

MONROE COUNTY BOARD OF ZONING APPEALS



Wednesday, November 2, 2022
5:30 p.m.

Hybrid Meeting

In-person

Judge Nat U. Hill III Meeting Room
100 W. Kirkwood Avenue
Bloomington, Indiana

Virtual

Zoom Link: <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)

HYBRID MEETING

When: November 2, 2022 at 5:30 PM

Where: Monroe County Courthouse, 100 W Kirkwood Ave., Bloomington, IN 47404 Nat U Hill Room

Zoom link: <https://monroecounty-in.zoom.us/j/84992412568?pwd=Vm5yMnNRem01bmIwVnRjQ0xIME9qUT09>

If calling into the Zoom meeting, dial: 312-626-6799

When prompted, enter the Meeting ID #: 849 9241 2568

Password: 373168

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES: August 31, 2022

ADMINISTRATIVE BUSINESS: NONE

OLD BUSINESS:

- | | | |
|----------------------|--|----------------|
| 1. VAR-22-13a | Barker Minimum Lot Size Variance to Chapter 804 | |
| 2. VAR-22-13b | Barker Front Yard Setback Variance to Chapter | |
| 3. VAR-22-13c | Barker Buildable Area Floodplain Variance to Chapter 804 | PAGE 5 |
| | One (1) 0.19 +/- acre parcel in Benton North Township, Section 34 at 9390 N Derrett Road, parcel #53-01-34-100-026.000-003.
Owner: Scott D Barker
Zoned SR. Contact: tbehrman@co.monroe.in.us | |
| 4. VAR-22-17a | Sego Buildable Area Variance to Chapter 804 | |
| 5. VAR-22-17b | Sego ECO Area 2 Variance to Chapter 825 | PAGE 24 |
| | One (1) 4.7 +/- acre parcel in Clear Creek Township, Section 11 at 3130 E Will Sowders Road, parcel #53-11-11-200-001.000-006.
Owner: Sego Holdings LLC
Zoned SR. Contact: acrecelius@co.monroe.in.us | |

NEW BUSINESS:

- | | | |
|---------------------|---|----------------|
| 1. CDU-22-1 | Maple Grove Gardens Conditional Use to Ch. 813 for Sawmill | |
| | One (1) 8.26 +/- acre parcel in Richland Township, Section 3 at 6300 W Maple Grove Road, parcel # 53-04-03-100-035.000-011.
Owner: Maple Grove Gardens LLC
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us
CONTINUED BY STAFF | |
| 2. VAR-22-38 | 8482 S Fairfax Use Variance for Hotel Use | PAGE 38 |
| | Three (3) 16.63 +/- acre parcels in Clear Creek Township, Section 14 at 8482 S Fairfax Road, parcel # 53-11-14-300-026.000-006, | |

53-11-14-300-026.000-006, 53-11-14-300-026.000-006.
Owner: Renewing Properties LLC
Zoned AG/RR, ECO1/2. Contact: acrecelius@co.monroe.in.us

- 3. VAR-22-40** **IU Health E911 Dispatch Landscaping Variance to Chapter 830**
One (1) 3.90+/- acre parcel in Richland Township, Section 25 at
2995 N Lintel Drive, parcel #53-04-25-101-005.012-011.
Owner Indiana University Health, INC
Zoned PUD. Contact: tbehrman@co.monroe.in.us
CONTINUED BY STAFF
- 4. VAR-22-41** **Webb Minimum Lot Width to Chapter 804** **PAGE 57**
One (1) 4.37 +/- acre parcel in Indian Creek Township, Section 10 at
7800 S Harmony Road, parcel no. 53-10-10-300-002.000-007
Owner: Miranda Webb
Zoned AG/RR. Contact: shawnsmith@co.monroe.in.us
- 5. VAR-22-43a** **Young Trucking Interior Landscaping Variance to Chapter 830** **PAGE 66**
6. VAR-22-43b **Young Trucking Off-Street Parking Variance to Chapter 806**
One (1) 8.5 +/- acre parcel in Richland Township, Section 36 at
1238 N Loesch Road, parcel no. 53-04-36-200-016.013-011
Owner: Arrow Properties LLC
Zoned HI. Contact: dmyers@co.monroe.in.us
- 7. VAR-22-44** **Lewis DADU Cond. 55 (1,000 sq. ft.) Variance to Chapter 802**
One (1) 15.61 +/- acre parcel in Clear Creek Township, Section 20 at
9015 S Gore Road, Parcel #53-11-20-400-017.000-006.
Owner: Lewis, Cindy
Zoned AG/RR. Contact: acrecelius@co.monroe.in.us
CONTINUED BY PETITIONER

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

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at: PlanningOffice@co.monroe.in.us no later than November 2, 2022 at 4:00 PM.

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

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

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

The meeting will be open to the public via ZOOM.

812-7-8: 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.

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;*
 - (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;*
 - (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,*
 - (4) *It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;*
- (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;*
 - (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,*
 - (3) *It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,*
- (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.

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

812-5. Standards for Use Variance Approval: In order to approve a use variance, the Board must find that:

- (A) The approval will not be injurious to the public health, safety, and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The need for the variance arises from some condition peculiar to the property involved;
- (D) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,
- (E) The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:
- (1) *Residential Choices*
 - (2) *Focused Development in Designated Communities*
 - (3) *Environmental Protection*
 - (4) *Planned Infrastructure Improvements*
 - (5) *Distinguish Land from Property*



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date:

November 2, 2022

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-13a	Minimum Lot Size Variance from Chapter 804	Denial
VAR-22-13b	Front Yard Setback from Chapter 804	Denial
VAR-22-13c	Buildable Area (Floodplain) Variance from Ch. 804	Approval

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

Recommended Motion Conditions or Reasoning:

Staff recommends **denial** of variance VAR-22-13a Minimum Lot Size Variance. Home could be redesigned to meet the setback requirements and make the lot size issue moot.

Staff recommends **denial** of variance VAR-22-13b Front Setback Variance. Home could be redesigned to meet the setback requirements.

Staff recommends **approval** of variance VAR-22-13c with the following conditions:

1. Submit grading permit to review erosion and drainage plan by the MS4 Coordinator for updated plans.
2. Submit plan for any tree preservation or removal signed off by a Certified Arborist including protection of trees as may be necessary located adjacent to the site improvements.
3. Prior to the start of construction, a licensed engineer/surveyor will clearly mark the construction limits with respect to the City of Bloomington property lines, base flood elevation contour 635.1' and tree conservation including drip line. Planning staff to inspect boundaries and installed erosion control measures prior to the start of construction.
4. As-Built survey including an Elevation Certificate required prior to Certificate of Occupancy release.

Variance Type: ☒ Design ☐ Use
 ☒ Residential ☐ Commercial

Planner: Tammy Behrman

PETITIONER	Scott D. Barker (owner/applicant)	
ADDRESS	9390 N Derrett RD, 53-01-34-100-026.000-003	
TOWNSHIP + SECTION	Benton 34	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted: n/a	
ACREAGE +/-	0.17	
	PETITION SITE	ADJACENT
ZONING	SR	SR; FR;
COMP PLAN	Rural Residential	Rural Residential
USE	Residential	Residential; Recreational; Vacant

Location Map
☒ Petitioner
 — Roads
☐ Civil (Political) Townships
☐ Lakes
☐ Parcels



SUMMARY

The petitioner submitted permit R-22-337 for a 3 story home fronting Lake Lemon. The proposed structure has a 752 sf porch that encroaches 14' into the 25' front lake setback. If a structure on property zoned SR does not meet all setback requirements then a minimum lot size variance is also required. Suburban Residential zoning requires a 1.0 acre minimum, and the petition site is 0.17 acres. Additionally, the floodplain limits have been delineated on the petitioner's plot plan as 635.1' Base Flood Elevation. Under Chapter 804-4(E) structures are not allowed on land that does not meet Buildable Area and in this case there is technically mapped floodplain over the petitioner's entire property using the DNR Best Available Flood Data. Though the petitioner has demonstrated with a certified plot plan that all site disturbance will be above the regulatory Base Flood Elevation of 635.1' the area of development is still considered to be in a Special Flood Hazard Area as specified in Chapter 808 and therefore requires a design standards variance as well as a Floodplain Development Permit. Should the variances all be approved a residence totaling 6,061 sf would be approved.

DISCUSSION

MINIMUM LOT SIZE

Under Chapter 804 Table 4-1 Minimum Lot Acres in SR is 1.0 acres with note (F) stating: *If all other development standards are met, no variance is required for a lot of record with an area less than one (1) acre.* In this case, a front setback variance is being requested and is triggering this variance.

Septic Permit WW-21-312

The septic system is proposed to be approximately 300'+ offsite to the northeast on adjacent land owned by the petitioners. The original septic was approved for a 3 bedroom structure though but after a re-submittal and review by the Health Department a permit was re-issued 9/27/2022 for a 5 bedrooms. Planning requested the Health Department to review the construction plans to confirm number of bedrooms. It was determined there were originally 6 bedrooms for this site as defined by Monroe County Code 365-1, the petitioner re-designed their floorplan to accommodate the size septic system for 5 bedrooms. No affidavit was required from the Health Department for bedroom count for this review.



Ryan Cushman

Remove Comment • Apr 26, 2022 at 1:31 pm

Monroe County Code 365-1 "Bedroom" for purposes of interpreting 410 IAC 6-8.1 means any room within a dwelling that is large enough and convenient for sleeping purposes and contains at least one window for natural light and ventilation, and emergency egress. A bedroom is none of the following: a bathroom, kitchen, living room, family room, dining room, closet, foyer, pantry, laundry room, furnace or utility room.

With this definition the following rooms would be counted as bedroom equivalents: Finished Fitness Room, Office, Sun Room, Master Bedroom, Bedroom #2, Bedroom #3.

This house would require a 6 bedroom septic system. The septic permit issued for a 3 bedroom house is insufficient to handle the hydraulic load of the house as designed.

Driveway permit: not required

The site is accessed by a steep, single lane, private drive approximately 0.3 miles long with an elevation change of approximately 170'. One must honk when going around the blind curve for safety reasons.

Below is a summary table of variance requests.

	Required	Petitioner	Difference
Minimum Lot Size	1 acre	0.17 acres	0.83 deficit
Front Setback	25'	11'	14' encroachment

*Previous design was 18' encroachment

The current structure to be demolished is a 2 bedroom with a 1,250 sf footprint. Below is an analysis of the proposed structure.

List of modifications to proposed version 2 of plot plan submitted 8/9/2022:

1. The office has been eliminated and this space becomes the laundry room. This should eliminate 1 bedroom, per your bedroom definition.
2. The old laundry room space has been merged with the pantry to make a larger pantry.
3. The deck stairway has been eliminated. This reduces the distance the deck exceeds the water-side setback. My new variance request will be to exceed the water side setback by 14 feet, which is less than my neighbor's approved variance.
4. The left & right covered decks are now uncovered decks.

PLOT PLAN	Draft 1	Draft 2	difference
Total Buildable Area per setbacks	3,240 sf	3,240 sf	
Proposed HOME footprint	2,107 sf	2,107 sf	
Proposed PORCH footprint	874 sf	752 sf	122 sf reduction
Proposed Total Footprint	2,981 sf	2,859 sf	122 sf reduction
Total Living and Non-living Space	6,183 sf	6061 sf	122 sf reduction

Staff did evaluate the **Minimum Open Space** Requirement of 40 percent. It was confirmed they have 44 percent open space which meets the requirement. Structures, driveways and sidewalks cover 4,201 sf of the site or 66 percent coverage. No variance is needed though any addition of sidewalks or structures should be re-evaluated for compliance.

FRONT SETBACK

The proposed home meets all setback requirements but footprint of the 752 sf two story porch is entirely in the front setback and encroaches 14' in the 25' required setback. The property to the southeast was granted a front setback for 14.5'. The home to the northwest meets their lakeside setback and is actually setback even further by about 5-7 ft.

The petitioner has submitted a letter (Exhibit 3) and makes an argument that the front setback encroachment, "will enable the back side [lakeside] of our proposed house to **align with the back side of my neighbor's houses along the shoreline,**" and demonstrates this with an illustration. Staff has included a side view of the proposed home with the encroaching two story, roofed porch /deck outlined in in red as Exhibit 5. A patio that is less than 30" tall is not considered a structure and would be allowed to encroach into setbacks and is what the neighboring property to the southeast proposed.

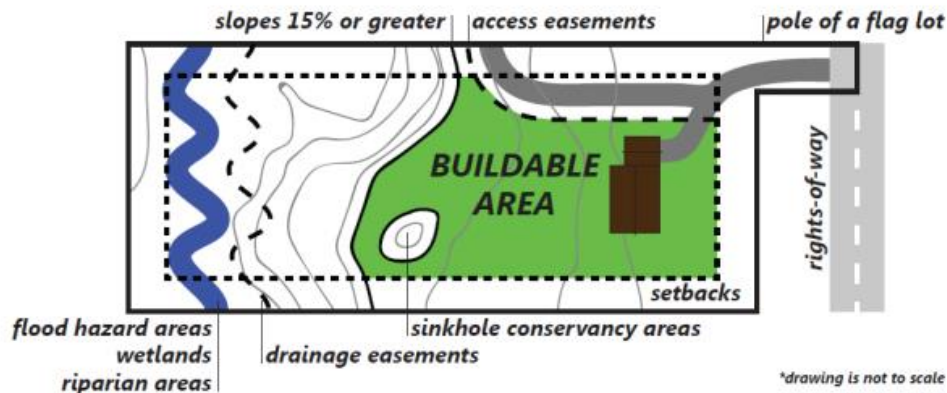
FLOODPLAIN

The petitions site is in a mapped Special Flood Hazard Area however all development will occur above the 635.1' Base Flood Elevation contour as shown by a certified plot plan. Lowest Floor Elevation is stated as 640' and is above the state required Flood Protection Grade of 637.1'

Chapter 804-4(E) definition

- (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



Chapter 808 definition:

Special Flood Hazard Area (SFHA) means those lands within the jurisdiction of Monroe County and the Town of Stinesville subject to inundation by the regulatory flood. The SFHAs of Monroe County and the Town of Stinesville are generally identified as such on the Monroe County, Indiana and Incorporated Areas Flood Insurance Rate Map dated December 17, 2010 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).



The information provided below is based on the point of interest shown in the map above.

County: **Monroe**

Approximate Ground Elevation: **644.3 feet (NAVD88)**

Stream Name:

Base Flood Elevation: **635.1 feet (NAVD88)**

Lake Lemon

Drainage Area: **Not available**

Best Available Flood Hazard Zone: **FEMA Zone A**

National Flood Hazard Zone: **FEMA Zone A**

Is a Flood Control Act permit from the DNR needed for this location? **See following pages**

Is a local floodplain permit needed for this location? **yes-**

Floodplain Administrator: **Tammy Behrman, Senior Planner**

EXHIBITS - Immediately following report

1. County Slope Map 15%
2. Staff Site visit photos
3. Petition Letter
4. Petitioner Plot Plan (version1)
5. Construction plans side view
6. Petitioners Erosion and Drainage Plan
7. Petitioner Site Plan with proposed septic location
8. Septic Permit and Easement Agreement Pages 1, 2, & 10

EXHIBIT 1

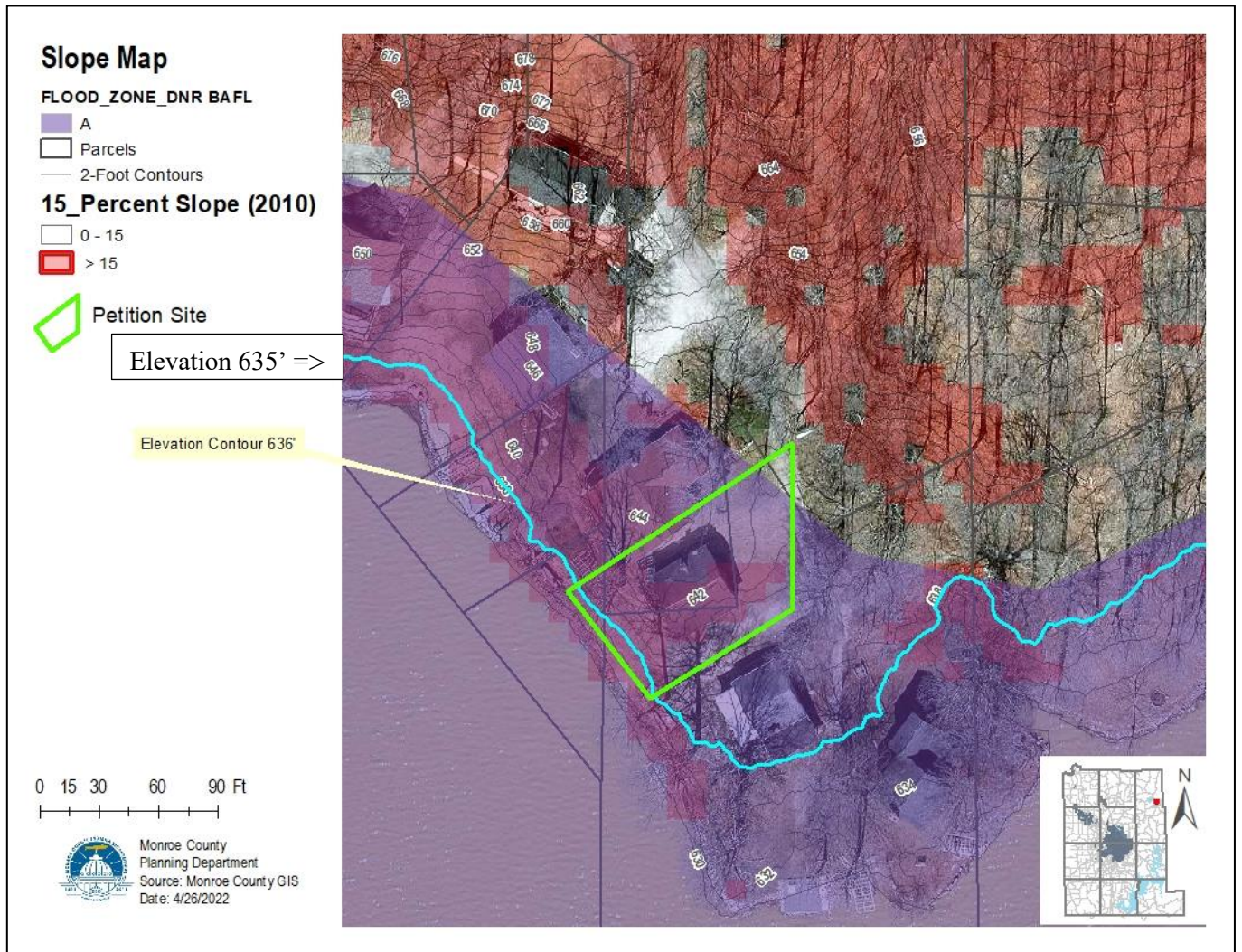


Photo 1: Looking south. Shed and house have been demolished on adjacent lot.



**Photo 2: Looking northwest;
northwest property line along former
house on the left.**



**Photo 3. Facing north. Red star is a
tree of concern.**



Photo 4. Facing north. View site of demolished home.



Photo 5. Facing southwest. View of a soil test site for the septic system. Petition site approx. 300+ feet on the background.



Red arrow is petition site. Structure with black symbol was demolished by both petitioner and CBU as it straddles the property line.



Aerial view 2020 depicting long access easement.

EXHIBIT 3: Petitioner Letter

Monroe County Board of Zoning Appeals

Re: 9390 Derrett Road Variance Request

Dear Board of Zoning Appeals:

My wife and I have submitted a residential building permit application to tear down a vacant house on Lake Lemon in Benton township (Parcel Number 53-01-34-100-026.000-003) and build a new house.

Existing Vacant House



Front of Vacant House



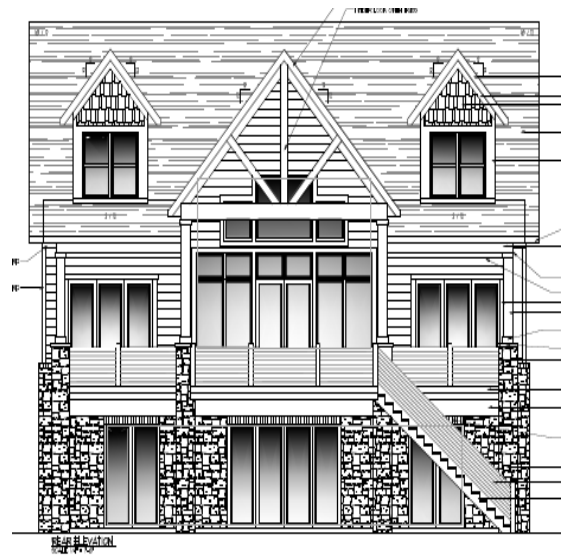
Back of Vacant House

Our new house design has a walkout basement, 3 bedrooms, 3 bathrooms, and 3,718 total living sq ft.

New House Exterior Design



Front of New House Design



Back of New House Design

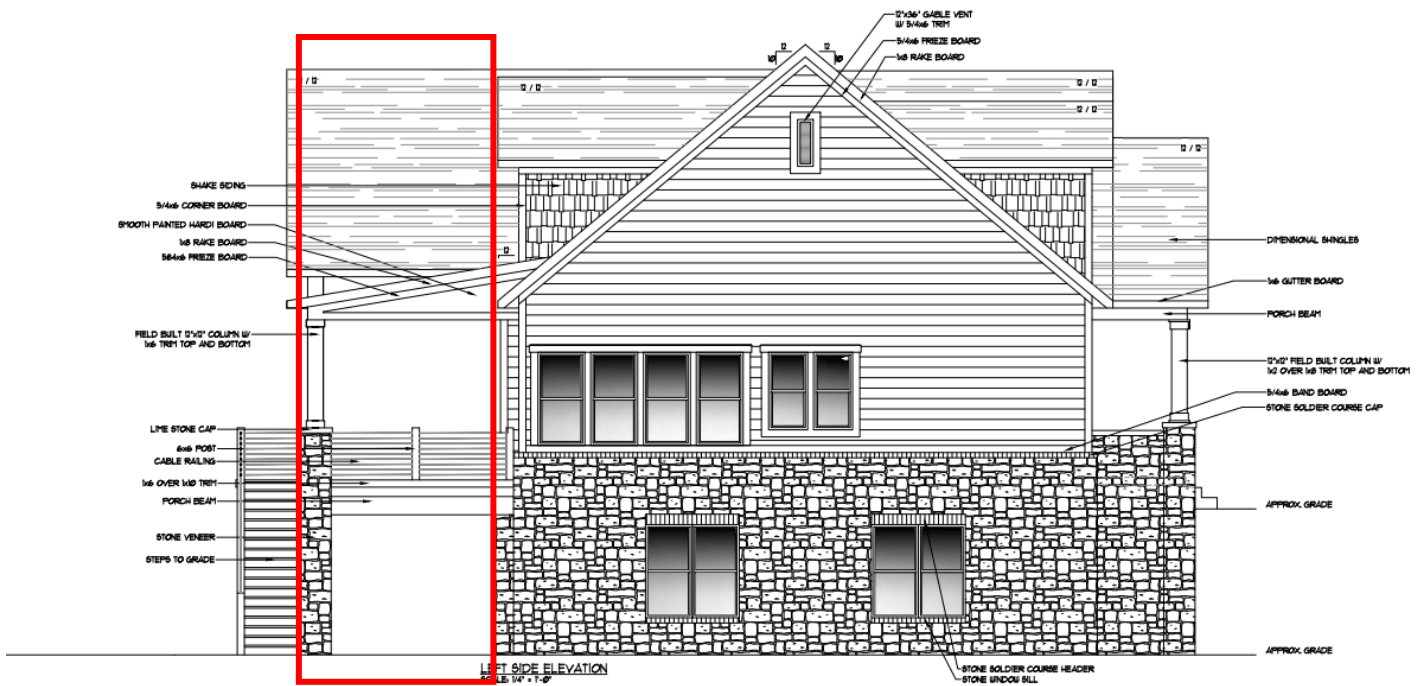
Our Variance Request

- Allow us to build our proposed Deck/Patio **outside** the property setback.
- Our entire house structure will be build **inside** the property setbacks.
- This will enable the back side our our proposed house to **align** with the back side of my neighbor's houses along the shoreline, see the **red** line below.



The site plan for the Barker Residential Development shows a proposed residence with a BFE of 635.1, MFGP of 637.1, RBF of 640.0, and PFF of 651.0. A proposed driveway is shown with a 1.0% slope. A proposed deck is outlined in red. A proposed fort (3-story tall) is shown with a print of 1:355SF. The plan also includes existing features like a stone construction entrance, concrete washout, and existing asphalt. Elevation points are marked throughout the site, and various boundary lines (25FSL, 55SL) are indicated. The plan is dated 2020 and includes a north arrow.

EXHIBIT 5 Construction plans for side view of home (lakeside porch on the left)



Area of encroachment by 14' into the 25' setback (Stairs and part of porch roof removed ~3')

Drainage and erosion plan under review by MS4 Coordinator

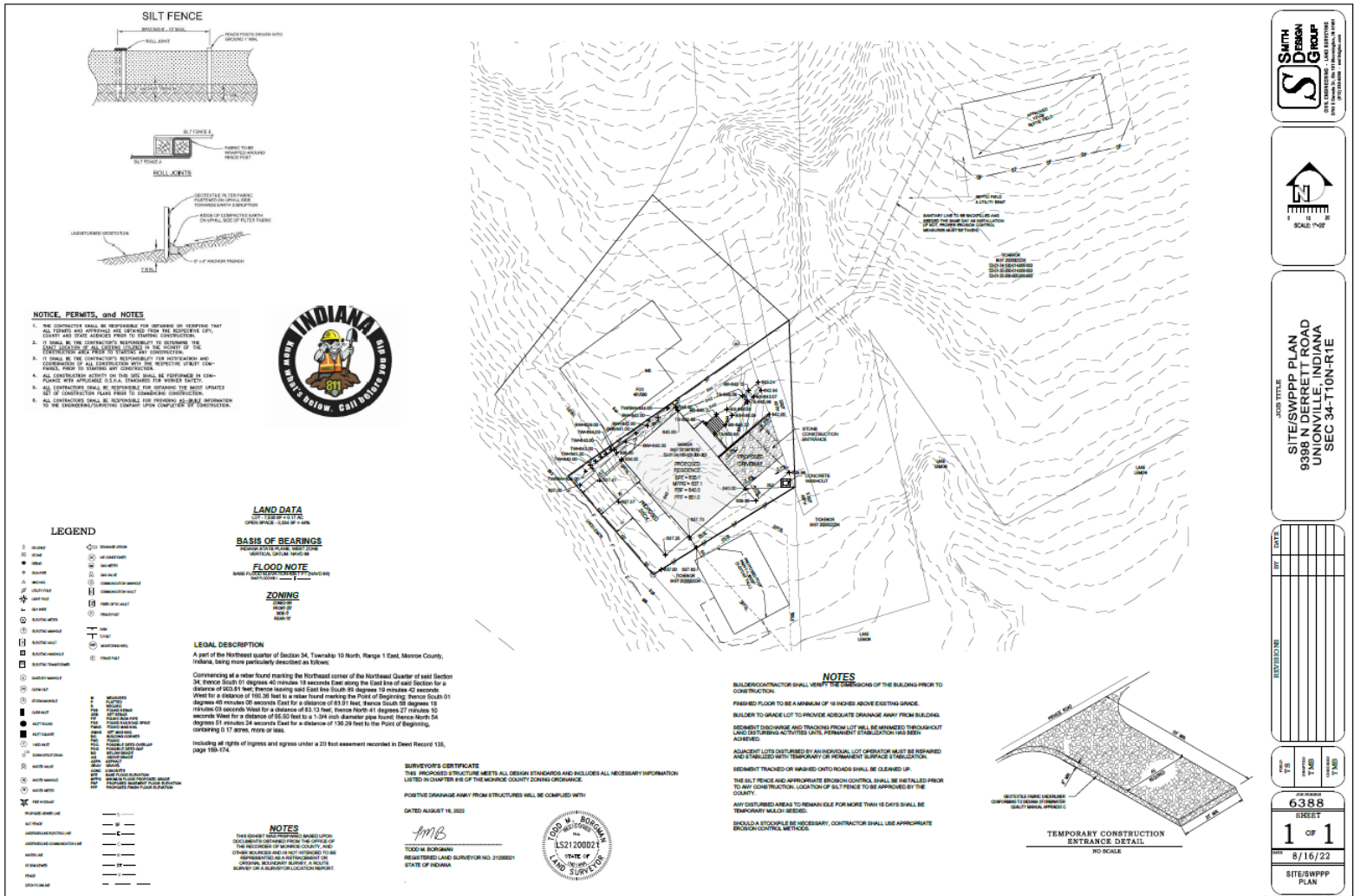
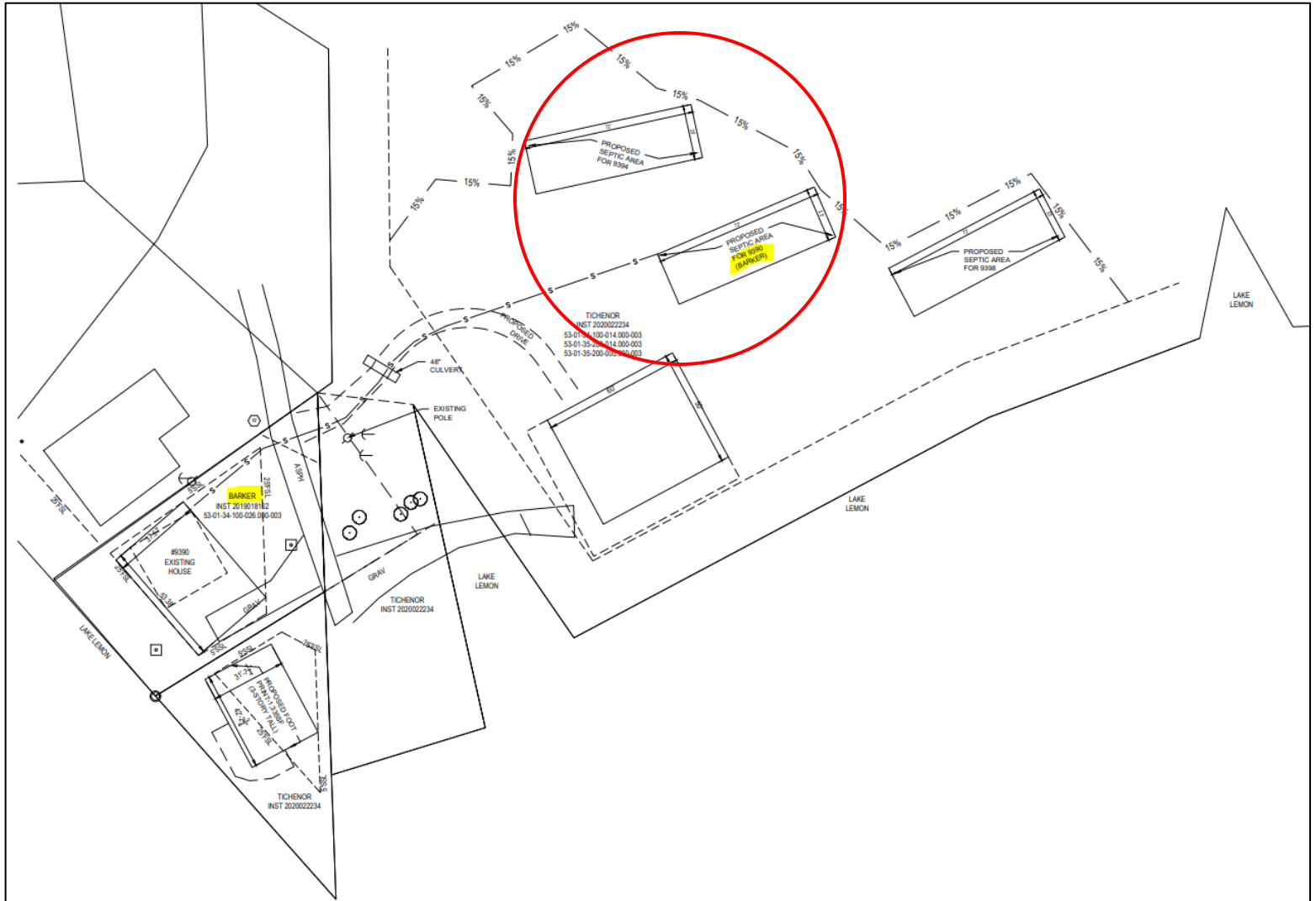


EXHIBIT 7

Septic location on adjacent property to east Permit WW-21-312



The two septic sites highlighted in red are representing the previous plan. The two septic sites have been switched to prevent the two systems from having to cross force main lines. Additionally, the northern septic is to be enlarged to 72'x28' to accommodate the 5 bedroom structure.

EXHIBIT 8: Septic Permit and Easement Agreement



Monroe County Health Department

119 W. 7th Street, Bloomington, IN 47404
Phone: (812) 349-2543 Email: wastewater@co.monroe.in.us



RENEWAL SEPTIC PERMIT

Permit ID **WW-21-312**

DATE PERMIT ISSUED: September 27, 2022

SITE INFORMATION:

Name of Applicant: Scott Barker
State Parcel #: 53-01-34-100-026.000-003
Owner Name: Barker, Scott D
Owner Address: 9378 N Derrett Rd., Unionville, IN 47468
Site Address: 9390 N Derrett RD Unionville, IN 47468-9760
Subdivision: NA
Lot #: NA
Number of Bedrooms: 5

SEPTIC SYSTEM SPECIFICATIONS:

Septic Tank Size (gal.): 1500 gallons
Pump Tank Size (gal.): 1000 gallons
Type of Septic System: Subsurface, sand-lined bed, Presby Advance Enviro-Septic pipes
Septic Field Size (ft. x ft.): 72 feet x 28 feet
Depth of cut (in.): 10 inches maximum
Min. Depth of # 23 sand (in.): 6 inches
Number of Pipes: 5
Length of each Pipe (ft.): 70 feet each
Total Linear foot of pipe: 350 linear feet
Low Vent Required: Yes
High Vent Required: Yes
Subsurface Drainage: Perimeter Drain on all sides
Depth of Subsurface Drain (in.): 40 inches

ADDITIONAL COMMENTS:

Install a 1500 gallon minimum capacity septic tank. Install a 1000 gallon minimum capacity pump tank with an effluent pump. Install a distribution box. Install a subsurface sand-lined septic absorption bed with a basal area of 72' x 28' and a maximum depth of 10". Install a minimum of 6" system sand. Install five Presby Advance Enviro-Septic pipes 70' long each. Install a low vent 12" above the final grade and a high vent 10' above the low vent opening. Install a complete perimeter drain around the absorption bed to a depth of 40" to include a hard pipe outlet and a varmint guard. Maintain 10' of separation between the perimeter drain and the absorption bed.

DISCLAIMER

By the ministerial issuance of this permit, the Monroe County Health Department does not certify the compliance of the planned residential sewage system with the applicable administrative rule of the Indiana Department of Health concerning residential onsite sewage systems.

ANY DEVIATIONS FROM THIS PERMIT MUST BE PRE-APPROVED BY THE MONROE COUNTY HEALTH DEPARTMENT.

Duration of Permit: Permit Expires 2 years from January 27, 2022

A handwritten signature in blue ink, reading "Thomas W. Sharp".

Thomas Sharp, M.D.
Monroe County Health Officer

A handwritten signature in blue ink, reading "Ryan Cushman".

Ryan Cushman
Senior Environmental Health Specialist

EASEMENT AGREEMENT

THIS INDENTURE WITNESSETH, that JONATHAN E TICHENOR AND MARTA J TICHENOR, husband and wife, and TIMOTHY L TICHENOR AND TERRI D TICHENOR, husband and wife, hereinafter collectively referred to as "Grantor" for and in consideration of (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, do hereby grant and convey to SCOTT BARKER and AMY BARKER "Grantee", a married couple, a right-of-way easement to access, maintain and operate a septic system and appurtenances necessary for the proper construction, maintenance and / or operation thereof, over, across, and under the surface of the following described real estate located in ~~Monroe~~ Monroe County, Indiana described as follows:

Monroe
by the recorder

1. Grantor owns real estate in Monroe County, Indiana with the following legal description hereinafter "Grantor's Real Estate."

See Exhibit "A"

2. Grantee owns or has an interest in real estate in Monroe County, Indiana with the following legal description ("Grantee's Real Estate"):

See Exhibit "B"

3. Grantor desires to establish, grant, transfer and convey an easement in favor of each of Grantee, its successors and assigns, a way of ingress and egress to the Real Estate for the installation, construction, operation, and maintenance of a septic/sewer system. The Easement has the following legal description (hereinafter "Easement"):

See Exhibit "C"

4. This Easement vacates and supersedes an Easement Agreement between Andrew Franklin as authorized representative of Franklin Investments, Inc. as Grantor and Scott Barker and Amy Barker, a married couple, as Grantee recorded on August 31, 2020, as Instrument Number 2020013964 in Monroe County Recorder's Office.
5. Grantee accepts from Grantor a permanent Easement for ingress and egress for the installation, operation, and maintenance of a septic system over and across Grantor's Real Estate.
6. The Easement shall run upon, over, and across the real estate more particularly described on Exhibit "A."
7. The Easement shall run in favor of the individual parcels of Grantee(s), and its successors or assigns.
8. The Easement is binding on the heirs, devisees, successors, and assigns of Grantor and Grantee.

9. It is further understood that GRANTEE shall have the right to ingress and egress for the purpose of installing, maintaining, and operating a septic system and any materials or installations shall be the sole property of GRANTEE.
10. GRANTEE shall hold GRANTOR harmless from damage occasioned by the operation or maintenance of said septic system installation on easement and shall maintain said septic system in accordance with Monroe County Health Department requirements.
11. GRANTOR shall not interfere with GRANTEE'S rights stated in this Easement.

IN WITNESS WHEREOF, JONATHAN E TICHENOR AND MARTA J TICHENOR, husband and wife, and TIMOTHY L TICHENOR AND TERRI D TICHENOR, husband and wife, AS GRANTOR(S), AND SCOTT BARKER and AMY BARKER, a married couple, AS GRANTEE(S) HAVE EXECUTED THIS EASEMENT AGREEMENT THIS ____ DAY OF _____, 2022.

GRANTOR:


JONATHAN E TICHENOR, GRANTOR

State of Indiana)
County of Monroe)

Before me, a Notary Public, in and for said County and State, personally appeared JONATHAN E TICHENOR, who acknowledged the execution of the foregoing and who, having been duly sworn, stated that any representations therein contained are true.

WITNESS my hand and seal, this 16 day of September, 2022.

My Commission expires;

Sept 24 2025

 Notary Public
resident of Marion County

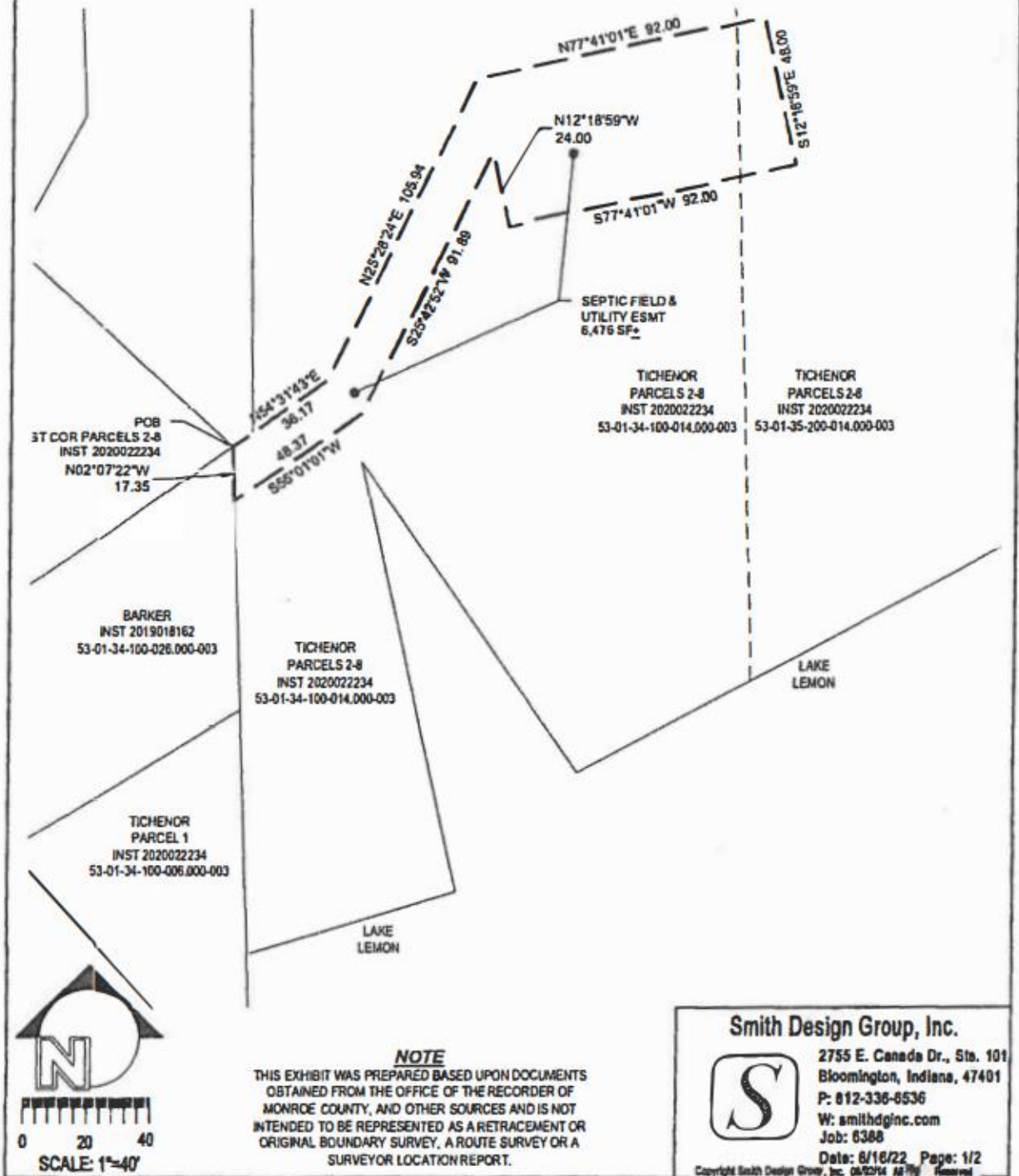

MARTA J TICHENOR, GRANTOR

State of Indiana)
County of Monroe)



EXHIBIT "C"

SEPTIC FIELD AND UTILITY EASEMENT





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date:

November 2, 2022

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-17a	Buildable Area from Ch. 804	Denial
VAR-22-17b	ECO Area 2 from Ch. 825	Denial

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

Recommended Motion Conditions or Reasoning: Self created hardship.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial	Planner: Anne Crecelius
--	--------------------------------

PETITIONER	Ernest Xi, c/o Michael Carmin Owner: Sego Holdings LLC	
ADDRESS	3130 E Will Sowders RD, parcel # 53-11-11-200-001.000-006	
TOWNSHIP + SECTION	Clear Creek, 11	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	5.006	
	PETITION SITE	ADJACENT
ZONING	AG/RR, ECO3, ECO2	SR, AG/RR, ECO3, ECO2
CDO ZONE	Rural Residential	Rural Residential
USE	SFR	SFR

Board of Zoning Appeals - Heard June 29, 2022.

Motion to deny variances failed 2-0 and the petition was continued. Board Member Daly recommended the petition return with information regarding the septic. As of 10/24/22 the Health Dept. Has opened an enforcement case for a failing septic system.

Ryan Cushman ✓

Remove Note • Oct 3, 2022 at 3:16 pm

I have confirmed that the septic system is failing and sewage effluent is discharging into the environment. I spoke with Ernest over the phone and he said he would get the septic tanks pumped. A Health Officer Order is being prepared.

Ryan Cushman

Remove Comment • Oct 26, 2022 at 3:02 pm

I confirmed that the septic pump tank has been emptied and the septic pump is currently operating normally. I have been unsuccessful in locating the septic absorption field that the pump is delivering sewage effluent to.

Link to Meeting Minutes: https://www.co.monroe.in.us/egov/documents/1664479204_69513.pdf

SUMMARY

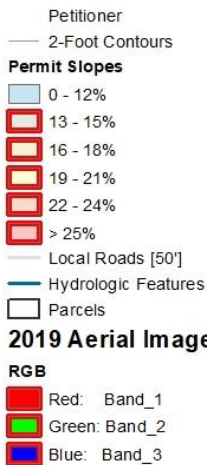
The petitioner is requesting two variances from slope restrictions – the first from the Buildable Area (15 % slope) requirement of Chapter 804 for structures and the second from the Environmental Constraints Overlay Area 2 (15% slope) restriction for any land disturbance under Chapter 825. The purpose of the two variances is to allow for the existing, unpermitted, Single Family Residence to receive an after-the-

fact Improvement Location Permit. The property is 5 +/- acres and zoned Agricultural Rural Reserve (AG/RR). The property contains a permitted manufactured home (01-RM-113) being converted into an accessory structure, an unpermitted carport, and an unpermitted Single Family Dwelling built allegedly using the Indiana Log Cabin Rule. The variance request concerns the Single Family Dwelling unit noted as the “2 Story House” under the site plan exhibit #3.

The property owner advertised the property for sale and a potential buyer contacted the Planning Dept. regarding compliance with the Zoning Ordinance. The Zoning Inspector identified that the single family dwelling that was originally built under the log cabin rule (between 2005 and 2010 based on aerials) has continued to be expanded into steep slopes, as recently as this year, without an Improvement Location Permit. The Log Cabin Rule, IC 36-7-8-3 (d), specifically excludes building codes from applying to "private homes that are built by individuals and used for their own occupancy." The Log Cabin Rule isn't exempt from the Improvement Location Permit requirement of the Monroe County Zoning Ordinance, and the an Improvement Location Permit was never sought/granted. The location of the structure is in an area that exceeds 15% slope for structures and 15% restriction of any land disturbance for lands with the Lake Monroe Watershed ECO Area 2. The Planning Dept. has an open enforcement case and the applicant is now requesting an Improvement Location Permit for the unpermitted Single Family Dwelling (ILP-22-2). In addition, the applicant has worked with the Planning Department to pursue permits and decommission the mobile home into an accessory structure to avoid concerns with two single family residences on one lot.

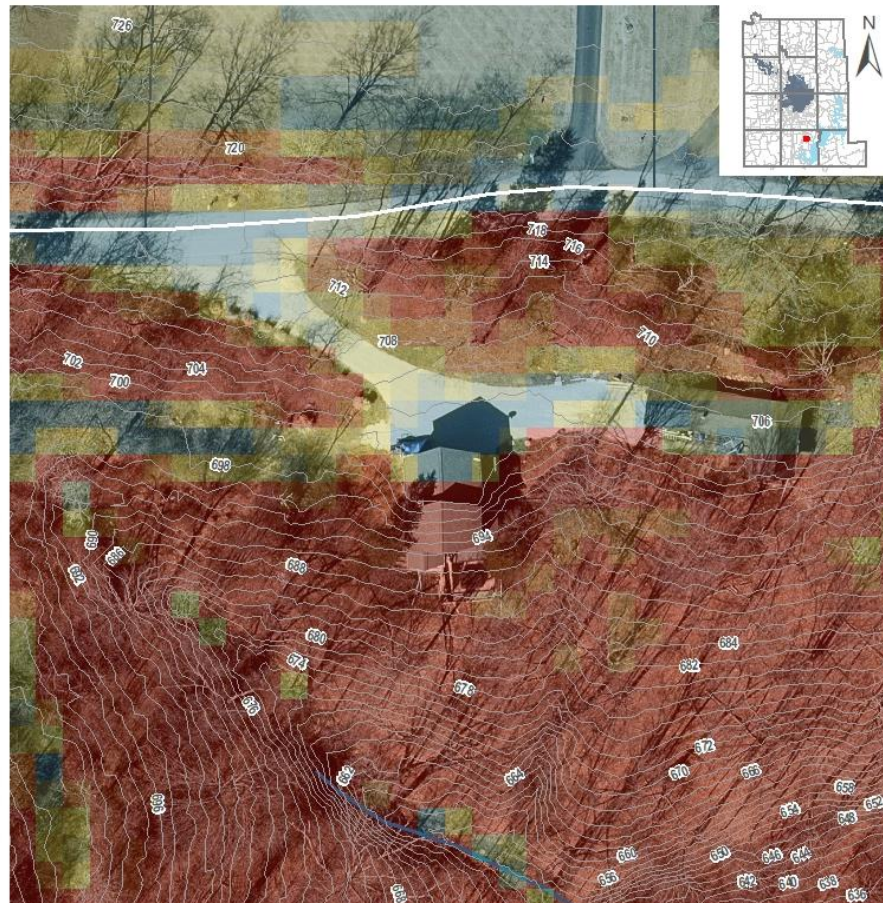
If the variance is approved the petitioner will continue with an ILP application to permit the dwelling as a Single Family Residence. There are concerns regarding the existing one bedroom septic system connection to the residence that will be addressed during the permit review. If the variance is denied, Planning staff, in coordination with the County Legal Department, would require that the portions of the single family residence encroaching into the 15% slopes be removed and the site be remediated.

Site Conditions Map



0 12.5 25 50 Feet

Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/14/2022



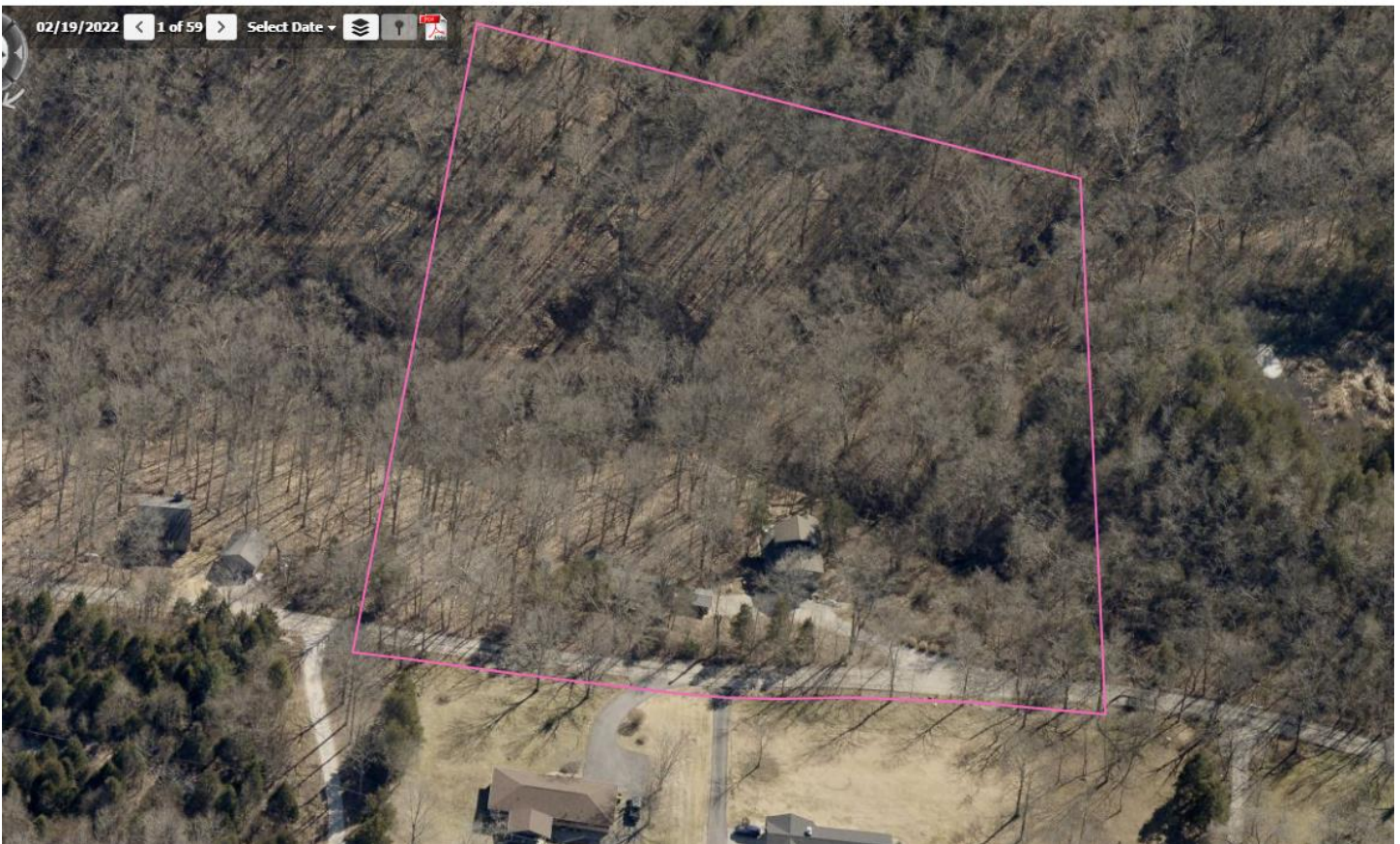
EXHIBITS - <i>Immediately following report</i>

1. Petitioner Letter
2. Pictometry Photo & Site Photos
3. Site Plan
4. AC-22-15 Enforcement Letter
5. Zillow listing from January 2022
6. Pictometry – changes to house

To whom it may concern,

I am requesting variances to Ch804 Buildable Area and Ch825 ECO Area standards in order to bring 3130 E Will Sowders Rd into compliance with Monroe County Planning. Randy Sego lived on this property and built the structure in question without going through Planning Department due to a lack of knowledge and sophistication. As a result, the structure does not conform to current planning standards although when the structure was built, the 15% elevation rule was not created. Since the structure is already constructed, we ask for these variances as we have no other recourse.

Ernest













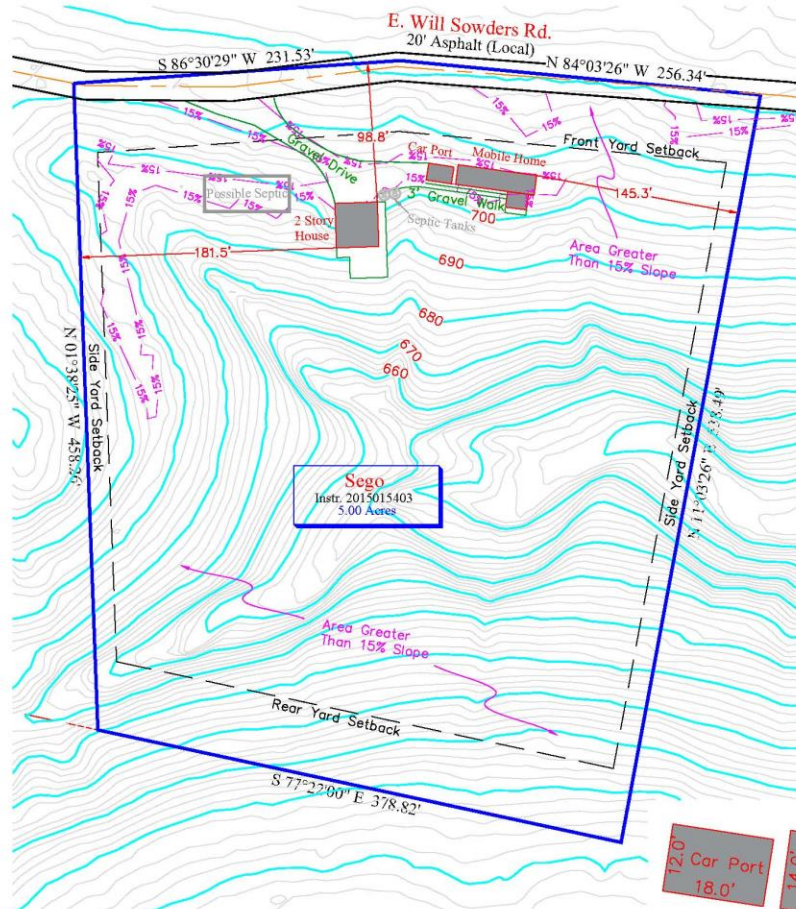


LOCATION MAP

SITE PLAN A PART OF SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 7 NORTH, RANGE 1 WEST IN MONROE COUNTY, INDIANA

PROJECT LOCATION

LEGEND	
STONE FOUND	BRASS ROD FOUND
UTILITY POLE	MAG SPIKE SET
REBAR FOUND	WOOD FENCE
REBAR SET	FENCE
NAIL FOUND	OVERHEAD POWER LINE
RR SPIKE FOUND	(R) RECORD
PIPE FOUND	(M) MEASURED
ADDRESS	(C) CALCULATED
AREA >15% SLOPE	TRANSFER AREA



SETBACK TABLE

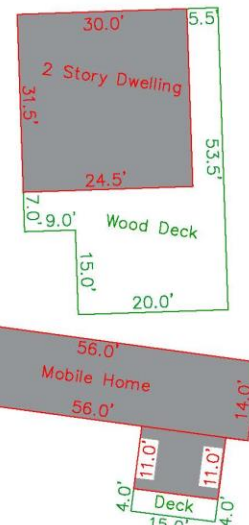
Front - 25' from Right-of-way for Public Road
Side - 15' for Residential / Accessory Structures
50' for Other Structures
Rear - 35' for Residential / Accessory Structures
50' for Other Structures
These lots are for "Single Family" use.

ZONE: AGRICULTURE/RURAL RESERVE (AG/RR)

NOTES:

- 1). Basis of Bearings (State Plane - Indiana West).
- 2). This drawing is not intended to be represented as a retracement or original boundary survey, a route survey, or a Surveyor Location Report.
- 3). I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.

- ERIC L. DECKARD

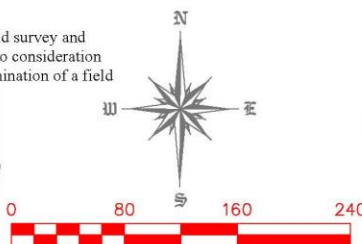
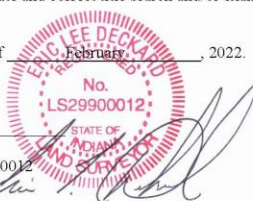


CERTIFICATION


This drawing was prepared in the office without the benefit of a field survey and examination of adjoining deeds. This certification does not take into consideration additional facts that an accurate and correct title search and/or examination of a field survey might disclose.

Certified this 18th day of February, 2022.

Eric L. Deckard
Registered Surveyor LS29900012
State of Indiana



SCALE 1" = 80'

VALU-BUILT		SHEET 1 OF 1	 <p>DECKARD LAND SURVEYING 1604 S. HENDERSON ST. BLOOMINGTON IN, 47401 (812) 961-0235</p>
SITE PLAN			
DRAWN BY: OJL DATED: 2/17/22	CHECKED BY: ELD	SCALE 1"=80'	PROJECT NO. 22-15



Monroe County Plan Commission and office of the Monroe County Board of Zoning Appeals

Monroe County Government Center
501 N. Morton St., Suite 224
Bloomington, IN 47404
Telephone: (812) 349-2560 / Fax: (812) 349-2967
<https://www.co.monroe.in.us/departments/?structureid=13>

**Enforcement Letter 1
AC-22-15**

Issued to:

Sego, Randy & Kim
3130 Will Sowders Rd
Bloomington, IN 47401

Enforcement Address:

3130 E Will Sowders RD
Bloomington, 47401-9069 IN
53-11-11-200-001.000-006

May 4, 2022

Hello Randy & Kim Sego / Ernest Xi,

The Monroe County Planning Department is contacting you today due to Monroe County Ordinance violations for address 3130 E Will Sowders RD Bloomington, 47401-9069 IN- 53-11-11-200-001.000-006. The above listed property is in violation of the following Monroe County Ordinance(s) based on property and permit history review:

802-5- Permitted Land Uses

814-1 (A) (1)- Requirements for Improvement Location Permit

A second residence, along with more recent deck and room additions, has been constructed on this property without Improvement Location permits from the Planning Department. This structure encroaches into county wide and ECO2 overlay 15% slope restricted areas. Only one primary residence is allowed on this lot. Additionally, a detached garage was removed and replaced in 2022 without Improvement Location permits from the Planning Department.

Listed below are the required actions and their deadlines to bring this property into compliance.

Listed below are the required actions to bring this property into compliance and the deadlines for taking these actions:

REQUIRED ACTIONS:	DEADLINE FOR COMPLIANCE:
Apply for Improvement Location Permit- General for new home constructed on the lot. This can be done through our online permitting portal under the Planning tab.	5/20/2022
Apply for Variances to Ch804 Buildable Area and Ch825 ECO Area standards. This can be done through our online permitting portal under the Planning tab.	5/20/2022
Apply for Improvement Location Permit- General for the detached accessory structure replaced in 2022. This can be done through our online permitting portal under the Planning tab.	5/20/2022
Apply for Improvement Location Permit- General to convert existing manufactured home into a detached accessory structure. This can be done through our online permitting portal under the Planning tab.	5/20/2022

Please note that failure to comply with the required actions and deadlines in this letter may lead to a civil action being filed against you in the Monroe Circuit Court. Every day a property is not in compliance with an ordinance provision constitutes a separate violation of that provision for which a civil penalty judgment may be entered.


Sincerely,

Rachel Henry

Zoning Inspector, Monroe County Planning Department
Office: 812-349-2560
Email: rhenry@co.monroe.in.us

Cc: Jacqueline Nester Jelen, Planning Director
David Schilling, County Attorney

Upon a reasonable belief that a person is violating a provision of the Monroe County ordinance(s) the Planning Administrator may seek administrative or civil remedies with the assistance of the Monroe County Commission Attorney. If you have any questions, please call 812-349-2560, questions about fine payments may be directed to the Monroe County Treasurer at 812-349-2530 or for legal questions you may contact the Monroe County Legal Department at 812-349-2525.



Zillow Save Share More

\$209,900 2 bd | 2 ba | 768 sqft
3130 E Will Sowders Rd, Bloomington, IN 47401
Est. payment: \$968/mo [Get pre-qualified](#)

[We estimate this home will sell faster than 98% nearby.](#)

[Contact Agent](#) [Take a Tour](#)

[Overview](#) [Facts and features](#) [Home value](#) [Price and tax his](#)

Overview

Time on Zillow 1 day | Views 1,262 | Saves 55

Work in progress two story home on 5 acres near Lake Monroe. Upper level is finished, lower level has been plumbed for a full bath including a walk-in all tile shower. Upper and lower levels have their own entrances so you can live in one and rent out the other or put in a stairway and make it a single-family home. Beautiful views (and sounds) off the back deck and screened porch of fully wooded back yard where two streams converge. Home has Hardy board siding, new windows and decking. Upper level has new LVP flooring, new cabinets with granite countertops, and stainless steel appliances. **A two bedroom, one bathroom mobile home (1992 Citation) provides \$500/month rental income (tenant is on month-to-month lease).** Priced below "as-is" appraisal... come see this one now!

[Read less](#)

Listed by:
Bob Double

[Grab your reader's attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.]





MONROE COUNTY BOARD OF ZONING APPEALS**November 2, 2022**

CASE NUMBER	VAR-22-38
PLANNER	Anne Crecelius
PETITIONER	Renewing Properties, LLC c/o David Gilman
REQUEST	Use Variance: Ch. 802 (Hotel)
ADDRESS	8482 S Fairfax RD, Parcel #53-11-14-300-026.000-006
ACRES	16.63 +/-
ZONE	AG/RR, ECO1, ECO2
TOWNSHIP	Clear Creek
SECTION	14
PLATS	Unplatted
COMP PLAN DESIGNATION	Rural Residential

EXHIBITS:

- 1) Petitioner Letter
- 2) Petitioner Response to Requirements
- 3) Site Plan – 2022
- 4) Site Plan from 2020
- 5) Septic Permit 2019

RECOMMENDED MOTION:

Deny the Use Variance (Hotel) to Chapter 802 of the Monroe County Zoning Ordinance, specifically the lack of findings provided by the applicant to meet the criteria for a Use Variance.

ORDINANCE REFERENCE FOR USE VARIANCES

812-5 Standards for Use Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all five (5) criteria, A, B, C, D, and E listed after the agenda within the BZA packet.

In order to approve a use variance, the Board must find that:

- A. the approval will not be injurious to the public health, safety, and general welfare of the community;*
- B. the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;*
- C. the need for the variance arises from some condition peculiar to the property involved;*
- D. the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,*
- E. the approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:*
 - 1. Residential Choices*
 - 2. Focused Development in Designated Communities*
 - 3. Environmental Protection*
 - 4. Planned Infrastructure Improvements*
 - 5. Distinguish Land from Property*

Hardship or Unnecessary Hardship. Significant economic injury that: (A) Arises from the strict application of this ordinance to the conditions of a particular, existing parcel of property; (B) Effectively deprived the parcel owner of all reasonable economic use of the parcel; and (C) Is clearly more significant than compliance cost or practical difficulties.

SUMMARY

The petition site is a 16.63 +/- acre lot located in Clear Creek Township, at 8482 S Fairfax RD. The petitioner is requesting a Use Variance from Chapter 802 of the Monroe County Zoning Ordinance. The petitioner is seeking this variance in order to use the Single Family Residence for “short-term lodging agreement” under the “Hotel” use within the Agricultural Rural Residential (AG/RR) zone.

If this use variance request is approved by the petitioner will be required to submit a (commercial) site plan for review that meets the design standards of the Ordinance, e.g. parking, landscaping, erosion control, grading, etc.

BACKGROUND

The site holds a 10,636 sq. ft. single family residence that began construction in 2000. There’s one active Improvement Location Permit for a deck and interior remodel that expires on 12/4/2022. The structure’s interior is unfinished and will require future permitting. The property was an enforcement case for grading and adding two decks without permits in 2020 but reached compliance through variances and after-the-fact permitting.

A short-Term Lodging Agreement is defined as stays shorter than 30 days. The use of a “Hotel” isn’t permitted in the AG/RR zone and is defined below. The difference between the Hotel use and the “Tourist Home or Cabin” use the petition mentions in their letter is the presence of more than 4 bedrooms. The Hotel use is only permitted in the General Business (GB) zone and requires a (commercial) site plan review and approval. The use of the property will be limited by septic capacity – an installation permit was issued in 2019 for two (2) 1,500 gallon presby systems that allows for ten (10) bedrooms.

Ch. 802. Hotel. A building, or portion thereof, in which five (5) or more guest rooms (typically accessible from an interior hallway) are furnished to the public under a short-term lodging agreement

Ch. 801. 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.

While working the petitioner’s representative we’ve communicated that there’s a difference between a use as a “Hotel” versus an “Event Center”. The petitioner has chosen to move forward with the Hotel use variance and understood that the residence could not be used or advertised for event’s that would include guests traveling to the petition site without occupying the residence for overnight lodging. An “Event Center” is defined as:

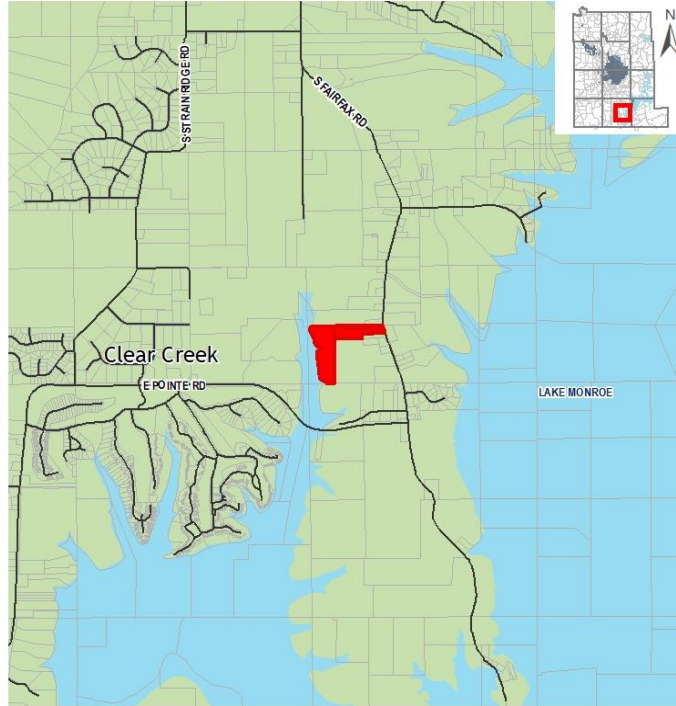
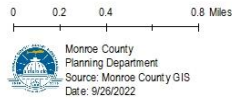
Ch. 801. Event Center. A building (which may include on-site kitchen/catering facilities) where indoor and outdoor activities such as weddings, receptions, banquets, corporate events and other such gatherings are held by appointment.

LOCATION MAP

The parcel is located in Clear Creek Township, Section 14, parcel numbers 53-11-14-300-026.000-006, addressed as 8482 S Fairfax RD.

Location Map

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

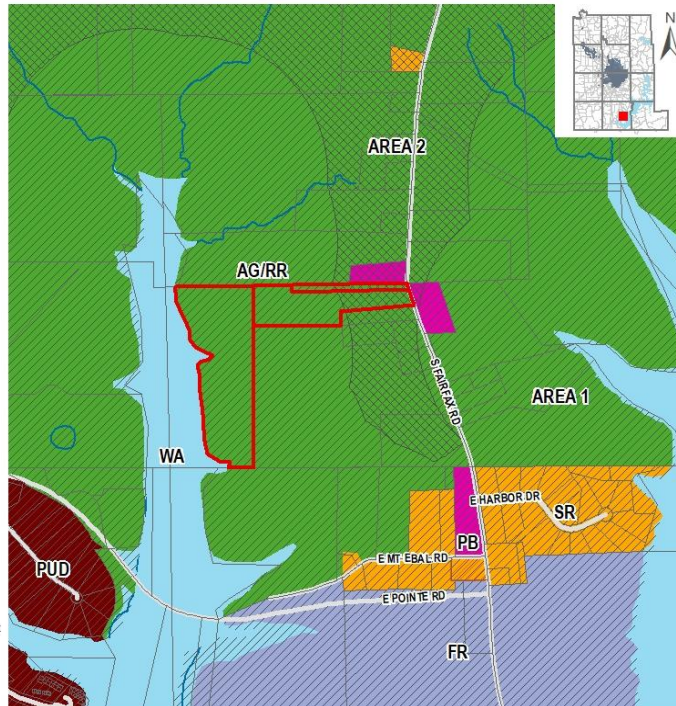
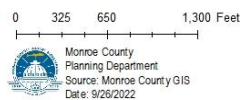


ZONING AND LAND USE

The petition site is zoned Agricultural Rural Reserve (AG/RR) and Environmental Constraints Overlay Area 1 and 2 (ECO1, ECO2). The neighboring lots are zoned AG/RR and Pre-Existing Business (PB). The neighboring uses are primarily residential with some commercial uses. The closest residential development is approximately 820 ft from the existing residence. The property is approximately 836 ft from the nearest commercial development.

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Lakes
- Hydrologic Features
- ECO Areas**
 - Area 1
 - Area 2
 - Historic Preservation Overlay
- Monroe County Zoning**
 - AG/RR - Agriculture/Rural Reserve
 - FR - Forest Reserve
 - PB - Pre-Existing Business
 - PUD - Planned Unit Development
 - SR - Suburban Residential
 - WA - Water



SITE CONDITIONS & SLOPE

The site holds an incomplete (unfinished) 10,636 sq. ft. single family residence that being construction in 2000. The site contains a mixture of building area, (under 15% slope for the construction of structures), and under 12% slope for land disturbance of any type, soil or vegetation.

Site Conditions Map

- Major Collector [70']
- Petitioner
- 10-Foot Contours
- 12% Slope (ECO1)
- 0 - 12%
- > 13%
- Local Roads [50']
- Hydrologic Features

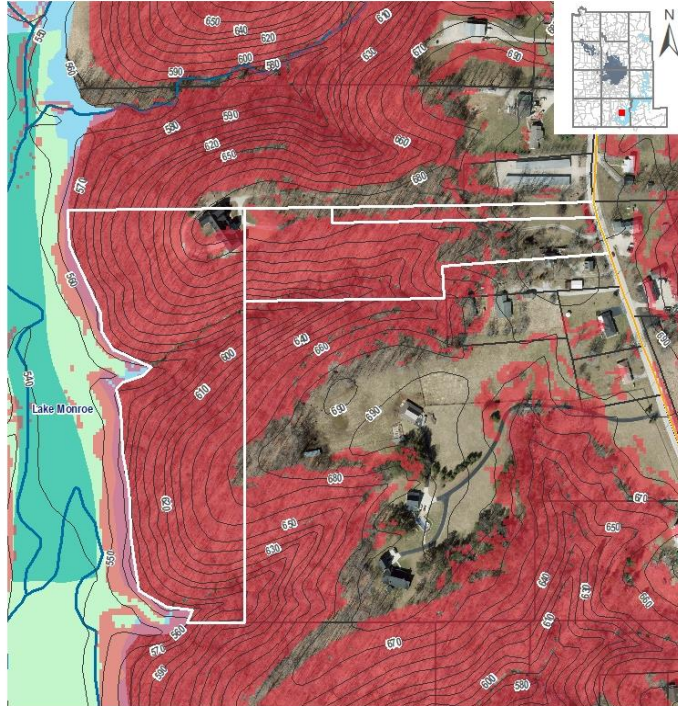
DNR Best Available Data

- FLD_ZONE, ZONE_SUBTY
- A
- A, APPROXIMATE FLOODWAY
- Lakes
- Parcels

0 95 190 380 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/26/2022



SITE PICTURES

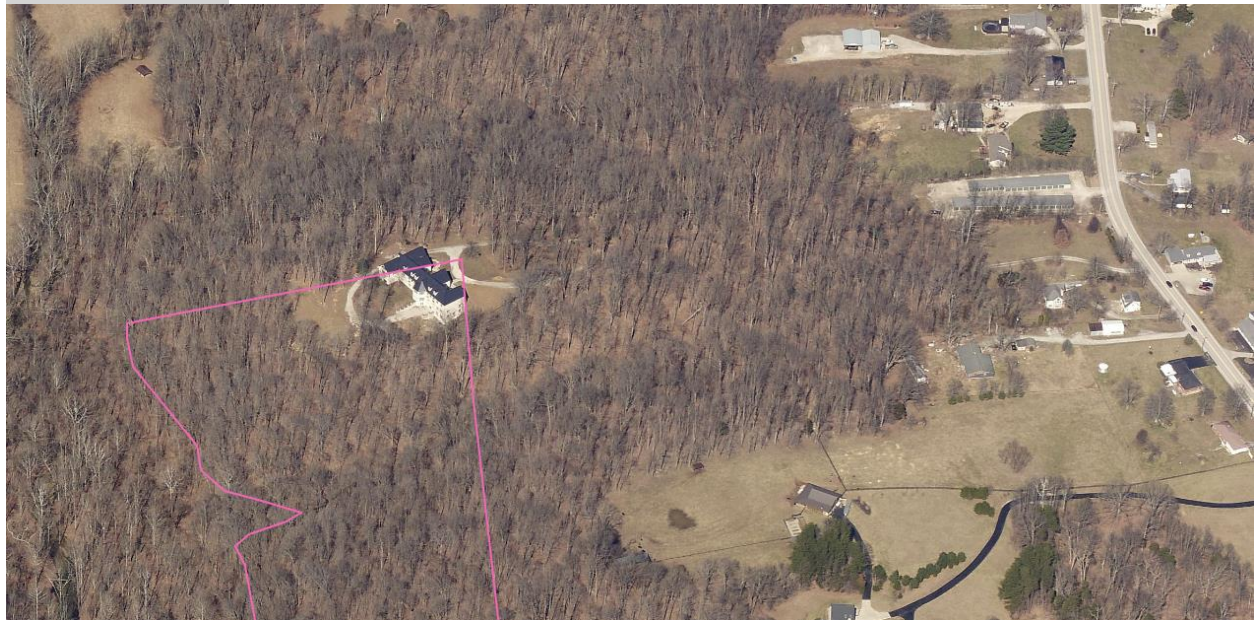


Photo 1: Pictometry photo looking north.



Photo 2: Looking west at the residence.

Photo 3: Looking south at the residence



Photo 4: Looking west at the driveway off of S Fairfax RD



Photo 5: Residence as of 9/20/2022

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Monroe County Comprehensive Plan Rural Residential zone designation.

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.

Comprehensive Plan

- Petitioner
- Townships
- Parcels
- Roads
- Comp. Plan Land Use (Updated 2015)**
- Managed Lands
- Rural Residential
- Water

0 0.075 0.15 0.3 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/26/2022



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.

EXHIBIT ONE: Petitioner Letter

Land Development Services
211 South Ritter Avenue, Ste H
Indianapolis, Indiana 46219
317-833-6331
davidgilman78@gmail.com

September 14, 2022

Monroe County Board of Zoning Appeals
501 N Morton Street, Ste 224
Bloomington, Indiana 47404

RE: Variance Petition: 8482 S. Fairfax Road

Board of Zoning Appeals:

Renewing Properties, LLC petitions the Board of Zoning Appeals to establish a 10,000 sqft, ten (10) bedroom home for short term lodging. In Chapter 802, the definition of a Tourist Home is limited to only four (4) guest rooms. The definition of a Hotel is five (5) or more guest rooms (typically accessible from an interior hallway). The distinction of the Petitioner's variance request is the lodging will be only for the entire 10-bedroom home and will not be offered for an individual room or guest.

The property is zoned AG/RR. The parcel is 16.63 acres with only the one (1) dwelling under construction. The Petitioner has retained an experienced architect to complete the interior design for the structure. At present, there are several portions of the home that are incomplete or unfinished. The Petitioner is committed to completing the required improvements and file for all the necessary permit and approvals, prior to occupancy.

The site is well buffered from adjacent residences with uninterrupted landscape yards, natural topography, and mature woodlands. The size of the home, large parcel, and expense to complete construction has made it impossible to sell and maintain as a single-family dwelling. This unfinished home is almost 22 years old and desperately needs to be completed and occupied. Conversely, the size of the home and its location make it more desirable to lease for family vacations, milestone celebrations or retreats.

A detailed Plan of Operation is included as part of the variance filing to ensure compatibility with the developed area, sensitivity to performance standards and not to be detrimental to the objectives of the Comprehensive Plan.

Your favorable consideration for the variance grant is appreciated.

David Gilman, Principal
Land Development Services

EXHIBIT TWO: Petitioner Plan of Operation

**Plan of Operation
8482 Fairfax Road
8/30/2022**

BACKGROUND

The property at 8482 S. Fairfax Road is zoned Agriculture/Rural Reserve (AG/RR) and contains 16.63 acres. The subject property has one (1) single family dwelling that has been under construction since 2000. At present, there are several portions of the interior that remain incomplete or unfinished. The Owner has retained an experienced architect to complete the design. The Owner is committed to obtain approvals for all the necessary permits, completing the required improvements and passing all required inspections in a timely manner.

Business Use

The new Owner proposes accommodations for group vacations, milestone celebrations and relaxing retreats for families or businesses. The site has over 16 acres of uninterrupted landscape yards, unique topography, and mature woodlands. The dwelling has a front setback of 1,200 feet and is not visible from Fairfax Road and may not even be visible from any adjacent residence.

Architectural Style

The residence and proposed use shall retain a residential architectural orientation and the rural characteristic of the surrounding neighborhood. A copy of the exterior elevations will be submitted to complete the required permit approvals.

Hours of Operation

The site will be available to guests for daytime, overnight or short-term leases. All organized outdoor activities will start no earlier than 8 am and conclude by 10 pm each evening.

Off-Street Parking

The site has ample areas to be designated for parking. The civil engineer will design the parking areas to be compliant with condition #48 normally required of a Tourist Home in the AG/RR district to maintain the characteristic of the surrounding area. There will be at least one (1) parking space per guest room, including an ADA van accessible space.

Clients and Customers

There will be a family and group gathering by appointment only. The entire residence will be leased to only 1 family or group per visit.

Guest Rules Performance Standards

There will be placards posted at strategic locations on the dwelling and property establishing Guest Rules for noise, parking, and the overall adherence to the Performance Standards, as established in Chapter 802.

Traffic Generation

Traffic generation will be minimal with only 10 guest rooms. The guest will typically be arriving and departing at scheduled hours. The site will have a paved entrance on Fairfax Road to the edge of the right of way line.

Signage

The entrance may have a small ground sign to easily identify the property and will have a reflective 911 address.

Lighting

Lighting will be similar to any residential environment, including, wall mounted security lights and designated accent lights.

Business Activity/Security Measures

There will be a secure gate at the entrance with kiosk for visitors and guest. The house is equipped with a security alarm system. An emergency placard will be posted at several designated locations in the residence and on the property to inform guest on how to notify management, fire, or police in case of an emergency.

Shipping and Receiving

Daily shipping and receiving will be through typical UPS, Amazon, or FedEx delivery trucks.

Waste

All waste would be picked up by private or County waste disposal service. Waste receptacles will be stored behind the existing fenced gates until day of pick-up off Fairfax Road. It is anticipated the trash service will be necessary 1 time per week and will be adjusted, as needed.

Self-Imposed Conditions

The petitioner would agree to the following self-imposed conditions:

1. All development shall follow, and be subject to, the site plan file dated August 30, 2022.
2. The use of the property shall follow, and be subject to, the Plan of Operation, file dated August 30, 2022.

EXHIBIT THREE: Site Plan

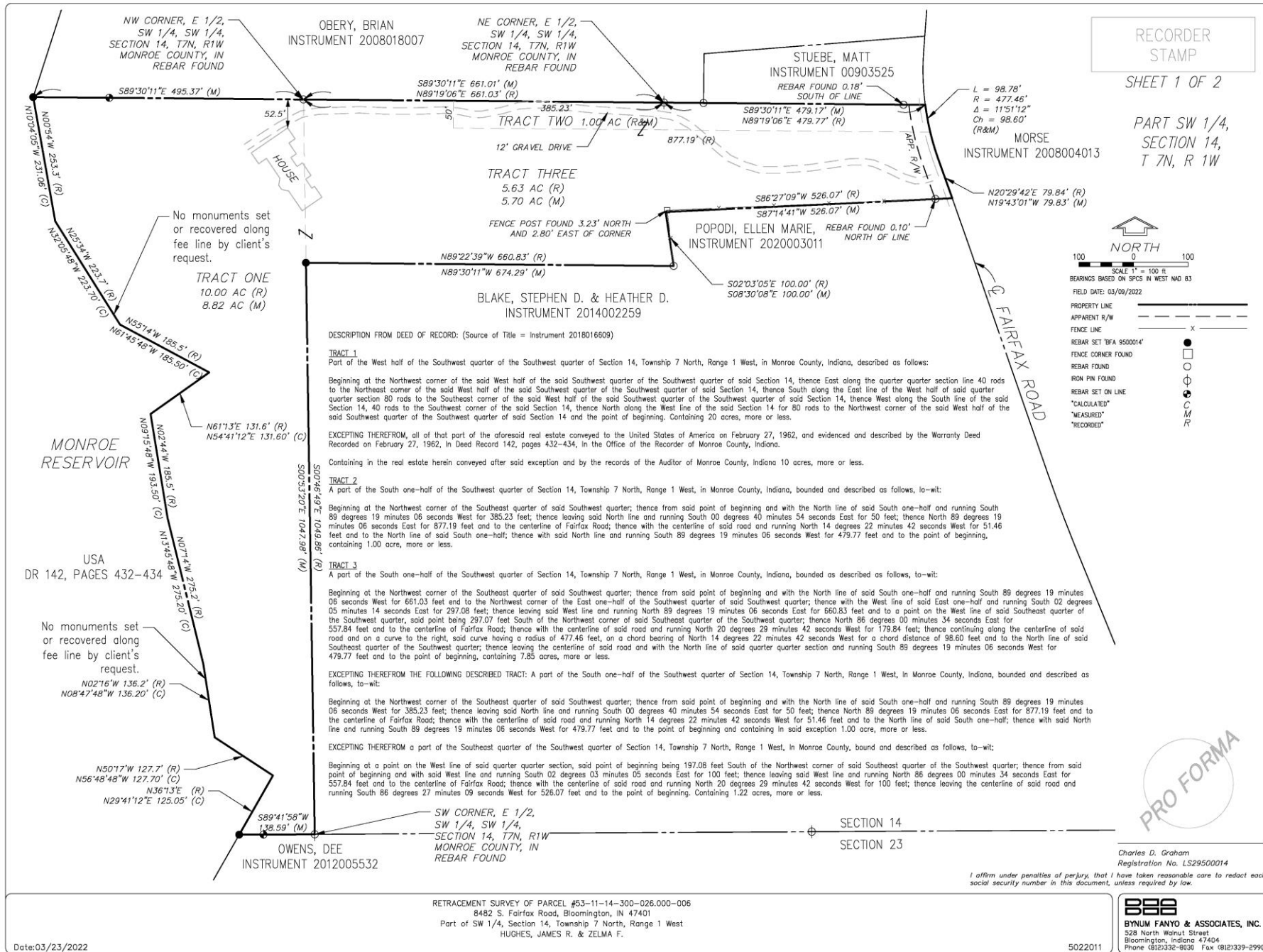


EXHIBIT 4: Site Plan from 2020

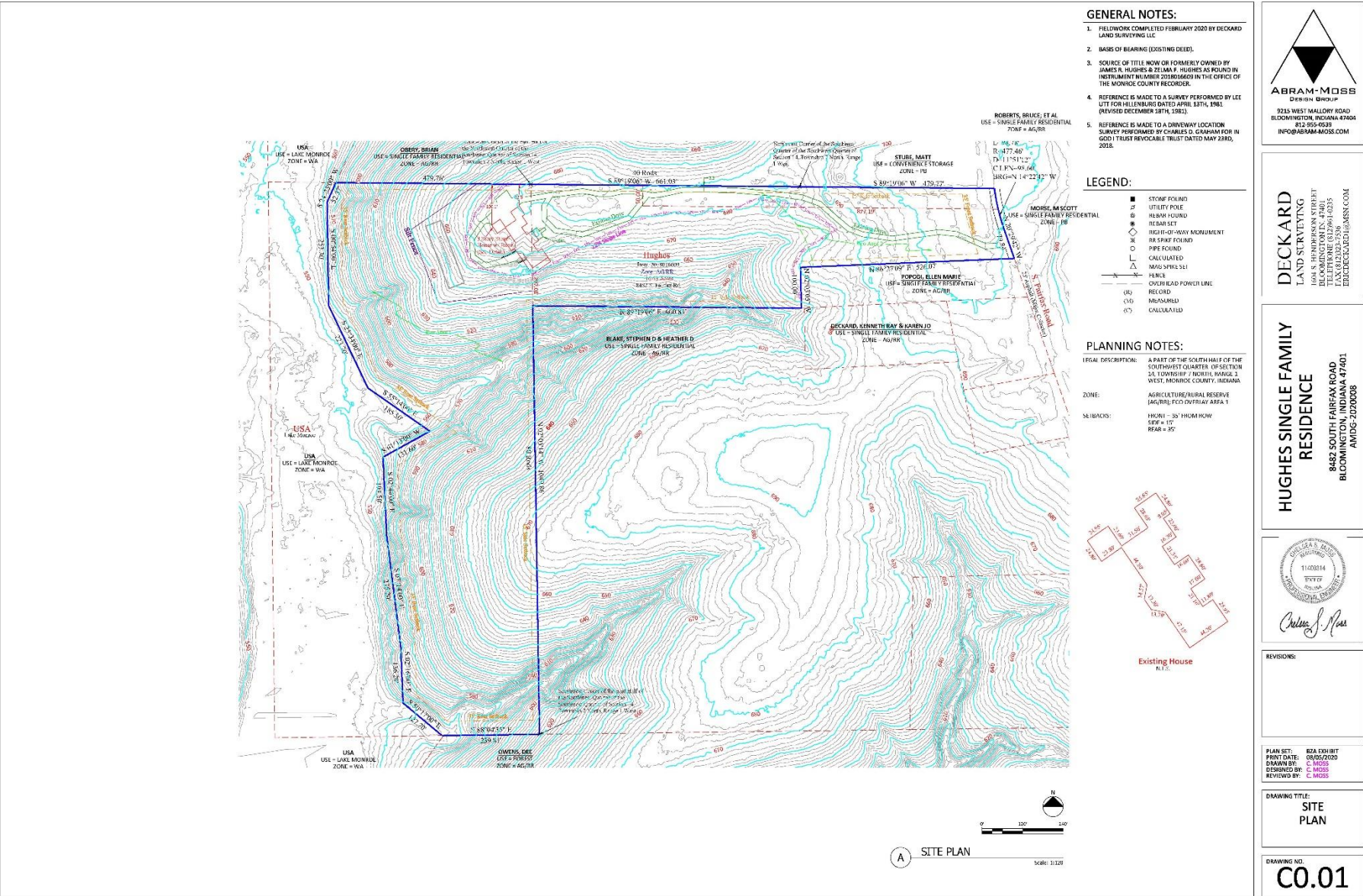


EXHIBIT 5: Septic Permit 2019



Monroe County Health Department

Monroe County, Indiana

Health Department	Futures Family Planning Clinic	Public Health Clinic
119 W. 7th Street (812) 349-2543	119 W. 7th Street (812) 349-7343	333 E. Miller Drive (812) 353-3244

Receipt #: 18689 Permit #: 21915

(PERMIT EXPIRES 2 YEARS FROM ISSUE DATE)

Issue Date # APR 18 2019

REPAIR SEPTIC PERMIT APPLICATION

Please read the following instructions.

***Inspection Charge: \$150**

1. Enter your parcel number, if known.
2. You **MUST** enter the total number of bedrooms.
3. Fee required at the time you apply.
4. Septic Inspectors will review applications at 8:00 am daily, when they are in the office.
5. An applicant may request a Septic Inspector to meet them at the site during the time of inspection.
6. All septic systems in Monroe County must be repaired, replaced, or installed by registered Monroe County installers, and inspected and approved by Monroe County Health Department Septic Inspectors.

Today's Date: 4 / 11 / 2019

MUST BE FILLED OUT FOR APPLICATION TO BE PROCESSED

State Parcel #: 53 - 11 - 14 - 300 - 026 - 000 - 006

Tax I.D. # 004-03140-00

Owner: JAMES & ZELMA HUGHES

Telephone #: 812-229-8305

Mailing Address: P.O. Box 106

FARMERSBURG, IN 47850
(ZIP CODE)

Site Address: 8482 S. FAIRFAX RD., BLOOMINGTON 47404 Lot #: _____

Subdivision (if applicable) _____ Acreage: 14+

****Private Soil Scientist must be obtained****

**** Soil Test Provided by Applicant ☐**

****Soil test will be required unless approved by MCHD Wastewater Sanitarian****

Reason Septic Permit is Needed:

Site Information:

Replacing Structure	<input type="checkbox"/>
Change in Bedroom Count	<input checked="" type="checkbox"/>
Before <u>8</u> After <u>10</u>	
Remodeling Structure	<input checked="" type="checkbox"/>
Adding a Convenience Bathroom	<input type="checkbox"/>
Replacing Septic System Due to Failure	<input type="checkbox"/>

# Bedrooms/Equivalent (Required)	<u>10</u>
IN or OUT of Watershed	<input checked="" type="checkbox"/>
IN or OUT County MS 4 Area	<u>3</u>
Water Supply: Well <input type="checkbox"/> Municipal <input checked="" type="checkbox"/>	

Purpose for Permit: (If due to failure, describe nature/location of problem)



TO BE COMPLETED BY HEALTH DEPARTMENT SEPTIC INSPECTOR:

SPECIFICATIONS:

Septic Tank Size: ☐ 1,000 gal

2 ☒ 1,500 gal

☐ 2,000 gal

☐ Other

☐ Filter on septic tank required ☐ Use existing

Pump Tank Size: ☐ 750 gal

☐ 1,000 gal

☐ 1,500 gal

☐ No Pump Needed

☐ Use standard pump package with alarm on separate electrical circuit.

☒ **PRESBY ADVANCE**

☐ **PRESBY ENVIRONMENTAL**

☐ **ATL (INFILTRATOR)**

3 Bed Size: 24 ft. X 62 ft.

Depth of cut: 18-24 inches.

3 # of Pipes 4 Length 60 ft.

Total Linear foot of pipe, 720 ft.

Minimum Depth of spec # 23 sand 6-8 inches.

10 # of Bedrooms

☐ Low vent 18 inches from ground surface

☐ High vent 10 ft. elevation difference from low vent (see plan for details).

Subsurface Drainage:

☒ Perimeter drain on ALL sides

☐ Curtain drain on upper 3 sides only

Depth: 60 inches

All subsurface drains are to be installed at a minimum 12 inches wide, to the depth stated above, and filled within 6 inches of the ground surface with a state approved material. ALL subsurface drains must have a hard outlet with critter guard.

* Seed and straw must be placed prior to approval.

Additional Comments:

Install Presby Advance (3 BEDS) 24x62w/12uins 60'
WAX OUT 18-24" w PERIMETERS @ 60" - ALL BEDS FEED
BY CENTRAL D BOX

CERTIFIED INSTALLERS: FOR ADDITIONAL BED VARIATIONS OR PRODUCT, CONTACT EITHER RANDY OR GARY.
HAVE SEPTIC PERMIT NUMBER ON HAND BEFORE CALLING.

INSPECTED BY: [Signature]

Thomas A. [Signature]
SIGNATURE OF OWNER/AGENT





Monroe County Health Department
Monroe County, Indiana

Health Department	Futures Family Planning Clinic	Public Health Clinic
119 W. 7th Street (812) 349-2543	119 W. 7th Street (812) 349-7243	333 E. Miller Drive (812) 353-3244

ELEVATIONS AS REQUIRED BY INDIANA STATE DEPARTMENT OF HEALTH

TO BE COMPLETED BY INSTALLER AT TIME OF CONSTRUCTION

Please document the elevations of all of the following that apply.

Septic Tank Manufacturer: Sexton - Wilbert Septic Tank Size: 1,500

Septic Tank Elevation: Inlet .5 Outlet .9

2 ~~Septic~~ Chamber: Inlet 5.1 Outlet 5.5

Pump Tank Manufacturer: _____ Pump Tank Size: _____

Pump: Off Float Position _____ On Float Position _____

Pump Tank Manufacturer: _____ Pump Tank Size: _____

Pump Manufacturer: _____ Pump Size: _____

Distribution Box: 6-Hole

Bed Elevations:

Bed #1
Upper Corners 20.6 & 20.6
Lower Corners 25.6 & 25.6

Bed #2
Upper Corners 20.6 & 20.6
Lower Corners 25.6 & 25.6

Bottom of Pipe: 22.6

22.6

Pipe Ends: 1. 24.6 & 24.6
2. 25.0 & 25.0
3. 25.4 & 25.4
4. 25.8 & 25.8
5. 26.0 & 26.0

1. 24.6 & 24.6
2. 25.0 & 25.0
3. 25.4 & 25.4
4. 25.8 & 25.8
5. 26.0 & 26.0

Top of Sand Over Pipe: 6" Final Cover: 9" Low Vent 25.4 High Vent Estimated 40' Above low

Final elevation for critter guard of perimeter or curtain drain: 32.0

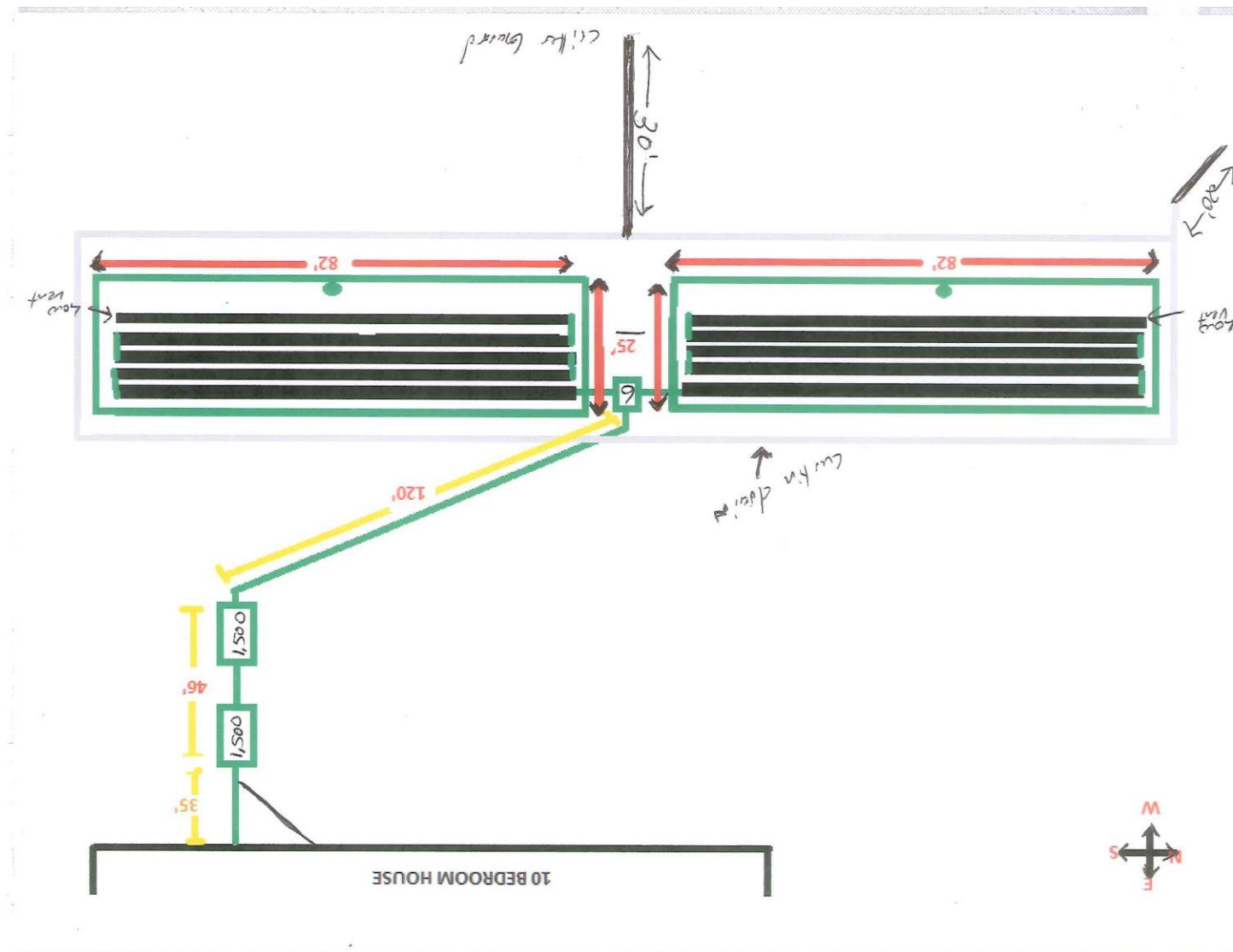
Distance in feet of perimeter or curtain drain from bed to critter guard: 30'

Installers Name: Mike Anderson Date: 12/04/19

Permit #: 21915

ATTENTION INSTALLER: DO NOT HAND-IN WITHOUT DIAGRAM ON BACK OF THIS PAGE AND SIGNATURE ON "FINAL COVER AGREEMENT".





27.0 Indiana System Installation Form

Installers must complete and fax or mail a copy of this form to the local approving authority and to:
Presby Environmental, Inc., 143 Airport Rd, Whitefield, NH 03598 Fax: (603) 837-9364

Installer's Name: <u>Mike Anderson</u>		Installer's PEI Certification Number:	
Company Name: <u>Mike Anderson Excavating INC.</u>			
Street Address: <u>9410 W. County line Rd Croft</u>			
City: <u>Croft</u>		State: <u>IN</u>	Zip: <u>47453</u>
Installer's Phone Number:			
Designer's Name:		Company Name:	
Street Address:			
City:		State:	Zip:
Phone Number:			
Property Owner(s):			
Site Street Address:			
City:		State:	Zip:
System Information (check all that apply):			
<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Replacement <input type="checkbox"/> Mound <input type="checkbox"/> In-ground <input checked="" type="checkbox"/> Gravity <input type="checkbox"/> Pump to D-Box <input type="checkbox"/> Serial Distribution Number of Beds: <u>2</u> <input type="checkbox"/> Effluent Filter Used Design Flow (bedrooms or GPD): _____ Indian Soil Loading Rate (GPD/ft ²): _____			
Installation Date: <u>7/28/19</u>		System Startup Date: <u>12/30/19</u>	
State Permit Number:		Local Construction Permit Number:	
Comments: <u>2x 1500 Gallon Tanks</u> <u>2x Beds 82' x 25'</u>			

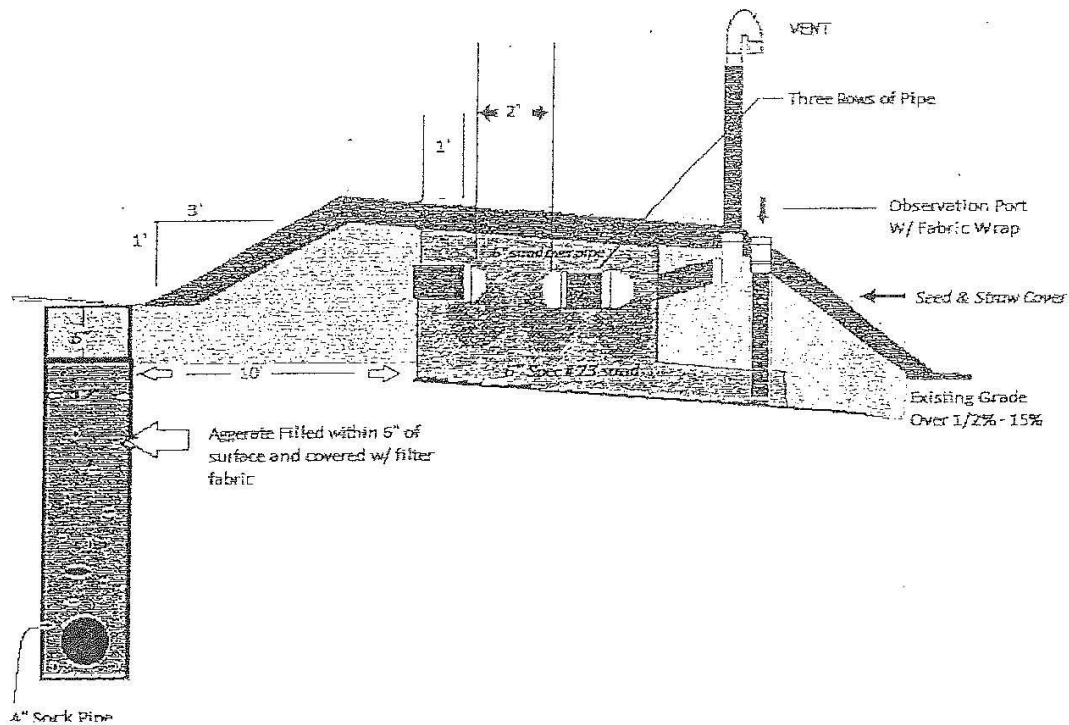


Monroe County Health Department
Monroe County, Indiana

Health Department	Futures Family Planning Clinic	Public Health Clinic
119 W. 7th Street (812) 349-2543	119 W. 7th Street (812) 349-7343	333 E. Miller Drive (812) 353-3244

FINAL COVER AGREEMENT

Permit # _____



410 IAC 6-8.3-74 Subsurface trench onsite sewage systems: general design and construction requirements. (y) A minimum of twelve (12) inches of cover shall be provided over the aggregate in the trenches, and any fill required to provide cover shall be crowned over the entire soil absorption system to promote surface runoff. By signing below, I acknowledge the need for a minimum of 12" of soil cover to be placed over this septic system. The person signing below shall be responsible for the proper amount of cover being placed over the system, the final grading to promote surface run-off and seeding/straw placement. These items may or may not be in the "bid" price, but are **REQUIRED** prior to approval.

Signature _____

Date _____





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date:

November 2, 2022

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-41	Minimum Lot Width	Approval

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

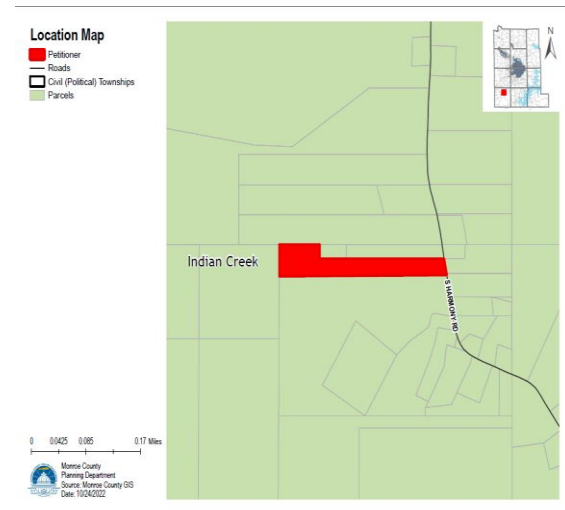
Recommended Motion Conditions or Reasoning:

Approve the design standards variance to Chapter 804 for Minimum Lot Width restrictions given that it would meet the Practical Difficulties Standards. The Minimum Lot Width cannot be reached without building the garage at a significant distance away from the residence. To do this, it would require a significant amount grading, tree removal, and the issuance of a new driveway permit. Such a request would not be practical.

Variance Type: ☒ Design ☐ Use
 ☒ Residential ☐ Commercial

Planner: Shawn Smith

PETITIONER	Webb, Miranda and Jon (owners & applicants)	
ADDRESS	7800 S Harmony RD 53-10-10-300-002.000-007	
TOWNSHIP + SECTION	Indian Creek; 10	
PLATS	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
ACREAGE +/-	4.37 acres	
	PETITION SITE	ADJACENT
ZONING	AG/RR	AG/RR
COMP PLAN	Rural Residential	Rural Residential
USE	Residential	Residential



SUMMARY

The petitioner is requesting a variance from the Minimum Lot Width restrictions from Chapter 804. The petitioner has on file building permit application R-22-1024, proposing the construction of a new 1,200 sq. ft. garage and R-22-1132 proposing a 12x22, 264 sq. ft. deck be constructed at the front door of the primary residence. According to Chapter 804 of the Monroe County Zoning Ordinance, the minimum lot width in the Agriculture/Rural Reserve (AG/RR) zoning district is 200ft. The approximate width at building line is 110ft. This would not be eligible for a lot width waiver under Chapter 804. All other design standards show compliance. If the variance is approved, the petitioner will continue with the applications. If denied, the petitioner will not be able to do further development to the existing structures on the lot. Instead, they would be required to do future development where the lot width meets or exceeds 200ft, which is over 1,000ft from Harmony Road and would have to traverse steep slopes and karst features to reach adequate buildable area.

EXHIBITS - Immediately following report

1. County Slope Map 15%
2. Staff site visit photos
3. Petition Letter
4. Petitioner Site Plans
5. Survey

EXHIBIT 1:

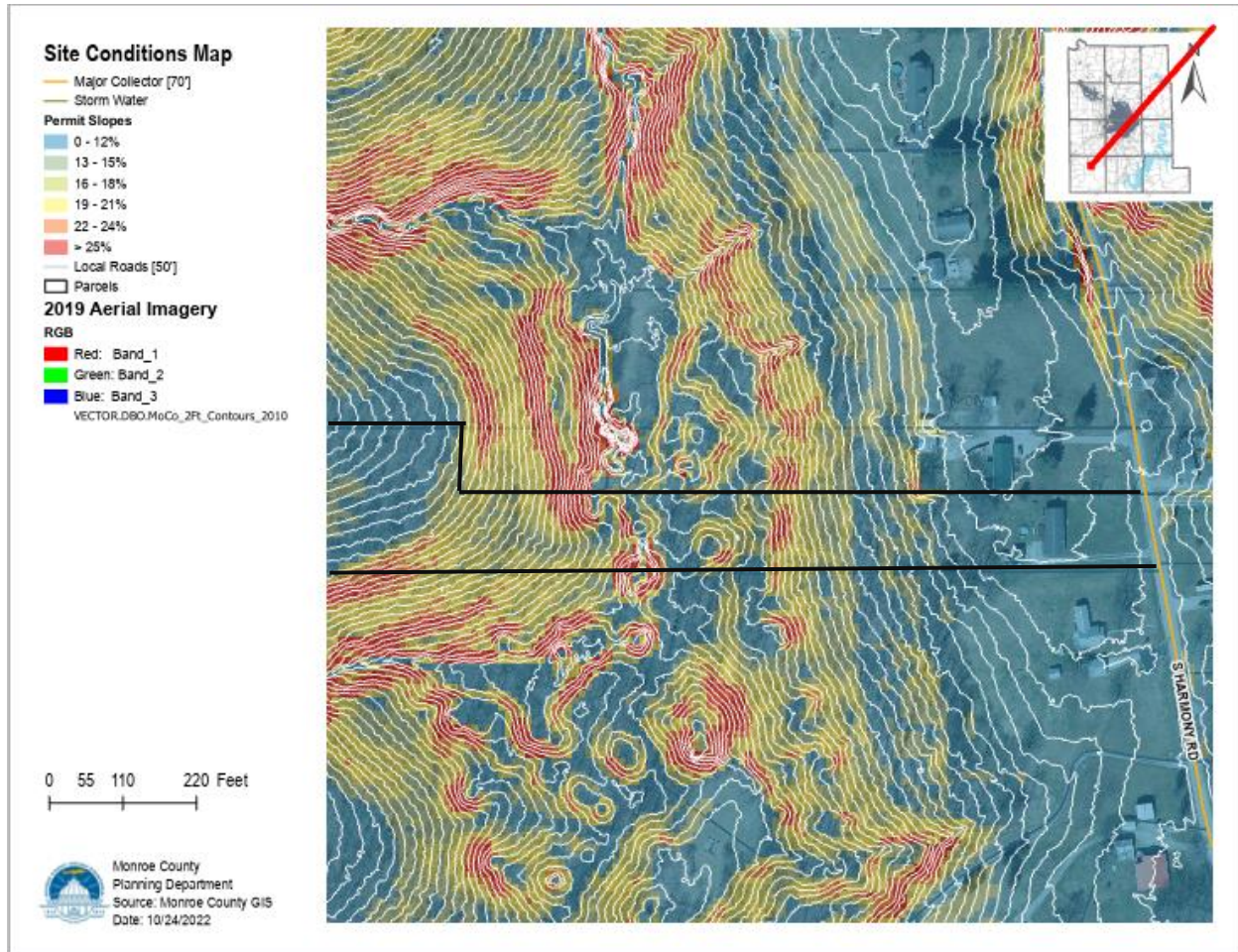


EXHIBIT 2:



Photo 1: Front of the property

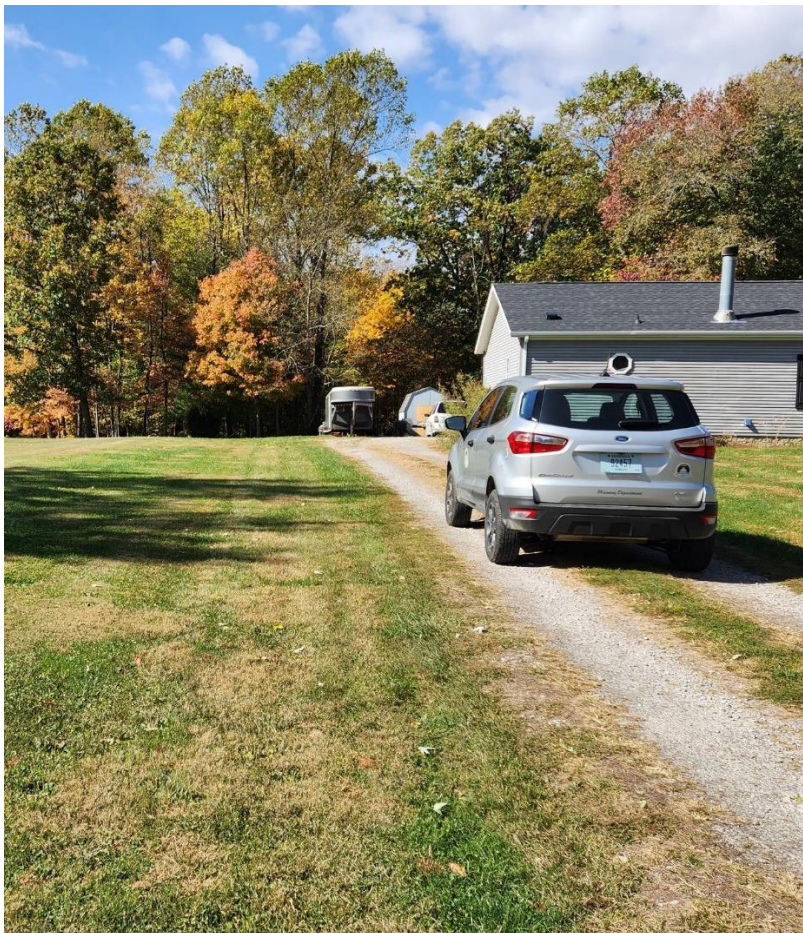


Photo 2: Facing West



Photo 3: Facing West (location of proposed structure)



Photo 4: Facing Northwest



Photo 5: Facing North (location of proposed deck)

EXHIBIT 3:

Miranda & Jonathon Webb
7800 S Harmony Rd, Bloomington, IN 47403
812-361-5372 and 812-361-5723
mirandawebb@comcast.net

September 29, 2022

To the Board of Zoning Appeals in Monroe County, IN

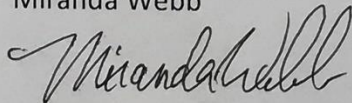
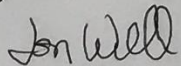
We are requesting to build a pole barn garage behind our home at 7800 S Harmony Rd in the same location where the previous owners had a small garage which they tore down before selling us the home. We applied for a permit and were told we must apply for a variance.

Please grant us the variance and permit to have the garage built as soon as possible, we are desperately needing a place to put all our belongings which are currently stacked in a horse trailer and inaccessible.

Included is a site plan, it's a GIS picture of our property which is old, it shows a pool and garage that are no longer existing on the property.

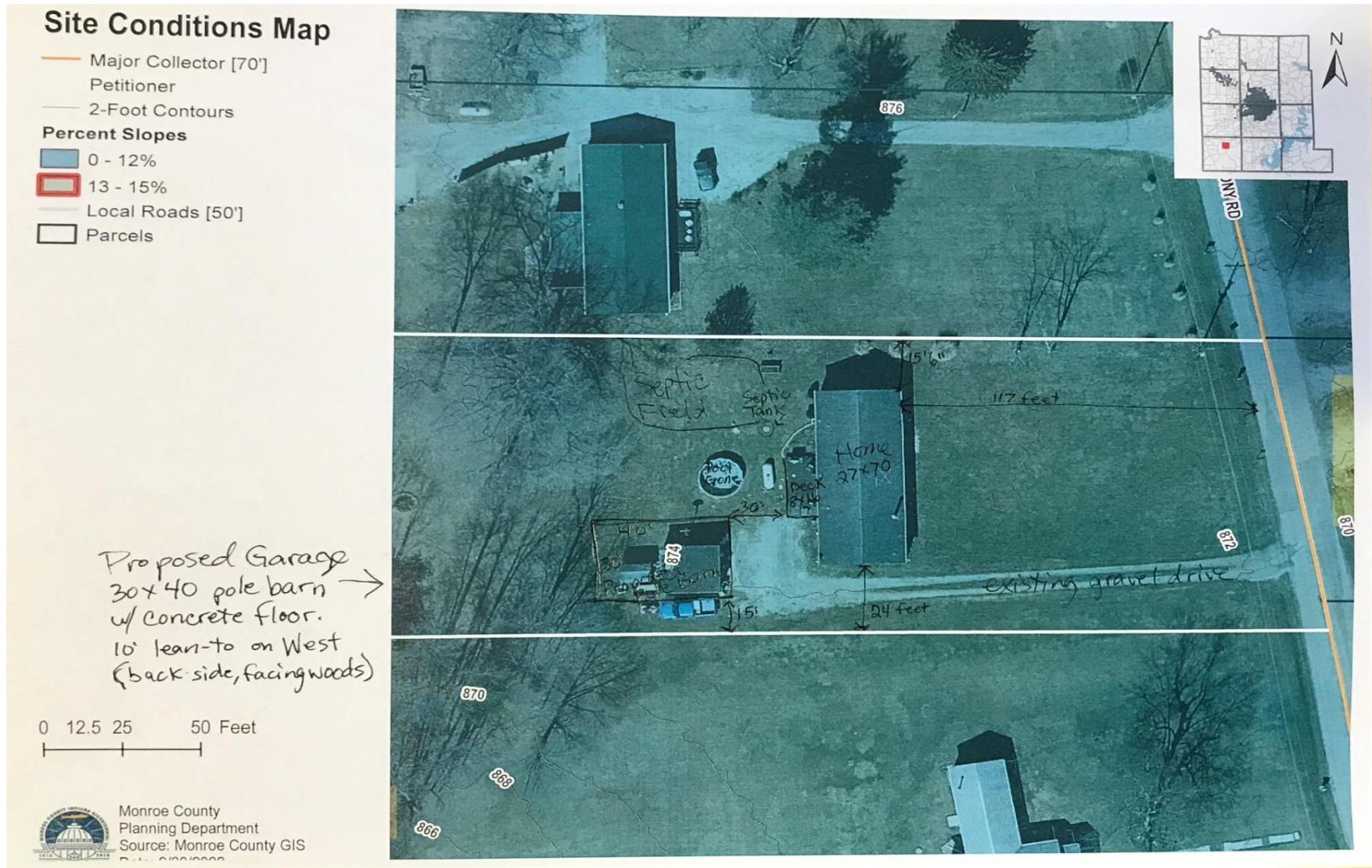
With much appreciation,

Miranda Webb

9-29-22

EXHIBIT 4:



Proposed Pole Barn Structure

Site Conditions Map

- Major Collector [70']
- Petitioner
- 2-Foot Contours
- Percent Slopes**
 - 0 - 12%
 - 13 - 15%
- Local Roads [50']
- ▭ Parcels

0 12.5 25 50 Feet



Monroe County
Planning Department
Source: Monroe County GIS



Exhibit 5:

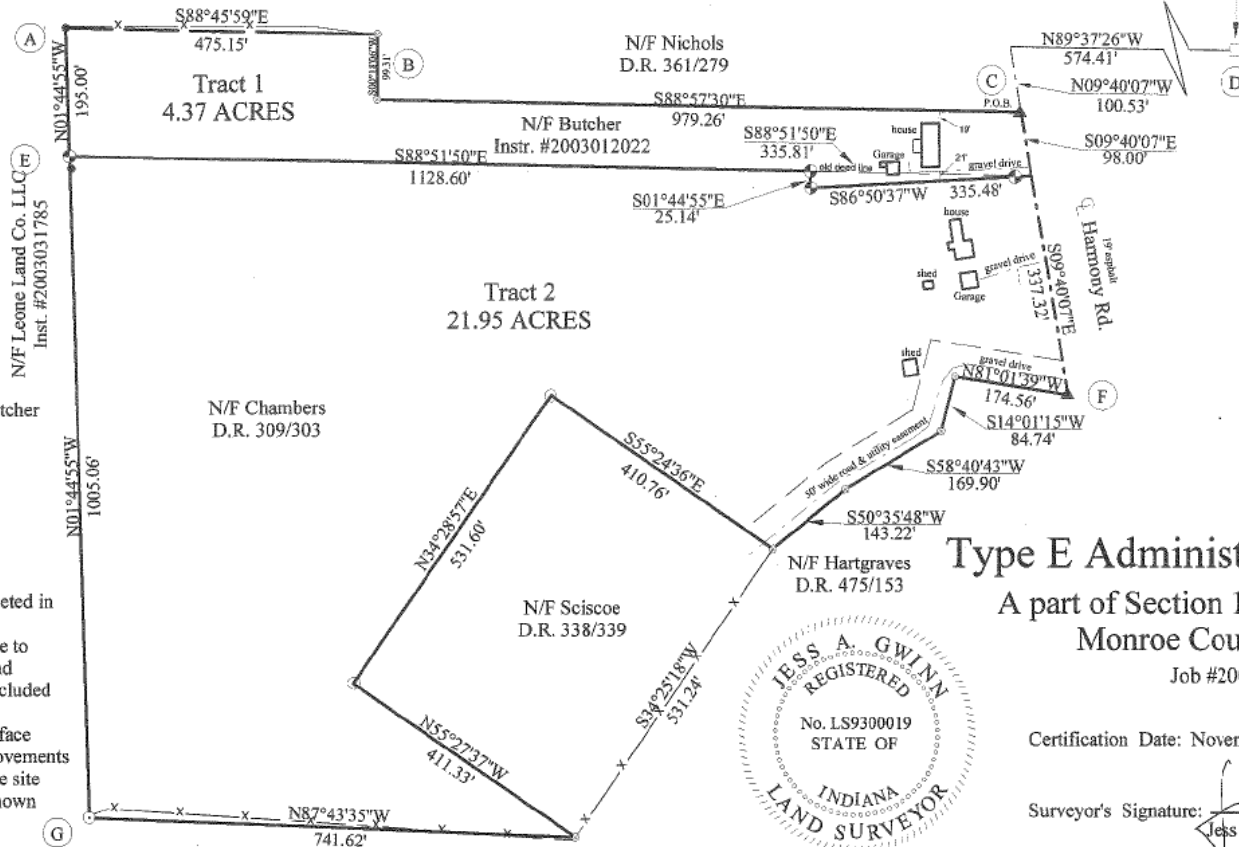
Proposed Deck



TRICO Surveying Services, Inc.

110 South First Street, Ellettsville, Indiana. 47429
Phone: 812-876-0450 Fax: 812-876-0450

Jess A. Gwinn, R.L.S



Northeast corner, Northwest quarter,
Southeast quarter, Section 10,
T-7-N, R-2-W, Monroe County, Indiana

LEGEND	
(R)	= RECORD
(M)	= MEASURED
(C)	= CALCULATED
⊕	= 5/8" REBAR W/CAP ENGRAVED "TRICO LS9300019" SET 4" TALL
□	= STONE FOUND AS NOTED
⊙	= 1/2" REBAR FOUND 3" A.G.
○	= 5/8" REBAR FOUND AS NOTED
▲	= RR SPIKE FOUND 2" B.G.
●	= 1/2" PIPE FOUND 10" A.G.
⊕	= 5/8" REBAR ENGRAVED (CURRY) FOUND 1" A.G.
(D.R.)	= DEED RECORD BOOK / PAGE
A.G.	= RELATIONSHIP ABOVE THE SURFACE OF THE GROUND
B.G.	= RELATIONSHIP BELOW THE SURFACE OF THE GROUND
N/F	= LAND NOW OR FORMERLY OF
(A)	= CORNER REFERENCE IN SURVEYOR'S REPORT

0' 100' 200' 400'

OWNERS:
Danny & Angela Butcher
Instr. #2003012022

N/F Chambers
D.R. 309/303

NOTES:
1) Field work completed in
November 2007.
2) Reference in made to
a surveyor's report and
descriptions, to be included
herewith.
3) All buildings, surface
and subsurface improvements
on and adjacent to the site
are not necessarily shown
hereon.



Type E Administrative Subdivision

A part of Section 10, T-7-N, R-2-W,
Monroe County, Indiana

Job #200764

Certification Date: November 12, 2007

Surveyor's Signature: *Jess A. Gwinn*
Jess A. Gwinn, R.L.S. #9300019



MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date:

November 1, 2022

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-43a	Interior Parking Landscape to Chapter 830	Approval
VAR-22-43b	Off-Street Parking to Chapter 806	Approval with Conditions

812-6 Standards for Design Standards Variance Approval: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

Recommended Motion Conditions or Reasoning: Staff recommends approval of both variance requests in accordance with the Highway Engineer and MS4 Coordinator reports with the following condition(s):

- Specifically for VAR-22-43b, the petitioner add one additional ADA space in order to comply with ADA minimum parking requirements.

Variance Type: <input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	Planner: Drew Myers
--	----------------------------

PETITIONER	Arrow Properties LLC c/o Chelsea Moss, Abram-Moss Design Group LLC	
ADDRESS	1238 N Loesch Road, 53-04-36-200-016.013-011	
TOWNSHIP + SECTION	Richland, 36	
PLATS	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Curry & Loesch Minor Subdivision, Lot 3	
ACREAGE +/-	3.7	
	PETITION SITE	ADJACENT
ZONING	Heavy Industrial (HI)	Light Industrial (LI); General Industrial (IG)
COMP PLAN	MCUA Employment	MCUA Employment; MCUA Open Space
USE	Commercial; Trucking Terminal	Commercial & Residential

DISCUSSION

The petitioner recently received approval for a rezone of this property from General Industrial (IG) to Heavy Industrial (HI) for the purposes of establishing a “Trucking Terminal” use on the petition site. The petitioner is now requesting variance approval for the following standards from Chapter 830 and Chapter 806, respectively.

a) Interior Parking Landscaping to Chapter 830

Chapter 830 requires interior landscaping for parking areas consisting of planted parking islands every 15 spaces and an overall interior plant area equal to 8% of the total parking area (for this petition site). The petitioner proposes a deviation to this standard to reduce the overall square footage of interior plant area to 7.5% as well as locate the required parking islands to the corners of the lot to improve vehicle mobility in the parking area.

b) Off-Street Parking to Chapter 806

For a “Trucking Terminal”, Chapter 806 requires the following minimum off-street parking spaces: 1/employee + 1/vehicle used in operation. The petitioner is proposing a dual use for select

parking spaces on the petition site. Select parking spaces will function as a parking space for dump truck vehicles overnight and used for parking the assigned driver's personal vehicle during the day. Overall, this dual use of parking will result in 47 fewer spaces in total. A smaller standard parking area of 8 spaces and 2 ADA spaces will accommodate other staff members/employees.

An approved commercial site plan filing with Monroe County is required before occupation.

VAR-22-43a – Interior Parking Landscape

Chapter 830-8(C):

All areas within the lots perimeter are counted, including planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles. Only driveways and aisles with no parking spaces located on either side are excluded from the interior area calculation.

Table 30-3 Required Interior Planting Area of Parking Lots	
Total Area of Parking Lot	Percent of the Total Area of Lot that Must be an Interior Planting Area
0 to 49,999 sq. ft.	5%
50,000 to 149,999 sq ft	8%
150,000 sq. ft. or larger	10%

Chapter 830-8(C)(4):

Landscaped islands of at least 162 square feet of area shall be provided every 10 spaces or less within a row of spaces for residential sites and every 15 spaces or less within a row of spaces for commercial developments. Planting islands should be evenly spaced throughout the parking lot to consistently reduce the visual impact of long rows of parked cars. Islands shall be utilized where needed to control vehicular circulation and define major drives. Landscape strips between two facing parking aisles can also be used to meet the interior planting requirement.

Petitioner is proposing an overall **reduction of 0.5%** in the total area of lot that must be interior planting area. Additionally, the petitioner is proposing to **NOT** evenly space planting islands throughout the parking lot as required by Chapter 830-8(C)(4).

VAR-22-43b – Off-Street Parking

Chapter 806: "Trucking Terminal" – 1 space/employee + 1/vehicle used in operation

- Equals 100 spaces in total for 50 employees and 50 vehicles, including 4 ADA spaces.

Proposed: Total of 53 spaces (47 fewer spaces than required)

- 43 spaces for dual parking use, 8 spaces for standard office parking, and 2 ADA spaces.

EXHIBITS - Immediately following report

1. Staff Site Visit Photos
2. Petitioner Letter
3. Petitioner Site Survey

4. Petitioner Site Plan Draft

EXHIBIT 1: Staff Site Visit Photos



Photo 1: Driveway entrance off N Loesch Road – facing north



Photo 2: Driveway entrance off N Loesch Road – facing south



Photo 3: Driveway entrance – facing west towards N Loesch Road



Photo 4: Petition site – facing northwest



Photo 5: Petition site – facing north



Photo 6: Petition site – facing east



Photo 7: Petition site – facing northeast

EXHIBIT 2: Petitioner Letter



ABRAM-MOSS
DESIGN GROUP, LLC

9215 West Mallory Road
Bloomington, Indiana 47404
812-955-0539
info@abram-moss.com

October 5, 2022

Monroe County Board of Zoning Appeals
Monroe County Planning Department
501 North Morton Street, Suite 224
Bloomington, Indiana 47404

RE: Request for Design Standards Variances
Young Trucking New Office & Shop
1238 North Loesch Road
Bloomington, Indiana 47404
AMDG-2021011

Board of Zoning Appeals:

On behalf of our client, Arrow Properties LLC, we petition the Board of Zoning Appeals for the following variances for the new commercial facilities at 1238 North Loesch Road, Bloomington, Indiana 47404:

1. **Interior Parking Landscaping (Chapter 830-8, Monroe County Zoning Ordinance)** to allow for reduced number of parking islands and reduced overall interior landscaping area.
2. **Off-Street Parking (Chapter 806, Monroe County Zoning Ordinance)** to allow combined use of parking spaces for both overnight dump truck parking and daytime personal vehicle parking.

The subject parcel is currently vacant and zoned Heavy Industrial (HI). The proposed development includes 3 buildings, paved parking lot, fueling station, and gravel equipment lot.

On-Site Parking Variance

Per Chapter 806 of the Monroe County Zoning Ordinance, a trucking terminal requires 1 parking space for each employee and 1 parking space for each vehicle used in operation. For the new Young Trucking site, we propose combining these requirements such that a single parking space will be used for parking a dump truck over night and used for parking the assigned driver's personal vehicle during the day. This concept is similar to the allowed Shared Parking options (Section 806-6) but is applied to a single use. A smaller standard personal vehicle parking area is proposed adjacent to the office. This area will accommodate office staff and other employees who are not assigned to a dump truck. Overall, this parking approach will provide a cleaner workflow for the business operation and will keep the parking area consistently utilized.

Interior Parking Landscaping Variance

Per Chapter 830 of the Monroe County Zoning Ordinance, interior landscaping for parking areas must consist of planted parking islands every 15 parking spaces and an overall interior plant area equal to 8% of the total parking area (for this particular site). The heavy trucks, that will use this parking lot, function best in open areas with minimal obstacles to allow for parking and maneuvering. Intermediate parking islands become obstacles and are not likely to hold up over time in this setting. For this reason, we have kept the islands to the corners of the lot where they will be least obstructive to the traffic flow. The north line of parking spots exceeds the 15-space count. The requested variance would allow this

Innovative Solutions, Sustainable Design

www.abram-moss.com

Request for Design Standards Variances

1238 North Loesch Road, Bloomington, Indiana 47404 (AMDG-2021011)

exceedance. Additionally, since the parking aisles and spaces are significantly larger than standard (to accommodate the dump trucks), the parking area (see attached exhibit C6.02) is approximately 60,900 SF and requires 4872 SF of interior landscape area (8%). Our plan has 4589 SF of interior landscape area (7.5%). This is also associated with the need to minimize obstructions in the parking area.

Based on the above details, we request that the requested design standards variances for the Young Trucking New garage and Office be granted. Please contact us if you have any questions or require additional information.

Respectfully,

A handwritten signature in black ink that reads "Chelsea J. Moss". The signature is written in a cursive, flowing style.

Chelsea Moss, PE

EXHIBIT 3: Petitioner Site Survey

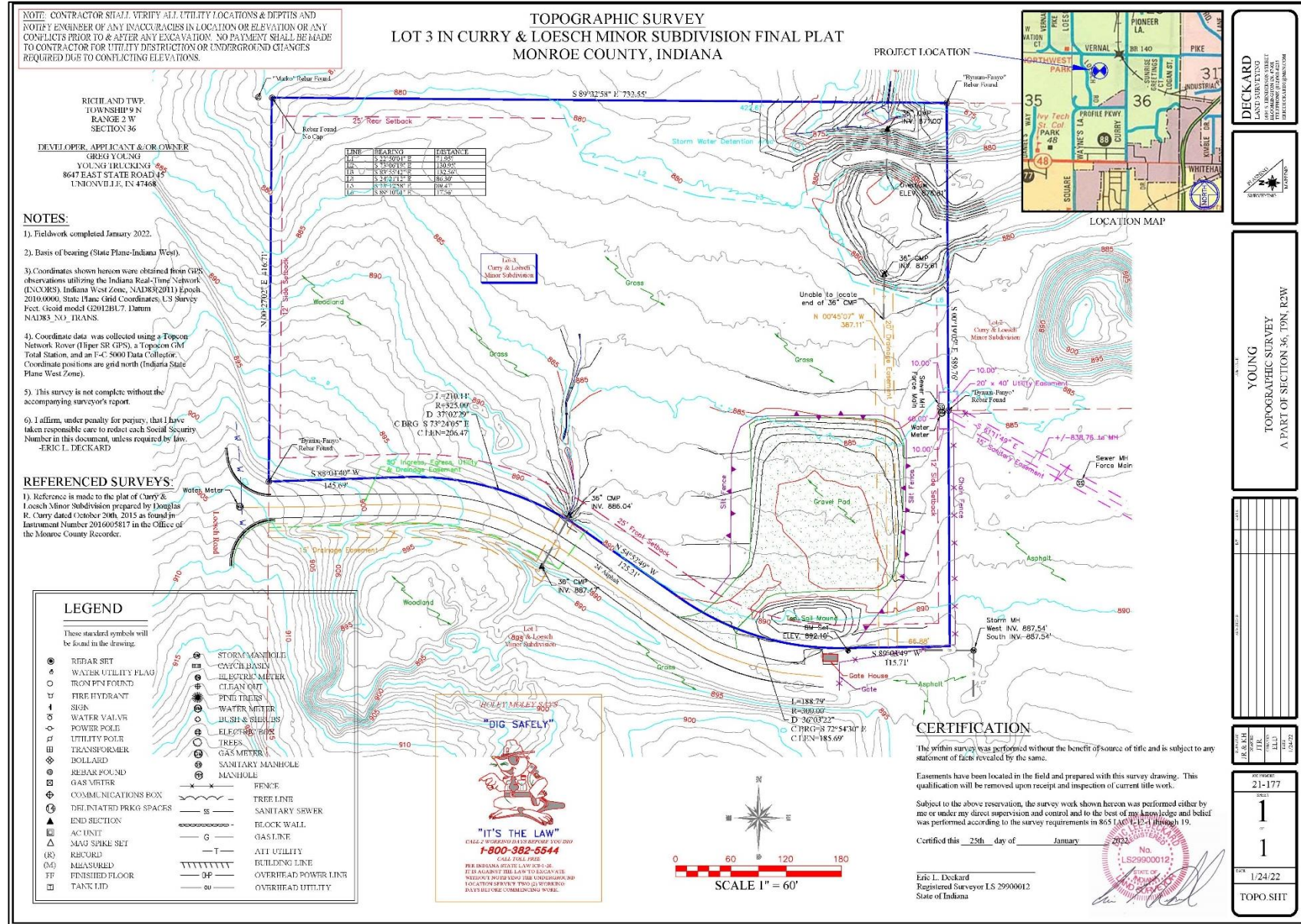
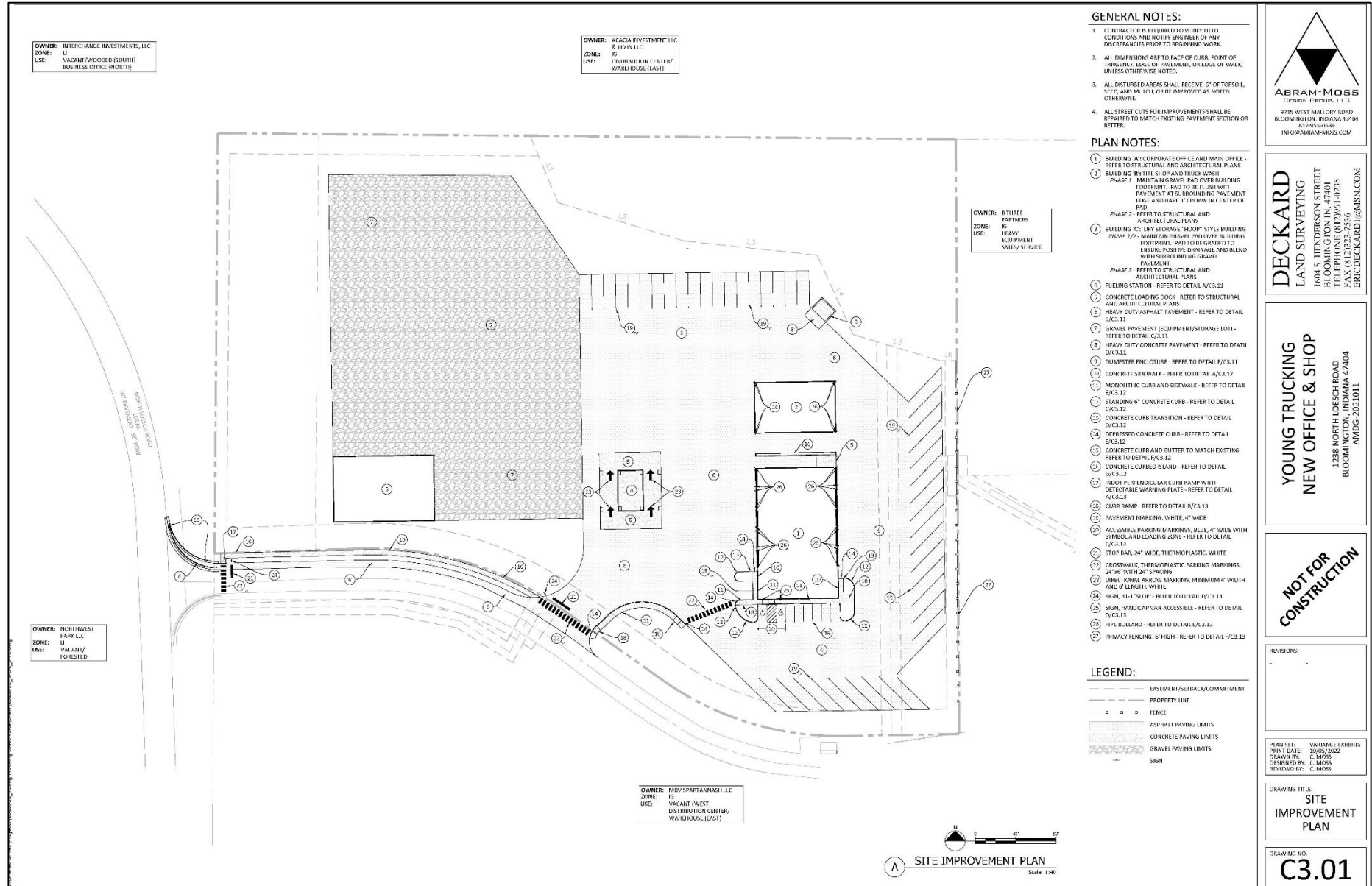
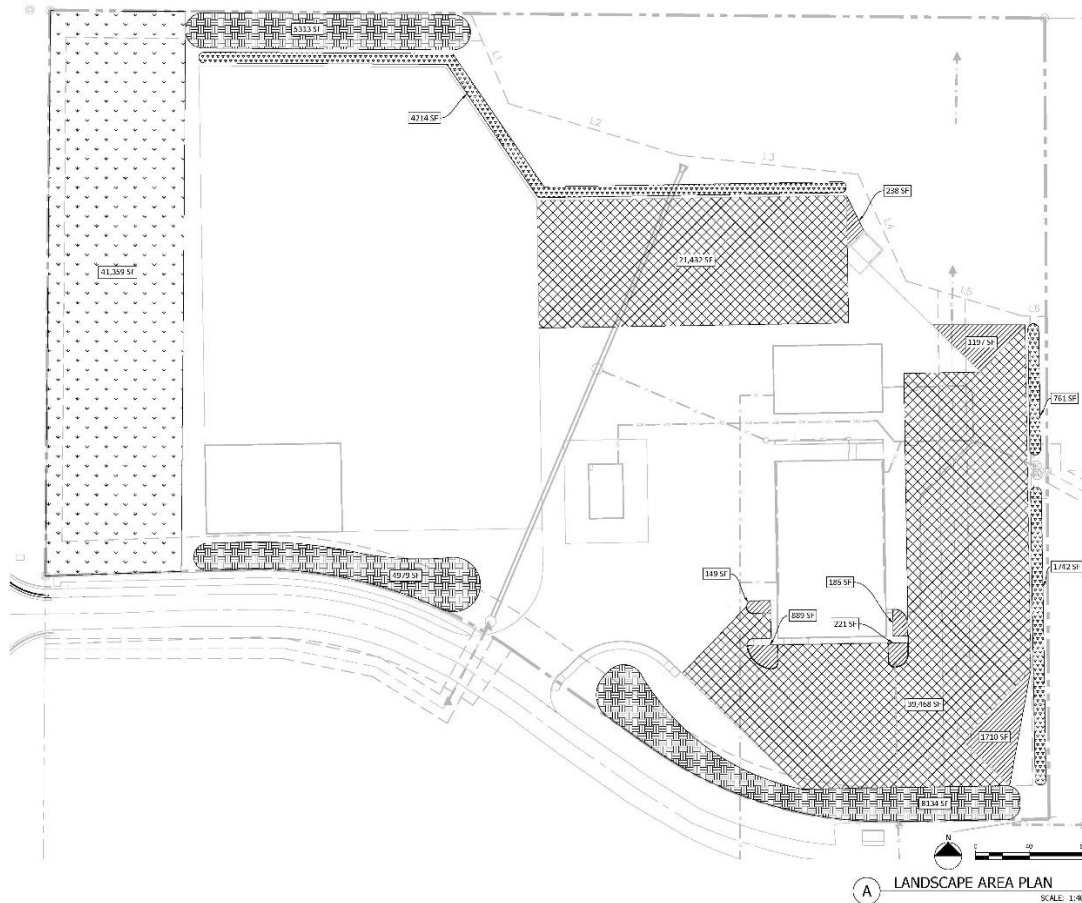


EXHIBIT 4: Petitioner Draft Site Plan





GENERAL NOTES:

1. ALL PLANT MATERIAL SHALL ARRIVE ON SITE IN A HEALTHY, VIGOROUS CONDITION AND BE FREE OF PESTS AND DISEASES.
2. ALL PLANTS SHALL BE CONTAINER GROWN OR Balled and BURLAPPED AS INDICATED IN THE PLANT LIST, OR AS SPECIFIED BY OWNER/DEVELOPER.
3. ALL TREES SHALL BE STRAIGHT-TRUNKED, FULL HEADED AND MEET ALL REQUIREMENTS SPECIFIED.
4. ALL TREES SHALL BE CLIPPED OR STAKED PLUMB AS SHOWN IN THE DETAILS.
5. ALL PLANTING BEDS SHALL BE SPACED CLIP UNLESS SPECIFIED OTHERWISE. TREES TO HAVE A 6" DIAMETER MULCH RING UNLESS SPECIFIED OTHERWISE.
6. ALL PLANTING AREAS SHALL BE COMPLETELY MULCHED.
7. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL AVOID DAMAGE TO ALL UTILITIES DURING THE COURSE OF THE WORK. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY AND ALL DAMAGE TO UTILITIES, STRUCTURES, SITE APPURTENANCES, ETC., WHICH OCCURS AS A RESULT OF THE LANDSCAPE CONSTRUCTION. PLANTING LOCATIONS MAY REQUIRE ADJUSTMENTS IN FIELD TO AVOID OVERHEAD AND UNDERGROUND UTILITIES.
8. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES AND SPECIES SHOWN ON THESE PLANS BEFORE BEGINNING THE WORK.
9. THE CONTRACTOR IS RESPONSIBLE FOR FULLY MAINTAINING ALL PLANTING AND LAWN AREAS INCLUDING, BUT NOT LIMITED TO: WATERING, SPRAYING, MULCHING, PRUNING, FERTILIZING, ETC., UNTIL WORK IS ACCEPTED IN FULL BY THE OWNER.
10. THE CONTRACTOR SHALL COMPLETELY GUARANTEE ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR, BEGINNING ON THE DATE OF TOTAL ACCEPTANCE. THE CONTRACTOR SHALL PROMPTLY REMOVE ALL REPLACEMENTS BEFORE OR AT THE END OF THE GUARANTEE PERIOD.
11. THE OWNER SHALL APPROVE THE STARTING LOCATION OF ALL PLANT MATERIAL PRIOR TO INSTALLATION.
12. AFTER BEING CURED AT THE NURSERY SOURCE, ALL TREES IN LEAF SHALL BE ACCLIMATED FOR TWO (2) WEEKS UNDER A MIST OR DRIP IRRIGATION SYSTEM PRIOR TO INSTALLATION. WATER ALL SPECIMENS WITHIN 24 HOURS OF PLANTING.
13. ANY NEW OR TRANSPLANTED PLANT MATERIAL WHICH DIES, THINS, BROWNS OR DEFILES PRIOR TO TOTAL ACCEPTANCE OF THE WORK SHALL BE PROMPTLY REMOVED FROM THE SITE AND REPLACED WITH MATERIAL OF THE SAME SPECIES, SIZE, TYPE AND SOIL TO MEET ALL PLANT LIST SPECIFICATIONS.
14. STANDARDS SET FORTH IN "AMERICAN STANDARD FOR NURSERY STOCK" REPRESENT GUIDELINE SPECIFICATIONS ONLY AND SHALL CONSTITUTE MINIMUM QUALITY REQUIREMENTS FOR PLANT MATERIAL.
15. ALL SHRUB, GROUND COVER, ANNUAL AND HERBACEOUS PERENNIAL PLANTING BEDS ARE TO BE COMPLETELY COVERED WITH HANDSOWN MULCH TO A MINIMUM DEPTH OF THREE INCHES.
16. DURING THE GROWING SEASON ALL ANNUALS AND HERBACEOUS PERENNIALS SHALL REMAIN IN A HEALTHY CONDITION THROUGHOUT THE CONSTRUCTION PERIOD.
17. ALL DISTURBED AREAS NOT INCLUDED IN LANDSCAPE MULCH BEDS ARE TO BE DEBRIS-FREE AND RESEEDING TO BE COMPLETED PRIOR TO THE END OF THE CONSTRUCTION PERIOD.
18. ANY PLANT OR OTHER LANDSCAPE MATERIAL SUBMITTED FOR INSTALLATION WITHOUT DESIGNER AND OWNER APPROVAL SHALL BE REPLACED AT CONTRACTOR'S EXPENSE. ALL PLANTS ARE SUBJECT TO THE APPROVAL OF THE OWNER BEFORE, DURING AND AFTER INSTALLATION.
19. ALL PLANTING SHALL MEET OR EXCEED THE REQUIREMENTS OF CHAPTER 830 OF THE MONROE COUNTY ZONING ORDINANCE.



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YOUNG TRUCKING
NEW OFFICE & SHOP
1228 NORTH LOESCH ROAD
BLOOMINGTON, INDIANA 47404
AND 202.201.001

NOT FOR
CONSTRUCTION

REVISIONS:

PLAN SET: VARIANCE EXHIBITS
PRINT DATE: 2/20/2022
DRAWN BY: C. MOSS
DESIGNED BY: C. MOSS
REVIEWED BY: C. MOSS

DRAWING TITLE:
LANDSCAPE
SCHEDULE &
AREAS

DRAWING NO:
C6.02

812-7-8: 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.

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;*
 - (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;*
 - (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,*
 - (4) *It would adequately address any other significant public health, safety, and welfare concerns raised during the hearing on the requested variance;*
- (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;*
 - (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,*
 - (3) *It would adequately address any other significant property use and value concerns raised during the hearing on the requested variance; and,*
- (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.

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

812-5. Standards for Use Variance Approval: In order to approve a use variance, the Board must find that:

- (A) The approval will not be injurious to the public health, safety, and general welfare of the community;
- (B) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
- (C) The need for the variance arises from some condition peculiar to the property involved;
- (D) The strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought; and,
- (E) The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan:
- (1) *Residential Choices*
 - (2) *Focused Development in Designated Communities*
 - (3) *Environmental Protection*
 - (4) *Planned Infrastructure Improvements*
 - (5) *Distinguish Land from Property*