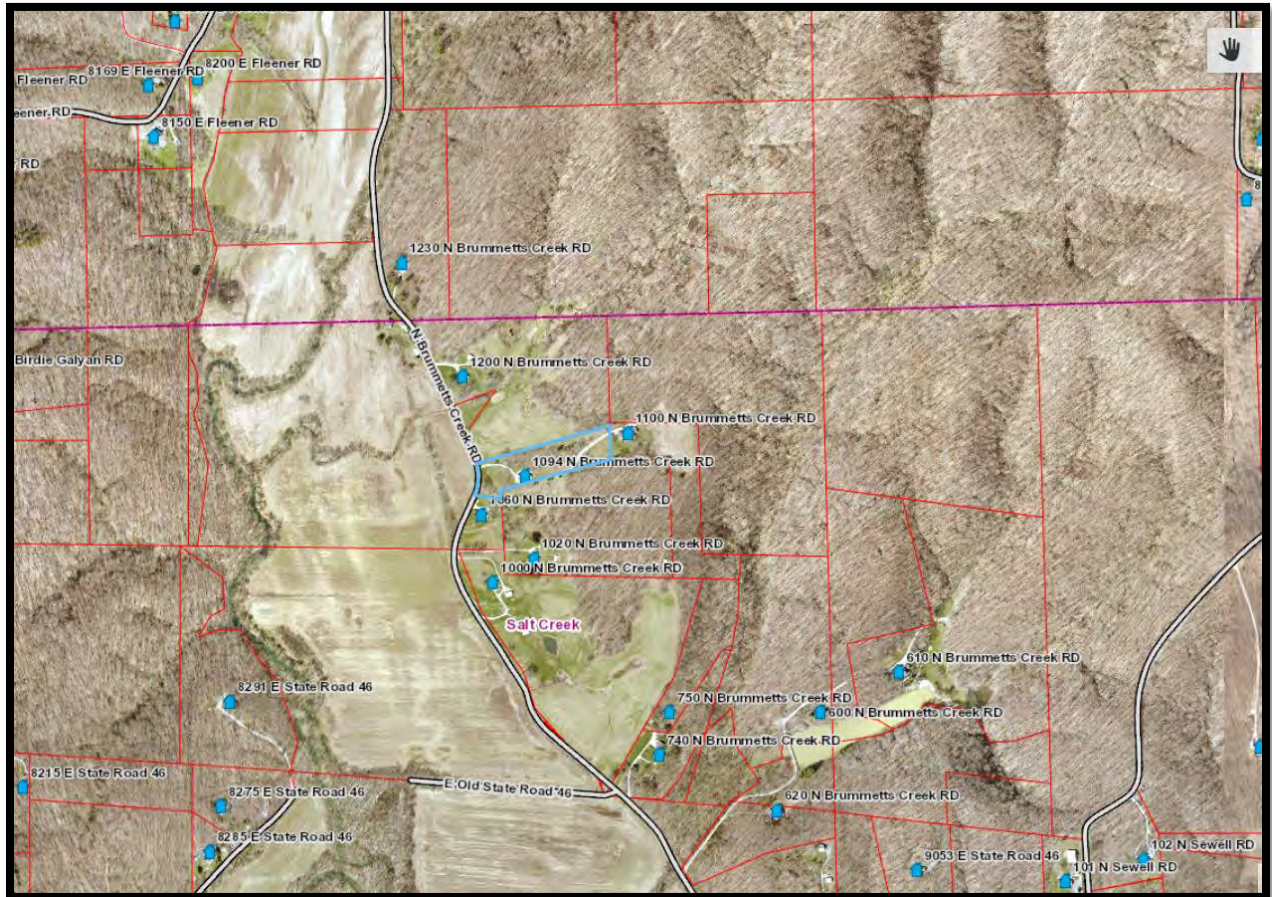
The petitioner requests a Design Standard Variance from the Minimum Lot Size Requirement of Chapter 804 for the purposes of constructing an approximate 168 square foot (12' x 14') screened-in porch addition to the existing single family residence.

The petition site is one 3.797 +/- acre parcel that is zoned Forest Reserve (FR), and contains an existing 1,670 sq. ft. single family residence. The petitioner is requesting one design standards variance to the Minimum Lot Size requirement of Chapter 804 for the purposes of constructing an approximate 168 square foot (12' x 14') screened-in porch addition to the existing single family residence. The property does not meet the minimum lot size requirement of 5.0 acres for the Forest Reserve zone

Approval of this variance would allow the petitioner to permit the construction of a 168 sq. ft. screen-in porch addition, that must meet all other design standards (height, bulk, area, and density), setbacks, and slope restrictions for the Forest Reserve zoning district and Area 1 of the Environmental Constraints Overlay.

## LOCATION MAP

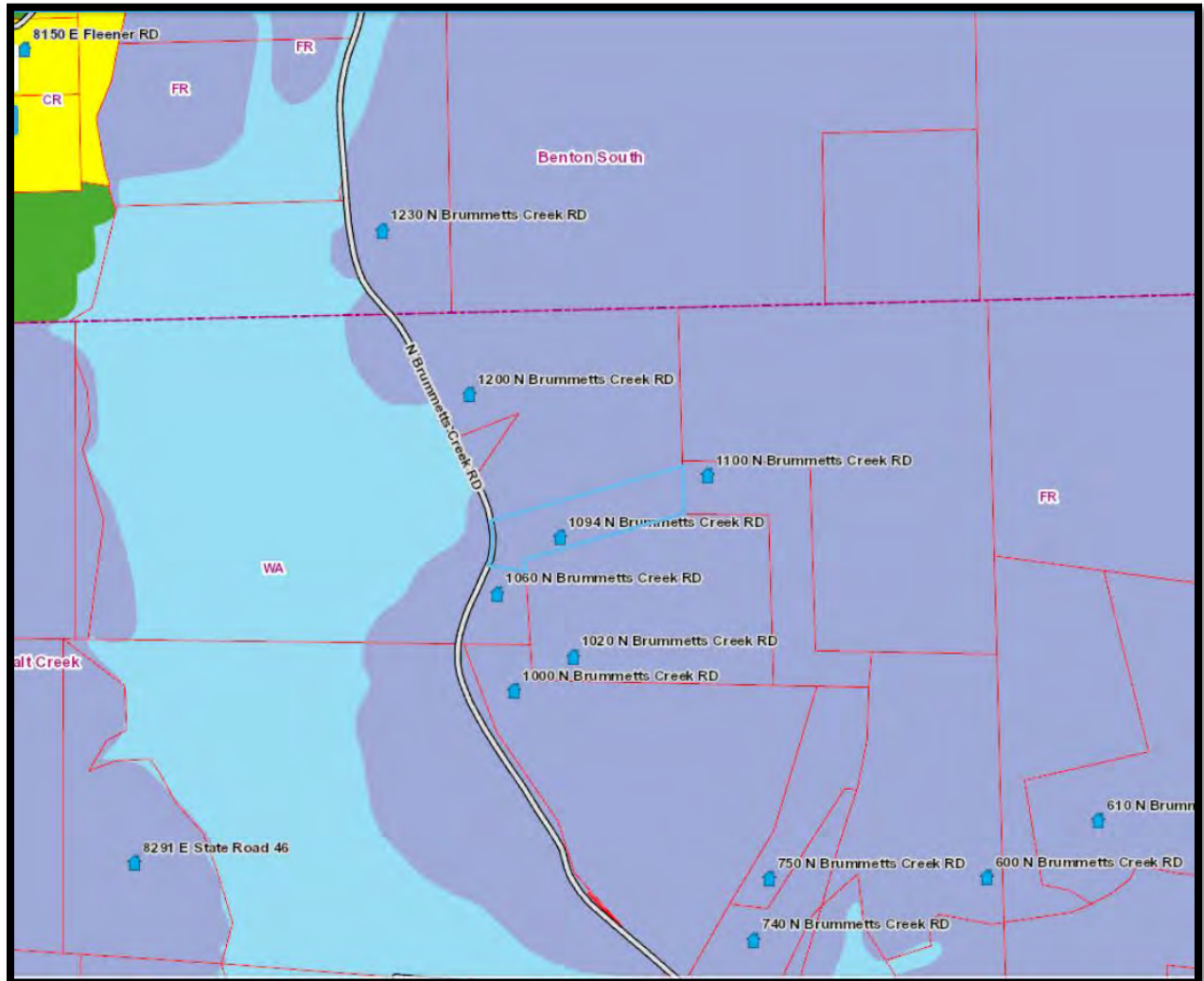
The parcel is located in Salt Creek Township, Section 3, at 1094 N Brummetts Creek RD (parcel no: 53-07-03-100-005.000-014).



Map produced on Monroe County Elevate GIS

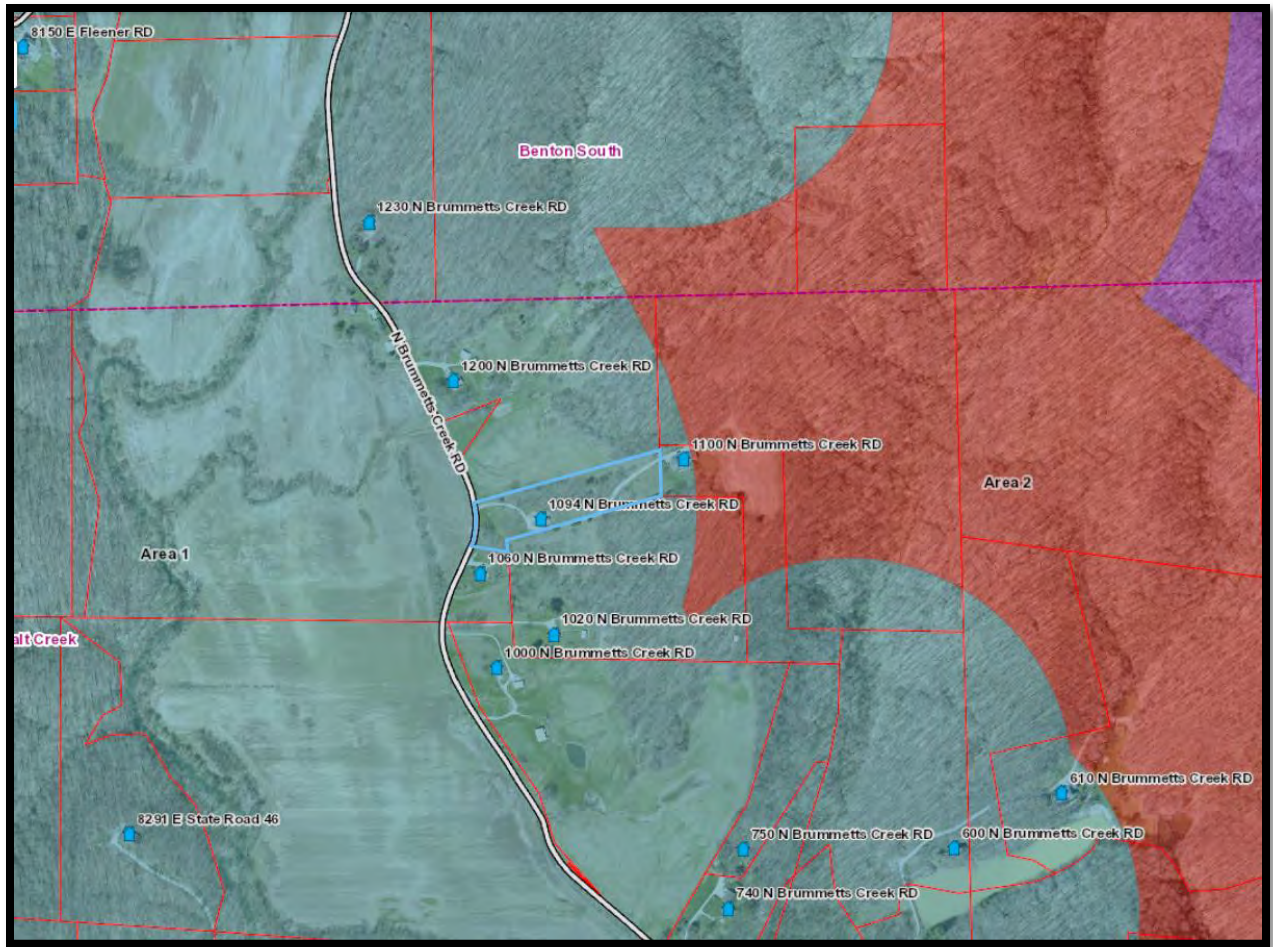
## **ZONING AND LAND USE**

The property is zoned Forest Reserve. Adjacent properties are zoned Forest Reserve and are also located in Area 1 of the Environmental Constraints Overlay (ECO 1).



**Map produced on Monroe County Elevate GIS**





Map produced on Monroe County Elevate GIS

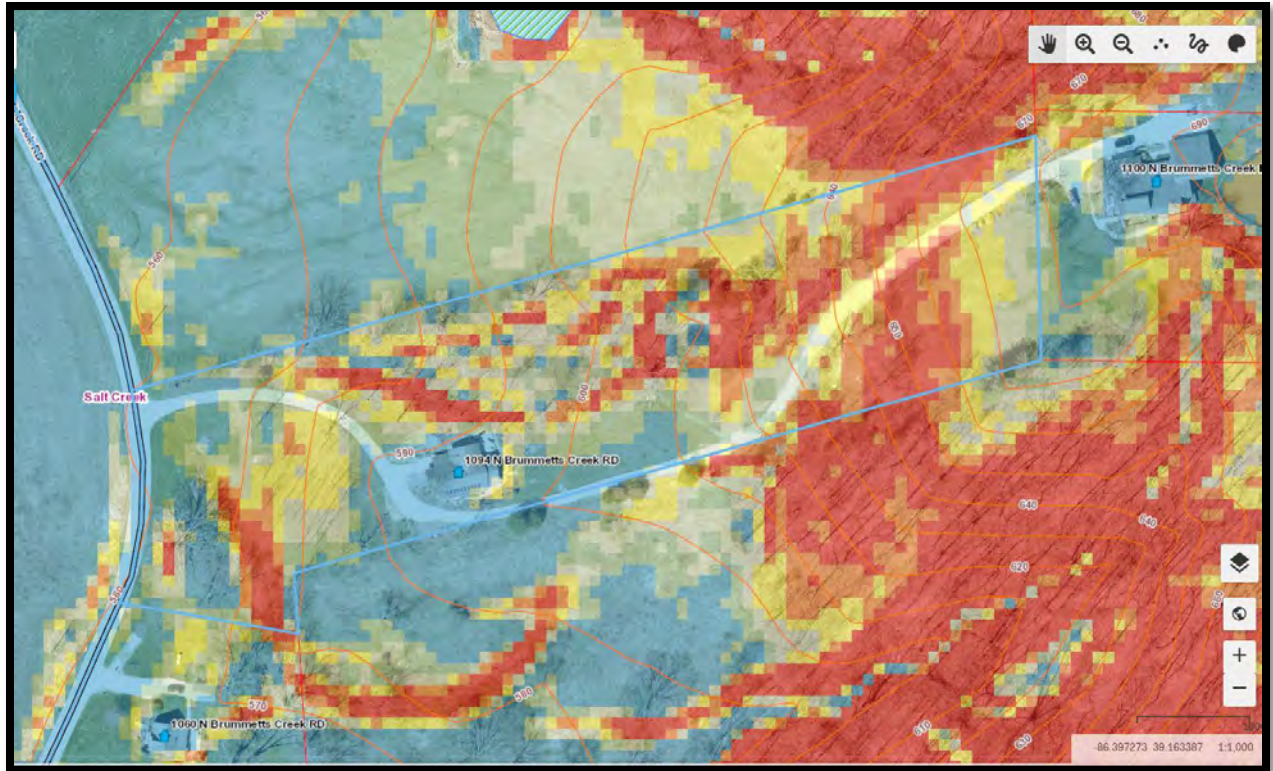


### **SITE CONDITIONS & SLOPE**

The petition site contains an existing ~1,670 sq. ft. residence. The petition site receives access from N Brummetts Creek RD (a local road). An ingress/egress easement continues on through the petition site to service the property at 1100 N Brummetts Creek RD. The petition site is serviced by septic system and a permit has been submitted to Planning Staff. There are no known karst features on the property. There is no FEMA floodplain. The petition site exhibits some area of slopes greater than 12% and 15%, but will not be disturbed by the proposed screened-in porch addition.



**Map produced on Monroe County Elevate GIS**



**Map produced on Monroe County Elevate GIS**



## SITE PICTURES



**Photo 1: Aerial pictometry from the South**



**Photo 2: Aerial pictometry from the North**





**Photo 3: Aerial pictometry from the East**





**Photo 4: Aerial pictometry from the East (zoomed)**

## **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the Farm and Forest designation of the Comprehensive Plan designation, which states:

### **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.

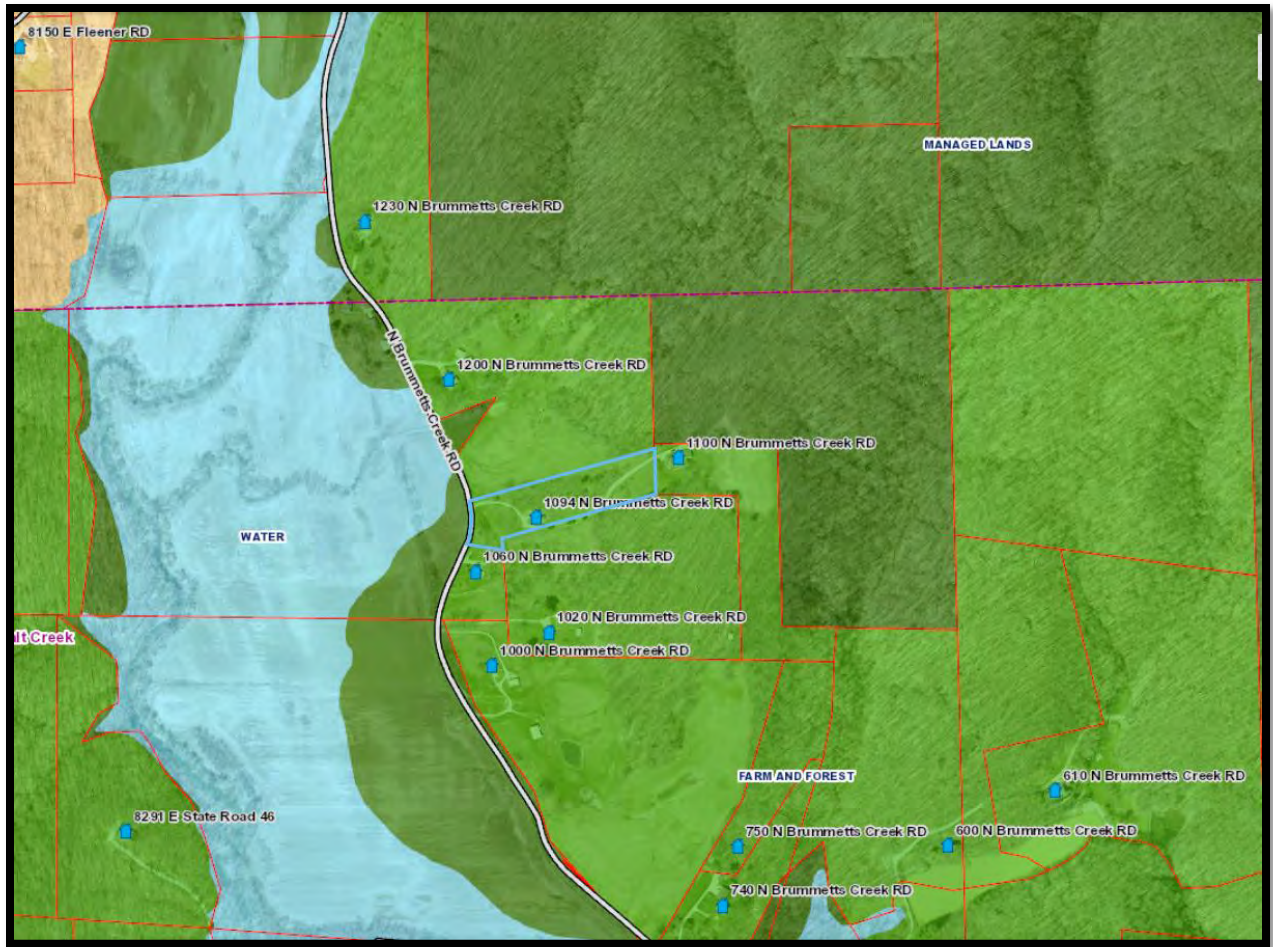
A low residential density is necessary in order to protect associated and adjoining Vulnerable Lands and to sustain particular “quality of life” and “lifestyle” opportunities for the long-term in a sparsely populated, scenic setting. With a few exceptions like The Pointe development on Monroe Reservoir, 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 cannot 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.





Map produced on Monroe County Elevate GIS

### **FINDINGS OF FACT: Minimum Lot Size 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 3.797 +/- acre parcel to construct a 168 sq. ft. screened-in porch addition;
- The 3.797-acre lot contains an existing ~1,670 sq. ft. single family residence;
- The petition site is listed as Tract B of the Caroline Beebe Type “E” Admin Subdivision;
- There are no designated scenic areas adjacent to the petition site;
- The petition site is located in Area 1 of the Environmental Constraints Overlay;
- There are no known karst features on the petition site;
- There is no FEMA Floodplain on the petition site;
- The petition site is adjacent to floodplain as designated by the DNR Best Available Floodplain Mapping;
- There is no evidence that the proposed screened-in porch addition would obstruct a natural or scenic view;
- 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 A (1);
- The property has access from N Brummetts Creek RD, a designated local road;
- The proposed development will not interfere with water lines or the septic system;
- 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 A(1) and A(2);
- The proposal would meet all other design standards;
- 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 A (1);
- The petition site and adjacent properties are zoned Forest Reserve (FR) with a minimum lot size requirement of 5.0 acres;
- There are at least 3 other parcels within a half-mile radius that do not meet the FR minimum lot size requirement;
- The petition site and adjacent properties are a mix of residential or federally managed land;
- 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 A (1);
- The petition site is located in Area 1 of the Environmental Constraints Overlay;
- There are no known karst features on the petition site;
- There is no FEMA Floodplain on the petition site;
- 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:**

- The strict application of the ordinance would not allow any further development on the parcel without a minimum lot size variance;
- If the variance is not granted, no new structures or additions could be constructed;
- The minimum lot size variance is the minimum necessary to add any structure to the property;
- Conclusion: There **are practical difficulties** in the use of the property as defined in Chapter 801;

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**

Genevieve L. Pritchard  
1094 N Brummetts Creek Rd,  
Bloomington, In 47408  
Re: Screened Porch

Dear Board of Zoning Appeals,

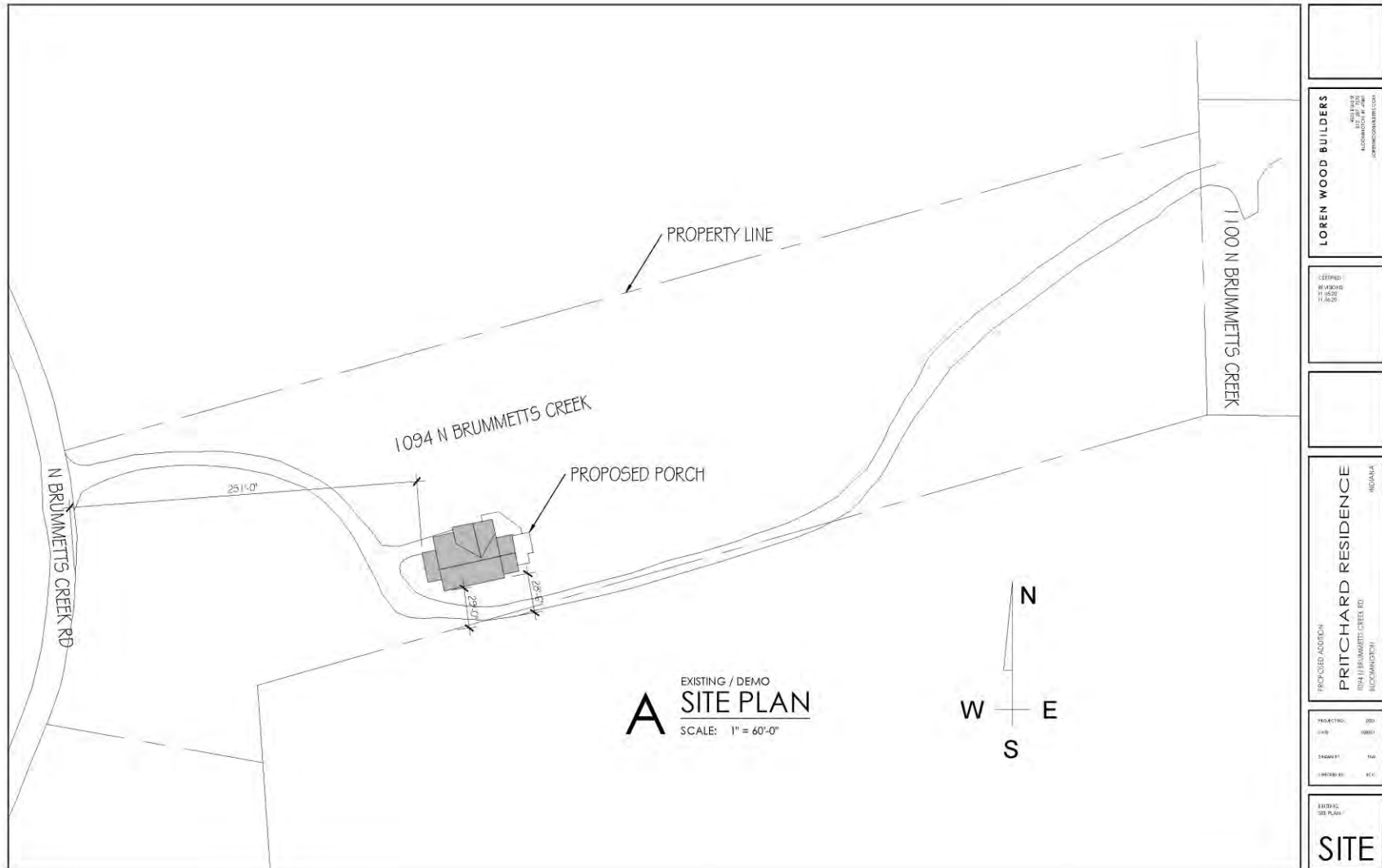
We are respectfully requesting one variance in order to build a screened porch at the back of my house. While this lot-size is short of the 5 acre minimum, the addition of a screened porch is minimal and it will not cause any harm to the property and neighbors. We request a variance so that screened porch can be made possible.

Erosion control measures will be put in place throughout the process to ensure that no erosion is minimized caused during the course of work and all disturbed areas around the screened porch will be seeded and stabilized with straw matting once completed.

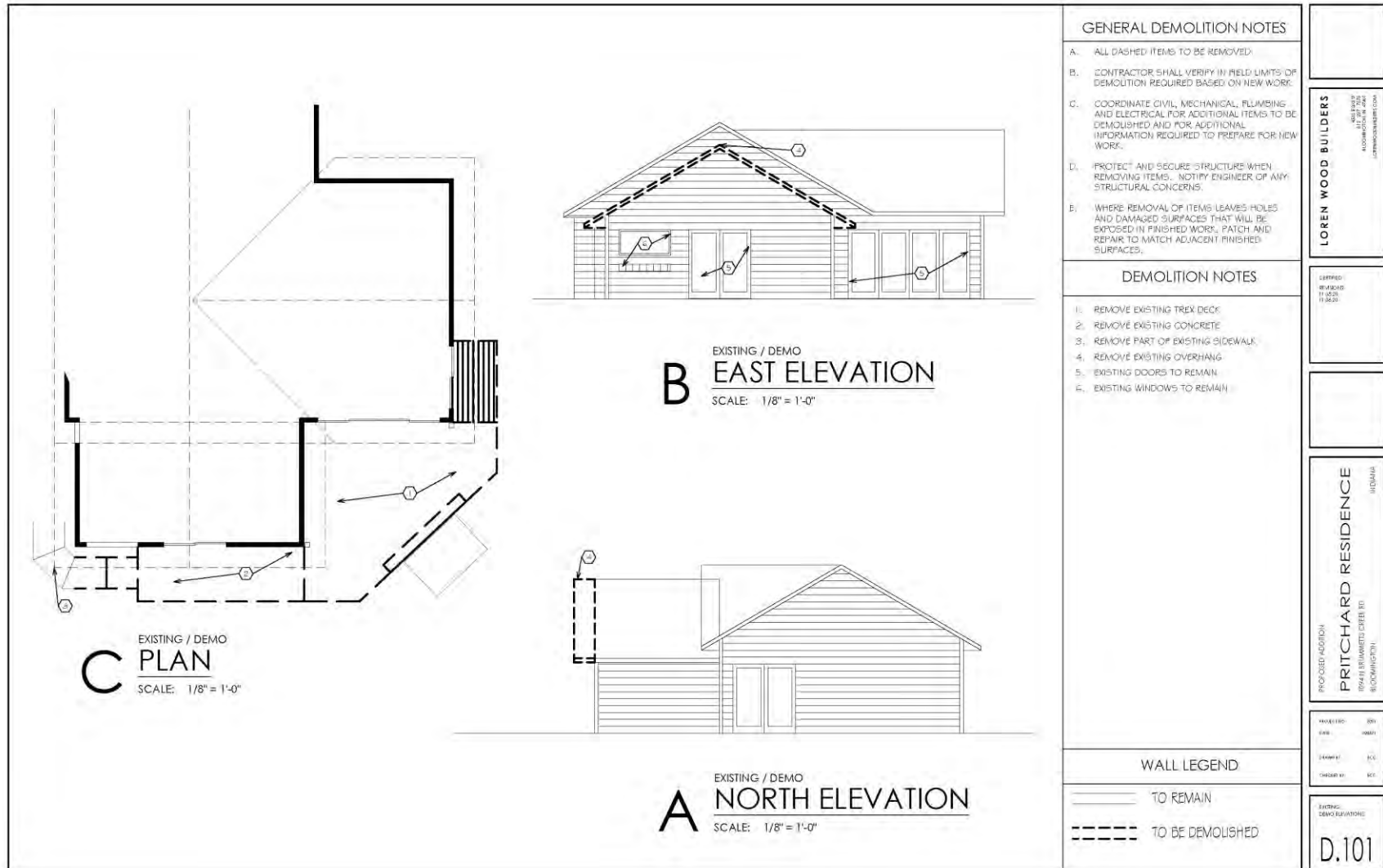
We respectfully ask for your approval of variance.

Thank you,  
Genevieve L. Pritchard

## EXHIBIT TWO: Site Plan









- A. GENERAL CONTRACTOR TO FIELD CHECK AND VERIFY ALL DIMENSIONS AND CONDITIONS. REPORT DISCREPANCIES TO ARCHITECT BEFORE PERFORMING WORK.
- B. COORDINATE WORK OF OTHER TRADES WITH YOUR TRADE PRIOR TO STARTING ANY CONSTRUCTION.
- C. ALL DIMENSIONS SHOWN ARE FROM FACE OF STUD, FACE OF MASONRY OR CENTERLINE OF COLUMN, UNLESS OTHERWISE NOTED.
- D. PROVIDE BLOCKING AT ALL TOILET AND SHOWER LOCATIONS, ALL CABINETS, TOILET ACCESSORIES AND CLOSET RODS AND SHELVES.

1. NEW CONCRETE SLAB
2. SCRIBE 1x2 AGAINST EXISTING SIDING

**LOREN WOOD BUILDERS**  
4031 ROAD 9  
RIS 307 7036  
ALCOCKBRIGHT IN ALAB  
LORWOODBUILDERS.COM

CERTIFIED  
REVISED  
11-03-20  
11-06-20

PROPOSED ADDITION

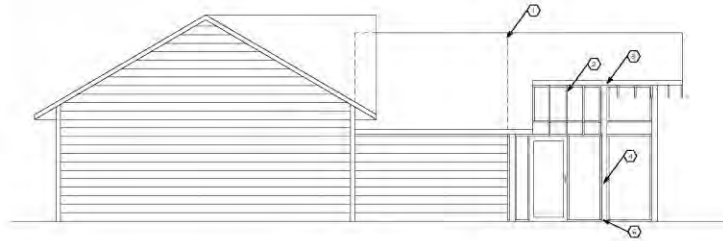
**PRITCHARD RESIDENCE**

10944 H BRUNSWICK CIRCLE RD  
BLOOMINGTON  
INDIANA

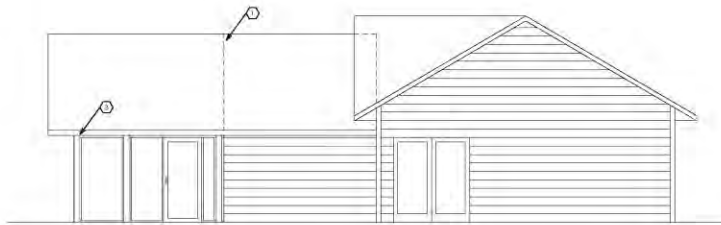
PROCEEDS OF	2004
DATE	10/25/04
DEPOSIT TO	FCU
CHECK NO.	500

EXISTING  
CONCRETE  
FLOOR PLAN

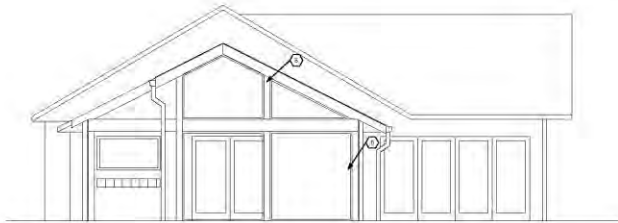
A.101



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



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



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

#### GENERAL ELEVATION NOTES

1. ASPHALT SHINGLES TO MATCH EXISTING
2. COPPER CAP ON 2X10 EXPOSED ROOF RAFTERS
3. NEW GUTTER AND DOWNSPOUT
4. 6X6 CEDAR POST, CLEAR STAIN
5. SCREENEZE SYSTEM
6. SIMPSON DT66Z CONCEALED POST TIE

LOREN WOOD BUILDERS

1000 S. 10TH AVE.  
TULSA, OK 74106  
918.466.1234  
WWW.LORENWOODBUILDERS.COM

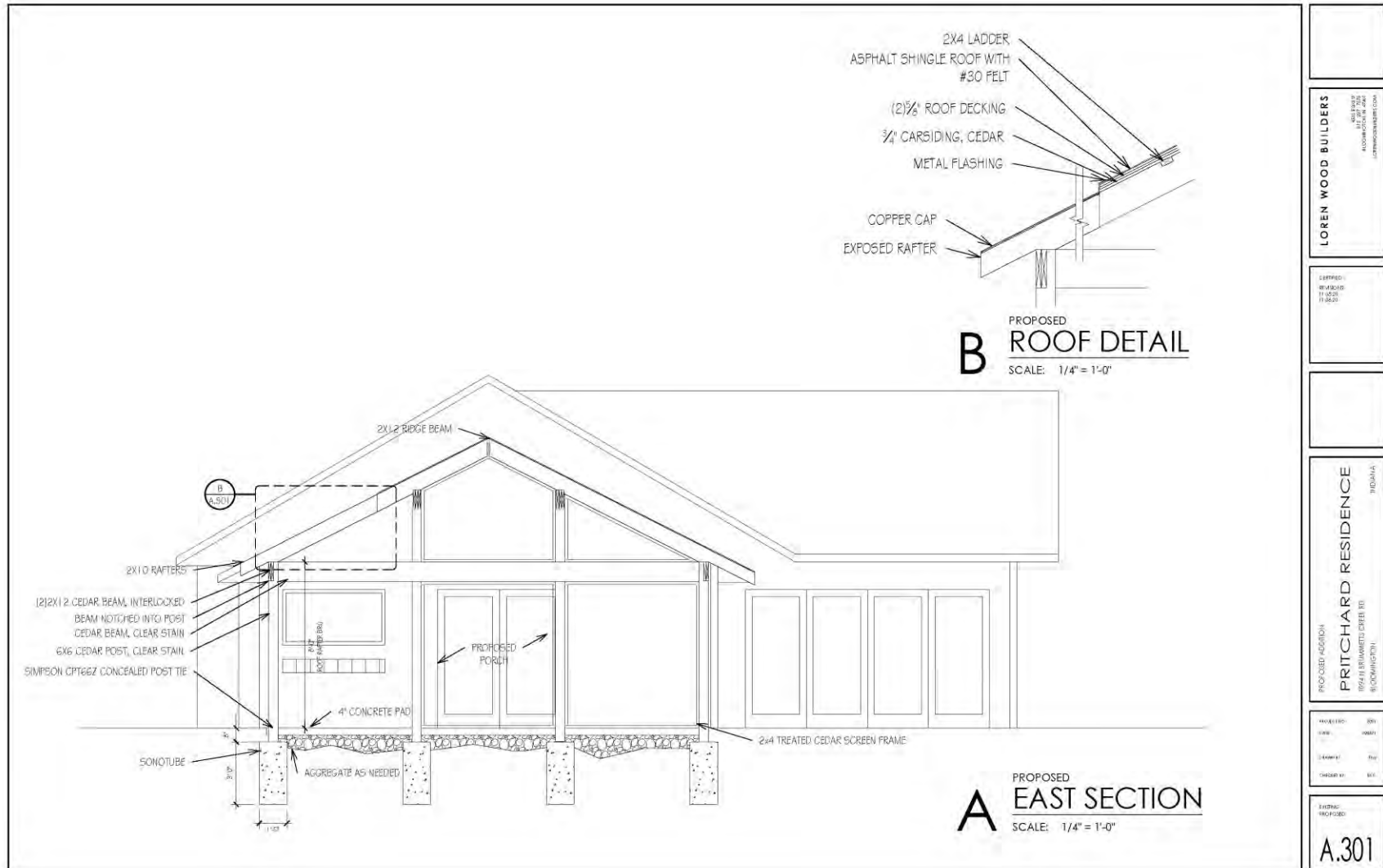
CERTIFIED  
REPLACES  
11.05.20  
11.05.20

PROPOSED ADDITION  
**PRITCHARD RESIDENCE**  
1924 S. INDEPENDENT DRIVE, B1  
TULSA, OK 74106

APPROVED: JWB  
DATE: 08/01/20  
DRAWN BY: JWB  
CHECKED BY: JWB

PROJECT  
NO. 2020-0001

**A.201**





# EXHIBIT THREE: Type "E" Administrative Subdivision

## OWNER'S CERTIFICATE AND DEDICATION

Caroline J. Beebe, owner of record of the real estate shown and described herein, does hereby certify, lay off, and plat the above described parcel into two tracts as shown on the attached plat. Rights-of-way not heretofore dedicated are hereby dedicated to Monroe County, Indiana.

In witness whereof, the owner of said real estate has hereunto caused her hand to be subscribed this 10 day of JUNE, 2011.

By: *Caroline J. Beebe*  
Caroline J. Beebe

STATE OF INDIANA

COUNTY OF MONROE

Personally appeared before me, the undersigned notary public in and for said county and state, Caroline J. Beebe, and acknowledged the execution of the foregoing as her voluntary act and deed for the purposes therein expressed.

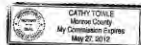
Witness my hand and notarial seal this 10th day of JUNE, 2011.

*Mark Koe*  
County of Residence

*Carly Towne*  
Notary Public Written

*May 27, 2012*  
Commission Expires

*Cathy Towne*  
Notary Public Printed

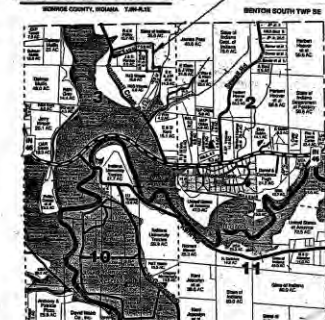


I affirm under penalties of perjury that I have taken reasonable care to read each social security number in this document, unless required by law.

Caroline J. Beebe  
Name

ROBERT S. POLLEY & KATHRYN L. POLLEY  
D.R. 387 P.288

## SALT CREEK TWP - NE



STATE OF INDIANA  
D.R. 108 P.310

DULY ENTERED  
FOR TAXATION

JUN 13 2011

Author: Monroe County, Indiana

DATE OF PLAT: June 2, 2011

## LEGEND

- 1 Rebar with cap "KB Potter" cap set this survey
- 2 Iron pipe found
- 3 Iron pin found in Brummett's Creek Road
- 4 Rebar with "SNA" cap found

## CAB D ENV 104

## TYPE "E" ADMINISTRATIVE SUBDIVISION

Caroline Beebe  
1100 North Brummett's Creek Road  
Bloomington, IN 47408  
NE quarter, Section 3, T8N, R1E

2011002985 Q.C. 528 BP  
08/12/2011 01:30:13 P 1 PGS  
Jin Fielder  
Monroe County Recorder, IN  
Recorded as Presented

## OWNER/SUBDIVIDER/DEVELOPER

Caroline J. Beebe  
1100 North Brummett's Creek Road  
Bloomington, Indiana 47408  
Phone (812) 335-0701

## DESIGNER OF SUBDIVISION/PROPERTY SURVEYOR/

## PREPARER OF PLAT AND SUPPORTING MATERIALS

Kevin B. Potter, P.E., A.S.  
369 East Cunningham Street  
Martinsville, IN 46151  
Phone (812) 331-7981

## EXISTING ZONING CLASSIFICATION

FR, ECO 1 and ECO 2

## SOURCE OF TITLE

2011002985 Q.C. - 0.84 acre parcel  
2011002985 Q.C. - 10.76 acres EXCEPT 0.84 acre parcel

Ingress/ Egress Easement - 2011002985 Q.C. Exhibit "B" and  
2011002985 Q.C. Exhibit "B"

## LEGAL DESCRIPTION - Overall Parcel

Part of the Northeast quarter of Section 3, Township 8 North, Range 1 East, Salt Creek Township, Monroe County, Indiana, more particularly described as follows:

Commencing at a stone found at the Northeast corner of said Northeast quarter 784.83 feet; thence North 87 degrees 31 minutes 38 seconds West 784.58 feet to an iron pipe found at the point of beginning; thence continuing North 87 degrees 31 minutes 38 seconds West 548.80 feet to an iron pipe; thence South 00 degrees 03 minutes 30 seconds West 24.50 feet to a rebar with cap set; thence South 78 degrees 14 minutes 42 seconds West 848.88 feet to an iron pin in Brummett's Creek Road; thence South 04 degrees 14 minutes 50 seconds East along said road 72.12 feet; thence South 11 degrees 05 minutes 40 seconds West along said road 108.30 feet; thence South 78 degrees 32 minutes 20 seconds East 151.83 feet to a rebar with cap set; thence North 02 degrees 15 minutes 20 seconds West 40.82 feet to a rebar with cap set; thence North 78 degrees 07 minutes 42 seconds East along a fence 712.83 feet; thence South 87 degrees 23 minutes 32 seconds East 363.48 feet to an iron pipe; thence South 00 degrees 01 minutes 24 seconds West 709.86 feet to an iron pipe; thence South 87 degrees 18 minutes 50 seconds East 454.28 feet to an iron pipe; thence North 07 degrees 56 minutes 28 seconds East 145.83 feet to a rebar with "SNA" cap found; thence North 88 degrees 01 minutes 10 seconds West 288.15 feet; thence North 00 degrees 01 minutes 46 seconds West 788.44 feet to the point of beginning, containing 10.731 acres, more or less.

Subject to the right-of-way for Brummett's Creek Road and subject to all other easements, restrictions, and rights-of-way of record.

## CERTIFICATION

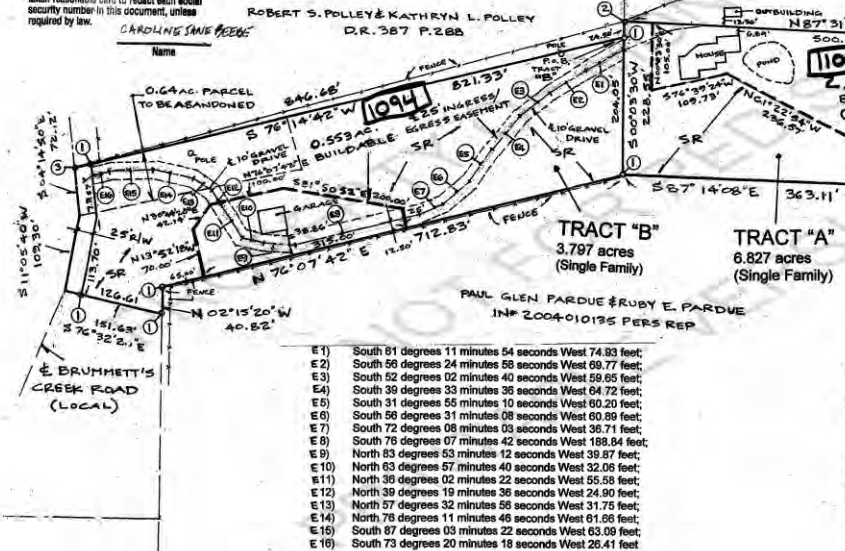
I, Kevin B. Potter, Indiana L.S. No. S 0487, hereby certify that I am a licensed land surveyor under the laws of the State of Indiana; that this plat represents a survey made by me in November of 2010; that the monuments shown on this plat exist; and that their locations, sizes, types and materials are accurately shown.

*Kevin B. Potter*  
Kevin B. Potter, L.S. # S 0487

*June 2, 2011*  
Date



MARK C. SWORDS AND VALERIE L. PERKINS-SWORDS  
IN# 2006002939 WAR



Under the authority of Chapter 174, Acts 1947, as amended, General Assembly of the State of Indiana, and the Monroe County Subdivision Control Ordinance, this plat was created through the Administrative Subdivision procedure and approved by the Monroe County Plan Commission

*June 13, 2011*  
*John P. Wood*  
John P. Wood, President

*June 13, 2011*  
*Larry J. Wilson*  
Larry J. Wilson, Secretary

ROBERT E. WOODS & SHIRLEY ANN WOODS  
D.R. 133 P.100-101

JOHN & SANDRA HEADER  
SR 381 P.575-576