MONROE COUNTY BOARD OF ZONING APPEALS



Wednesday, June 28, 2023 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/82893022439?pwd=UVpqL204bUQ1dVhDUXcrVE8xV3NEdz09

If calling into the Zoom meeting, dial: 312-626-6799. When prompted, enter the Meeting ID #: 828 9302 2439 Password: 372100

AGENDA MONROE COUNTY BOARD OF ZONING APPEALS (BZA)

HYBRID MEETING

When: June 28, 2023 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/82893022439?pwd=UVpqL204bUQ1dVhDUXcrVE8xV3NEdz09

If calling into the Zoom meeting, dial: 312-626-6799 When prompted, enter the Meeting ID #: 828 9302 2439

Password: 372100

CALL TO ORDER ROLL CALL INTRODUCTION OF EVIDENCE APPROVAL OF AGENDA **APPROVAL OF MINUTES: April 5, 2023**

ADMINISTRATIVE BUSINESS: NONE.

OLD BUSINESS: NONE.

NEW BUSINESS:

1. VAR-23-4 Bloomington Self Storage Buildable Area (Special Flood Hazard

Area) Variance to Chapter 804

PAGE 6

One (1) 7.49 +/- acre parcel in Van Buren Township, Section 12 at

2450 S Curry PIKE, parcel #53-09-12-300-023.000-015.

Owner: Curry Pike Storage LLC

Zoned LB. Contact: dmyers@co.monroe.in.us

2. VAR-23-15a Fields-Lucas Minimum Lot Size Variance to Chapter 804 PAGE 48

3. VAR-23-15 b Fields-Lucas Minimum Lot Width Variance to Chapter 804

4. VAR-23-15c Fields-Lucas Side Yard Setback Variance to Chapter 804

One (1) 0.47 +/- acre parcel in Perry Township, Section 27 at

5865 S Fairfax RD, parcel #53-08-27-300-002.001-008.

Owner: Fields, Anne & Lucas, Jeffrey

Zoned AG/RR. Contact: acrecelius@co.monroe.in.us

5. VAR-23-16 Zaricki Minimum Lot Size Variance to Chapter 804 **PAGE 56**

One (1) 1.03 +/- parcel in Indian Creek Township, Section 23 at

8865 S Rockport RD, parcel #53-10-23-300-007.000-007

Owner: Bloomington Comm Radio Inc.

Zoned AG/RR. Contact: drbrown@co.monroe.in.us

6. VAR-23-5 Sojourn House Inc AMENDED Use Variance to

Group Home Class II in Chapter 802

PAGE 64

One (1) 7.73 +/- acre parcel in Benton South Township, Section 33 at 7505 E Kerr Creek Road, parcel #53-06-33-200-003.000-003.

Owner: Sojourn House, Inc.

Zoned AG/RR, ECO3. Contact: tbehrman@co.monroe.in.us

7. VAR-23-25a

Hupp Minimum Lot Size Variance to Chapter 804 PAGE 199

8. VAR-23-25b Hupp Minimum Lot Width Variance to Chapter 804

One (1) 1.27 +/- acre parcel in Bean Blossom Township, Section 32 at 8448 W Chafin Chapel RD, parcel #53-03-32-100-023.000-001.

Owner: Hupp, Michael J & Anna C.

Zoned AG/RR. Contact: drbrown@co.monroe.in.us

9. VAR-23-26

Halter Rear Yard Setback Variance to Chapter 804 PAGE 206

One (1) 0.58 +/- acre parcel in Richland Township Section 2 at

6565 N Maple CT, parcel #53-04-02-202-002.000-011.

Owner: Halter, Lisa

Zoned AG/RR. Contact: shawnsmith@co.monroe.in.us

10. VAR-23-27

Smelser Rear Yard Setback Variance to Chapter 804 PAGE 217

One (1) 0.05 +/- acre parcel (condominium) in Perry Township, Section 40, at 614 W Soutar DR, parcel #53-01-40-379-000.000-008.

Owner: Smelser, Sheila & William.

Zoned RM7. Contact: acrecelius@co.monroe.in.us

11. VAR-23-28

Norris Front Yard Setback Variance to Chapter 804 PAGE 230

One (1) 0.24 +/- acre parcel in Perry Township, Section 17, at 562 W Green RD, parcel #53-08-17-102-007.000-008.

Owner: Norris, Richene

Zoned RS3.5. Contact: acrecelius@co.monroe.in.us

12. VAR-23-29

Huston Front Yard Setback Variance from Chapter 804 PAGE 235

Two (2) 1.19 +/- parcels in Bloomington Township, Section 18, at 5991 E State Road 45, parcel #53-05-13-400-003.000-004.

Owner: Huston, Joel

Zoned SR, CR, & ECO3. Contact: acrecelius@co.monroe.in.us

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

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at:

PlanningOffice@co.monroe.in.us no later than June 28, 2023 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.

<u>812-6 Standards for Design Standards Variance Approval:</u> 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: June 28, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-4	Buildable Area (Special Flood Hazard Area) Ch. 804	Denial

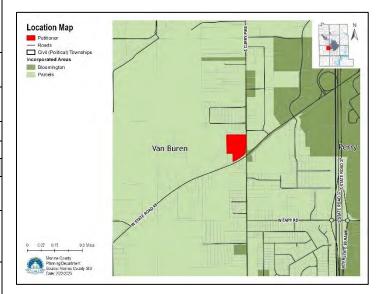
812-6 <u>Standards for Design Standards Variance Approval</u>: In order to approve an application for a design standards variance, the Board must find favorable findings for all three (3) criteria, A, B, and C, listed after the agenda within the BZA packet.

Recommended Motion Conditions or Reasoning:

<u>Deny Buildable Area (Special Flood Hazard Area)</u>: The petition site's active LOMR still has an open appeal period. Therefore, the variance does not meet criteria B(2). Upon the competition of the appeal period and the conclusion of the map effective date of July 5, 2023, this variance will not be needed.

Variance Type:	⊠ Design □ Use	Planner: Drew Myers
	☐ Residential ⊠ Commercial	

PETITIONER	Curry Pike Storage LLC (owner)		
	Joshua Rodgers, American		
	Structurepoint (applicant)		
ADDRESS	2450 S Curry Pike		
	53-09-12-300-023.000-015		
TOWNSHIP +	Van Buren, 12		
SECTION			
PLATS	☑ Unplatted ☐ Platted: N/A		
ACREAGE +/-	7.49		
	PETITION SITE	ADJACENT	
ZONING	LB	LB, GB, RE2.5,	
		RS3.5, and COB	
COMP PLAN	MCUA Mixed Use	MCUA Mixed	
		Use; MCUA	
		Open Space	
USE	Convenience	Residential,	
	Storage	commercial, or	
		vacant	



SUMMARY

The petitioner is proposing to construct two convenience storage buildings totaling 32,750 square feet and 4,500 square feet, respectively, that encroaches into an area designated as FEMA Zone AE and Administrative Floodway (also known as Special Flood Hazard Area). The two structures are included in Phase II of the approved commercial site plan for the Bloomington Self Storage project. The construction of Phase II improvements was delayed accommodating the appropriate process of amending the floodplain boundaries with federal, state, and local officials. As part of the local permitting process, either a design standards variance is required to the Chapter 804 non-buildable area classification for "Special Flood Hazard Area" or a Letter of Map Revision must be effective. If the variance is approved the petitioner may submit permits for Phase 2

<u>buildings to continue development on fill placed in a Special Flood Hazard Area at their own risk should</u> <u>the map be appealed.</u> If the variance is denied then the petitioner must wait until July 5, 2023, when the maps are fully adopted or potentially longer if there is an appeal (See Exhibit 10).

By July 5, 2023, if no valid appeal is made, this variance request would become moot as the construction site will officially be listed outside of the special flood hazard area.

DISCUSSION

In July of 2020, American Structurepoint submitted a commercial site plan application to the Planning Department for the construction of a 48,750 square foot convenience storage facility. Portions of the property are designated "FEMA Zone AE and Administrative Floodway" (also known as Special Flood Hazard Area). Planning Staff communicated to the petitioner that if the developer wanted to construct any buildings or impervious cover in these designated areas, that Indiana DNR flood permits, and local Floodplain Development permits would be required to place the structures on fill. Additionally, the petitioner was expected to either obtain a Letter of Map Revision for Fill (LOMR-F) demonstrating the area was no longer in a Special Flood Hazard Area due to the fill elevating the area or apply for one *design standard* variance from the Buildable Area (Chapter 804) standards. The Buildable Area standard states that "any building or structure constructed after October 2, 2015, must be located within a buildable area. The following shall <u>not</u> be included in the buildable area: Special Flood Hazard Area as specified in Chapter 808" (804-4 E).

Chapter 808 defines "Special Flood Hazard Area" (SFHA) as "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)."

On February 23, 2023, the County received Letter of Map Revision Determination Document that depicts the annotated map panel for the flood area being revised (Exhibit 9). Barring any appeal to the map, the effective date of the revision is July 5, 2023. An appeal could delay the map adoption or require changes to the flood study. At the time of this report's publication, the Monroe County Planning Department has not received any notification of any appeal made to this map revision.

The petition site is located within the Sinking Creek Watershed and is considered a 'critical watershed' per the Stormwater Ordinance. Essentially this area is part of a large sinkhole complex (Exhibit 1) with the potential for unpredictable flooding due to blockages in the karst. The MS4 Coordinator reviewed the full hydraulic modeling report from American Structurepoint on Thursday April 20, 2023, and does not have any comments on the LOMR modeling at this time.

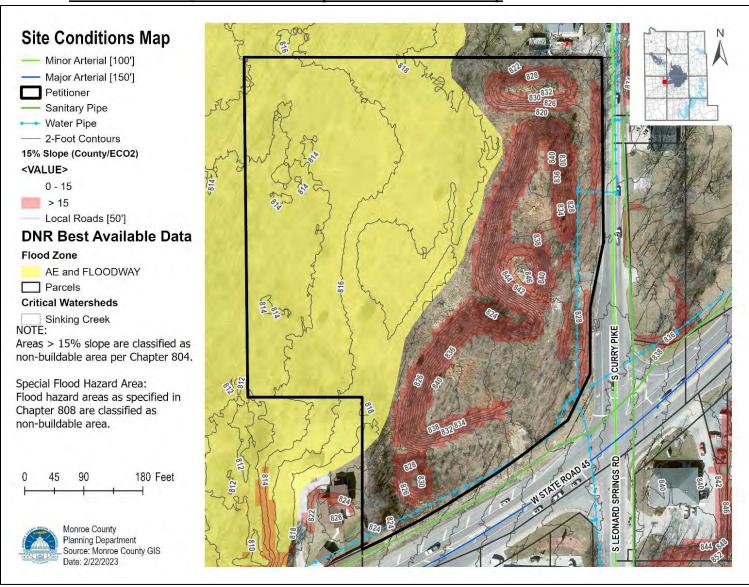
Please see below for a summary of the sequence of events that leads up to this point in time.

- **November 19, 2020** DNR provided the petitioner a Certificate of Approval FW-30463-0 for the work to be completed in the designated floodway areas (Exhibit 6).
- March 2, 2021 Final site plan approval was issued by Planning Staff (2007-SIT-24) (Exhibit 4)
- March 12, 2021 Planning Staff issued a Floodplain Development Permit (FP-21-1).
- March 16, 2021 Planning Staff issued a Grading Permit (IG-21-5).
- March 16, 2021 Pre-construction meeting was held between the petitioner and County Stormwater.
- **July 15, 2021** Planning Staff issued an Improvement Location Permit (ILP) for Phase I structures outside of the designated floodway areas.
- **August 13, 2021** Petitioner submitted a LOMR application to FEMA to remove the floodway designation from the Phase II construction site based on fill.
- October 29, 2021 Planning Staff received a letter from FEMA stating that the petitioner should have submitted a CLOMR prior to any work performed in the designated floodway area. (Exhibit 7)
 - Staff learned that the petitioner was informed of the need for a CLOMR on **December 16**, **2020** (Exhibit 8) and did not pursue this requirement. Staff was not included in the original email correspondence between FEMA and the petitioner. Had Staff been informed, the local floodplain development permit and grading permit would not have been issued.
 - o At this point, Staff halted any further permit issuances for the project site until the petitioner could provide evidence of FEMA approval.
- January 20, 2022 Petitioner submitted certified elevations of the project site to Planning Staff.
- **January 24, 2023** Petitioner applied for a Design Standards Variance to Ch. 804 in order to proceed with construction in Phase II.
- **February 23, 2023** Letter of Map Revision Determination Document (LOMR) was issued with an effective date of <u>July 5, 2023</u>. (Exhibit 10)
- **February 24, 2023** Planning Staff emailed the petitioner's representative indicating that the petition is continued to the April 5th BZA meeting, citing the need for more time to coordinate with FEMA and DNR officials to confirm if Monroe County can legally issue permits.
- March 21, 2023 FEMA Region 5 official communicated to the petitioner (forwarded to Staff) that as long as all state and local permits have been obtained, development on the site may continue.
- April 5, 2023 Petitioner requested this variance be continued to the May 3, 2023, Board of Zoning Appeals meeting to provide more time for the MS4 Coordinator to review the hydraulic modeling report.
- May 3, 2023 The Board of Zoning Appeals meeting was cancelled due to lack of quorum.
- June 5, 2023 Planning Staff continued this variance to the June 28, 2023, Board of Zoning Appeals meeting due to a deficiency with the public notice requirements after the cancelled May 3, 2023, meeting.

EXHIBITS - *Immediately following report*

- 1. County Site Condition Map & Critical Watershed Map
- 2. Staff Site Visit Photos
- 3. Petition Letter
- 4. Petitioner Site Plan
- 5. Indiana DNR: Floodplain Analysis and Regulatory Assessment
- 6. Indiana DNR: Certificate of Approval
- 7. Letter from FEMA
- 8. Correspondence with Indiana DNR
- 9. FEMA & DNR Approval to Continue Development on Fill
- 10. LOMR Documentation

EXHIBIT 1: County Site Conditions Map & Critical Watershed Map



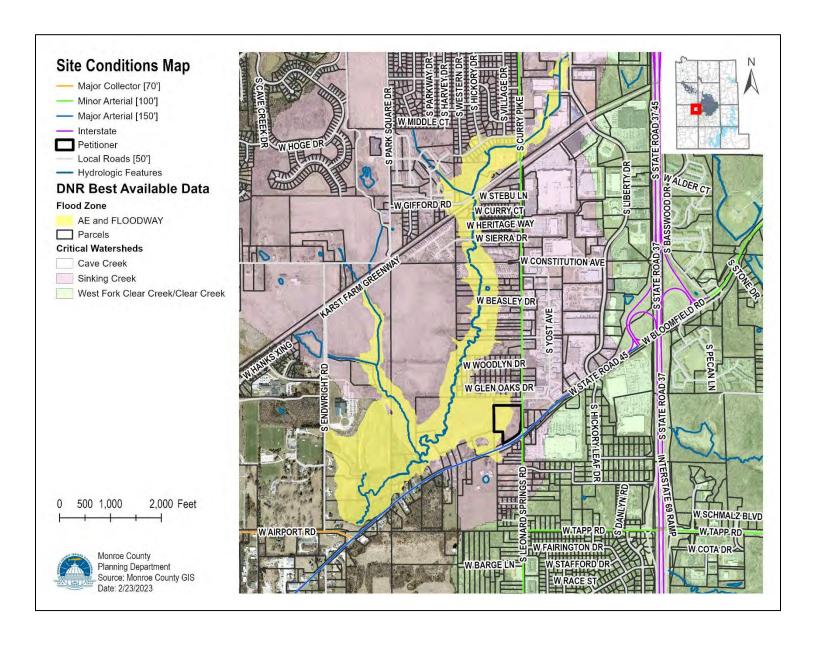


EXHIBIT 2: Staff Site Visit Photos



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 10



Photo 21



Photo 22



Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Photo 28

EXHIBIT 3: Petitioner Letter



9025 RIVER ROAD, SUITE 200 INDIANAPOLIS, INDIANA 46240 TEL 317.547.5580 FAX 317.543.0270

January 26, 2023

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

Re: Variance request - 2450 South Curry Pike

To the Members of the Board of Zoning Appeals:

On behalf of MHG Hotels, LLC, American Structurepoint is requesting a variance from the buildable area requirements set forth in Chapter 804-4-E of the zoning ordinance excluding Special Flood Hazard Areas from the "Buildable Area". The site is located at the northwestern corner of South Curry Pike & SR 45. The parcel number is 53-09-12-300-023.000-015.

Following the requirements for buildable area in Chapter 804 would result in significantly less buildable area for this site and would not be economical to develop. The construction plans propose minimum encroachment into the Floodway and compensatory storage has been provided to account for the floodplain fill. Furthermore, we have Indiana Department of Natural Resources (DNR) approval for Construction in a Floodway (11/19/2020) and DNR approval of a Floodplain Analysis and Regulatory Assessment (FARA) for revising the Sinking Creek floodway (2/28/2022). We are currently going through mapping with FEMA for a Letter of Map Revision (LOMR) and have finished all technical review. We expect the LOMR to be fully effective in the next few months.

Thank you for your consideration for the requested variance.

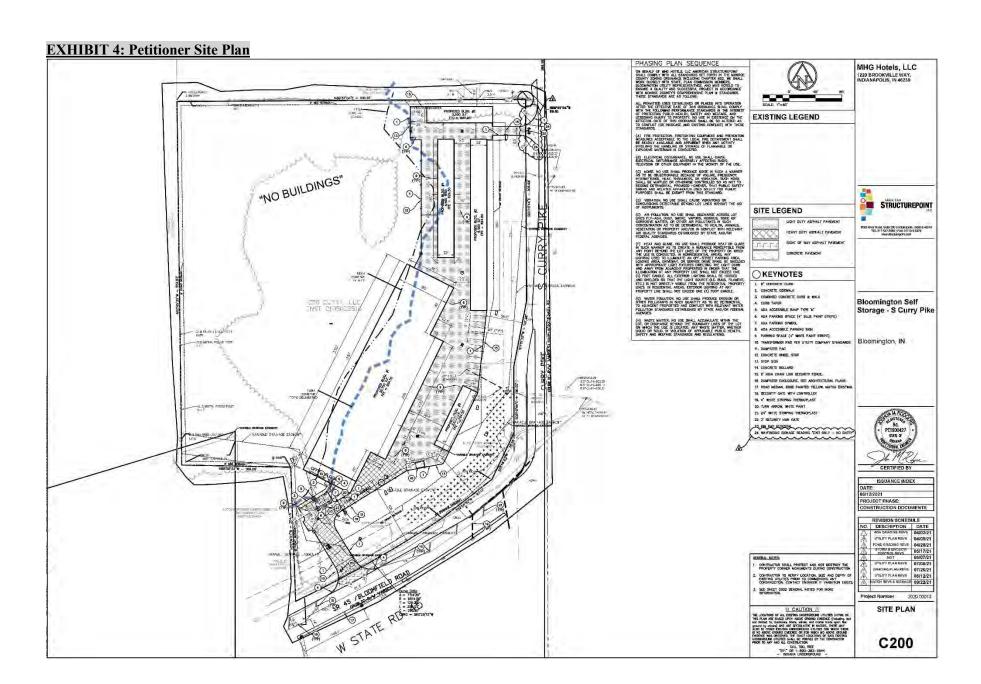
Sincerely,

American Structurepoint, Inc.

Joshua M. Rodgers, PE

JMR:dls

www.structurepoint.com



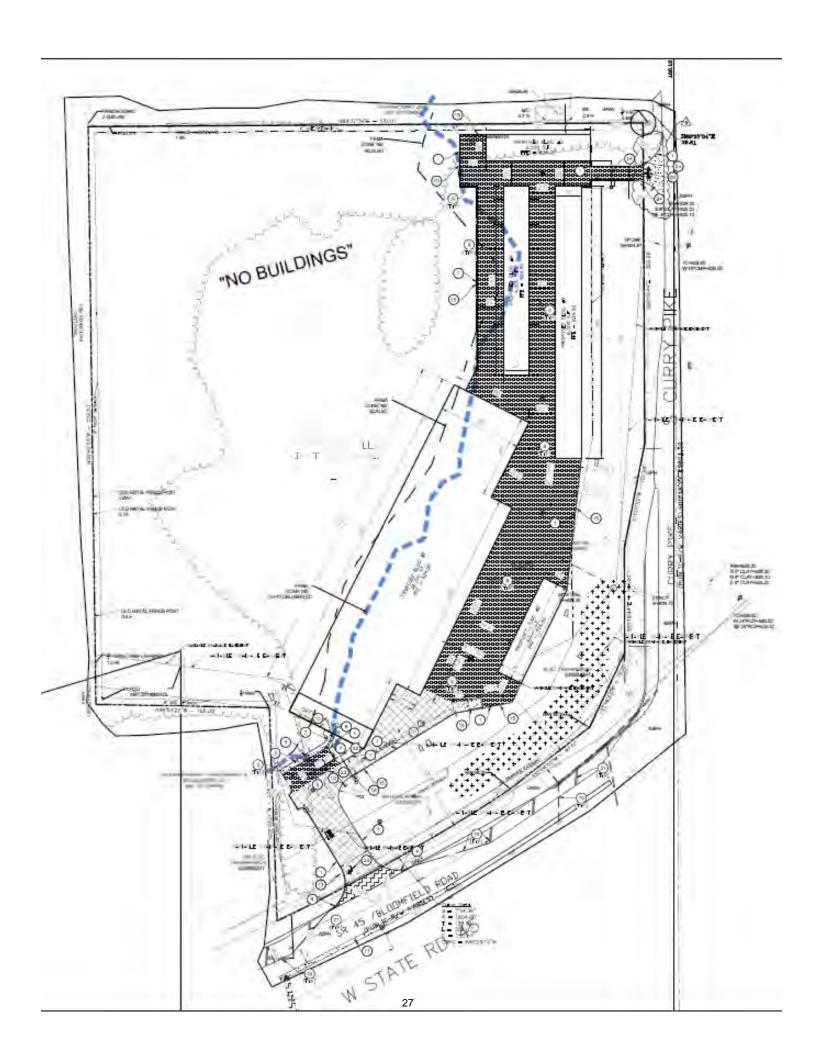


EXHIBIT 5: Indiana DNR: Floodplain Analysis and Regulatory Assessment



Indiana Department of Natural Resources

FLOODPLAIN ANALYSIS AND REGULATORY ASSESSMENT

Issue Date: 2/28/2022 File #: MR-40286-1
Waterbody: Sinking Creek County: Monroe

Site Location: 2450 South Curry Pike; at the northwest corner of the State Road45 and Curry Pike intersection near

Bloomington

Model Review Determination

This letter serves as the Department's approval of the proposed revisions to the floodway for this study reach. Refer
to Attachments. However, the Department cannot formally recognize this floodway revision until a Letter of Map
Revision is issued by the Federal Emergency Management Agency (FEMA).

This should not be construed as a local building permit, nor is it a waiver of the provisions of any local building or zoning ordinances. This does not relieve the permittee of the responsibility of obtaining permits, approvals, easements, etc. under other regulatory programs administered by, but not limited to, the U.S. Army Corps of Engineers, County Drainage Board, Indiana Department of Environmental Management and local, city, or county floodplain management, planning or zoning commissions.

Point of Contact: Danielle K Bowman, Division of Water

This information in this document was prepared by the staff name listed as the Point of Contact. If you have any questions, contact that staff person at the Division of Water by email at water_inquiry@dnr.in.gov or by telephone at 317-232-4160 or toll-free at 1-877-928-3755 and select 1 during the recorded menu narrative.

Attachments: Approved Floodway Map.pdf

Issued By:

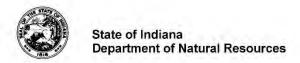
Adam M Bales, P.E., Division of Water

Copies Provided To:

Requestor: American Structurepoint, Rachel Sparks

Interested Party: Monroe County Planning Department, Tammy Behrman

Page 1 of 1





CERTIFICATE OF APPROVAL

Application #: FW-30563-0

This Certificate of Approval is a Permit for Construction under the authority of the Indiana Flood Control Act, IC 14-28-1 with 312 IAC 10 as administered by the Department of Natural Resources.

Approval Issued To: MHG Hotels LLC, Neal Patel, 1220 Brookville Way, Indianapolis, IN 46239

Approval Issued By: Mail Date: 11/19/2020

Nicholas Males, Division of Water

Permit Effective Date: 12/07/2020

Permit Expiration Date: 11/19/2022

Pursuant to 312 IAC 2-5-1, this Permit becomes Effective eighteen (18) days from the Mail Date to provide a stay period for a Petition for Administrative Review with the Indiana Natural Resources Commission, Division of Hearings. Initiating construction authorized in this Permit prior to the Permit Effective Date constitutes a violation. This Permit is only valid until the Permit Expiration Date.

This Permit may be renewed one (1) time if a written request is received at the DNR, Division of Water, prior to the Permit Expiration Date.

PROJECT INFORMATION:

Waterbody: Sinking Creek County: Monroe

Project Description Narrative: A 21,000 sq.ft. area will be filled in the extreme eastern portion of the flood way of Sinking Creek for the Bloomington Self Storage project. The fill varies in depth from a few inches to +/-1'. The fill will be setback from the top of bank 1,185'. The finished elevation of the fill will be approximately 830', NGVD. The proposed structures and drive isles for the Bloomington Self Storage project will be constructed on top of the proposed fill. Only the toe of this proposed slope will be encroaching into the existing flood way. The fill material will be sourced from the excavation of a proposed detention basin as well as the reuse of any acceptable existing fill materials currently on the site. The remainder of fill material will be hauled on from another site. No impacts to the stream channel or bank our proposed for this project.

Project Location: Beginning just northwest of the intersection of South Curry Pike and State Road 45 and continuing approximately 700' north at Bloomington

PERMIT CONDITIONS:

This Certificate of Approval is valid only if the construction project is in compliance with all Conditions in this Permit.

DNR PROJECT SPECIFIC PERMIT CONDITIONS

Page 1 of 3

- Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue) and legumes
 as soon as possible upon completion; low endophyte tall fescue may be used in the ditch bottom and side slopes only.
 Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from
 entering the stream or leaving the construction site; maintain these measures until construction is complete and all
 disturbed areas are stabilized.
- 3) Seed and protect all disturbed streambanks and slopes not protected by other methods that are 3:1 or steeper with erosion control blankets that are heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife such as snakes and turtles (follow manufacturer's recommendations for selection and installation); seed and apply mulch on all other disturbed areas.
- 4) Do not convert the structure into a residential building/residential use.
- 5) Do not locate any electrical, heating, ventilation, plumbing, air conditioning equipment, utility meters, and other service facilities below the flood protection grade (base flood elevation plus two feet).
- 6) If the building or plans that are approved by DNR under this Certificate of Approval are changed or modified in order to meet the local floodplain management ordinance requirements, contact the Division of Water, Technical Services Section by email at water inquiry@dnr in gov or by telephone at 317-232-4160 or toll-free at 1-877-928-3755 and select 1 during the recorded menu narrative.
- 7) All work must conform with the existing bank at the upstream and downstream limits of the project site.
- 8) Upon completion of the project, remove all construction debris from the floodway*
- 9) Obtain the prior written approval of the Department for any additional construction, excavation or filling in or on the floodway* beyond the scope of the project.
- 10) Except for the material used as backfill as shown on the plans submitted for the permit application, place all excavated material landward of the floodway*
- 11) Do not leave felled trees, brush, or other debris in the floodway*.
- 12) * Note: For regulatory purposes, the floodway is defined on the attached Floodway Map.

DNR PROJECT GENERAL PERMIT CONDITIONS

- 1) Any modifications or additional construction beyond what was shown on plans received at the Division of Water shall require an additional review and approval from the Department of Natural Resources.
- 2) This Permit must be posted and maintained at the project site until the project is completed.
- This Permit shall not be assigned or transferred without the prior written approval of the Department of Natural Resources.
- 4) If any prehistoric or historic archaeological artifacts or human remains are uncovered during construction, demolition, or earthmoving activities, state law (Indiana Code 14-21-1-27 and 29) requires that the discovery must be reported to the Department of Natural Resources within two (2) business days.
- 5) This Permit may be revoked by the Department of Natural Resources for violation of any condition or applicable statute or rule.
- 6) The Department of Natural Resources shall have the right to enter upon the site of the permitted activity for the purpose of inspecting the work authorized under this Permit.

Certificate of Approval Attachments: FW-30563_FloodplainMap.pdf

RIGHT TO ADMINISTRATIVE REVIEW:

Page 2 of 3

A party may appeal this Department of Natural Resources Action through the administrative review procedures found in the Administrative Orders and Procedures Act, IC 4-21.5, and the rules promulgated thereunder 312 IAC 3-1. If an appeal is filed, the final agency determination will be made by the Natural Resources Commission following a legal proceeding conducted before an Administrative Law Judge. The Department of Natural Resources will be represented by legal counsel at all stages of administrative review.

In order to obtain an administrative review, a written petition must be filed with the Division of Hearings within 18 days of the Mail Date of the Action. The petition must contain specific reasons for the appeal and indicate the portion or portions of the project to which the appeal pertains. The petition must be addressed to the Division of Hearings, Indiana Government Center North, Room N103, 100 North Senate Avenue, Indianapolis, Indiana 46204

SERVICE LIST:

Applicant(s):

MHG Hotels LLC, Neal Patel, 1220 Brookville Way, Indianapolis, IN 46239

Agent(s)

American Structurepoint, Joshau M Rodgers, 9025 River Road, Suite 200, Indianapolis, IN 46240

Adjacent Landowners and Interested Parties,

Bryan Rental Inc, 1440 South Liberty Drive, Bloomington, IN 47403
Monroe County Planning Department, Tammy Behrman, 501 North Morton Street, Suite 224, Bloomington, IN 47404
Richard E Deckard Family Limited Partnership, Po Box 110, Bloomington, IN 47402
Public Investment Corporation, 3900 West Industrial Boulevard, Suite 5, Bloomington, IN 47403
Joshua L and Rachel E Knipp, 3990 West State Road 45, Bloomington, IN 47403
Robert C McCollough, 2103 South Groversnor Place, Bloomington, IN 47401
Jacobs Property Improvement & Managment LLC, 3720 West Tapp Road, Bloomington, IN 47403
Mary Jane Fleener, 8790 South Lee Philips Road, Bloomington, IN 47403
Kooshlard Properties VIII LLC, PO Box 347, Columbus, IN 47202
Jeff G Woodard and Blake A Hutchison, 5508 West State Road 48, Bloomington, IN 47404
Small Town Properties LLC, 665 North Walnut Street, Bloomington, IN 47404
2450 Curry LLC, Bob Shields, 4954 South Dunlap Road, Bloomington, IN 47404

Courtesy Notification:

US Army Corps of Engineers, Louisville District, PO Box 59, Louisville, KY 40201
Monroe County SWCD, Martha Miller, 1931 South Liberty Drive, Bloomington, IN 47403
Monroe County Drainage Board, County Surveyor, Health Services Building, 2nd Floor 119 West 7th Street, Bloomington, IN 47404
IDNR Law Enforcement District 6, 11 Durbin Street Camp Atterbury, Edinburgh, IN 46124

ADDITIONAL PERMITTING AGENCIES:

This is not a waiver of any local ordinance or other state or federal law and does not relieve the permittee of any liability for the effects which the project may have upon the safety of the life or property of others.

This does not relieve the permittee of the responsibility of obtaining permits, approvals, easements, etc. under other regulatory programs administered by, but not limited to, the U.S. Army Corps of Engineers, County Drainage Board, Indiana Department of Environmental Management and local, city, or county floodplain management, planning or zoning commissions.

Page 3 of 3



Federal Emergency Management Agency

Washington, D.C. 20472

October 29, 2021

Ms. Julie Thomas President, Board of Commissioners Monroe County Courthouse 100 West Kirkwood Avenue Bloomington, IN, 47404 IN REPLY REFER TO CASE NO.: 21-05-4181A

Community: Monroe County, Indiana

(Unincorporated Areas)

Community No.: 180444

Map Panel Affected: 18105C0139D Map Effective Date: December 17, 2010

218-65-NF

Dear Ms. Thomas:

We reviewed a Letter of Map Revision Based on Fill request dated August 13, 2021. On the basis of the submitted information and the effective National Flood Insurance Program (NFIP) map, we determined that the property described below is located within the Special Flood Hazard Area (SFHA), the area subject to inundation by the base (1%-annual-chance) flood, and within the regulatory floodway for Sinking Creek, and that fill has been placed on the property since the designation of the floodway. The property is correctly shown on the effective NFIP map in an SFHA designated Zone AE, where Base Flood Elevations (BFEs) have been determined.

Property Description: A portion of Section 12, Township 8 North, Range 2 West, as

described in the Warranty Deed recorded as Document No.

2021002112, in the Office of the Recorder, Monroe County, Indiana

Street Address: 2450 South Curry Pike

Flooding Source: Sinking Creek

We have determined that fill has been placed on the above-referenced property, portions of which lie within the regulatory floodway adopted by your community. In accordance with Subparagraph 60.3(d)(3) of the NFIP regulations, no encroachment may take place within the regulatory floodway if the encroachment would cause an increase in the BFEs. Therefore, the placement of fill on the property may be in violation of the regulations.

We have notified our Regional Office in Chicago, Illinois, of this situation. Revisions to the BFEs and/or regulatory floodway must be coordinated by community officials and submitted to our Regional Office for review and approval. Your community should contact Mr. Eric Kuklewski of the Federal Emergency Management Agency Region 5 Office, by telephone at (312) 408-5230 for guidance on the specific actions required to resolve this issue.

We will not continue processing this request until the issue is resolved with our Regional Office This determination is based on the flood data presently available. Sincerely, Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration cc: Mr. Griffin Miller, American Structurepoint

EXHIBIT 8: Correspondence with Indiana DNR

Tammy Behrman

From: Wagner, Douglas A < DWagner1@dnr.IN.gov>

Sent: Tuesday, November 9, 2021 2:09 PM

To: Tammy Behrman

Cc: Larry Wilson; Jacqueline Nester Jelen

Subject: RE: FEMA letter

Categories: Important

Tammy,

I have numbered the responses to coincide with the way in which they were in your email:

- We believe that the change to delineating the entire floodplain as floodway was done with the development of the current maps (2010). Our understanding that it was requested either by the county or City of Bloomington but do not have any records that lead to that inclusion. There are two revisions that were done in 2015 & 2016 that changed the delineation in certain areas to floodway and fringe.
- 2) We do not have a map showing different mapping or showing something different from what is published. Projects in the floodway are reviewed for their impact including prior projects that do not create a rise greater than .14'.
- 3) The CLOMRs are not mentioned in the state model that has been approved however, it will be in the new model that is currently at FEMA for approval. We have also discussed the CLOMR process in our "New Administrators Workshop" and other workshops as well. In accordance with the Flood Control Act DNR will permit project if they create less than .15' rise however, FEMA requires a zero rise in the floodway. Our staff began sending out notices about this requirement earlier this year. Unfortunately, permit FW-30563-0 had been issued before this practice was initiated.

If the community wishes to change the delineation to a more conventional floodway/flood fringe areas rather than all floodway they would need to have new studies completed to support the revisions. The studies would need to be reviewed and approved by DNR then submitted to FEMA before they would become effective.

Below is text from an email string last December informing the developer the need for the CLOMR.

From: Scott, R. Tony (DNR) [mailto:tscott@dnr,IN.gov]
Sent: Wednesday, December 16, 2020 6:12 AM
To: Rodgers, Josh jrodgers@structurepoint.com

Subject: RE: FW-30563 LOMR-F Bloomington Self Storage

Joshua.

According to the effective map the floodplain/floodway boundaries are the same.
As you said everything mapped as a special hazard area is floodway.
Since work has not started you may actually need to get a CLOMR-F and then a LOMR-F.
I do not have a contact with FEMA but the FEMA website should have information on filing a CLOMR-F.
Thank you,
Tony Scott

From: Rodgers, Josh < irodgers@structurepoint.com>
Sent: Tuesday, December 15, 2020 11:03 AM
To: Scott, R. Tony (DNR) < tscott@dnr.IN.gov>

Cc: Watts, Michael < MWatts@structurepoint.com >; Wilkerson, Jared < jwilkerson@structurepoint.com >

Subject: FW-30563 LOMR-F Bloomington Self Storage

Tony.

I was given your email by Jared Wilkerson in our office. He suggested I reach out to you. We received approval for the above referenced floodway application about two weeks ago (non-modeling). Monroe County Planning has informed us that they will not issue a full ILP until a LOMR-F is approved by FEMA. They are asking us to phase the project so that we can work on the areas not encroaching into the floodway but want the earthwork completed prior to submitting the LOMR-F. This is a bit unusual for us so we just want to confirm that this is the correct process. Let us know your thoughts or if there is someone else you think I should reach out to. To confirm, there is no floodplain on site, it's only floodway.

Thanks in advance for your help.

Joshua M. Rodgers, PE Project Engineer – Civil Group

9025 River Road, Suite 200 Indianapolis, IN 46240 317.547.5580 OFFICE structurepoint.com WEB



Best,

Doug Wagner, CFM

Senior Water Planner
Indiana Department of Natural Resources
Division of Water
402 W Washington St., Room W264
Indianapolis, IN 46204
317-232-4178
DWagner1@dnr.IN.gov
www.dnr.IN.gov

EXHIBIT 9: FEMA & DNR Approval to Continue Development on Fill

From: Black, Sarah A <SBlack@dnr.IN.gov> Sent: Tuesday, March 7, 2023 1:07 PM

To: Tammy Behrman <tbehrman@co.monroe.in.us>

Subject: RE: Issued Letter of Map Revision for Monroe County, IN, Case No. 22-05-1490P

Importance: High

Hi Tammy,

Thanks for checking in.

It was recommended that you should check with FEMA to see if you should issue a permit or not. The division doesn't have any issue with you moving forward with the permit if that is the direction you get from FEMA. The permit that was issued, FW-30563, was for the placement of fill and did acknowledge that buildings would be placed on top of the fill. Since the top of the fill pad was well above the BFE, the building was not a huge concern since we know the elevation requirements would be met. Therefore, the ones higher up in DNR feel the division has issued a permit for the work at the since and don't need to issue any other permit.

Please let me know if you have any questions.

Thanks,

Sarah Black

Southern Water Planner
Indiana Department of Natural Resources
Division of Water
402 W Washington St., Room W264
Indianapolis, IN 46204
317-234-1107
sblack@dnr.in.gov
www.dnr.IN.gov

From: Rosario, Mollie < Mollie.Rosario@fema.dhs.gov >

Sent: Monday, March 20, 2023 2:00 PM

To: Reimann, Ashley <ashley.reimann@fema.dhs.gov>; Neal Patel (npatel@mhghotelsllc.com) <npatel@mhghotelsllc.com>

Subject: FW: Case# 21-05-4181A

Hi Neal,

I am no longer the POC for Indiana in our office. That is now Ashley Reimann, copied here. I don't want to speak for her but I think she is out this week. If the LOMR was approved, that is usually FEMA's stamp of approval to move forward. And if you have obtained all the local/state permits, I would assume you are good to go.

Mollie Rosario

Building Codes Coordinator | Mitigation | FEMA Region V mollie.rosario@fema.dhs.gov | Pronouns: she/her

Mobile: (312) 953-2061

Federal Emergency Management Agency

fema.gov

From: Reimann, Ashley <ashley.reimann@fema.dhs.gov>

Date: Tuesday, March 21, 2023 at 9:59 AM **To:** Neal Patel < npatel@mhghotelsllc.com>

Subject: RE: Case# 21-05-4181A

Hi Neal,

I am out this week for a conference but checked in with the state on this request. As long as all permits have been obtained (state and local) this project is okay to move forward.

Thanks for your patience, I know your team has been working to connect with me through email/phone last week, but I was out for another conference all of last week so I'm a bit behind on correspondences.

Please let me know if you have any additional questions about this request.

Best, Ashley

Ashley Reimann FEMA Region 5 Office: 312-408-5563 Cell: 312-841-2816



Federal Emergency Management Agency

Washington, D.C. 20472

February 21, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Julie Thomas Commissioner - District 2 Monroe County Board of Commissioners Monroe County Courthouse 100 West Kirkwood Avenue Bloomington, IN 47404 IN REPLY REFER TO:

Case No.: 22-05-1490P
Community Name: Monroe County, IN
Community No.: 180444
Effective Date of

This Revision: July 5, 2023

Dear Commissioner Thomas:

The Flood Insurance Study Report and Flood Insurance Rate Map for your community have been revised by this Letter of Map Revision (LOMR). Please use the enclosed annotated map panel revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals issued in your community.

Additional documents are enclosed which provide information regarding this LOMR. Please see the List of Enclosures below to determine which documents are included. Other attachments specific to this request may be included as referenced in the Determination Document. If you have any questions regarding floodplain management regulations for your community or the National Flood Insurance Program (NFIP) in general, please contact the Consultation Coordination Officer for your community. If you have any technical questions regarding this LOMR, please contact the Director, Mitigation Division of the Department of Homeland Security's Federal Emergency Management Agency (FEMA) in Chicago, Illinois, at (312) 408-5500, or FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at https://www.fema.gov/flood-insurance.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief

Engineering Services Branch

Federal Insurance and Mitigation Administration

List of Enclosures:

Letter of Map Revision Determination Document Annotated Flood Insurance Rate Map Annotated Flood Insurance Study Report

cc: The Honorable John Hamilton

Mayor

City of Bloomington

Tammy Behrman, AICP Senior Planner

Monroe County Planning Department

Elizabeth Carter

Senior Zoning Compliance Planner

City of Bloomington

Darren Pearson, CFM State NFIP Coordinator

Indiana Department of Natural Resources

Sanjay Patel CEO / President MHG Hotels, LLC

Joshua Rodgers, P.E. Civil Group Team Leader American Structurepoint, Inc.



Federal Emergency Management Agency Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT

	COMMUNITY AND REVISION INFORMATION	PROJECT DESCRIPTION	BASIS OF REQUEST
COMMUNITY	Monroe County Indiana (Unincorporated Areas)	FILL	1D HYDRAULIC ANALYSIS BASE MAP CHANGES FLOODWAY UPDATED TOPOGRAPHIC DATA
IDENTIFIER	COMMUNITY NO.: 180444 Self Storage Site Development	APPROXIMATE LATITUDE & LONGITUDE: 39.143, -86.585 SOURCE: Other DATUM: NAD 83	
	ANNOTATED MAPPING ENCLOSURES	ANNOTATED S	TUDY ENCLOSURES
TYPE: FIRM	NO.: 18105C0139D DATE: December 17, 2010	DATE OF EFFECTIVE FLOOD INSUF PROFILES: 33P AND 34P FLOODWAY DATA TABLE: 7	RANCE STUDY: December 17, 2010

Enclosures reflect changes to flooding sources affected by this revision.

* FIRM - Flood Insurance Rate Map

FLOODING SOURCE & REVISED REACH

Sinking Creek - From approximately 2,500 feet above confluence with the Sinking Creek Sinkhole to approximately 6,525 feet above confluence with the Sinking Creek Sinkhole

SUMMARY OF REVISIONS				
Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Sinking Creek	BFEs*	BFEs	YES	YES
and the same of th	Floodway	Floodway	YES	YES
	Zone AE	Zone AE	YES	YES

BFEs - Base (1-percent-annual-chance) Flood Elevations

DETERMINATION

This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is user the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at https://www.fema.gov/flood-insurance.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch

Federal Insurance and Mitigation Administration

22-05-1490P

102-I-A-C

Effective Date: July 5, 2023

Case No.: 22-05-1490P

LOMR-APP



Federal Emergency Management Agency Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

OTHER COMMUNITIES AFFECTED BY THIS REVISION

CID Number: 180169 Name: City of Bloomington, Indiana

TYPE: FIRM NO.: 18105C0139D DATE: December 17, 2010 DATE OF EFFECTIVE FLOOD INSURANCE STUDY: December 17, 2010 PROFILES: 33P AND 34P FLOODWAY DATA TABLE: 7

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-338-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at https://www.fema.gov/flood-insurance.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration

22-05-1490P

102-I-A-C



Federal Emergency Management Agency Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

COMMUNITY INFORMATION

APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION

We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, p.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

We provide the floodway designation to your community as a tool to regulate floodplain development. Therefore, the floodway revision we have described in this letter, while acceptable to us, must also be acceptable to your community and adopted by appropriate community action, as specified in Paragraph 60.3(d) of the NFIP regulations.

COMMUNITY REMINDERS

We based this determination on the 1-percent-annual-chance flood discharges computed in the FIS for your community without considering subsequent changes in watershed characteristics that could increase flood discharges. Future development of projects upstream could cause increased flood discharges, which could cause increased flood hazards. A comprehensive restudy of your community's flood hazards would consider the cumulative effects of development on flood discharges subsequent to the publication of the FIS report for your community and could, therefore, establish greater flood hazards in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This revision has met our criteria for removing an area from the 1-percent-annual-chance floodplain to reflect the placement of fill. However, we encourage you to require that the lowest adjacent grade and lowest floor (including basement) of any structure placed within the subject area be elevated to or above the Base (1-percent-annual-chance) Flood Elevation.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, belease contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-338-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3801 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-8428. Additional Information about the NFIP is available on our website at https://www.fema.gov/flood-insurance.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration

n Administration 22,05,1400P

490P 102-I-A-C



Federal Emergency Management Agency Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

STATUS OF THE COMMUNITY NFIP MAPS

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-338-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3801 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-8426. Additional Information about the NFIP is available on our website at https://www.fema.gov/flood-insurance.

Patrick "Rick" F. Sachibit, P.E., Branch Chief Engineering Services Branch Federal Insurance and Mitigation Administration

22-05-1490P

102-I-A-C

22-05-1490P

102-I-A-C



Federal Emergency Management Agency Washington, D.C. 20472

LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)

PUBLIC NOTIFICATION OF REVISION

A notice of changes will be published in the Federal Register. This information also will be published in your local newspaper on or about the dates listed below, and through FEMA's Flood Hazard Mapping website at https://www.floodmaps.fema.gov/fhm/bfe_status/bfe_main.asp

LOCAL NEWSPAPER

Name: The Herald Times

Dates: February 28, 2023 and March 7, 2023

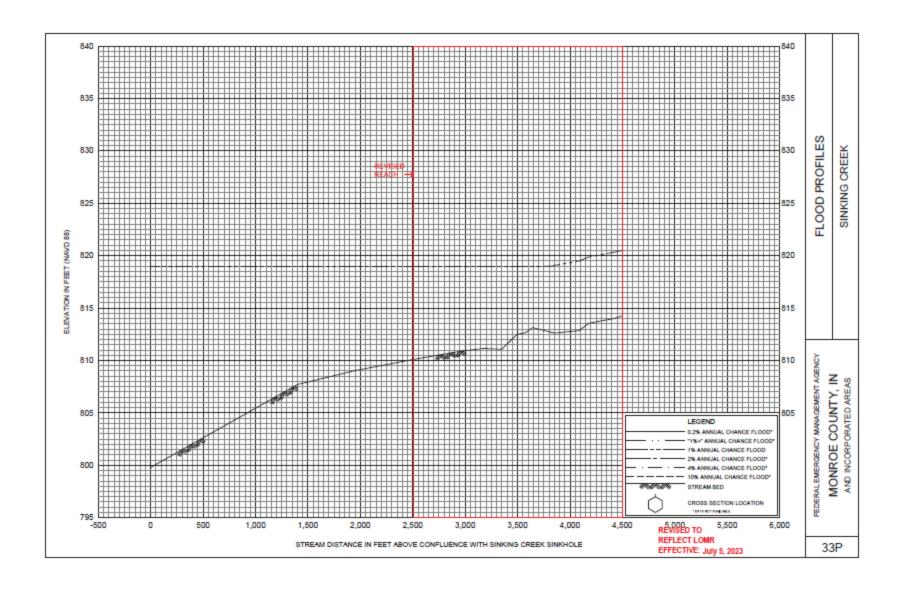
Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. Therefore, this letter will be effective only after the 90-day appeal period has elapsed and we have resolved any appeals that we receive during this appeal period. Until this LOMR is effective, the revised flood hazard determination presented in this LOMR may be changed.

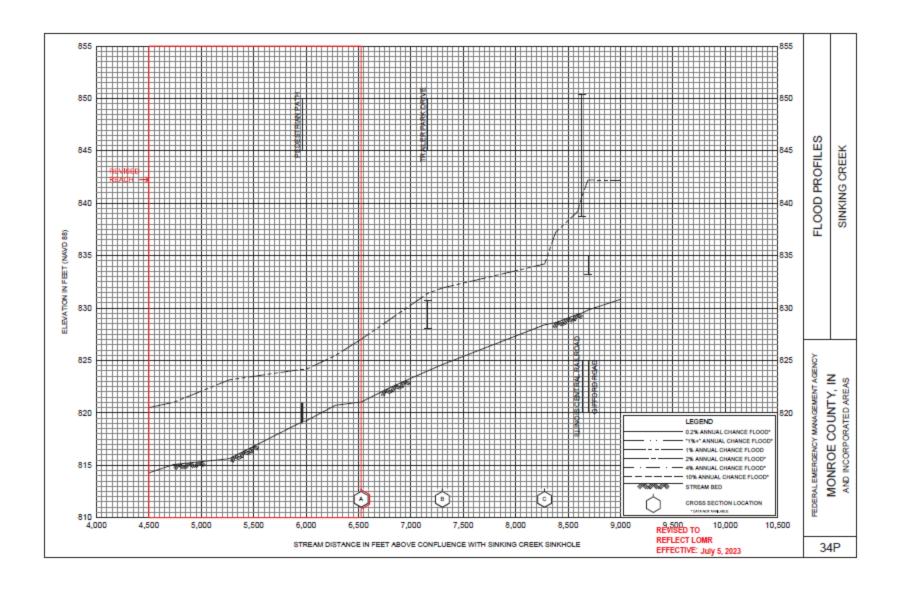
This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on our website at https://www.fema.gov/flood-insurance.

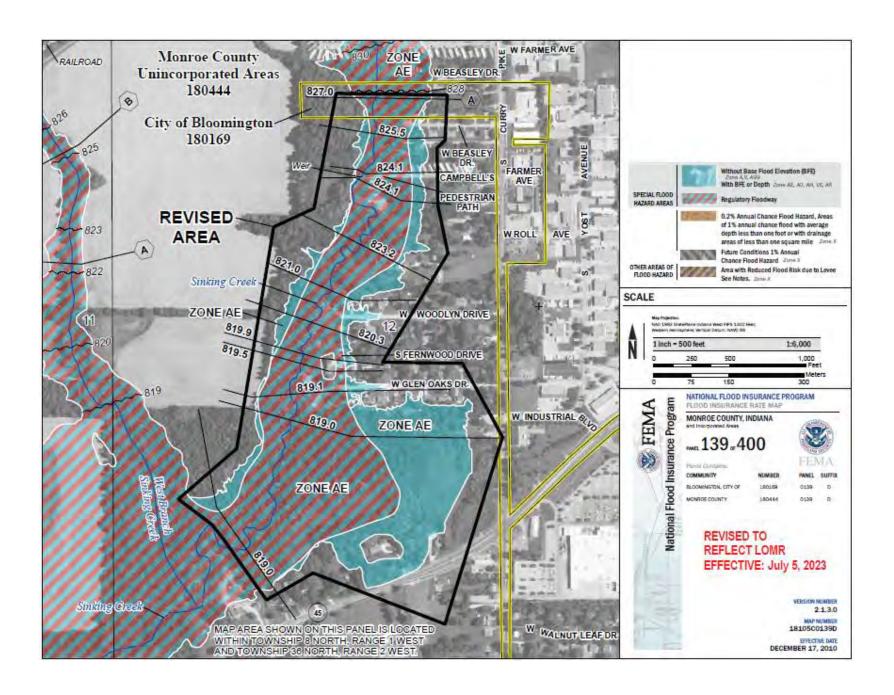
Patrick "Rick" F. Sacbibit, P.E., Branch Chief Engineering Services Branch

Federal Insurance and Mitigation Administration

FLOODING SOURCE		FLOODWAY		1-PERCENT-ANNUAL-CHANCE-FLOOD WATER-SURFACE ELEVATION (FEET NAVD)					
	CROSS SECTION	DISTANCE ¹	WIDTH (FEET)	SECTION AREA (SQUARE FEET)	MEAN VELOCITY (FEET PER SECOND)	REGULATORY	WITHOUT	WITH	INCREASE
Sinkir	ng Creek								
	A	6525	486	1391	1.4	827.0	827.0	827.1	0.1
	B C D E F	7300 8275 9330 10,700 12,000	473 478 711 276 353	1354 394 1772 628 422	1.2 4.1 0.8 1.7 2.5	831.8 834.3 842.1 842.8 847.3	831.8 834.3 842.1 842.8 847.3	831.8 834.3 842.1 842.8 847.3	0.0 0.0 0.0 0.0 0.0
¹Feet	above confluence with Sink	ng Creek sinkhole					REVISED TO REFLECT LOM		
e I	FEDERAL EMERGENC	CY MANAGEMEN	T AGENCY	_			EFFECTIVE: Ju	ily 5, 2023	
MONROE COUNTY, IN AND INCORPORATED AREAS					FLOOI	OWAY DA	TA		
				SINKING CREEK					









MONROE COUNTY **BOARD OF ZONING APPEALS**

June 28, 2023 **Public Meeting Date:**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-15a	Minimum Lot Width from Ch. 804	Approval
Var-23-15b	Minimum Lot Size from Ch. 804	Approval
VAR-23-15c	Side Yard Setback from Ch. 804	Approve 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: Condition 1: VAR-23-15c reduced setback only applies to the area delineated on the site plan as published.

Variance Type:	☑ Design ☐ Use	Planner: Anne Crecelius
	⊠ Residential □ Commercial	
PETITIONER	Fields, Anne & Lucas, Jeffrey	
ADDRESS	5865 S Fairfax RD, 53-08-27-300	0-002.001-008

TOWNSHIP +		Perry, 28	
SECTION			
PLATS		☑ Unplatted ☐ Platted:	
ACREAGE +/-		0.264	
PETITION SITE		TITION SITE	ADJACENT
ZONING	ZONING AG/RR		AG/RR, ME
COMP PLAN MC		UA Suburban Residential	MCUA Suburban Residential, MCUA Rural
			Transition
USE	Residential		Residential

SUMMARY

The petitioner is requesting three (3) design standard variances from Chapter 804 of the Monroe County Zoning Ordinance. The property is a legal lot of record that had a Single Family Residential structure which was removed between 2016 and 2019.

The petition site is zoned Agricultural Rural Reserve (AG/RR) which requires a minimum lot size 2.5 acres and a lot width of 200'. The petition site is 0.264 +/- acres and is 36.6' wide at the western boundary (front yard, adjacent to S Fairfax RD) and 48.48' wide at the eastern boundary (rear yard). The map below shows parcels within the AG/RR zoning district that are also under the 2.5 acre minimum (dark green with light green stripes).

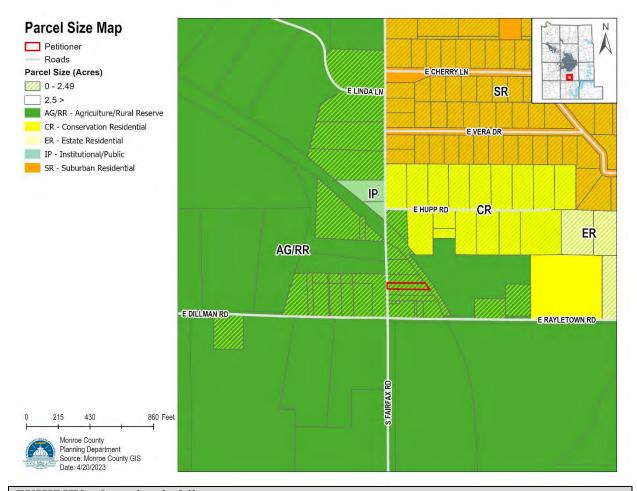
In the AG/RR zone the minimum side yard setback is 15' for residential uses and 50' other uses. Due to the constrained size of the lot the petitioner is requested a Side Yard Setback variance to allow the property to have a 5.8' side yard setback. This 5.8' setback would apply to both the northern and southern property boundaries. With a side yard setback variance the area that meets the 15' setback is only 9.6' wide. The petitioner has proposed an area that limits where the reduced side yard setback would apply. Any structure outside of the area as shown in the site plan would require an additional variance to the side yard setback standard.

The petitioner intends to develop the property with a Single Family Residential structure. They're

currently working with the Health Dept. regarding a new septic system. In the event a septic permit cannot be issued for the property, the petitioner would still be able to have a Residential Storage Structure. This use doesn't require the presence of a primary use and could allow a structure up 1,750 sq. ft. in size.

Ch. 802 Definition "Residential Storage Structure": A structure to be used for private noncommercial storage by the property owner. Does not require the presence of a principle use on the same lot. Structure shall not exceed 1750 square feet in the AG/RR, FR or CR zoning districts and 875 feet in all other permitted zoning districts.

The Minimum Lot Size and Lot Width are the absolute minimum required to develop the property with any structure. Due to the constrained size of the property, any structure would likely require a side yard setback variance, therefore staff supports this self-restrained side yard setback.



EXHIBITS - Immediately following report

- 1. Petitioner Letter
- 2. Site Plan
- 3. Staff Site visit photos



February 16, 2023

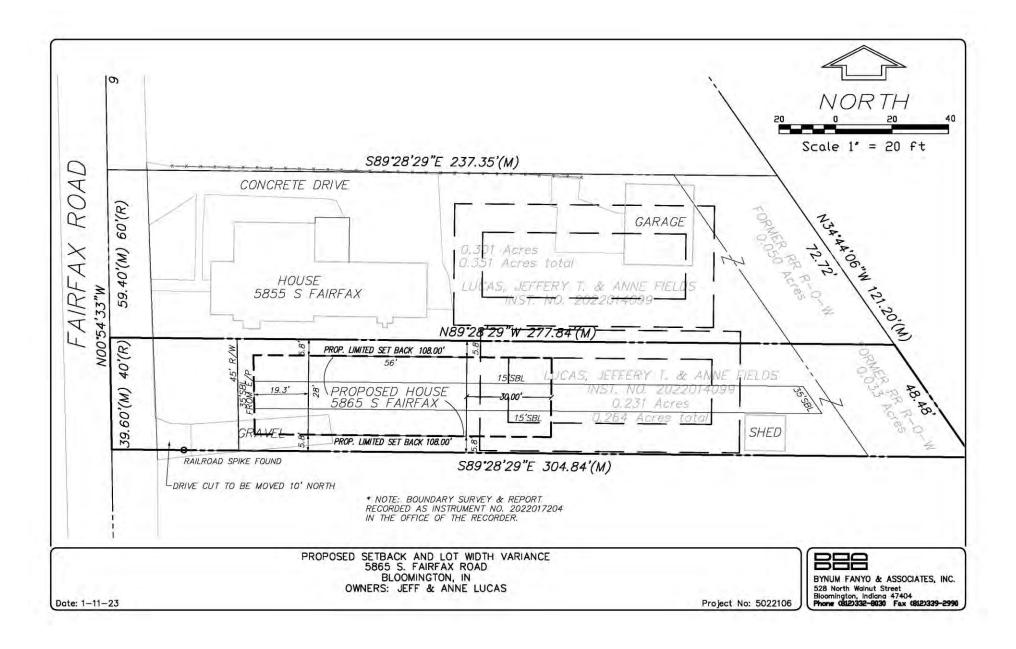
RE Anne Fields & Jeffery Lucas 5865 S Fairfax RD Bloomington IN 47401

The petitioners above are requesting variances from Minimum Lot Size requirements and Side Yard Setbacks on the existing Lot of Record at the address above and shown on the submitted Plat Plan.

Parcel # 53-08-27-300-002.001-008

Thank you,

Doug Graham Bynum, Fanyo & Associates, Inc 528 N Walnut ST Bloomington IN 47404 (812) 332-8030



















MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: June 28th, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-16	Minimum Lot Size	Approval

812-6 <u>Standards for Design Standards Variance Approval</u>: 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 VAR-23-16a due to the pre-existing, non-conforming nature of the lot.

Variance Type:	⊠ Design □	Use	Planner:	Daniel Brown		
	☐ Residentia	l ⊠ Commercial				
PETITIONER		Zaricki, N. Ryan	Zaricki, N. Ryan			
ADDRESS		8865 S Rockport RD; p	parcel #53-10-23	3-300-007.000-007		
TOWNSHIP + SE	CTION	Indian Creek; 23				
PLATS		☑ Unplatted ☐ Platted:				
ACREAGE +/-		1.03 +/-				
	PETITION S	SITE	ADJACENT			
ZONING	Agricultural/I	Rural Reserve	Agricultural/R	ural Reserve,		
		Institutional/Pub		ublic		
COMP. PLAN Farm and Fore		rest Farm and Forest		est		
USE	Utility		Single Family	Residential, Vacant		

SUMMARY

The Variance was triggered by a Commercial Electrical Permit, C-23-44, a petition to place solar panels next to a tower used by a radio station. The purpose of these solar panels was confirmed by the petitioner to be used solely for the tower, and the energy generated will not be sold commercially. The petitioner also stated that a portion of the solar array had already been installed, then applied for the Commercial Electrical Permit – and by extension the variance – after the fact. This was confirmed during a visit to the site which showed part of the solar array already installed.

The parcel where the array was installed is zoned Agricultural/Rural Reserve (AG/RR) which has a minimum lot size of 2.5 acres, while this parcel is only 1 acre. Thus, a minimum lot size variance is required for the Commercial Electrical Permit to proceed. Research into the history of the property suggested that the lot may be pre-existing non-conforming.

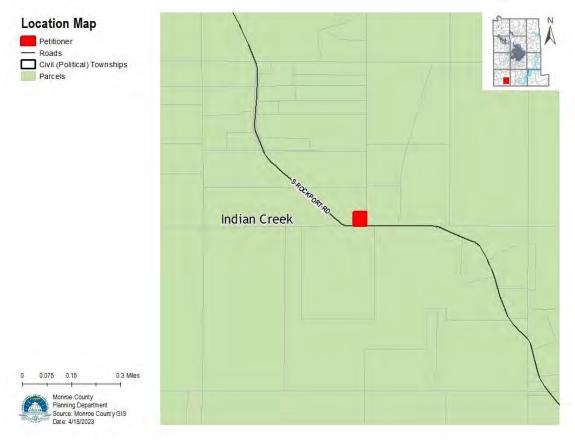
Originally, a side setback variance was also included. For a property zoned AG/RR, a side-yard setback of 50 feet is required for commercial structures, and the full solar array would have been placed 48 feet from the side yard setback. However, the petitioner expressed a willingness to revise the site plan to set the proposed remainder of the solar array further from the property line, removing the need for side-yard setback.

If the variance is approved, the petitioner will be allowed to keep the solar array where it is currently placed and proceed with the standard permitting process for the remaining portion of the array to be installed. If the minimum lot size variance is denied, then the applicant will need to remove the solar array.

1. Location and Slope Map 2. Site Photos

- 3. Petition Letter
- 4. Letter of Consent from Owner
- 5. Site Plan

EXHIBIT 1: Location Map and Slope Map



Above, the location map of the petition property; Below, the slope map of the petition property



EXHIBIT 2: Site Photos



Photo 1. Pictometry photo of the property



Photo 2. Site photo of the property



Photo 3. Close up of the solar panels that have already been installed.

EXHIBIT 3: Petition Letter



April 5, 2023

Monroe County Board of Zoning Appeals % Monroe County Plan Commission 501 N Morton St Suite 224 Bloomington, IN 47404

Subject: Request for Variance to Install a Solar Array on S. Rockport Rd. for WFHB Community Radio

To the Monroe County Board of Zoning Appeals,

I am writing to request a variance for installing a 36 solar panel array on the property located at 8865 S Rockport Rd in Bloomington, IN with the parcel number 53-10-23-300-007.000-007. This is the location of the radio transmission tower for WFHB.

I am also a member of the Bloomington North chapter of Rotary International and was able to secure a district grant to install eight solar panels for WFHB at this site. The grant covers the groundwork for a larger array, and WFHB was able to leverage that grant almost immediately to raise funds for four additional solar panels. This variance would cover the full, future size of 36 ground mounted solar panels. This array would ultimately measure 52' in the east-west direction and 14' in the north-south direction. The location for the proposed solar panel array is as follows:

- . 12' to the North of the existing building
- 100' North of S Rockport RD and the Southern Property Line
- 95' South of the Northern Property Line
- 100' East of the Western Property Line
- 48' West of the Eastern Property Line

The installation of this solar panel array will help WFHB reduce its reliance on nonrenewable energy sources and contribute to a cleaner, more sustainable environment. We understand that the current zoning regulations may not accommodate this type of installation; however, we kindly request your consideration in granting a variance for this project.

Thank you for your time and attention to this matter. We are willing to provide any additional information or address any concerns you may have.

Sincerely,

N. Ryan[/]Zaricki

President, Whole Sun Designs Inc.

Cell: 812-783-2283

ryanz@wholesundesigns.com

EXHIBIT 4: Letter of Consent from Owner

April 5, 2023

Monroe County Board of Zoning Appeals % Monroe County Plan Commission 501 N Morton St Suite 224 Bloomington, IN 47404

<u>Subject:</u> Consent Letter from Owner for Variance Application to Install a Solar Array on S. Rockport Rd. for WFHB Community Radio

To the Monroe County Board of Zoning Appeals,

As the President of the Board of Director for WFHB, owner of the property located at 8865 S Rockport Rd in Bloomington, IN with the parcel number 53-10-23-300-007.000-007, I am writing to provide my consent for N. Ryan Zaricki, President of Whole Sun Designs Inc., to apply for a variance on our behalf. This variance request is for the installation of a 36 solar panel array on the property, which is the location of the radio transmission tower for WFHB Community Radio. I kindly ask for your consideration in granting a variance for this project.

Please accept this letter as my formal consent for N. Ryan Zaricki to act as the petitioner in this matter and to represent the project before the Monroe County Board of Zoning Appeals. I am available to provide any additional information or address any concerns you may have.

Thank you for your time and attention to this matter.

Sincerely,

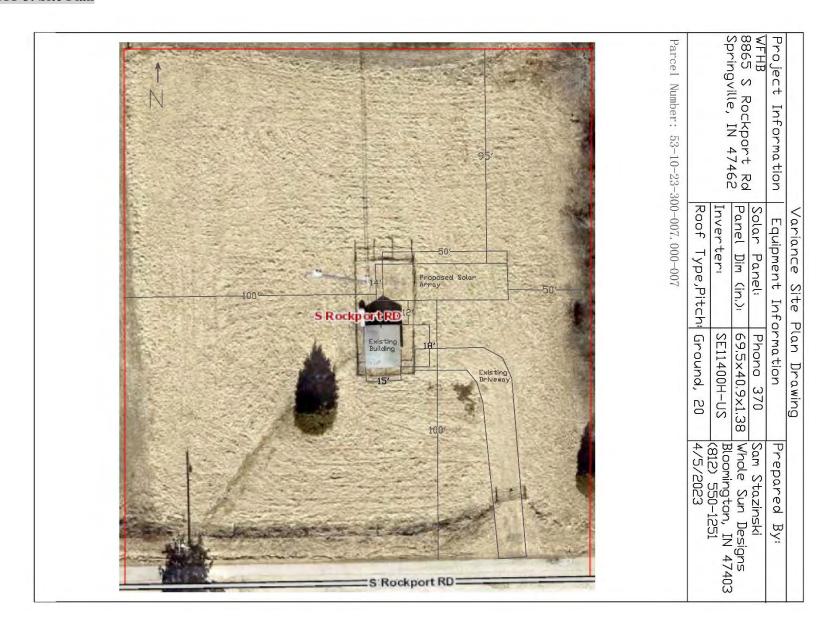
Emily Jackson

President of the Board of Directors, WFHB

108 West Fourth Street Bloomington, IN 47404

president@wfhb.org

EXHIBIT 5: Site Plan





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: May 3, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-5	AMENDED Use Variance to Chapter 802 for Group Home Class II	Approval

812-6 <u>Standards for Use Variance Approval</u>: In order to approve an application for a Use Variance, the Board must find favorable findings for all five (5) criteria, A, B, C, D & E below.

Recommended Motion Conditions or Reasoning:

Staff recommends approval of the Use Variance for a "Group Home Class II" with the following condition:

1. The petitioner apply for a Site Plan review to ensure the site is meeting the requirements of the Zoning Ordinance (i.e. parking, landscaping, septic capacity, etc).

Reasoning:

- If approved, the petitioner must comply with the requirements under the Group Home Class II use.
- State and Federal provisions require that those with disabilities and/or mental illness be provided the same accommodations as those living without disability/mental illness. In this light, the use should be in line with a Single-Family Residential use and therefore the use variance shall be granted.

Variance Type:	☐ Design ⊠	Jse	Planner:	Jackie N. Jelen	
	☐ Residential				
The variance type is based upon the Permitted Land Use Table classifying this use as "Public and					
Semipublic" rather than "Residential".					
DETITIONED Colour House In C/o Color Municipality					

PETITIONER		Sojourn House Inc, C/o Carissa Muncie		
ADDRESS		7505 E Kerr Creek Rd		
TOWNSHIP + SECTION		Benton South, 33		
PLATS		☑ Unplatted ☐ Platted:		
ACREAGE +/-		7.73		
	PETITION SITE		ADJACENT	
ZONING	AG/RR, ECO3		FR, AG/RR, ECO3	
COMP. PLAN	Farm and For	est	Farm and Forest, Rural Residential	
USE	Residential		Residential	

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;

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
 - (A) Is clearly more significant than compliance cost or practical difficulties.
- (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
- (3) Planned Infrastructure Improvements
- (5) Distinguish Land from Property

SUMMARY

The petitioner, Sojourn House, Inc, is requesting use of an existing Single Family Residence as a "Group Home Class II". Due to the zoning of the property as Agriculture/Rural Reserve (AG/RR), the use as a "Group Home Class II" is not permitted under the Monroe County Zoning Ordinance and therefore the petitioner is seeking a Use Variance.

Group Home. A housing unit classified further as one of the following:

Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

BACKGROUND

Sojourn House Inc requested information regarding two properties located in the County jurisdiction beginning in the Fall of 2022. Originally, staff gave the petitioner the information under the State Code, which classifies the type of use they are seeking as a "Residential Facility for Individuals with Mental Illness" (see Use Determination below). One property that we received questions for by the Sojourn House Inc for its use was 7505 E Kerr Creek Road. The petitioner submitted a use determination form on Dec 2, 2022, for 7505 E Kerr Creek and subsequently purchased the property on December 27, 2022. On December 14, 2022, staff mentioned that we believed the State Statute superceded the Monroe County Zoning Ordinance. It was based upon this information that the Sojourn House Inc purchased the property.

It was later determined that there were portions of the Monroe County Zoning Ordinance that were not superceded by the State's classification of this property as a "Residential Facility for Individuals with Mental Illness" and that a Use variance must be sought. A formal letter (Exhibit 1) was issued on January 13, 2022, which is after the petitioner purchased the property. In summary, staff determined that the use could be defined as both a "Group Home Class II" and a "Residential Facility for Individuals with Mental Illness". The Use Variance request before the BZA is only for the "Group Home Class II" use.

March 1, 2023 BZA – VAR-23-5

- Request by the Petitioner for a Use Variance for a Group Home Class II was denied by a vote of 3-1
- Link to the March 1, 2023 BZA packet

PETITION #:	PETITION #: VAR-23-5			PETITION: Sojourn House Inc Use Var Group Home Class II
Cue #: Yes No ABS		ABS	Motion:	
***************************************				Approved Based on the findings
Margaret Clements	1			_ with the development review conditions in the staff report
Skip Daley	1			_ including waivers/modifications in the staff report
Guy Loftman	1			√ Disapprove based on the findings
Dee Owens		1		_ Disapprove / Approve with Alternate Findings
Pamela Davidson				_ Continue to the next meeting. Date:
				_ Motion Amendment
				_ Other (see below)
				_ Delegate to Secretary
OTHER: DA	ักน _{ู้} 3	>-1		

In the Monroe County Zoning Ordinance under **813-3(K)** If the Board of Zoning Appeals denies the application for variance approval, the applicant may file an amended application. If the amended application is filed within six (6) months of the Board's denial of the original application, the applicant shall not be charged an application fee.

Following the BZA meeting, the petitioner was told that they may still utilize the property as a Single Family Residence as defined in the ordinance. The petitioner expressed interest in having 3 full time, unrelated people living in the home. They also stated that some staff may be around the home to do further work on the house (i.e. painting, lawn care, etc.). All of this is considered to be compliant with the current definitions and use of the property as a Single Family residence. Here is the definition of "Family" in our Ordinance:

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Property Compliant 23-41 was submitted April 22, 2023. Staff determined there was no violation from the evidence submitted and the discussion that Planning staff had previously had sometime before April 14th, 2023 with the applicant described above.

EXHIBITS - *Immediately following report*

- 1. Use Determination
- 2. Discussion based on Use Determination
- 3. Location Map & Site Conditions Map
- 4. Petitioner's Letter to the BZA
- 5. AMENDED Petitioner Letter
- 6. Petitioner's Site Plan
- 7. Site Photos
- 8. Architectural Plans
- 9. Remonstrance Letters
- 10. Written Commitment by the Petitioner to Limit Number of Residents on-site
- 11. Correspondence between Petitioner and Staff USE-22-68
- 12. Letters of Remonstrance for Amended Petition
- 13. Letters of Support for Amended Petition

EXHIBIT 1:

MONROE COUNTY PLAN COMMISSION

and office of the

MONROE COUNTY BOARD OF ZONING APPEALS

501 N. Morton Street, Suite 224

Bloomington, IN 47404

Telephone: (812) 349-2560 / Fax: (812) 349-2967

www.co.monroe.in.us

Sojourn House, Inc 7505 E Kerr Creek Rd Bloomington, In 47408



Dear Sojourn House, Inc:

Based on the information provided below, the use proposed at 7505 E Kerr Creek Rd falls under the "Group Home Class II" under our local Zoning Ordinance, and a "Residential Facility for Individuals with a Mental Illness" (IC 12-28-4-7) under the Indiana Code, which states:

- "Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.
- (b) A zoning ordinance may exclude a residential facility for individuals with a mental illness from a residential area if the residential facility will be located within three thousand (3,000) feet of another residential facility for individuals with a mental illness, as measured between lot lines."

The state further defines "Mentally III" as:

- "(2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:
 - (A) substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) impairs the individual's ability to function.

The term does not include developmental disability."

Due to Sojourn Houses' screening process (see information provided below), all clients would qualify as being "mentally ill" and therefore would fall under the "Residential Facility for Individuals with a Mental Illness." The State Statute IC 12-28-4-7 says that a Zoning Ordinance "may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related."

Based on the state's definition of the "Residential Facility for Individuals with a Mental Illness", it also states that the "The residential facility may be required to meet all other zoning requirements, ordinances, and laws." Therefore, the regulation of the Sojourn House, Inc use must not be based solely on the fact that it cannot meet the Monroe County Zoning Ordinance's definition of a "Family", and/or that it meets the definition of a "Business." Here are the local Monroe County Zoning Ordinance (Chapter 801 and 802) definitions for each use:

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common

household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Business. Any occupation, employment, or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

The County's definition of "Family" includes "three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit." According to the information provided below, Sojourn House Inc plans to have four (4) women reside in the home full-time, and would not ever exceed eight (8) women. The state's definition of a "Residential facility for individuals with a mental illness" does not include a limitation on the number of allowable residents. Though the Sojourn House Inc does provide information regarding maintaining a common single family household, there will also be other services provided to residents within the home that are outside of the scope of the definition of "Family".

The County's definition of a "Business" is fairly broad and can encompass many uses under the County's Use Table. The County defines the use "Group Home Class II" under Public and Semi-Public category as:

"Group Home. A housing unit classified further as one of the following:

(b) Group Home, Class II. A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals."

Based on the County's definition for "Group Home" and "Group Home Class II", it states that it is classified as a "housing unit" that provides care for victims of "residential rehabilitation for alcohol and chemical dependence." Similar to how a "Home Based Business" or "Home Occupation" can encompass both a residential use and business use, so does "Group Home Class II". Therefore, Sojourn House is not being excluded due to business activity, but rather there is another use that encompasses the residential environment in which a business use like Sojourn House Inc will take place.

Based on the information provided below by Sojourn House Inc, they will be applying for a state license to become a "Recovery Residence" at this location, which according to the Indiana State's Family Social Services Administration (FSSA) website is: "...an umbrella term that includes a range of alcohol and drug free living environments, including recovery homes and sober living homes, that use peer support and other supportive services, to promote addiction recovery." The classification of Sojourn House Inc as a "Group Home Class II" is from the basis that it is treating people needing "...residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals."

PUBLIC AND SEMIPUBLIC	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		P	P	P	Р	Р	P	P	P	Р	P	Р	Р	Р	1	1.		13
Airport	H				- 11			- 11						P				15
Cemetery	н	P	Р	P	Р	P		Р	P									
Central Garbage/Rubbish	H													C	С	C		33
Charitable, Fraternal, or Social	L										1	P						
Community Center	L										P	Р						28
Cultural Facility	L							£ 11									Р	
Daycare Facility	M									Р	P	P	Р					22;30;42
Funeral Home	M							1	-			Р						
Governmental Facility	н	P	Р	P	Р	Р		Р	P	P	P			P	P			7;40
Group Home Class I	L						P	P	P	Р	Р	P						
Group Home Class II	L									Р	Р	P						

The use of "Group Home Class II" is not listed as a permitted use in the Agriculture/Rural Reserve zoning district, which is the zoning district for 7505 E Kerr Creek Rd. Based on the information provided herein, the use is described as both "Residential facility for individuals with a mental illness" from the State Statute and "Group Home Class II" from the Monroe County Zoning Ordinance.

The next step is for the Sojourn House, Inc to apply for a "Use Variance" to allow "Group Home Class II" to be permitted in the AG/RR zoning district.

Summary of Sojourn House use:

1. Statement of Sojourn's House use:

Residential program for women exiting trafficking. Four women will live in the house at a time for 24 months while they complete therapy, education, life-skills, and career building programs. During the day, staff members and volunteers will conduct these programs. The program is voluntary.

Property will be used for living space and storage of some office equipment.

2. Number of Vehicles involved in operation of the business

3 vehicles.

3. Number of Employees (on-site, both full and part-time)

3 employees.

4. Number of people receiving care

4 people.

5. Do you have a screening process or a way that women qualify to live in the Sojourn House?

Yes. We use an interview process and a screen that is specific to human trafficking experiences. In addition, we will use a series of established screens universally recognized by mental health clinicians:

- PHQ9 Assessment baseline (https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwih4bPr0

<u>LD8AhWjKX0KHa2dCaUQFnoECA4QAQ&url=https%3A%2F%2Fwww.uspreventiveservicestaskforce.org%2FHome%2FGetFileByID%2F218&usg=AOvVaw2yZ9TqORR-INR_A1Fdw8-M</u>)

- GAD7 Baseline assessment (https://patient.info/doctor/generalised-anxiety-disorder-assessment-gad-7)
- ACE Screening Form (https://www.acesaware.org/wp-content/uploads/2022/07/ACE-Questionnaire-for-Adults-Identified-English-rev.7.26.22.pdf)
- Mental Health/suicide assessment (https://www.nimh.nih.gov/sites/default/files/documents/research/research-conducted-at-nimh/asq-toolkit-materials/asq-tool/screening tool asq nimh toolkit.pdf)

Each woman admitted into the residential program (this home) must:

- 1. qualify under one of the above assessments
- 2. be under the care of a mental health practitioner/clinician

6. Are you planning on doing any type of remodel to the home, such as an increase in the number of bedrooms?

We will not be doing any remodeling to the home. Nothing will be added, such as bedrooms or bathrooms that would change the footprint of the house or require a permit.

7. Which agencies oversee your organization and its services

- IDOH requires oversight we report on monthly
- Thistle Farms National Network
- We will complete the certification process with DMHA (DMHA requires 60 days of operation prior to cert. process)

8. What licensing does Sojourn House have?

The license we will obtain from DMHA is the Recovery Residence Certification

9. What state reporting are you required to do?

Our IDOH reporting goes through Division of Health Innovation Partnerships & Programs (HIPP)--Health Issues and Challenges (in relation to grant funding).

Applicable Local Planning and Zoning Laws:

PUBLIC AND SEMIPUBLIC	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р	Р				13
Airport	Н													Р				15
Cemetery	Н	Р	Р	Р	Р	Р		Р	Р									
Central Garbage/Rubbish	Н													С	С	С		33
Charitable, Fraternal, or Social	L											Р						
Community Center	L										Р	Р						28
Cultural Facility	L																Р	
Daycare Facility	М									Р	Р	Р	Р					22;30;42
Funeral Home	M											Р						
Governmental Facility	Н	Р	Р	Р	Р	Р		Р	Р	Р	Р			Р	Р			7;40
Group Home Class I	L						Р	Р	Р	Р	Р	Р						
Group Home Class II	L									Р	Р	Р						

RESIDENTIAL USES														
Single Family Dwelling	n/a	Р	Р	Р	Р	Р	Р	Р	Р	Р				1

Condition #1. Permitted on existing lots of record after the issuance of a building permit by the Building Department.

Family. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption (including foster children), together with such relative or the representatives of the respective spouses who are living with the family in a single dwelling and maintaining a common household. A family may also be composed of not to exceed three (3) persons not so related, provided that such unrelated persons live in a single dwelling and maintain a common household and a single housekeeping unit. A family includes any domestic servants and not more than one (1) gratuitous guest residing with the family; such servants shall be included in the unrelated person limitation of this definition, and shall not be in addition thereto.

Group Home. A housing unit classified further as one of the following:

- (a) **Group Home, Class I.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.
- (b) **Group Home, Class II.** A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

Applicable State Laws:

Indiana is a Home Rule state. Local governments have all powers they need for effective government, except do not have the powers listed in Indiana Code 36-1-3-8(7). One of the big carve outs is that local governments cannot regulate conduct already regulated by the state.

The State defines "Mental Illness" as -

"IC 12-28-4-7 Zoning ordinances; residential facilities for individuals with a mental illness Sec. 7.

(a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws."

"IC 12-7-2-130"Mental illness"

Sec. 130. "Mental illness" means the following:

- (1) For purposes of IC 12-23-5, IC 12-24, and IC 12-26, a psychiatric disorder that:
 - (A) substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) impairs the individual's ability to function.

The term includes intellectual disability, alcoholism, and addiction to narcotics or dangerous drugs.

- (2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:
 - (A) substantially disturbs an individual's thinking, feeling, or behavior; and
 - (B) impairs the individual's ability to function.

The term does not include developmental disability."

IC 36-1-3-8 Powers specifically withheld

(7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.

Applicable Federal Laws:

Americans with Disabilities Act

The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

To be protected by the ADA, one must have a disability or have a relationship or association with an individual with a disability. An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered.

Title II covers all activities of State and local governments regardless of the government entity's size or receipt of Federal funding. Title II requires that State and local governments give people with disabilities an equal opportunity to benefit from all of their programs, services, and activities (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).

Fair Housing Act

The Fair Housing Act, as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising.

The Fair Housing Act requires owners of housing facilities to make reasonable exceptions in their policies and operations to afford people with disabilities equal housing opportunities. For example, a landlord with a "no pets" policy may be required to grant an exception to this rule and allow an individual who is blind to keep a guide dog in the residence. The Fair Housing Act also requires landlords to allow tenants with disabilities to make reasonable access-related modifications to their private living space, as well as to common use spaces. (The landlord is not required to pay for the changes.) The Act further requires that new multifamily housing with four or more units be designed and built to allow access for persons with disabilities. This includes accessible common use areas, doors that are wide enough for wheelchairs, kitchens and bathrooms that allow a person using a wheelchair to maneuver, and other adaptable features within the units.

EXHIBIT 2:

DISCUSSION BASED ON USE DETERMINATION

The petitioner, Sojourn House Inc, has proven under Exhibit 1 that their screening process would only allow individuals that could be classified as "Mentally Ill" under the State's definition, as well as those defined as having a "Disability" under the Americans with Disability Act. Therefore, staff is reviewing this request in light of all applicable State and Federal provisions around requiring accommodations for people with disabilities and housing arrangements.

Federal Law prohibits discrimination based on disability under the Americans with Disabilities Act and the Fair Housing Act:

Under the Americans with Disabilities Act, "An individual with a disability is defined by the ADA as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. The ADA does not specifically name all of the impairments that are covered." As we see above from the screening process of Sojourn House Inc, it includes only individuals that would fall under this protection, as well as the State's definition for "Mentally Ill".

In addition, the Fair Housing Act, "as amended in 1988, prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin. Its coverage includes private housing, housing that receives Federal financial assistance, and State and local government housing. It is unlawful to discriminate in any aspect of selling or renting housing or to deny a dwelling to a buyer or renter because of the disability of that individual, an individual associated with the buyer or renter, or an individual who intends to live in the residence. Other covered activities include, for example, financing, zoning practices, new construction design, and advertising."

Under the Indiana Home Rule, local governments cannot regulate conduct already regulated by the State. For example, the state administers a license for a "Recovery Residence" which the Sojourn House Inc does plan to apply for and meet the requirements for a Level III-Supervised residence (links: https://narronline.org/wp-content/uploads/2016/12/NARR_levels_summary.pdf & https://www.in.gov/fssa/dmha/recovery-residence-certification/). The Planning Department, then, cannot implement more stringent requirements for the "Recovery Residence" than what the state provides in our ordinance. The portion of the "Recovery Residence" would be permitted under the "Group Home Class II" use, and accordingly, staff has not supplied recommended conditions to the BZA around this use in part since it will be administered and regulated by the State.

The Planning Department recognizes our ordinances are outdated and this section of the ordinance in regards to the definition of Group Home Class II and its permission under which zones it is permitted has not changed since it's adoption in 1997. Our admistration of the Monroe County Zoning Ordinance requires adaptation to applicable Federal and State law provisions. As such, we recognize that the use of Group Home Class II should be permitted in all residential districts in order to comply with "Residential Facility for Individuals with Mental Illness", the Americans with Disabilities Act, and the Fair Housing Act. This is why the County Development Ordinance draft does include the use to be permitted in all residential districts.

Other towns and cities in Indiana do have this type of use either conditionally permitted, permitted, or permitted by special exception in every residential district. These include, but are not limited to

Bartholomew County Zoning Ordinance (defined as "Shared Housing Facility" and is a conditional use in the Agricultural Zones and Residential Zones), Brown County (use is permitted as in the way it defines "Family"), Plainfield, IN (Allows "Residential facility for the developmentally disabled" and "Residential facility for the mentally ill" as permitted in every residential zone), Carmel, IN (allows "Group Home" as a Special Exception in every residential zone), Westfield, IN (permits "Residential Facility" in all residential zones and the agricultural zone), Bloomington IN (allows "Group Care Home, FHAA Small" for 9 residents in every residential zone).

By having a provision for the use as a "Permitted use", "Conditional Use", or "Special Exception", the ordinances in other communities set out standards that are clear and do not require a "Use Variance" for the use in residential districts. The proposed use of the 7505 E Kerr Creek property under "Group Home Class II" does meet the requirements of the definition. Staff has conditioned the use variance on application of a site plan review to ensure compliance with landscaping, parking, and other requirements of the Zoning Ordinance are being met; if some standards cannot be met, a design standards variance would be required at that time. Under Chapter 802, Group Home Class II is only permitted in the Urban Residential (UR), Limited Business (LB), and General Business (GB). The State Statute says that "a zoning ordinance may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the indviduals residing in the residential facility are not related." The use is also in the Zoning Ordinance under the Areas that were in the Former City of Bloomington Jurisdictional Area (Administered by Ch 833 and called a "Residential care facility for mentally ill") as permitted in every residential zone, which gives further support for the Zoning Change under the Chapter 802 table to provide accomodations for this type of use under our new County Development Ordinance.

In reviewing other ordinances throughout Indiana, it is clear that the way that this type of use is regulated has changed over time with other towns updating their ordinances. The term "Group Home" under the Indana Administrative Code (465 Ind. Admin. Code 2-12-13) states that "As used in this rule, "group home" means a type of child caring institution licensed for ten (10) or fewer children, six (6) years of age or older, who are apart from their parents or guardian on a twenty-four (24) hour a day basis and who have demonstrated the ability to follow direction and take appropriate action for self-preservation." The term "Group Home" then is not consistently used in other zoning ordinances to include adult facilities, and therefore makes the terminology in need of change. As seen from the review above, communities define our Group Home Class II as several other terms. One consistency, however, is that these facilities are routinely accommodated for in every residential district with clear standards. By requiring a "Use Variance", the question then becomes is this request a undue barrier to those with disabilities to live together that would be enjoyed by others living together without disability or mentall illness. Staff recognizes that this use has an impact similar to that of a Single Family Residence and should be treated as such.

EXHIBIT 3:

LOCATION AND SITE CONDITIONS MAP



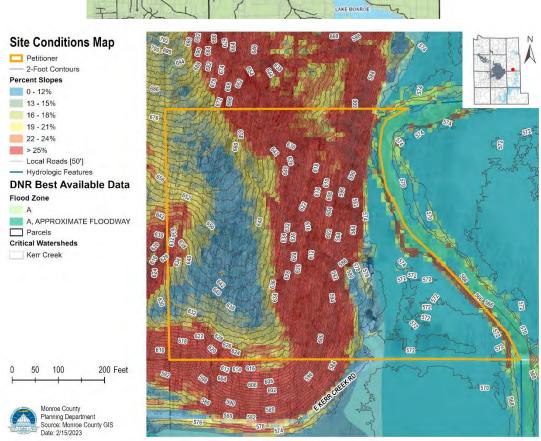


EXHIBIT 4:

January 27, 2023

Sojourn House 7505 E. Kerr Creek Rd. Bloomington, IN 47408



Location:

7505 E Kerr Creek Rd, Bloomington, IN
003-19120-01 PT SE NW 33-9-1E 7.73A; PLAT 68

Sojourn House, Inc board of directors respectfully requests that the above stated, AG/RR zoned property be allowed for use as a Group Home Class II.

We wish to note how we will meet the Standards for Use and will not interfere with the Monroe County Comprehensive Plan:

The approval will not be injurious to the public health, safety, and general welfare of the community. The house will be used as a dwelling with the supervision of trained, paid staff members. Sojourn House policy includes dismissal procedures for residents who do not comply with the curfews, sober-living, and participation in programming that each resident agrees by written contract upon intake to the program. The maximum occupancy for this residential program is 8 women. The size of the house, itself, is self-limiting due to the 4 bedrooms existing and the septic sizing compatible with that number of bedrooms.

The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. It may be noted that views of adjacent homes are obstructed by trees even in seasons of low foliage. In addition, this property is located at the far East end of Kerr Creek and is (by Sojourn House staff) primarily reached by way of Gettys Creek Rd, and rarely accesses the remainder of Kerr Creek Rd. Traffic patterns can be predicted by calculating the number of employees, their respective shifts, and the average number of trained and vetted volunteers who may visit the property and is predicted to be similar to that of a typical, working, family. Morning traffic, defined as hours between 7am and 9am, will include 2-3 employees/volunteers during arrival. Trips during the day will be usual per any single-family residence and would include doctor appointments, shopping trips, etc. Afternoon and evening traffic (between 4pm and 7pm) would include a shift change for the volunteer position and the departure of paid staff. Evening traffic may sometimes include the arrival and departure of one additional volunteer.

The need for the variance arises from some condition peculiar to the property involved. The purchase and planned use of the property was predicated on IC 12-28-4-7 and the previous county Use Determination request. Current local zoning ordinances are not yet reflective of IC 12-28-4-7 provisions.

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. The housing and recovery model Sojourn House follows prioritizes family-style, community living as part of the continuum of healing and growth. Use of single-family homes as small-scale recovery homes is not yet represented in county ordinances. The result is a critical lack of available properties that are usable for the purpose of recovery for victims of sex-trafficking. A denial of Use Variance for this property would not only require the sale of this property but would be a strong indicator for future denial of use for other houses in the county. In short, Sojourn House would be forced to look in other counties to continue providing this unique service.

Sojourn House currently serves over 60 survivors of sex trafficking and collaborates with many Monroe County systems of care, including the City of Bloomington DTO program. Currently, Sojourn House is the only organization in the county whose sole focus is to serve and house victims of sex trafficking.

The approval does not interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan. This use will not increase the current (2.5) density of the area. No subdividing will occur. This property is not in one of the 5 Designated Communities. The property use will have no added impact on the environment as it is already built out and no expansion or development will occur. No natural or property boundaries will be affected.

Other notable details.

The model of care used by Sojourn House places high priority on the conduct of the participants (residents) and how their conduct affects the community they live in (immediately and more widely.) Each woman who chooses to live at Sojourn House must agree to the standards set forth in the Residential Handbook. This handbook includes curfews, visitation policy, program progress, and maintaining sobriety. No substances, including alcohol, are allowed on the premises. Failure to adhere to the policies listed in the Residential Handbook will be met with disciplinary action and possible dismissal from the program. Most importantly, behavior that endangers the residents of Sojourn House and its neighbors will not be tolerated.

An alarm system and security cameras will be installed in order to monitor the property and intercept misconduct from inside or outside the house. Consultation with a security company who has experience in group home settings will continue throughout installation.

We thank you for your time and service to the people of Monroe County.

Sincerely,

Carissa Muncie

Soiourn House



Cheyenne N. Riker
Attorney at Law

cheyenneriker@gmail.com

April 5, 2023

Monroe County Board of Zoning Appeals 501 N. Morton St., Suite 224 Bloomington, Indiana 47404

RE: <u>Amended Application for Variance</u>

7505 E. Kerr Creek Road, Bloomington, Indiana

Dear Monroe County Board of Zoning Appeals,

Clendening, Johnson & Bohrer, P.C. represents Sojourn House, Inc. ("Sojourn House") in support of its amended application for variance to use the property located at 7505 E. Kerr Creek Road, Bloomington, Indiana ("the Property") as a Residential Facility for Individuals with a Mental Illness, as defined under Indiana Code 12-28-4-7, or, in the alternative, as a Group Home Class II, as defined in the Monroe County Zoning Code ("the Code").

While the Board has previously denied Sojourn House's use, this application contains a commitment to limit the use of the Property (as defined below) to eight (8) unrelated individuals, which addresses at least one of the concerns of the surrounding neighbors. For the reasons that follow, (1) the variance is not required, and (2) even if it were required, the Board cannot deny the petition without also violating the Fair Housing Act of 1988, as amended, or the Americans with Disabilities Act of 1990, as amended.

Background

The Property is located amongst rolling hills of eastern Monroe County, and consists of approximately 7.75 acres of almost entirely-forested land. To the immediate east of the Property is a meandering creek, across which is a large swath of agricultural land used for crops during the summer months, and barren during the winter. The adjacent property to the east is vacant with the exception of farm activity during the Spring, Summer, and Fall. The nearest residence to the Property is Southwest of the Property, and is insulated from the residence on the Property by at least two (2) acres of thick forested hills. No other residences are nearby.

Sojourn House is a 501(c)(3) nonprofit organization whose dedicated staff devote themselves to improving the lives of women who suffer from abuse-related mental illness (including trauma

associated with abuse and human trafficking). Sojourn House's residents are victims of psychological and physical abuse, the remedy for which can only be found in proper treatment by qualified professionals. Part and parcel of obtaining appropriate treatment is to ensure a safe, stable living environment for Sojourn House's residents.

In or around November, 2022, Sojourn House approached the Monroe County Plan Commission ("Planning") to request confirmation that the use of the Property was a permitted use within the zone in which it was located AG/RR, EC03 ("AG"). The Comprehensive Plan characterizes the area as "Farm and Forest," for residential use. To no surprise, Planning issued a letter confirming that use of the property as a women's shelter for residential purposes was permitted, without need to request any variance or other permit from this Board.

Over the course of the ensuing weeks, in reliance on Planning's written representation that no additional approvals were required from Planning or this Board, Sojourn House proceeded to acquire the Property. Sojourn House paid \$425,000 for the Property, in reliance on Planning's representation, only to find out later that Planning had reversed its position in response to complaining neighbors. The neighbors' complaints were illegitimate, lacking in factual basis, and discriminatory in nature based on the sex and disabilities of the individuals proposed to be housed at the Property.

Legal Standards and Application to Existing Facts

There are at least four (4) separate legal standards applicable to the Board's decision regarding whether the proposed use should be permitted at the Property: (1) the Fair Housing Act (42 U.S.C.A. 3601, et seq. ("FHA"); (2) the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008 (42 U.S.C.A. 12101-12213) ("ADA"); (3) Indiana Code 12-28-4-7; and, less significantly, (4) the Monroe County Zoning Code. Importantly, the FHA and ADA supersede any conflicting state or local laws or ordinances, and state statutes supersede any local laws or ordinances, where those local laws or ordinances offer less (but not more) protection for individuals protected by such federal laws. See, e.g., Galusha v. New York State Dept. of Environmental Conservation, 27 F.Supp.2d 117, 124 (N.D.N.Y. 1998); see also, U.S. Const., Art. IV, cl. 2.

Notwithstanding the applicability of state and federal law, as set forth below, Sojourn House has demonstrated, and the County has acknowledged, its interest in being a partner, and not a burden, to the community of Monroe County. As such, while the state and federal laws at issue provide overwhelming support to Sojourn House and its mission, Sojourn House petitions this Board under local law to permit a variance to operate the Property as a Group Home Class II, with the commitment to use the Property for only up to eight (8) individuals. For the reasons cited herein, the Board should permit the variance pursuant to local ordinance 812-5. *Standards for Use Variance Approval*; however, Sojourn House hereby notifies the Board of its obligations, as described herein, under state and federal law, and alternatively requests a reasonable accommodation under the FHA and the ADA.

Local Standards for Use Variance Approval

While federal law protects Sojourn House and its intended use, it is not the goal of Sojourn House to resort to federal protections to attain its goal of using the Property. Rather, Sojourn House believes that by committing to limiting the use of the Property to eight (8) individuals, the

Board should find that the use is reasonable in all respects and should find that its use meets the requirements for a variance under the Zoning Code.

Under County Ordinance 812-5. *Standards for Use Variance Approval*, the Board must find as follows to approve the requested variance:

- 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.
- E. the approval does not interfere substantially with the Monroe County Comprehensive Plan, especially:
 - a. Residential Choices;
 - b. Focused Development in Designated Communities;
 - c. Environmental Protection;
 - d. Planned Infrastructure Improvements; and
 - e. Distinguish Land from Property.

As has already been acknowledged by the County in its initial use determination, Sojourn House's use is as a Residential Facility for Treatment of Individuals with Mental Illness. The County has further acknowledged that Sojourn House relied to its detriment on the County's representation that the use was permitted because it was protected by state statute. However, even if it is not protected by statute, the variance should be granted for the reasons that follow.

Public health, safety, or general welfare

Sojourn House's use will not be injurious to the public health, safety, or general welfare of the community. The Property will be used as a residential dwelling, not as a busy place of commerce where numerous customers could be expected to visit and cause increases to traffic and noise. The Property will be staffed by trained, paid staff members. Each resident who will live at the Property will be contractually bound to meet certain codes of conduct, and there will be only eight (8) female residents at any given time.

Use and value of adjacent property

The Property, as described above, sits in the midst of a large forested parcel bound on all sides by woods and farmland. The residence on the Property sits just southeast of center within the parcel, and will present no additional noise to any neighboring parcel owners. In fact, the nearest residence is acres through thick forested hills, and will never be disturbed by the residents. Further, the Property is located at the far east end of Kerr Creek Road, and the vast majority of traffic (which is limited to Sojourn House staff) will come from the east (seldom passing residents to the west of the Property. Traffic patterns can be predicted by calculating the number of employees, their respective shifts, and the average number of trained and vetted volunteers who may visit the property and is predicted to be similar to that of a typical working family. Morning traffic (7am-9am) will include 2-3 employees and/or volunteers during their arrival at the Property. Trips during the day will be consistent with any other single-family residential use - i.e. there should be no traffic out of the ordinary. Afternoon traffic will involve a shift change of

2-3 employees and/or volunteers, but would not cause a substantial increase whatsoever in the amount of traffic. In addition to the small number of staff who will come and go by car, the residents may own and drive a car in the later stages of the program. Based on similar residential programs, approx 2-3 women (at any given time) will have their own car to operate. However, this number has many variables, unlike the number of staff who will operate a car (which is 100%.)

The opponents of Sojourn House expressed concern that the proposed use would "insert a business" into the area. While technically true, the fact is that the "business" is residential in nature, and the use of the Property will be consistent with a typical family unit. Another neighbor issued a discriminatory rebuke of the Property based on the fact that neighboring property values would not fare well because of their proximity to a "commercial rescue center." The same writer went so far as to suggest that safety may be an issue because of potential third parties who may find themselves in the area - a concern of fear-driven conjecture without basis in fact.

In light of the foregoing, there will be no adverse effect on the value of adjacent properties. While one neighbor claimed in response to Sojourn House's initial petition that "there would probably be fewer prospective home buyers interested in living next door to a commercial rescue center than living next door to a private home," such a characterization is without basis in fact. Actually, this use will be purely residential - from the perspective of individuals who may pass by the Property, the Property will be no different from its current presence.

Peculiarity to the Property

The need for a variance *is* peculiar to the Property. The Property is very conveniently located for individuals who seek relief from the "hustle and bustle" of daily life. It offers a serene, quiet, and secluded setting in which its residents can comfortably recover. A less rural location in other zones would be inadequate to permit the therapeutic environment sought after by victims of trauma, abuse, and mental illness.

Further, the use of the Property was predicated on the County's use determination that the Property would be a Residential Facility for Individuals with a Mental Illness. The Monroe County Zoning Code does not define such a use, and as such cannot prohibit it in this location. Sojourn House acquired the Property for this use, and, while the County may try to redefine this use, such a redefinition of the use would be unlawful.

Strict Application of the Zoning Code

If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization. Currently, this type of use is not described in the Zoning Code - as such, Sojourn House was entitled to rely on state statute, and the absence of a properly defining term, to conclude that it was permitted to use the Property as described above. This is a single-family residence that will be used as just that: a single-family residence - the only difference is that there is a severe lack of properties in Monroe County that are suited to house victims of trafficking and abuse, as well as victims of trauma and mental illness. Denial of this use of the Property at this location *would* work a substantial hardship on Sojourn House.

Interference with the Comprehensive Plan

The use of the Property will not increase the density of the area, and there will be no subdividing. The Property is not in one of the five (5) Designated Communities as defined in the Comprehensive Plan. The Property's use will have no added impact on the environment, and there will be no expansion or development. There will be no effect on the natural boundaries.

Other Factors regarding the Use

The model of care used by Sojourn House places high priority on the conduct of the participants (residents) and how their conduct affects the community they live in (immediately and more widely.) Each woman who chooses to live at Sojourn House must agree to the standards set forth in the Residential Handbook. This handbook includes curfews, visitation policy, program progress, and maintaining sobriety. No substances, including alcohol, are allowed on the premises. Failure to adhere to the policies listed in the Residential Handbook will be met with disciplinary action and possible dismissal from the program. Most importantly, behavior that endangers the residents of Sojourn House and its neighbors will not be tolerated. An alarm system and security cameras will be installed In order to monitor the property and intercept misconduct from inside or outside the house. Consultation with a security company who has experience in group home settings will continue throughout installation.

Overall, the use of the Property as a Group Home Class II, with only eight (8) individuals residing there, will have no adverse effect on the Property whatsoever. Nothing will change except the individuals who are permitted to reside there, and to deny zoning based on the fact that women with disabilities are residing on the Property would be unlawful.

Addressing Neighbors' Concerns

Generally, the remonstrators contend that the Property is not safe, and is not suited to Sojourn House's proposed use. Sojourn House selected the Property specifically *because* it is suited to their proposed use. Effectively, the remonstrators contend that the women who will reside on the Property aren't capable of caring for themselves, and obtaining basic services that the neighboring residents themselves are able to obtain. Neighbors' complaints about a lack of access to services, such as medical care, shopping, groceries, etc., should be disregarded as moot and at best, discriminatory. There is no reason to believe these services cannot be obtained by the residents of Sojourn House merely because they are not nearby. As described above, there will be adequate transportation available to and from the Property, and will be available to ensure residents have access to all applicable products and services.

There seems to be a general concern about the safety of the residents of Sojourn House. Specifically, one remonstrator pointed out that there could be flooding, as if to suggest that a home of women cannot fend for themselves in such an event. Another neighbor commented that the Department of Natural Resources arrests poachers in the area, as if to suggest the existing neighbors are more safe than Sojourn House residents. These concerns are of no consequence to the Board's decision, and should be disregarded.

Residential Facility for Individuals with a Mental Illness

Under Indiana Code 12-28-4-7(a), a "zoning ordinance [] may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws." Individuals with a mental illness include psychiatric disorders that substantially disturbs an individual's thinking, feeling, or behavior; and impairs the individual's ability to function. Ind. Code 12-7-2-130(b).

Sojourn House houses individuals who suffer from psychiatric disorders that, because they substantially disturb their thinking and feeling, causes an impairment in their ability to function. As such, the statute applies to protect Sojourn House's use of the Property. A large portion of the neighbors' concerns have been that there will now be a "business" located nearby, which will ultimately devalue the property. Not only would this "business" not devalue the Property, but the fact of its existence as a business cannot be a basis for the board's determination. Specifically, the statute states that the ordinance may not exclude a residential facility "because the residential facility is a business."

The Fair Housing Act

The Fair Housing Act (FHA) was enacted "to provide, within constitutional limitations, for fair housing throughout the United States." The original 1968 act prohibited discrimination on the basis of "race, color, religion, or national origin" in the sale or rental of housing, the financing of housing, or the provision of brokerage services.² In 1974, the act was explicitly amended to add sex discrimination to the list of prohibited activities.³ Section 3604(a) of the Fair Housing Act makes it unlawful, inter alia, "[t]o refuse to sell or rent after the making of a bona fide offer, or to otherwise refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin." 42 U.S.C. § 3604(a); See also Bouley v. Young-Sabourin, 394 F. Supp. 2d 675, 677-78 (D. Vt. 2005).

FHA discrimination under Section 3604(a) claims fall into two broad categories: intentional, also referred to as disparate treatment discrimination, and disparate impact discrimination. Courts apply different legal tests to assess the validity of intentional versus disparate impact discrimination claims. Disparate treatment claims allege that a defendant made a covered housing decision based on "a discriminatory intent or motive." Disparate impact claims, on the other hand, involve allegations that a covered practice has "a disproportionately adverse effect on [a protected class] and [is] otherwise unjustified by a legitimate rationale." As well, even where one of the foregoing two broad categories do not offer relief, local municipalities are to make

¹ 42 U.S.C. §3601. The FHA, 42 U.S.C. §§3601 et seq., was originally enacted as Title VIII of the Civil Rights Act of 1968.

² 42 U.S.C. §§3604-06.

³ P.L. 93-383.

⁴ Texas Dept. of Hous. & Cmnty Affairs v. Inclusive Communities Project, 135 S. Ct. 2507, 2513 (2015) (internal quotations omitted).

⁵ Id. (internal quotations omitted).

reasonable accommodations in zoning decisions, where the accommodations are "both efficacious and proportional to the cost to implement it." *Valencia v. City of Springfield, Illinois*, 883 F.3d 959, 967 (7th Cir. 2018).

Under the FHA, 42 U.S.C. §3617 prohibits coercion, intimidation, threats, or *interference with* "any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section [3604] of this title." 42 U.S.C. § 3617. Both § 3604(a) and § 3617 reach post-acquisition conduct, not just the initial sale or rental of housing. *Bloch v. Frischholz*, 587 F.3d 771, 782 (7th Cir. 2009) (en banc). The rights under § 3604(a) that § 3617 protects from interference include post-sale activity "that makes a dwelling unavailable to the owner or tenant, somewhat like a constructive eviction." *Id.* at 776.

The Fair Housing Act also applies to individuals with disabilities who seek reasonable accommodations from local municipal zoning boards. *Valencia*, 883 F.3d at 967-968. Effectively, therefore, where a municipality determines, with non-discriminatory intent, that a specific use is not permitted, the municipality is required to grant a reasonable accommodation favoring such use.

A. The FHA as Applied to Women's Shelters

Federal Courts have addressed the issue of discrimination against women's shelters under the FHA. Cooper v. Western Southern Financial Group is especially informative and directly analogous to the matter referenced above. 847 F. Supp. 2d 1031, 1033 (S.D. Ohio 2012). In Cooper, female residents of a women's shelter called Anna Louise Inn brought an action against a real estate company under the FHA, alleging that the real estate company and its agents had undertaken a campaign to drive the women's residence out of the neighborhood in which it was located in order to force a sale of the property to the real estate company. Id. The defendants publicly argued that the female residents of the Inn were not compatible with the character of the area, that the Inn should be sold to their company, and that the female residents must be moved elsewhere. Id. A Western & Southern agent went so far to publicly state: "I just want them [the female residents of Anna Louise Inn] out of there."

Plaintiffs brought four claims for relief, two of which are relevant to the instant issue: (1) defendant's conduct constituted discrimination in the terms, conditions or privileges of the rental of a dwelling on the basis of sex or familial status in violation of 42 U.S.C. § 3604(b), and coercion, intimidation and threats against persons in the exercise or enjoyment of their rights under the FHA in violation of 42 U.S.C. § 3617; and (2) defendant's conduct constituted a pattern or practice of resistance to the full enjoyment of rights granted by the FHA, 42 U.S.C. §§ 3601–3619.

The *Cooper* plaintiffs argued that they stated a cause of action under 42 U.S.C. §3617 by alleging that as female residents of the Inn, that they are protected individuals under the FHA against whom Western & Southern waged a campaign, which included intimidating and threatening actions, designed to coerce plaintiffs to move out of their neighborhood premised on defendant's discriminatory belief that plaintiffs were not compatible with the neighborhood.⁶

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⁶ The Inn further contended that the protection against discriminatory practices offered by 42 U.S.C. §3604(b) extended to discriminatory acts such as those undertaken by Western & Southern which occur following the sale or rental of a property, and these protections encompass practices that limit the "use of privileges, services or facilities"

The court in *Cooper* stated that the FHA was intended "to reach a broad range of activities that have the effect of denying housing opportunities to a member of a protected class," fair housing claims could be asserted against non-owners of a property where such persons "though not owners or agents, are in a position directly to deny a member of a protected group housing rights." *Cooper v. W. & S. Fin. Grp., Inc.*, 847 F. Supp. 2d 1031, 1038 (S.D. Ohio 2012). Ultimately finding in favor of the Anna Louise Inn, the court made clear that the language of the FHA's anti-interference provision is to be read broadly to reach all practices that have the effect of interfering with a protected individual's rights under the fair housing laws. *Id.* at 1038.

Importantly, the *Cooper* court specifically singled out illicit zoning practices as violative of the Fair Housing Act. Those practices include zoning practices that are exclusionary in nature and disparately impact uses protected by the FHA.

In this case, if the Board denies Sojourn House's request for zoning approval for use of its own Property, it will have violated the Fair Housing Act's prohibition against interference with a use protected by the FHA. The courts have made clear that even in situations where the property at issue has already been acquired, a governmental entity, in making zoning determinations, cannot interfere with "any person in the exercise or enjoyment of... any right granted or protected by section [3604] of this title." 42 U.S.C. § 3617. Here, should the Board deny the use, which is a use granted and protected by 42 U.S.C. 3604, it will have "interfered with" Sojourn House's rights under the FHA and thereby violated the federal law. As such, the Board *cannot* lawfully deny this application.

B. The FHA as Applied to Residences for Individuals with Disabilities⁷ - Request for Reasonable Accommodations

Perhaps more compelling, however, is that the Fair Housing Act protects against discrimination against those with disabilities, and requires municipalities to offer reasonable accommodations in housing options for persons with disabilities. In *Valencia*, referenced above, the City of Springfield, Illinois, issued a zoning determination refusing to allow a reasonable accommodation to a group home housing three disabled individuals, because it was too close to another group home (within 600 feet).

In *Valencia*, the 7th Circuit Court of Appeals clearly laid out the rules for evaluating whether a reasonable accommodation should be granted, along with the process by which to do so. First, it is the burden of the petitioner (here, Sojourn House) to establish that the requested accommodation is reasonable on its face. *Id.*, at 968. Then, the municipality (here, Monroe County) must demonstrate that the use is unreasonable, or the use would work an undue hardship under the circumstances. *Id.*

Accordingly, Sojourn House is required to show that the use of the Property as a Group Home Class II is a reasonable use under the circumstances. If the Board believes it is not a reasonable use, it must give a non-discriminatory reason why it is unreasonable, or show that the use would work an undue hardship under the circumstances.

⁷ In addition to the Fair Housing Act prohibitions against discrimination against individuals with disabilities, the Americans with Disabilities Act offers similar protections.

associated with a dwelling because of race [or] religion [or sex]." (Doc. 5 at 8), citing Bloch v. Frischholz, 587 F.3d 771, 781 (7th Cir.2009) (citing 24 C.F.R. § 100.65(b)(4)).

Sojourn House can easily demonstrate the reasonableness of the use of the Property as a Group Home - in fact, the County Planning Department has already recommended the use of the Property for use as a Group Home Class II. The Property is located on nearly eight (8) acres, with the nearest neighboring residence being insulated by a substantially-wooded forest.

Further, Sojourn House was originally to be treated as a Residential Facility for Individuals with a Mental Illness. Monroe County Planning acknowledged this fact in its original recommendation for approval of Sojourn House's use at the Property. As such, the County has already admitted to Sojourn House's protected status under the FHA.

Rather than permit the use, as required by Indiana Code 12-28-4-7, however, the County pushed Sojourn House into a category within its local code that required additional steps to be taken, and approvals to be made that would not otherwise have been required. Effectively, the County violated the anti-interference language of the FHA by interfering with a protected use of the Property by protected individuals and by requiring Sojourn House to submit an application that it was not required to submit.

In doing so, if this Board now denies Sojourn House's reasonable accommodation request to use the Property as a Group Home Class II, with the limitation of eight (8) unrelated individuals, not only would a great injustice have been done, but there would lie a claim under the FHA.

The Americans with Disabilities Act

Title II of the ADA, as amended by the ADA Amendments Act of 2008 ("ADAAA")(42 U.S.C.§§12101-12213) prohibits discrimination against individuals with disabilities by public entities. See, 42 U.S.C.A. §12132. The intent of the ADA was to reverse widespread discrimination that had prevailed at the time against disabled Americans in public spaces, as well as in private spaces open to the general public. See, 42 U.S.C.A. §12101.

The ADA's language under Title II is broad: it protects individuals with disabilities from being "denied the benefits of the services, programs, or activities of a public entity, or [from] be[ing] subjected to discrimination by any such entity," 42 U.S.C. § 12132. The last phrase of Title II's prohibition is even more expansive, stating simply that no individual with a disability may be "subjected to discrimination" by a public entity. Innovative Health Sys., Inc. v. City of White *Plains*, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), aff'd in part, 117 F.3d 37 (2d Cir. 1997). Consistent with Title II's broad language and its legislative history, the Department of Justice, in its Title II implementing regulations and other Title II analyses, has interpreted Title II to reach all actions by public entities, including zoning enforcement actions. (Emphasis added) *Innovative* Health Sys., Inc. v. City of White Plains, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), aff'd in part, 117 F.3d 37 (2d Cir. 1997). The regulations enumerate several categories of specific activities that constitute discrimination by public entities. 28 C.F.R. § 35.130. One of these specific provisions requires public entities to make reasonable modifications to their policies, practices, and procedures, where such modifications are necessary to avoid discrimination on the basis of disability. 28 C.F.R. § 35.130(b)(7). Zoning enforcement actions, including the enactment of ordinances, and any administrative processes, hearings, and decisions by zoning boards, fall squarely within the category of "policies, practices, or procedures" mentioned in the regulations. Innovative Health Sys., Inc. v. City of White Plains, 931 F. Supp. 222, 232–33 (S.D.N.Y. 1996), aff'd in part, 117 F.3d 37 (2d Cir. 1997).

It is well-settled that federal courts may exercise jurisdiction in zoning matters when local zoning decisions infringe national interests protected by statute or the constitution. *See Sullivan v. Town of Salem*, 805 F.2d 81, 82 (2d Cir.1986). Because federal law authorizes a claim, provides a remedy for discrimination against individuals with disabilities in zoning activities, and extends express power to the courts to modify discriminatory practices, it is clear that this is a zoning dispute more properly relegated to federal authority and not local regulatory and administrative procedures. *Innovative Health Sys., Inc. v. City of White Plains*, 931 F. Supp. 222, 234 (S.D.N.Y. 1996), *aff'd in part*, 117 F.3d 37 (2d Cir. 1997); *See, e.g., LeBlanc–Sternberg*, 67 F.3d at 434. To make a claim under Title II of the ADA, a plaintiff must show: (1) that she is a qualified individual with a disability (2) who was subjected to discrimination by a public entity (3) by reason of her disability. *St. Paul Sober Living, LLC v. Bd. of Cnty. Comm'rs*, 896 F. Supp. 2d 982, 986 (D. Colo. 2012).

In the instant case, Sojourn House was: (1) a qualified entity with individuals that have disabilities, as they were originally to be treated as a Residential Facility for Individuals with a Mental Illness (as already acknowledged by the County); (2) who were subjected to discrimination by Monroe County through disparate treatment (a re-characterization of its use that forces it to meet additional requirements to which others similarly situated are not required to meet); (3) on the basis that it is a women's treatment center housing individuals with disabilities. Denial of Sojourn House under the circumstances of this case constitutes discrimination under the ADA, and their use should be granted.

In *Oconomowoc Residential Programs v. City of Milwaukee*, the court reiterated that the "requirements for a reasonable accommodation under the ADA are the same as those under" the Fair Housing Act. 300 F.3d 775, 783 (7th Cir. 2002). As such, even if the Board is not inclined to grant the Group Home Class II use to Sojourn House under the ADA to avoid claims of discrimination, the Board should grant a reasonable accommodation to Sojourn House for the same reasons cited above.

Conclusion

In summary, the Board is bound by local, state, and federal law to permit the variance for use of the Property as a Group Home II, as defined in the Monroe County Code. Of particular importance is the need to ensure that individuals who suffer from, or are victims of, trauma and mental illness, have a safe place to reside while they undergo treatment. The Property is the perfect location for a variety of reasons, not the least of which is its geographic location. It is properly secluded from neighbors, and nothing about the Property will change, except those who can be found residing there. Sojourn House is committed to making the community a better place, and invites you to do the same by granting this variance request.

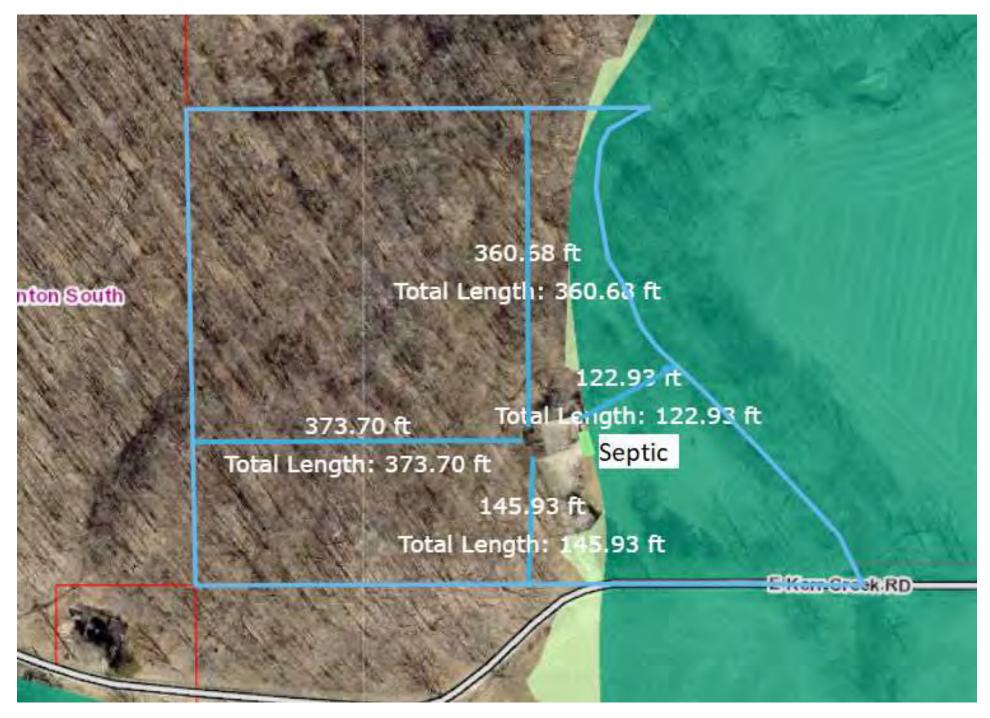
Best,

Cheyenne N. Riker

cc: Carissa Muncie

In Min

EXHIBIT 6:



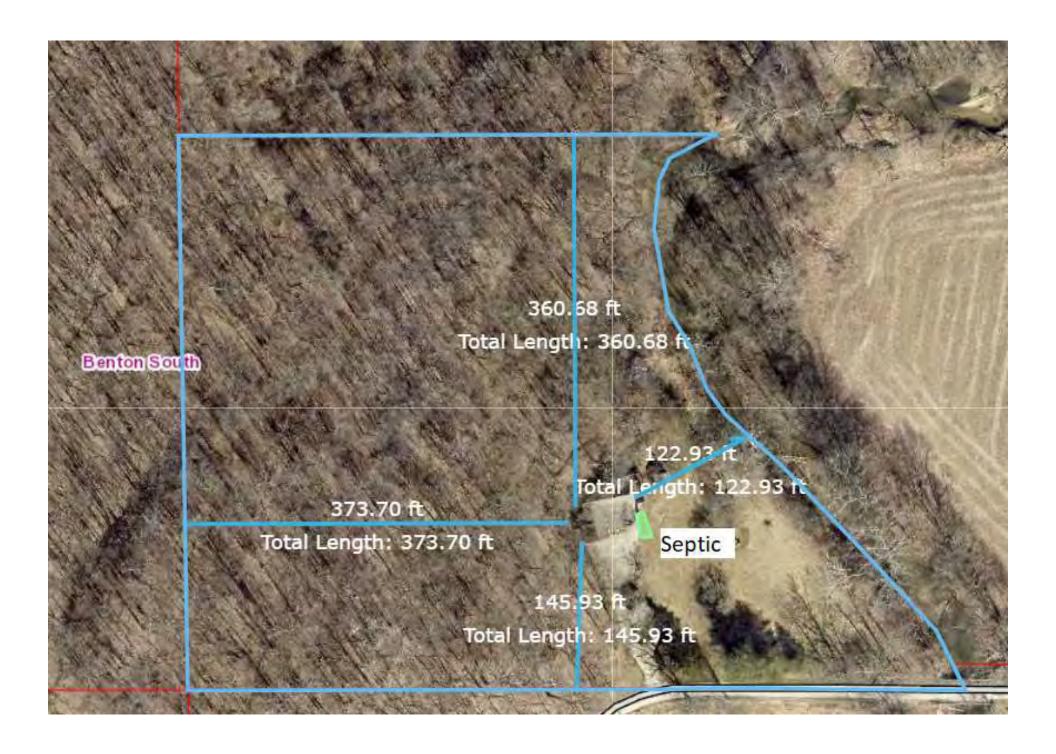


EXHIBIT 7:



Photo 1. Pictometry of property, 2022



Photo 2. View of the home, facing northwest.



Photo 3. View of the home facing north



Photo 4. View of the front yard, facing south



Photo 5. View of the back of the home, facing SW



Photo 6. View of the creek, facing east



Photo 7. View of E Kerr Creek facing east



Photo 8. View west of the home showing lots of preserved trees, facing north



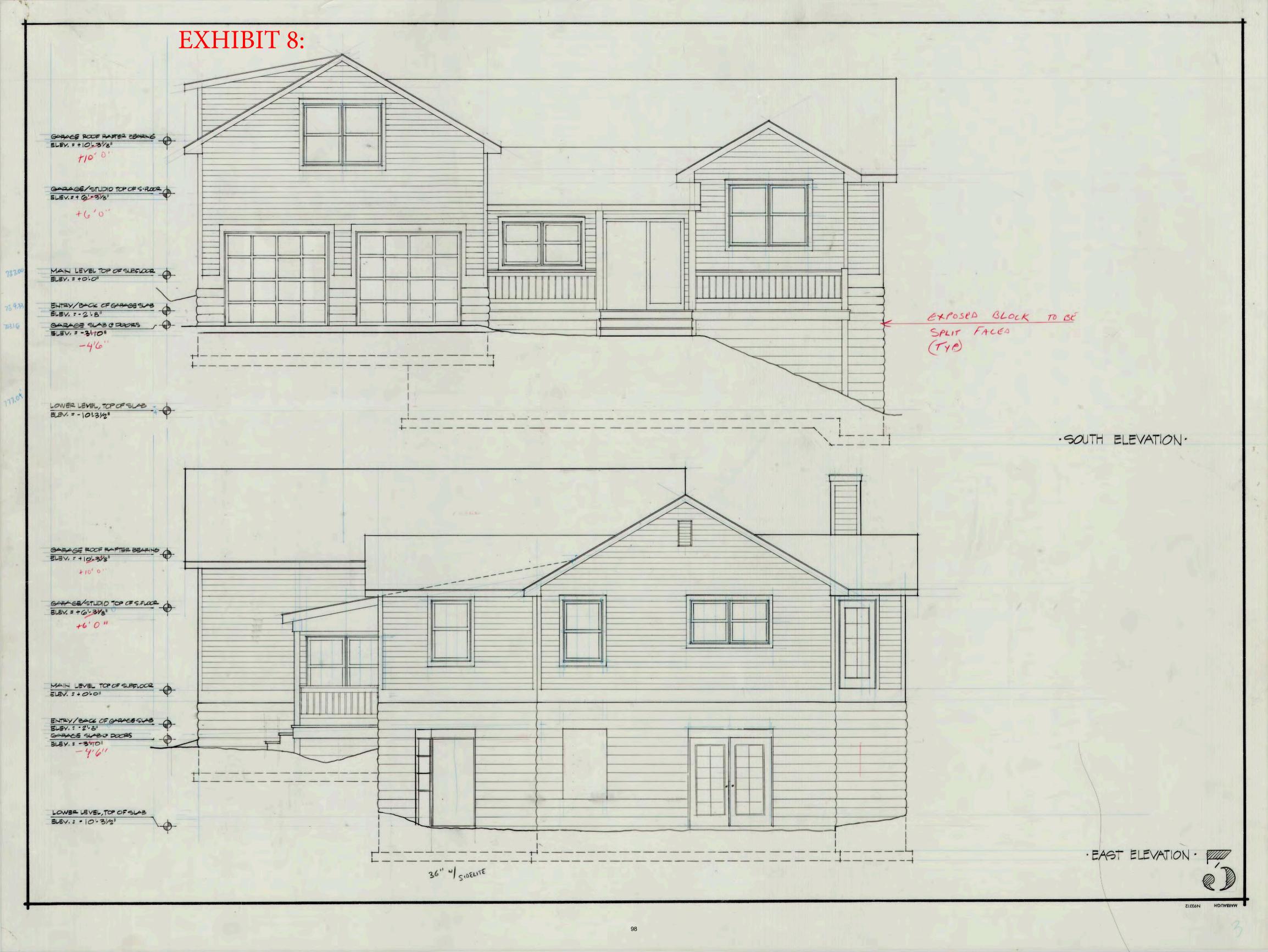
Photo 9. Intersection of the driveway and E Kerr Creek, facing west

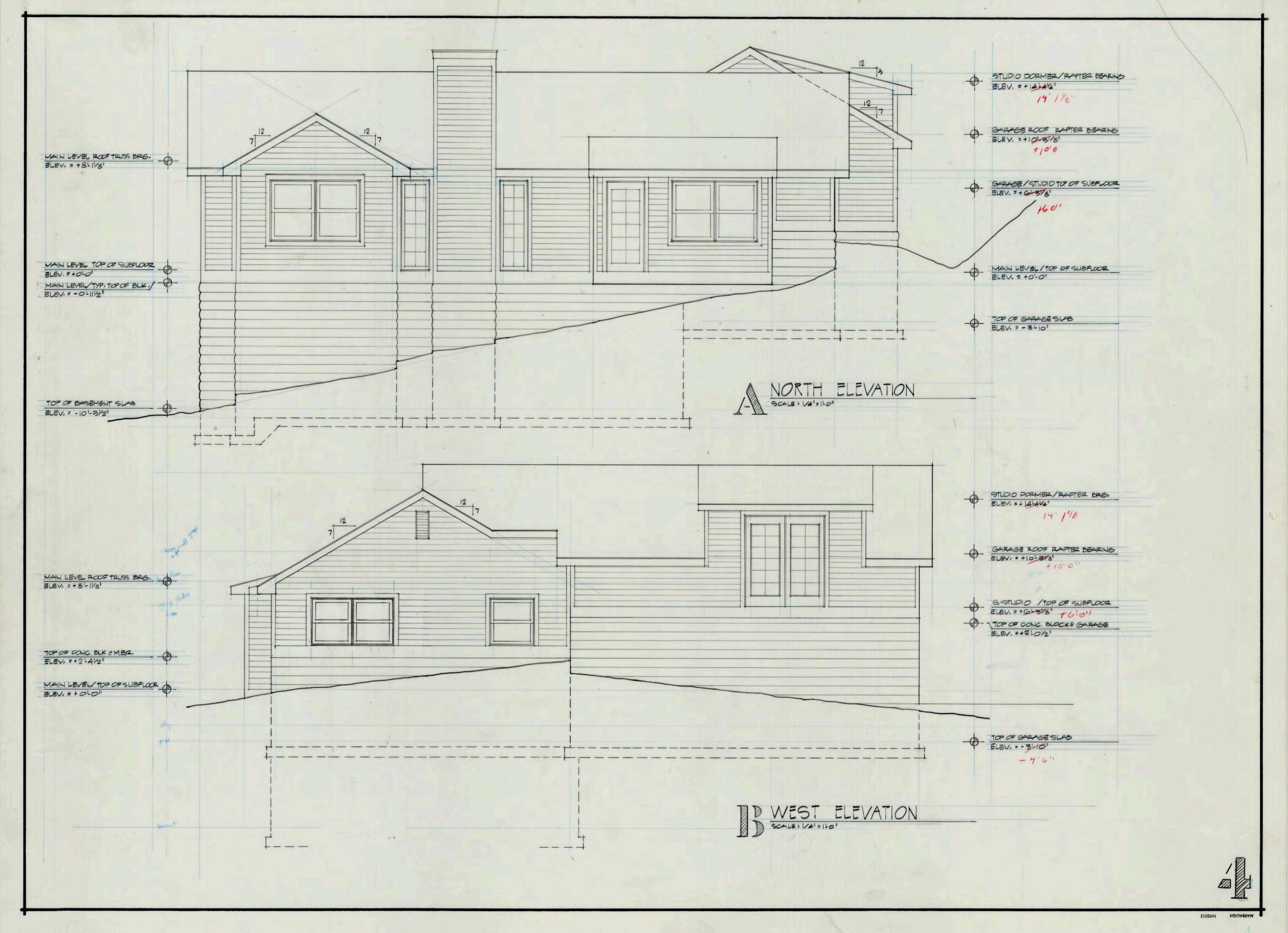


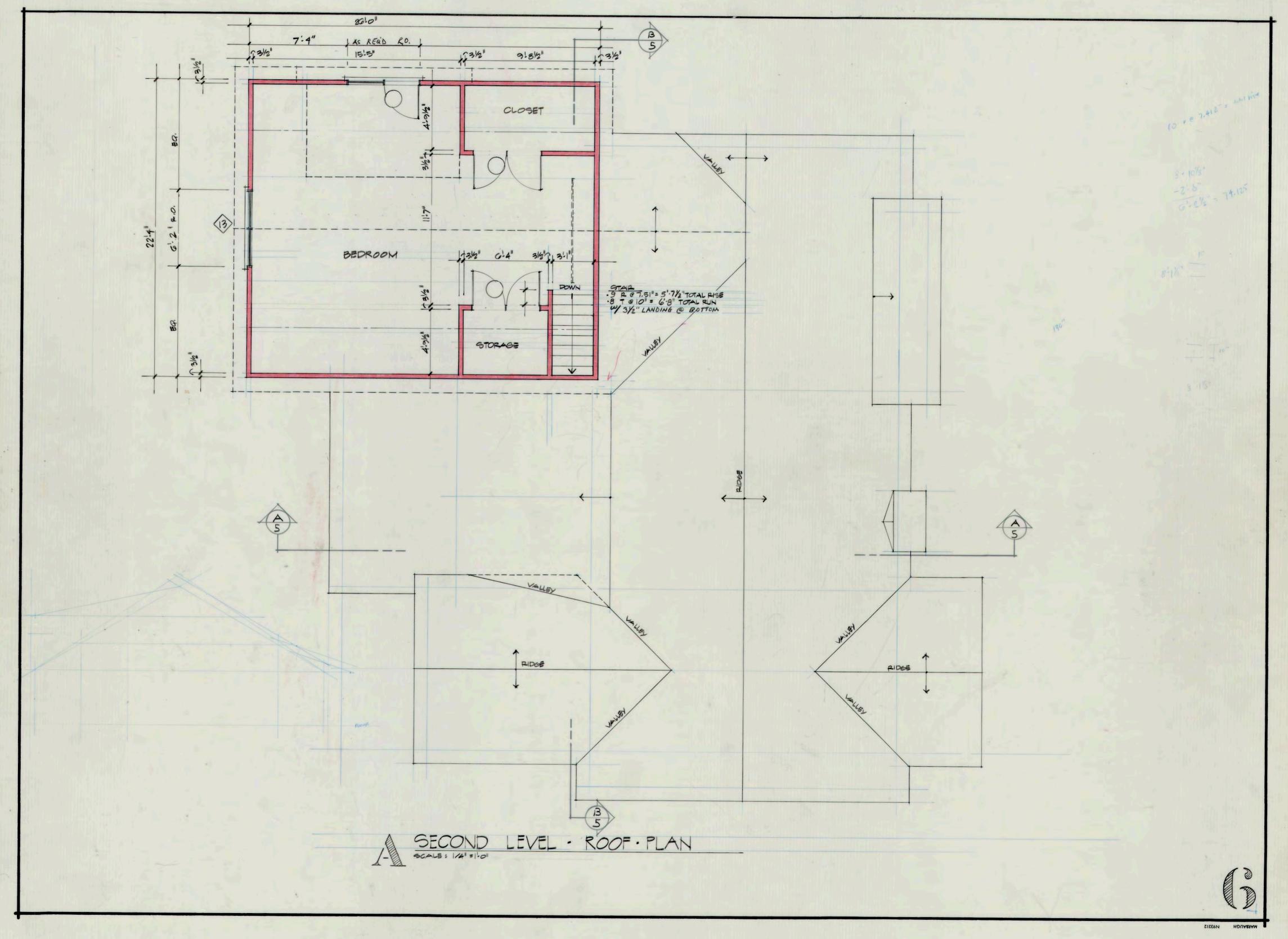
Photo 10. Additional parking spaces provided under an existing carport, facing NE

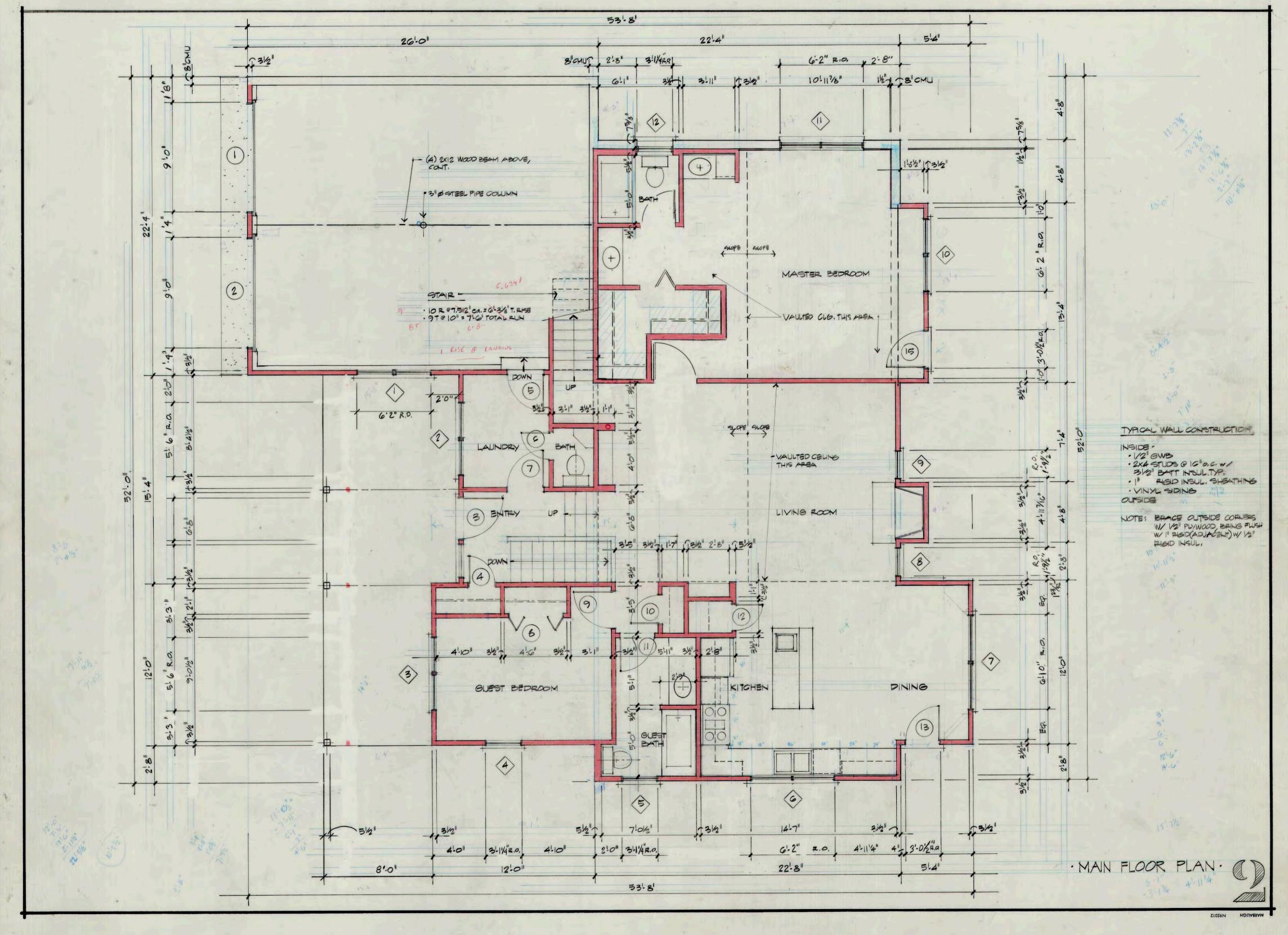


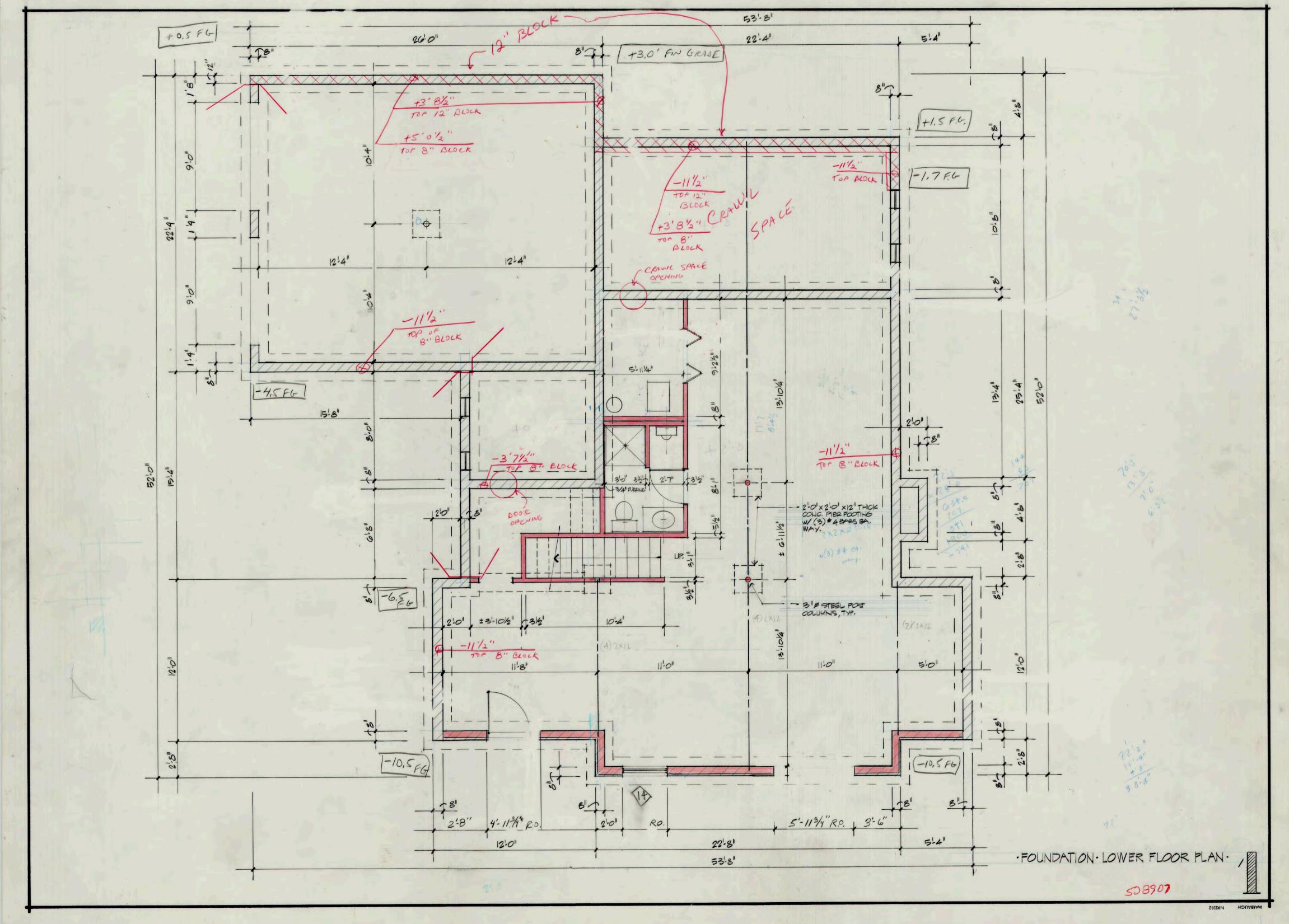
Photo 11. Additional parking space on the property, facing E













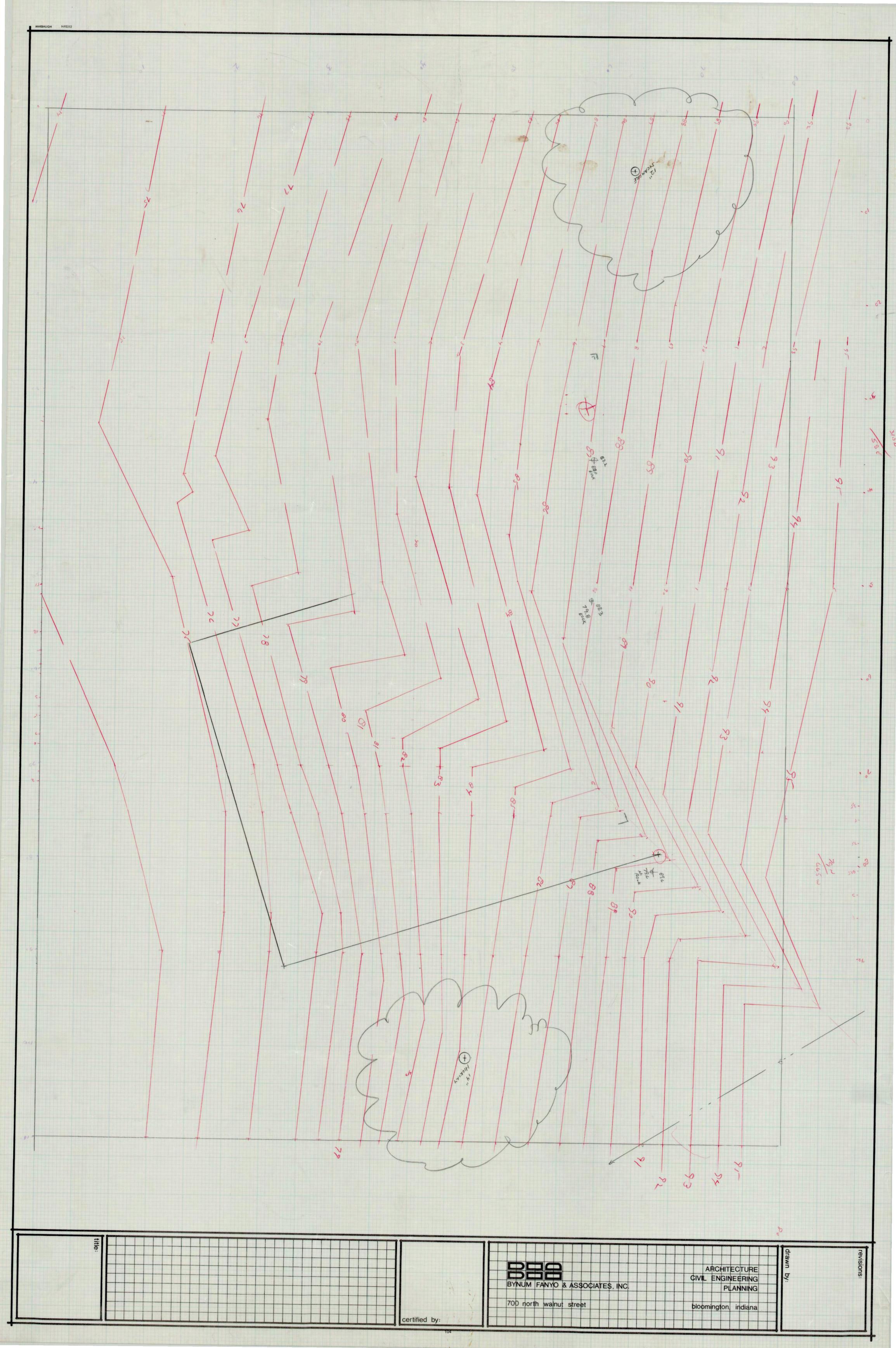


EXHIBIT 9:

PETER GOULD

February 11, 2023

Monroe County Board of Zoning Appeals c/o Jackie Jelen Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

I reside at 7165 E. Kerr Creek Road - the second property to the west of 7505 E. Kerr Creek Road (herinafter referred to as "7505"). I am writing to oppose the variance to permit a Group Home Class II use of 7505. Please note that my opposition is not about the applicant's mission or their program, it is about **the use** of 7505 as a Group Home Class II.

The house at 7505 was built in the 1990's as a single family residence. Until the sale to Sojourn House, Inc., it had only been used as a single family residence - consistent with the surrounding area and with the permitted uses allowed in AG/RR.

As described on their website, Sojourn's residential program includes:

"Education - Tailored to each resident, an education plan will be developed to support her as she moves forward. Whether it's a **GED**, **vocational training**, **a diploma**, **or degree**, we look forward to seeing her confidence grow. Relationship skills, problem solving, life skills, and everything in between are important parts of the whole picture.

Employment - Finding a career that fits can be challenging and exciting. We'll help her explore the possibilities and create a plan that will get her there. When she's ready, **she'll begin working** in the field she chooses and gaining experience.

Sustainability - This is when the training wheels will start to come off. While still living at Sojourn House, she will combine all the skills she's been working on and put them to the test. The speedbumps of a new career, **her own transportation**, and growing relationships will be met with support and coaching in the Sojourn House community.

7505 is not an appropriate location for a program that is supposed to foster education, provide employment, encourage sustainability and help the residents become part of a community. 7505 is situated in a rural area. Kerr Creek Road is a narrow winding 2-lane road that floods periodically.

February 11, 2023 Monroe County Board of Zoning Appeals Page 2

7505 has no access to public transportation, so vehicles are the only option for travel. The residents will need services, such as shopping, medical care, social services, legal services, training and employment, that are not available nearby. In fact, the nearest convenience store is 3 miles away.

Per Chapter 812-5 of our zoning ordinance, to approve a use variance, the Board must find that certain criteria are satisfied, as follows:

1. The approval will not be injurious to the public health, safety, and general welfare of the community.

7505 residents who don't comply with sober living and other Sojourn rules would jeopardize the public health, safety and general welfare of the community. Dismissal of a resident for violating these rules would only occur after the violations have occurred.

The Monroe County Sheriff's Department confirmed that there are normally 4 to 7 deputy's cars patrolling the entire county (depending on shift). The average response time for a 911 (Priority 1) call for law enforcement at 7505 is approximately 6 minutes. The Monroe Fire Protection District confirmed that the response time for fire or EMT is approximately 11 minutes. These response times could be affected if units are responding to other 911 calls already in progress.

Alarm system and security cameras are useful for monitoring a property and providing an alert. However, given the response times for law enforcement, fire and EMT services, it's likely that these systems will merely document damage after it's occurred.

Use of 7505 as a Group Home Class II will result in increased traffic on Kerr Creek Road. The majority of residents on Kerr Creek Road, as well as many residents on Gettys Creek Road use Kerr Creek Road for westbound travel to Bloomington, because it's faster than taking Gettys Creek Road south to SR 46 west to town. Despite Sojourn's statement that their staff will not be using Kerr Creek Road for westbound travel to town, that's just not realistic.

In addition to staff members and volunteers coming and going to 7505, there will be additional traffic since the residents of 7505 will need transportation to and from town for (among other things) education, training, shopping, medical services, social services and employment.

Per Sojourn's residential program description, as well as their presentation at the 5/1/2022 Monroe County Council meeting, [a] Sojourn resident could expect to obtain "her own transportation" [vehicle] as part of the program. This will add even more traffic to Kerr Creek Road.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Use of 7505 as a Group Home Class II would insert a business use into an area that has always been exclusively residential. This could negatively affect property values in the area.

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3. The need for the variance arises from some condition peculiar to the property involved.

The Plan Department Use Determination concluded that "[...] the regulation of the Sojourn House, Inc use must not be based **solely** [my emphasis added] on the fact that it cannot meet the Monroe County Zoning Ordinance's definition of a "Family", and/or that it meets the definition of a "Business."

Accordingly, the above factors should be used in making the variance decision - they just can't be the only factors used in arriving at the decision. Other factors to consider include: putting a Group Home Class II where services essential to the residents aren't nearby, public health and safety issues, the effect on property values in the area and the absence of "unnecessary hardship".

4. 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. Unnecessary hardship is further defined as 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.

In their variance application letter, Sojourn stated that "the purchase and planned use of the property was predicated on IC 12-28-4-7 and the previous county Use Determination request".

Planning staff have confirmed that:

- 1) Sojourn communicated with planning on <u>9/21/2022</u> about the use of another property in the county for a group home, so they were aware of zoning rules.
- 2) Sojourn requested a Use Determination for 7505 from the Monroe County Planning Department on **12/2/2022**.
- 3) Sojourn purchased 7505 on 12/22/2022, without having received a Use Determination.
- 4) Sojourn received the Use Determination for 7505 on <u>1/13/2023</u>, noting that a Use Variance would be required for operating a Group Home Class II at 7505.
- 5) Sojourn applied for a Use Variance on 1/27/2023.

February 11, 2023 Monroe County Board of Zoning Appeals Page 4

It is unfortunate that Sojourn decided to purchase 7505 before receiving the Use Determination and without securing the required Use Variance. Before Sojourns' purchase, 7505 had been used as a single family residence, in compliance with AG/RR permitted uses. At the time of Sojourn's purchase, 7505 was being marketed as a single family residence.

If the variance is denied, 7505 could be used as a single family residence - a reasonable economic use of the parcel.

The denial of this variance would not predict denial of this use for other locations in the county, since a variance decision is based on the application of rules and regulations to the facts and circumstances of a specific parcel. It should also be noted that a Group Home Class II is a permitted use in zones UR, LB and GB in the county (without a Use Variance).

- 5. 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

Per the Comprehensive Plan, 7505 is located in an area considered "Rural Development for areas lacking public infrastructure and services". The lack of public infrastructure and services reinforces why 7505 is not an appropriate location for a Group Home Class II.

Thank you for your consideration. Please deny this variance application.

Sificerely,

Peter Gould

Dear Members of the Board of Zoning Appeals,

I am writing to voice my opposition to the granting of a zoning variance for the residence at 7505 E. Kerr Creek Road. I have owned and resided at 7165 E. Kerr Creek Road since 1990.

The house at 7505 is not a good location for a home for the mentally ill who are trying to re-integrate into the community, for several reasons:

- 1. A home for the mentally ill will definitely have an adverse affect on the property values in this area. This effect was documented in a study by Colwell, Dehring and Lash. All of us who own property on E. Kerr Creek Road within a mile from 7505 are retirees who have been here for at least 30 years. If or when our health declines to the point of necessitating tapping the equity in our homes for living expenses or relocation to a care facility, our property values will have declined because, to be frank, no one wants to live near a home for the mentally ill. This situation will be detrimental to our pocketooks and therefore to the quality of health care we can afford near the end of our lives.
- 2. Sojourn House received an ARPA grant of \$164,000 from Monroe County to remodel the old elementary school building in Stinesville for this use. The money has not been used for that purpose. What happened to the funds, and will they be used to pay for rezoning this single family residence for group home use rather than for the original purpose of the grant?
- 3. A neighbor called the president of Sojourn House, <u>before</u> the closing on the sale of 7505, to inform her that it would be necessary to get a use variance. Thus she had the opportunity to postpone the closing in order to look into this issue before comitting to the financial obligation. She claimed that she did not need a variance and told the neighbor to tell other neighbors not to call her.
- 4. Sojourn House has built a fire pit with seating very close to a highly combustible wooded area. Stray sparks or fire could easily ignite the woods, endangering not only 7505, but neighbors' properties and the state forest.
- 5. 7505 is located in an area with no services available. There is no public transportation, no shopping, and there are no medical facilities. Response times for ambulances, the sheriff and fire departments are hampered due to distance. There are no businesses nearby that could provide jobs for the clients of this group home.
- 6. The property is too isolated for the clients to acclimate to living among a neighborhood community, which, as I understand it, is one of their rehab goals.
- 7. Personal safety is a concern because it is adjacent to state forest, with hunting and trapping season 8 months of the year. This means there are men in the woods with firearms and/or archery weapons during the hunting seasons. While walking in those woods, residents often encounter hunters, hunting dogs, tree stands, traps and cameras. It is not at all unusual for residents to encounter hunters trespassing on our own properties. In fact, DNR officers have staged stake-outs on my property in an effort to apprehend poachers, who shoot at game from their vehicles on the road at night, towards homes. We have found stray arrows and shell casings on our property.

- 8. Another safety issue in this area is flooding. Kerr Creek floods over the road and onto our properties during wet weather. 7505 is traversed by Stephens Creek (near to the east side of the house), another flood-prone waterway. There are times when residents cannot get home from town, and cannot leave home in an emergency.
- 9. Power outages are common here. Power is provided to us by SCI REMC in Martinsville. We are located near the end of their line. When there are many trees down on the lines between Martinsville and our homes, it can and does take hours before our power is restored.

In summary, this is a poor location for a group home for the mentally ill due to: it's isolation, adverse natural conditions, several safety issues for the clients, the detrimental effect to property values in the area, and questions about the use of Monroe County grant funds.

Thank you for considering these concerns.

Yours truly,

Terri Gould

7165 E. Kerr Creek Road Bloomington, IN 47408 February 15, 2023

Jerry Mandell and Elizabeth W Mandell 7405 E Kerr Creek Rd Bloomington, IN 47408

Monroe County Board of Zoning Appeals c/o Jackie Jelen Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

We are writing to you to oppose VAR-23-5. We do not oppose the worthwhile mission of Sojourn House, their team, or their volunteers, but instead oppose their choice of 7505 Kerr Creek Road as the location of their human trafficking rescue center.

We find it puzzling that the Variance Request Letter that we finally received on February 2, 2023 begins with these words:

"Date: January 27, 2023

To: Current Resident

This is to advise you that <u>HUSTON</u>, <u>JEFF & KRISTI</u> is requesting 1

Use Variance, including:"

The return address was from Stinesville but the name Sojourn House is not found in this request despite the fact they are the owners of the property. The date, January 27, 2023, is one month and five days after the closing on the sale of this property by the Hustons to Sojourn House.

Their Facebook page had this posting on December 22, 2022: Sojourn House Women

December 22, 2022 · We did it! YOU did it! Sojourn House is housed!

They had just closed on December 22, 2022 and had not requested a use variance.

We are next door neighbors to the Sojourn House property, hereafter referred to as "7505".

We share a 475' common border with them. We bought our home and nearly four acres of land 43 years ago when Kerr Creek Road was a quiet gravel road in an idyllic setting - quiet, low population density, rural single family homes, low traffic, and abundant wildlife. The private residence home at 7505 was not built until about twelve years later. We are concerned about many issues including increased vehicle traffic on the road.

OUTREACH

On December 19, 2022 I called Jeff Huston to learn what was happening with the sale of their home. He told me about the imminent closing about to occur on December 22. I expressed my objections to the sale of the Huston home to Sojourn House group. He said he would put me in touch with the director of the ministry to discuss my concerns. She called the next day and explained their general plan to help women rescued from trafficking. She said no variance was required for them to open their facility.

The Sojourn House managers never reached out to the homeowners on this road. This surprises us especially because the land use changes radically from a single family home to a commercial group rescue center. They must have read the literature for people in their own field about the need to reach out the the neighbors and how important it is to have the suppoort of the local community. Are we to think they have been hiding behind the Indiana State IC 12-28-4-7 Zoning ordinance? Expecting to set up shop without having to comply with any local ordinances?

PROPERTY VALUES

Proximity to certain facilities and businesses can lower property values. Being close to a homeless shelter or even a hospital will lower the value of nearby properties. In this situation, values for surrounding properties are expected to drop due to the change in property use at 7505 from AG/RR single family home to a commercial Group Home rescue center. There will probably be fewer prospective home buyers interested in living next door to a commercial rescue center than living next door to a private home.

FLOODING

Over the years we have experienced numerous flooding events. During flood events, travel along certain sections of the road becomes dangerous with flood water rushing from the creek over its banks and onto the pavement or rain water from hills crossing the road. During these flood events we have seen the driveway at 7505 sit under water for a few days.

During one flooding event, in the 1990's, Stephens Creek rose way over its banks and surged across the Stephens Creek bridge that lies 270' east of the driveway at 7505. The water was so high that debris was left to dry on the bridge railings. During that storm, large portions of the fencing owned by the Conard family was washed away along Kerr Creek Road east and west of the bridge. The yard at 7505 was flooded.

Frank Alogna, who built the house at 7505 around 1992, told us that the flood waters from Stephens Creek rose within six feet from his basement door.

THE SOJOURN HOUSE PLAN

We sense that there are many shortcomings and unresolved questions in the details of Sojourn Houses's plan. They have not taken into account the conditions of living on this road. There is little public infrastructure available for the women to use. No regular bus service, no shopping, no restaurants, no phamacies, no grocery stores, no

library or other services. The women (up to eight) will need transportation to go anywhere. This statement is from their website on February 16, 2023:

A beautiful home for up to 8 women at a time will offer:

- spacious bedrooms
- large outdoor setting
- an inviting kitchen and living room
- education and therapeutic spaces.

Earler they said there would be three or four women. Now they are planning for eight women at 7505. We have heard that there is a requirement for each woman to supply her own vehicle. We were told that they will have three staff members woring there most of the day. How many vehicles will be required to support all the women and staff?

There are many limitations to overcome in their choice of 7505 as a home base. Other locations around the Bloomington area would be more suitable for a group recovery home. On the west side, Ivy Tech Community College is one of the most helpful resources for education. They also offer counceling and job placement services for students. There are bus services there. However, like most other resources, Ivy Tech is far from 7505.

The 7505 location may help with healing but for a group recovery home it is poorly located if Sojourn House also wants to help people with education, job training, employment, and reengaging with society.

We do not know what to expect from a group that has changed their story several times, acted in a calculating way and appears to have found an expedient solution for a business venture.

If VAR-23-5 is approved, it should not be allowed to transfer to the next owner. This is one of our concerns. Please consider the damage the presense of this group will do to our lives.

HUMAN TRAFFICKING

The women are witnesses to traffickers and abusers. Are we really safe from retaliation by abusers of the women who will be living at 7505? Are we safe from stalkers who come to our neighborhood looking for trafficked women?

Sincerely,

Jerome Mandell

Elizabeth W Mandell

Jerone Mandell Elizabeth (4) Wandelle Monroe County Board of Zoning Appeals c/o Jackie Jelen

Re: Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

February 20,2023

Members of the Board of Zoning Appeals:

Sojourn House's stated intent to provide services to women in need is commendable. There are many places in Monroe County where the project they envision can be pursued consistent with the County's Zoning Ordinance.

However, Sojourn House should not be granted the variance it seeks for its property at 7505 Kerr Creek Road, because the Board of Zoning Appeals cannot properly make all five of the Chapter 812-5 findings required as a predicate to approval.

First, nearby residents reasonably believe that the new use will have a substantially negative affect on both their use and enjoyment of and the value of their properties. This has been communicated to the Board of Zoning Appeals in several letters from property owner in the area adjacent to 7505 Kerr Creek. Sojourn House, on the other hand, has not shown that its proposed use will be positive or have no effect on the use and value of the properties in the area adjacent to the affected property.

Second, Sojourn House has not shown and cannot show that the need for the variance arises from some "condition peculiar" to the property. The property has no unusual features; indeed, it is arguably poorly located logistically for the proposed use. And an argument that Sojourn owns this property but not others may be answered several ways: (1) an applicant for a zoning variance cannot bootstrap its way into "condition peculiar" compliance by purchasing an ordinary property and then claiming that the peculiar condition is that they bought the property to devote to a non-conforming use; and (2) the property has, over many years, been used as a single family residence and is indisputably well-suited to that use; and (3) Sojourn House can recover its investment by selling the property and using the sale proceeds for its purposes.

Third, the application of the terms of the Zoning Ordinance for our neighborhood will not constitute an unnecessary hardship if applied to the property. On the contrary, enforcing the Ordinance will provide the area with the stability and predictability intended by a zoning ordinance, will maintain the uses many property owners want and expected when they purchased

property in the area. Application of the restrictions associated with the zoning will not in any way leave Sojourn with no economic use for the property nor prevent Sojourn House from finding a suitable site for their project. Indeed, before they purchased this property, they had apparently expected to invest in adapting a Stinesville site for their purposes.

Fourth, granting the variance has environmental implications. The site is quite close to Lake Monroe. The septic system that served a family is unlikely to be suitable for daily needs of "up to eight" live-in clients (the staff assessment of the application says four clients, but the Sojourn application says "four" up to "eight" clients) one paid staff person and several volunteers.

These specific legal considerations demand that the application be denied. But in addition, it seems clear that Sojourn House's planning and preparation for the project is insufficient. As best as can be understood from their application, there will be no trained security personnel at the site. Given the population they intend to serve, that is a serious concern, and the concern is magnified because—again, as it appears, Sojourn House does not plan to have any paid staff at all the property overnight. Second, contrary to the best practices recommended in the state Division of Mental Health "how to" manual for recovery residences, Sojourn House has shown indifference to "building strong relationships" with neighbors and made no effort to identify and address concerns. Their position initially seems to have been that neither neighbors nor Monroe County have any cognizable stake in what happens at the site; they claimed, incorrectly, that state law overrides local zoning in this matter.

Further, one would expect the planning of a residence recovery facility to begin with a careful identification of the need to be served. While Sojourn's application cites several sources it says will guide them in identifying clients, their public face has emphasized a legally ambiguous target population of "trafficked" individuals, while for purposes of the application the emphasis is on addicted or recovering individuals. The needs and risks associated with those groups overlap but are not coincident; the differences are important for neighbors who understandably want to be assured that the risks are well-mitigated with Sojourn procedures.

If Middle Way House and other existing facilities cannot fully serve the population in need, the residents of this area would undoubtedly support the development of such options. But any such new facilities ought to be located where the zoning contemplates such a use.

Sincerely,

W. William Weeks 6573 E. Kerr Creek Road Monroe County Board of Zoning Appeals c/o Jackie Jelen

Sojourn House - 7505 E. Kerr Creek Road. - Use Variance for Group Home Class II

Feb. 22, 2023 Previously not in staff packet - distributed 3/1/2023 BZA meeting)

Members of the Board of Zoning Appeals;

This letter is sent in opposition to the granting of a zoning variance for the AG/RR Zoned residence at 7505 E. Kerr Creek Road, Bloomington In 47408. My home and property is located as 6573 E. Kerr Creek Road, west of the Sojourn property.

Good Zoning Makes Good Neighbors

The Monroe Zoning Ordinance 800-2 Purpose states that the zoning regulations are adopted in order to "protect the character and stability of residential areas". We are now facing a change in what was an understanding between many Benton Township land owners and Monroe County. Residents in this neighborhood planned on, committed to and made financial and community investments in their property based on the Zoning regulations. The AG/RR is for agriculturally oriented property and single-family residences. The Sojourn request seeks an exception to the long upheld single-family resident commitments. Their intent appears to be to establish a two year cycling Residential Recovery Home for 8 women who have been "exploited and trafficked". Such a facility would be appropriately placed in a zoned area already approved by the Monroe Zoning Code that allows for Class II Group Homes.

Property Values

Sojourn House, rather than open its doors in the allowed zoning areas of Monroe County has elected to attempt to push for a non-conforming use in a AG/RR residential area on Kerr Creek Road, a move that will affect existing neighborhood property values. No one should dispute concern from neighbors that property values will decline when a "Recovery Residences" moves in next door or near by.

Security

Sojourn has given neighbors absolutely no information or assurances as to how they will address the safety and security of their own clients, or that of the neighborhood. Their variance request states that there will be daytime staff but no staff or security agency after 5:00 PM. The website broadcast the home as one for "Trafficked Women" which makes the women's location a target for exploitation opportunities, especially in the evening and night. This potential activity also places neighbors at risk.

Good Neighbor Policy

Sojourn has declined to be a good neighbor. The Indiana Family & Social Services Administration's "Recovery Residence: How to Manual" starts out with a "Good Neighbor Policy". The Sojourn Board has made no effort to reach out to the neighbors, seemingly secure in their incorrect assertion that the Indiana State Statue IC 12-28-4-7 supports unapologetic encroachment into this AG/RR zone. The "Good Neighbor

policy's" intent - to prevent and manage problems that arise - starts with "Building relationships with the neighbors" and incudes "Provide the neighbors with your contact information". We neighbors have not benefited from any communications from Sojourn and when we obtained a number from other sources to call, we were told by the Sojourn's Board Director *not* to call them.

Sojourn's website paints an idyllic picture and I concur that trafficked women need help but the placement of the residence in a very rural, single - family environment, with no public transportation, no places of employment, no grocery or drug stores, no entertainment centers, no restaurants and no medical facilities does not align with the programs described on the Sojourn's website. The women of Sojourn House will be cut off from Monroe County's "healing" community living far from a more densely developed, and suitable urban area.

The Board of Zoning Appeals should not approve Sojourn's application for variance.

Sincerely,

Mary Weeks Kerr Creek Road

WRITTEN COMMITMENTS

Commitments concerning the use or development of real estate made in connection with the approval of the zoning variance of Sojourn House, Inc. at 7505 E. Kerr Creek Road, Bloomington, Indiana

In accordance with I.C. 36-7-4-1015 and Monroe County Code 800-10, Sojourn House, Inc. as the owner of the real estate 7505 E. Kerr Creek Road, Bloomington ("Property") located in Monroe County, Indiana, which is described in "Exhibit A" attached hereto and made a part hereof, makes the following written commitments ("Commitments") concerning the use and development of the Property:

hereof, makes the following written commitments ("Commitments") concerning the use and development of the Property:
A. <u>Description of Property</u> : See "Exhibit A."
B. <u>Statement of Commitments</u> : Sojourn House, Inc. is the owner of the Property, as granted in that certain Warranty Deed recorded in the office of the Recorder of Monroe County, Indiana, as Instrument No Sojourn House, Inc. hereby commits to use of the Property as a residence for not more than eight (8) unrelated individuals for as long as it owns the Property. Sojourn House, Inc. will record these Commitments in the office of the Monroe County Recorder.
C. <u>Enforcement of Commitments</u> . These commitments may be enforced under the provisions of Chapter 817 of the Monroe County Zoning Ordinance and Indiana Code 36-7-4-1015. If an action to enforce a commitment is successful, the respondent shall bear the costs of the action. A change of venue from the county may not be granted in such an action The Developer acknowledges and agrees that County may revoke its approval of Case Number REZ-22-5 and Ordinance Number 2022-26 based on violations of these Commitments, after notice and a reasonable period to cure the same.
D. <u>Recording</u> . Within fourteen days of the effective date, Sojourn House, Inc. shall record these Commitments, and upon failure to do so the Director of the Monroe County Planning Department is authorized to record these Commitments, in the Office of the Recorder of Monroe County, Indiana at the expense of Owner. A copy of the recorded Commitment bearing the recording stamp of the Recorder of Monroe County, Indiana shall be submitted to the Monroe County Planning Department within thirty (30) days of approval of the variance.
E. <u>Voluntary action</u> . Sojourn House, Inc. makes these Commitments of its own free will and acknowledges that it, by its directors, has read and fully understand the Commitments.
F. <u>Approval Conditions</u> . Sojourn House, Inc. acknowledges that the final approval of the Variance is conditioned upon the making and recording of these Commitments.
G. <u>Binding on successors and assigns</u> . These Commitments shall be binding on Sojourr House, Inc. for so long as it shall own the Property.
H. <u>Effective date</u> . These Commitments shall be effective upon the final approval of Case Number by the Monroe County Board of Zoning Appeals. These commitments may be modified or terminated only by a decision of the County Commissioners, acting in accordance

IN WITNESS WHEREOF, 2023.	Sonya Leigh has executed this instrument this day of
	Sojourn House, Inc.
	Carissa Muncie
	By: Carissa Muncie Its: President
STATE OF INDIANA)	
) SS: COUNTY OF MONROE)	
Muncie who acknowledged the ex	ecution of the foregoing instrument and who, being first duly
Muncie, who acknowledged the ex sworn, stated that any representation Seal this day of Auril Brenda K Hutton Notary Public, State of Indiana Monroe County My Commission Expires August 25, 2027	Printed Name of Notary Public: BRENDA K. HUTION My Commission Expires: August 25, 2027 My County of Residence: My Notarian 25, 2027
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EXHIBIT 11



Monroe County, IN

Apr 11, 2023

USE-22-68

Director Review

Use Determination

Status: Complete

Assignee: Jackie Nester Jelen

Became Active: Dec 2, 2022

Completed: Feb 23, 2023

Applicant

Carissa Muncie team@sojournhousewomen.org 7973 W Main St PO BOX 227 Stinesville, Indiana 47464 8122303817

Primary Location

7505 E Kerr Creek RD Bloomington, 47408-9347 IN

Owner:

HUSTON, JEFF & KRISTI 7505 E KERR CREEK RD BLOOMINGTON, IN 47408-9347

Comments

Jackie Nester Jelen, Dec 14, 2022

Hi Carissa-

Thank you for submitting this use determination application for the property at 7505 E Kerr Creek Road. This will be helpful in documenting the location of this group home in order to review future group homes that must be located more than 3000 ft from one another.

Due to the following state statute interpretation, staff does not feel a use determination is necessarily required since the statute allows for a group home to be located outright in any zone that allows for residential uses. The property is in the Agriculture/Rural Reserve (AG/RR) zone and the Environmental Constraints Overlay Area 3 and does allow for residential uses under Chapter 802 of the Monroe County Zoning Ordinance. We note there is an existing home on the lot and will be utilized for the use. Any new development would require compliance with the Zoning Ordinance. Note that this home is proximate to the DNR Zone A Floodplain and may limit future development. I will include a map of the floodplain and the related property in the attachments so you are aware, as it also impacts the driveway location.

The language in the Indiana State Code applies for this use:

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"IC 12-28-4-7 Zoning ordinances; residential facilities for individuals with a mental illness Sec. 7. (a)A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws." "IC 12-28-4-8 Zoning ordinances; residential facilities for individuals with a developmental disability:

- (1) for not more than eight (8) individuals with a developmental disability; and
- (2) established under a program authorized by IC 12-11-1.1-1(e)(1) or IC 12-11-1.1-1(e)(2); is a permitted residential use that may not be disallowed by any zoning ordinance (as defined in IC 36-7-1-22) in a zoning district or classification that permits residential use.
- (b) A zoning ordinance may only require a residential facility described in subsection (a) to meet the same:
- (1) zoning requirements;
- (2) developmental standards; and
- (3) building codes;
- as other residential structures or improvements in the same residential zoning district or classification.

"IC 12-28-4-3 Staffing; daily living, self-help, and social skills needs of recipients; Medicaid; federal financial participation Sec. 3. Residential facilities for individuals with a developmental disability must have sufficient qualified training and habilitation support staff so that the residential facility, regardless of organization or design, has appropriately qualified and adequately trained staff (not necessarily qualified intellectual disability professionals (as defined in 42 CFR 483.430)) to conduct the activities of daily living, self-help, and social skills that are minimally required based on each recipient's needs and, if appropriate, for federal financial participation under the Medicaid program."

The next step is to check with the Building Department (812-349-2580) whether any permits are required for the use. It appears this property has direct access to Kerr Creek, however it is close to another property owned by the Mandell's and may warrant further investigation. Lastly, if you plan on having any type of signage at this property, please let us know.

Let us know if you have any further questions.

Sincerely, Jackie and Tammy

Carissa Muncie, Dec 14, 2022

Thank you both! Happy to have it documented for county records in keeping the 3000 ft in mind. I'll follow up with the Building Dept. Have a great day! Sincerely, Carissa

Jackie Nester Jelen, Jan 4, 2023

Hello Carissa -

Thanks for reaching out to @Tammy Behrman in regards to recent contact with neighbors. Tammy and I have reached out to our Legal counsel on this subject and they suggested that we get a bit more information from you regarding the clients that you serve/plans for the property.

Can you answer the following questions:

- 1. To confirm, you will not have more than 8 women receiving care in the home at any given time, correct?
- 2. Are you planning on doing any type of remodel to the home, such as an increase in the number of bedrooms?
- 3. Do you have a screening process or a way that women qualify to live in the Sojourn House? Specifically, is there any kind of medical record that determines that the women you serve have a mental illness as defined by the State of Indiana:

"Sec. 130. "Mental illness" means the following:

- (2) For purposes of IC 12-28-4 and IC 12-28-5, a psychiatric disorder that:
- (A) substantially disturbs an individual's thinking, feeling, or behavior; and
- (B) impairs the individual's ability to function.

The term does not include developmental disability."

Question number 3 above is particularly important in consideration of the qualification by the state code, which is why we are required to ask. When answering, if you have a typical protocol or screening process that is consistent across all clients, that would be most helpful.

We have also been asked by a neighbor as to which agencies oversee your organization and its services. If you could provide us with that information, we will communicate that back to them.

Thank you, Jackie

Carissa Muncie, Jan 4, 2023

Hello! Thanks for following up. Here are the answers to these questions: 1.) No. There will never be more than 8 women receiving care at any given time. 2.) We will not be doing any remodeling to the home. Nothing will be added, such as bedrooms or bathrooms that would change the footprint of the house or require a permit. 3.) Yes. We use an interview process and a screen that is specific to human trafficking experiences. In addition, we will use a series of established screens universally recognized by mental health clinicians: PHQ9 Assessment baseline GAD7 Baseline assessment ACE Screening Form Mental Health/suicide assessment Each woman admitted into the residential program (this home) must: 1. qualify under one of the above assessments 2. be under the care of a mental health practitioner/clinician Agencies overseeing the organization: - IDOH requires oversight we report on monthly - Thistle Farms National Network - We will complete the certification process with DMHA (DMHA requires 60 days of operation prior to cert. process) Let me know if there is anything else I can provide. Sincerely, Carissa

Jackie Nester Jelen, Jan 5, 2023

Thank you Carissa, for the helpful information. Can you also list the names of the licenses you

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obtain from the state?

I am looking at the IDOH website and was unsure which division you would report to monthly - if you have that information, that would be helpful.

Thank you, Jackie

Carissa Muncie, Jan 5, 2023

Hi Jackie! Sure. The license we will obtain from DMHA is the Recovery Residence Certification. Our IDOH reporting goes through Division of Health Innovation Partnerships & Programs (HIPP)--Health Issues and Challenges.

Jackie Nester Jelen, Jan 13, 2023

Hello Carissa -

I have uploaded a document titled USE-22-68 Sojourn House.

If you want to call and discuss this letter, I would be happy to do so. My number is 812-349-2560, and I am available until 4 pm today.

Thank you, Jackie

Jackie Nester Jelen, Jan 19, 2023

Hi Carissa -

Thank you for coming in today. I wanted to let you know we received another inquiry from a neighbor asking what level of recovery residence that you will be applying for -

https://narronline.org/wp-content/uploads/2016/12/NARR_levels_summary.pdf (https://narronline.org/wp-content/uploads/2016/12/NARR_levels_summary.pdf)

Thanks!

Jackie Nester Jelen, Jan 19, 2023

FYI, we also received something from a neighbor regarding possible "asks" they may have as neighbors:

- 1. Limit number of people receiving care to 3 people (same as # of unrelated individuals allowed as a "family" in a single family residence) unlike IC 12-28-4-8 (group home for individuals with developmental disability), IC 12-28-4-7 (group home for individuals with mental illness) does not stipulate a stated number of group home residents.
- 2. Limit number of vehicles involved in operation of the business to 3 vehicles (per what Sojourn told the MC Plan Dept.)

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- 3. Prohibit outside burning (i.e. recreation bonfires, fire pits/rings, trash or brush)
- 4. Require any additional outside lighting to be downward facing (preserving Kerr Creek dark skies such as they are)
- 5. Limit duration of conditional use to Sojourn's ownership and operation of the property

We had discussed the option for you to put together a written commitment of sort if there are some items that neighbors ask for that you may want to agree to as part of the use variance. I can upload an example of a written commitment in the attachments for your review.

Carissa Muncie, Jan 19, 2023

Thanks, Jackie! The level of Recovery Residence certification will be Level III- Supervised. I'll talk over the suggested "asks" with the other board members. Thanks! Carissa

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EXHIBIT 12: Letters of Remonstrance for Amended Petition

Monroe County Board of Zoning Appeals c/o Tammy Behrman
Planning Department

Re: VAR-23-5 – Sojourn House 7505 E. Kerr Creek Rd Second Use Variance For Group Home Class II

Dear Members of the Board of Zoning Appeals,

I am opposed to the Sojourn House second variance request. I have lived on E Kerr Creek Road since 1980.

It does not make sense to rush into changing the zoning laws in order to favor one situation without taking into consideration the long term effects on other communities. This would set a precedent of breaking zoning laws and allowing businesses to move onto small roads with single family homes, often neighborhoods with children and pets. I believe rushing into a change like this denies the planning board the possibility of taking the time to consider the effects of their actions. This is a country road.

Carissa Muncie of Sojourn House has shown hostility and aggression towards us as a small group some of whom understand the law. When Sojourn House lost it's first variance because it was not legal to have a group home here (it still isn't legal), she publically lied and blamed the loss on the neighbors using radio and newspaper interviews. We tried to begin conversations with her but she did not want to talk.

Will there be a board of health permit? Will the septic system be upgraded? This area is in the flood plain and drains directly into Lake Monroe. There is no infrastructure here to buffer the difficulty of what Carissa Muncie is trying to do. Because of the mistakes she made in buying this property without verifying whether it could be used as a group home and the few things we have learned of her plans I don't believe that Carissa Muncie has much experience with what she is so set on manifesting. The county should not have to change its laws for her.

Sojourn House will not suffer financial ruin if they sell the house they are in. It is worth a lot of money. They have been financed by fund raisers held at their church and I understand they have a large amount of money that they got from the county when they were planning to fix-up the Stinesville School.

Carissa continues to fix up the house and host fund raisers at the church. It suggests that she is totally confident that she will be successful in the end. I support the intention to help people who need help to recover from great difficulty. But I do not believe this is a legal, safe and appropriate place to set up a Sojourn House.

Betsy Wadsworth Mandell

April 25, 2023

Monroe County Board of Zoning Appeals c/o Tammy Behrman Planning Department

Dear Members of the Board of Zoning Appeals,

I have lived on East Kerr Creek Road for 43 years. I am recommending that the BZA deny approval of the Clendening Johnson & Bohrer (CJB) Amended Application for Variance dated April 5, 2023 for Sojourn House, Inc. (Sojourn).

CJB's arguments have not satisfied all five criteria for approving the amended variance. For example, in spite of their claims, denying the amended variance would not violate the Fair Housing Act of 1988 (FHA) or the Americans with Disabilities Act of 1990 (ADA).

Regarding the FHA, Carissa Muncie was not denied the purchase of 7505 E Kerr Creek Rd because of race, color, religion, sex, familial status, or national origin. She was not discriminated against in the sale or rental of a dwelling because of a handicap. By her own definition, she is not renting to her clients. Sojourn House is not standard rental housing. It is a Rehabilitation Therapy Facility or Group Home, Class II.

Sojourn House is either a Rehabilitation Therapy Facility or a Group Home, Class II by definition in the Monroe County Zoning Ordinance.

Rehabilitation Therapy Facility

A place used to assist humans to achieve or to restore good health or useful life through therapy, treatment and education.

Group Home, Class II.

A facility providing 24-hour care in a protected living arrangement for not more than fifteen (15) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential

rehabilitation for alcohol and chemical dependence for 15 or fewer individuals.

Currently, neither classification is allowed to operate within the Ag/RR zones.

Regarding definitions used in the ADA, Sojourn is NOT:

- A public entity. It is private facility with no public services.
- An employer of trafficked women
- An employer of mentally ill women.
- A subsidiary of Monroe County.
- A state or local government.

The ADA does not cover strictly residential private apartments and homes. If, however, a place of public accommodation, such as a doctor's office or day care center, is located in a private residence, the portions of the residence used for that purpose are subject to the ADA's requirements. Again, requiring public services being rendered.

Monroe County residence are all subject to the rules and conditions within the current Monroe County Comprehensive Zoning Ordinance. There is an important statement in Chapter 800, Section 800-6. Interpretation, Conflict and Separability.

Here is what 800-6 (B) says (the underlines are mine):

(B) These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law. Where the conditions imposed by, or pursuant to, these regulations are different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, statute or other provision of law, the provisions which are more restrictive and which impose the higher/greater standards shall control.

Sojourn House is asking for a variance so they can lawfully operate a Group Home Class II in a part of the county that does not allow that type of property use. And does not allow it even conditionally!

Excluding Group Homes Class II from the Ag/RR rural areas of the county is the <u>more restrictive option</u> by definition and therefore takes precedence over State statutes.

CJB has made numerous claims that even if true do not require the BZA to approve the amended variance.

Here's a typical example of one such argument put forth in the CJB amended variance:

"If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization."

This is a bizarre claim and not a valid reason for approving this variance because even after she discovered the zoning use limitation Carissa Muncie has continued to put resources into 7505, showing intentionality. Sojourn House, Inc. has its entire investments secured because it still owns the house and property. The self inflicted nature of this kind of "hardship" is not a reason to approve the variance.

There are other examples in their letter where they disregard the impact Sojourn will have on our neighborhood, the stress they have caused a number of neighbors, the risks to our quality of life and property values. They make the absurd statement that because an uninformed individual passing by Sojourn House would not know it is a Group Home, Class II, then therefore the homeowners living on the road should not consider it different from a regular home. CJB may be representing Sojourn but they do not live here.

So in closing, I am recommending that the BZA deny approval of the Amended Application for Variance dated April 5, 2023 for Sojourn House, Inc.

Thank you for your consideration.

Jerry Mandell

Monroe County Board of Zoning Appeals c/o Tammy Behrman Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404

Re: VAR-23-5 – Sojourn House – 7505 E. Kerr Creek Rd. – Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals

I am writing to oppose the applicant's second effort to obtain a variance to permit a Group Home Class II use of 7505 Kerr Creek Road. As the Monroe County Zoning code states on its website, Kerr Creek Road is zoned as single–family AG/RR. I am aware that there is a motion to update the zoning code, but those possible changes should be presented, robustly discussed, and debated with Monroe's general citizenry and not enacted quietly ahead of the final zoning code product.

There has been much said about the Indiana State Code IC 12-28-4-7:

Sec. 7. (a) A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area **solely** because the residential facility is a business or because the individuals residing in the residential facility are not related. **The residential facility may be required to meet all other zoning requirements, ordinances, and laws.**

The word "solely" surely was included to help ensure the best possible zoning decisions for all concerned. An example of a condition that might require denial is the septic capabilities of the previously single-family residence now being considered for a Group Home Class II site.

There has been much discussion as to the 7505 septic capabilities. It has been mentioned that the 7505 house was built in1991 with a three bedroom on-site septic permit - although clearly there is a fourth bedroom now. The septic permit for the home could not be found when requested from the Health Department.

When one researches Indiana On-Site Sewage System Codes and compares the Residential to Commercial categories listed, it is clear that the increased demands (design daily flow) on the septic system should be considered for the home at 7505 Kerr Creek.

Sojourn House did not address issues about the adequacy of the septic system at 7505 Kerr Creek (only stating that the home has 4 bedrooms) to its initial

application for a variance. And it has not addressed this in its amended application. When one looks at the Indiana State On-Site Sewage Codes, there is a difference between a Residential and Commercial septic systems. See:

RESIDENTIAL ON-SITE SEWAGE SYSTEMS RULE 410 IAC 6-8.3 https://www.in.gov/health/files/410_IAC_6-8_3.pdf

COMMERCIAL ON-SITE SEWAGE SYSTEMS RULE 410 IAC 6-10.1 https://www.in.gov/health/files/410 IAC 6-10-1.pdf

"Commercial" is broadly defined, and includes schools, campgrounds and health facilities, etc. Sojourn's proposed use may require a commercial grade septic system or an upgraded residential system.

If Sojourn's variance is approved, the septic system will have to accommodate the 8 residents, 3 fulltime staff, additional volunteers requested to help with the smooth running of the facility and the many visitors the 8 residents will want to entertain.

The capacity of the septic is an issue for the health department, of course. But it is also a zoning issue because the Monroe Zoning Code establishes a Lake Monroe Watershed Overlay to protect the source of drinking water that serves most of Monroe County. Kerr Creek Road is in the overlay district.

Sojourn's application should not be approved until the septic system is inspected and certified adequate for the proper treatment of the larger design daily flow (DDF) that Sojourn's residency home use will demand.

Thank you for your consideration of this important environmental issue.

Mary Weeks Kerr Creek Road Bloomington, IN

PETER GOULD

April 25, 2023

Monroe County Board of Zoning Appeals c/o Tammy Behrman Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

I reside at 7165 E. Kerr Creek Road - the second property to the west of 7505 E. Kerr Creek Road (hereinafter referred to as "7505"). I am writing to oppose the the applicant's **second attempt** before you to obtain a variance to permit a Group Home Class II use of 7505. Please note that my opposition is not about the applicant's mission or their program, it is about **the land use** of 7505 as a Group Home Class II.

The facts and substance of the amended application are unchanged from the original application that you denied at the March 1, 2023 meeting. If the applicant disagreed with the result, they should have sought Judicial Review within the 30 day time frame (3/31/2023 deadline) - the process spelled out in Chapter 821-18 of the zoning ordinance. The "cosmetics" in the new application are that the petitioner has "lawyered-up", and the tone of the application has changed to demanding approval of the variance and threatening a lawsuit if the variance isn't approved. As the underlying facts have not changed, the request for a BZA rehearing (rather than a Judicial Review) is an abuse of the established process.

This variance application is the direct result of the applicant's decision to purchase the subject property **before** receiving a Use Determination from the Planning Department. Like many cases that come before the BZA, you are being asked to remedy a problem that's the direct result of an applicant's failure to exercise proper due diligence before purchasing a property.

Planning staff has provided the following event timeline:

- 1. Sojourn communicated with planning on 9/21/2022 about the use of another property in the county for a group home, so they were aware of zoning rules.
- 2. Sojourn requested a Use Determination for 7505 from the Monroe County Planning Department on 12/2/2022.
- 3. Sojourn purchased 7505 on 12/22/2022, before receiving the Use Determination.

4. Sojourn received the Use Determination for 7505 on 1/13/2023, noting that a Use Variance would be required for operating a Group Home Class II at 7505.

The amended application letter contained numerous misstatements, as follow:

- Applicant's statement: "Planning issued a letter confirming that use of the property as a women's shelter for residential purposes was permitted, without need to request any variance or other permit from this Board."
- Actual fact: Applicant requested a Use Determination on 12/2/2022. Before issuing the official Use Determination, planning staff emailed applicant on 12/14/2022 and stated "Due to the following state statute interpretation, staff does not feel a use determination is necessarily required since the statute allows for a group home to be located outright in any zone." This was an informal communication to the applicant before the planning staff had gathered information or issued the Use Determination.
- <u>Applicant's statement</u>: "The neighbors' complaints were illegitimate, lacking in factual basis, and discriminatory in nature based on the sex and disabilities of the individuals proposed to be housed at the Property."
- Actual fact: The neighbors' objections to the variance were appropriate and relevant to the standards listed under Code 812-5 for variance approval.
- <u>Applicant's statement</u>: "The County has further acknowledged that Sojourn House relied to its detriment on the County's representation that the use was permitted because it was protected by state statute."
- Actual fact: The "letter" issued, was an informal email sent before planning staff research on the applicant's request for a Use Determination was completed. The email was not an official Use Determination. The applicant chose to proceed with the purchase of the property before receiving the official Use Determination. While the applicant may argue that the informal miscommunication received from the planning staff caused a hardship, applicant's decision to proceed with the purchase before receiving the Use Determination did not deprive them of all reasonable economic use of the parcel.
- <u>Applicant's statement</u>: "The opponents of Sojourn House expressed concern that the proposed use would "insert a business" into the area. While technically true, the fact is that the "business" is residential in nature, and the use of the Property will be consistent with a typical family unit."
- Actual fact: The proposed Group Home Class II is, in fact, a business a residential treatment center for the mentally ill. The rotating population of occupants and the additional traffic resulting from 8 residents, plus numerous paid staff and volunteers will not be consistent with the typical single-family residences in the neighborhood.

- Applicant's statement: "The Monroe County Zoning Code does not define such a use [Residential Facility for Individuals with a Mental Illness], and as such cannot prohibit it in this location."
- Actual fact: Code Section 805-2(A) states "The chart and conditions, which may be generally referred to as the "County Land Use Schedule," identify the types of land uses that are permitted within the County Jurisdictional Area." Accordingly, a use that isn't listed in the table is not permitted.
- Applicant's statement: "If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization."
- Actual fact: If the variance is denied, the property can be resold, probably at a profit. It was the applicant's decision to purchase the property before receiving the Use Determination.
- Applicant's statement: "A large portion of the neighbors' concerns have been that there will now be a "business" located nearby, which will ultimately devalue the property. Not only would this "business" not devalue the Property, but the fact of its existence as a business cannot be a basis for the board's determination. Specifically, the statute states that the ordinance may not exclude a residential facility "because the residential facility is a business.""
- Actual fact: Indiana Code Section 12-28-4-7(a) states "A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area **solely because** the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws." This means that the proposed use (which is, in fact, a business) and number of unrelated individuals **can't be the only factors** in determining whether the use should be permitted it means that the business use and number of unrelated individuals **may be considered** in arriving at a decision.
- <u>Applicant's statement</u>: "the County pushed Sojourn House into a category within its local code that required additional steps to be taken, and approvals to be made that would not otherwise have been required."
- Actual fact: The applicant requested a Use Determination from the planning department. The applicant provided information about the proposed use of the property and based upon that information, the planning department issued a Use Determination. The County did not push the applicant into a category. The 1/27/2023 (original) variance application letter (written by the applicant, not the County) specifically requested use of the property as a Group Home Class II.

Applicant's statement: "the Board is bound by local, state, and federal law to permit the variance for use of the Property as a Group Home II, as defined in the Monroe County Code."

<u>Actual fact</u>: The applicant's arguments are based on flawed interpretations of Federal, state and local laws and various court cases.

Local law: Group Home Class II is not a permitted use in the AG/RR zone. As a result, the applicant must obtain a variance for that use of the property. In order to secure a variance, the applicant must satisfy the 5 requirements in Chapter 812-5 of the ordinance.

State law: A zoning ordinance may not exclude a residential facility for individuals with a mental illness from a residential area **solely** because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws. This means that the fact proposed use (which is, in fact, a business) can't be the only factor in determining whether the use should be permitted - it means that the business use and number of unrelated individuals may be considered in arriving at a decision.

Federal law: The applicant argues that denial of the variance would violate the Fair Housing Act and the Americans with Disabilities Act. Under the Fair Housing Act "disabled individuals may not be prevented from buying or renting homes because of their disabilities." Under the ADA, "no qualified individual shall, by reason of the disability, be excluded from participation in or denied the benefit of services, programs, or activities of a public entity [including zoning]." The applicant has not been denied a variance because of the disability of its clients. The denial was based on the application of the standards for granting a variance to the facts of the case. Specifically, the record shows that the applicant failed to meet any of the standards, as well as noting the intensity of the proposed use as well as noting areas of the county where Group Home Class II is a permitted use.

For example, if a blind person (considered disabled under ADA & FHA rules) requested a variance to operate an asphalt general contracting business at 7505, it's likely that the request would be denied - not because the applicant was blind, but because the proposed use failed to satisfy the 5 standards of Chapter 812-5.

Court cases: The court cases cited by the applicant are impressive in their quantity, but all of them either are not-on-point and/or fail to support the demand for approval of this variance.

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Per Chapter 812-5 of our zoning ordinance, to approve a use variance, the Board must find that certain criteria are satisfied, as follows:

1. The approval will not be injurious to the public health, safety, and general welfare of the community.

Use of 7505 as a Group Home Class II will result in increased traffic on Kerr Creek Road. The majority of residents on Kerr Creek Road, as well as many residents on Gettys Creek Road use Kerr Creek Road for westbound travel to Bloomington, because it's faster than taking Gettys Creek Road south to SR 46 west to town. Despite Sojourn's statement that their staff will not be using Kerr Creek Road for westbound travel to town, that's just not realistic.

As the applicant has never operated a Group Home Class II, their statement that traffic will be "similar to that of a typical working family" is incorrect. The reality will be that In addition to staff members, volunteers and other service providers coming and going to 7505, there will be considerable additional traffic since the 8 residents of 7505 will need transportation to and from town for (among other things) education, training, shopping, medical services, social services and employment requiring many trips per day. The nearest convenience store is over 3 miles away and there is no regular public transportation available at this address.

Per Sojourn's residential program description, as well as their presentation at the 5/1/2022 Monroe County Council meeting, [a] Sojourn resident could expect to obtain "her own transportation" [vehicle] as part of the program. This will add even more traffic to Kerr Creek Road.

The Monroe County Sheriff's Department confirmed that there are normally 4 to 7 deputy's cars patrolling the entire county (depending on shift). The average response time for a 911 (Priority 1) call for law enforcement at 7505 is approximately 6 minutes. The Monroe Fire Protection District confirmed that the response time for fire or EMT is approximately 11 minutes. These response times could be affected if units are responding to other 911 calls already in progress.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.

Use of 7505 as a Group Home Class II would insert a business use into an area that has always been exclusively residential. In the applicant's letter, they concede the fact that a Group Home Class II is a business ("technically true"). While the applicant and planning staff argue that Group Home Class II would be "in line with a single family residence", this is not true. This use will negatively affect both the character and property values in the area.

3. The need for the variance arises from some condition peculiar to the property involved.

The applicant has failed to show that there is any peculiar condition to the property.

In their letter, they state "[...] the use of the Property was predicated on the County's use determination that the Property would be a Residential Facility for Individuals with a Mental Illness. The Monroe County Zoning Code does not define such a use, and as such cannot prohibit it in this location." Section 802-5 (A) of our zoning ordinance clearly states "The chart and conditions, which may be generally referred to as the "County Land Use Schedule," identify the types of land uses that are permitted within the County Jurisdictional Area." This means that if a use is not listed in the chart, it is NOT a permitted use.

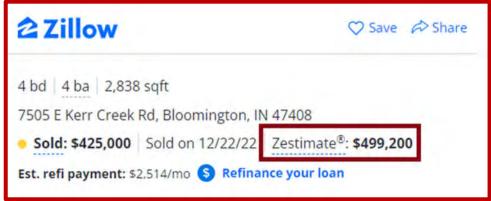
By the applicant's logic, since Gambling Casino, Outdoor Shooting Range and Hazardous Waste Dump are not listed in the chart, they cannot be prohibited.

4. 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.

Unnecessary hardship is further defined as 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.

The variance application letter incorrectly states "If the Board insists on strict application of the Zoning Code, Sojourn House will have effectively lost its entire investment in the Property, thereby working a substantial hardship on the non-profit organization". Sojourn decided to purchase 7505 before receiving the Use Determination and without securing the required Use Variance. Before Sojourns' purchase, 7505 had been used as a single family residence, in compliance with AG/RR permitted uses. At the time of Sojourn's purchase, 7505 was being marketed as a single family residence. If the variance is denied, 7505 could be used as a single family residence - a reasonable economic use of the parcel. For reference, a recent search on Zillow showed the following estimated price:



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It should also be noted that a Group Home Class II is a permitted use in zones UR, LB and GB in the county (without a Use Variance). At the 3/1/2023 BZA hearing, planning staff noted that 4.8% of property in the county falls into these permitted use zones. This does not include areas zoned PUD, where such a use might also be permitted not does it include Federal and state owned parcels. I have attached a spreadsheet extracted from the county GIS system that shows 582 parcels within the county zoned LB and GB.

- 5. 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

Per the Comprehensive Plan, 7505 is located in an area considered "Rural Development for areas lacking public infrastructure and services". The lack of public infrastructure and services reinforces why 7505 is not an appropriate location for a Group Home Class II.

The application letter makes numerous arguments and assertions, and cites various Federal, state and local laws as well as numerous court casts. To assist in evaluating these arguments and assertions, I've summarized them in the attached table.

Thank you for your consideration. Please deny this variance application <u>again</u> - nothing has changed since your 3/1/2023 denial decision.

Sincerely,

Peter Gould

Peter Gould

Description	Citation	What it Says	What it Means	Application to BZA Case
Fair Housing Act	42 U.S.C. §3601, §3604	prohibits discrimination in housing (rental or sale) based on race, color, religion, national origin or sex prohibits housing providers from discriminating against applicants or residents because of their disability or the disability of anyone associated with them and from treating persons with disabilities less favorably than others because of their disability - also makes it unlawful for any person to refuse "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford person(s) [with disabilities] equal opportunity to use and enjoy a dwelling."	discrimination (as described) is not permitted	What is considered a permitted use for zones in our zoning ordinance is not discriminatory based on the FHA definitions - permitted uses are applied uniformly to all county residents - whether disabled or not. Reasonable accommodation is only required when the challenged action can be attributed to the specific protected status.
Americans with Disabilities Act	42 U.S.C. §§12101- 12213	protects individuals with disabilities from being "denied the benefits of the services, programs, or activities of a public entity, or [from] be[ing] subjected to discrimination by any such entity	People with disabilities must not be treated in a different or inferior manner than those without disabilities.	Variance decisions are based on 5 requirements. The applicant has not been denied a variance because of the disability of its clients. The BZA denial is based on a careful evaluation of the variance requirements.

Description	Citation	What it Says	What it Means	Application to BZA Case
Indiana State Code	IC 12-28-4-7	A zoning ordinance (as defined in IC 36-7-1-22) may not exclude a residential facility for individuals with a mental illness from a residential area solely because the residential facility is a business or because the individuals residing in the residential facility are not related. The residential facility may be required to meet all other zoning requirements, ordinances, and laws.	group homes can't be excluded from a zone only because they're a business or house unrelated individuals	Group Home Class II is a business and houses unrelated individuals, this can be considered in making a variance decision - it cannot be the only reason that a variance is denied
Monroe County Zoning Code	Section 802-5 (A)	The chart and conditions, which may be generally referred to as the "County Land Use Schedule," identify the types of land uses that are permitted within the County Jurisdictional Area.	if a use is not listed in the chart, it is NOT a permitted use	Residential Facility for Individuals with a Mental Illness, Group Home Class I and Group Home Class II are not listed as permitted uses in the chart
Monroe County Zoning Code	Section 812- 5	Describes the 5 conditions that must be satisfied for the BZA to grant a variance	An applicant must satisfy all 5 conditions	The applicant does not satisfy any of the conditions

Description	Citation	What it Says	What it Means	Application to BZA Case
Court Case - Texas Dept. Of Housing And Community Affairs v. Inclusive Communities Project, Inc.	135 S. Ct. 2507 (2015) - U.S. Supreme Court	The Court held that the statutory language of the Fair Housing Act (FHA) focuses on the consequences of the actions in question rather than the actor's intent. This language is similar to that used in Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act, both of which were enacted around the same time as the FHA and encompass disparate-impact liability. Additionally, the 1988 amendments retained language that several appellate courts had already interpreted as imposing disparate-impact liability, which strongly indicates Congressional acquiescence to that reading of the statute. Disparate-impact liability is also consistent with the FHA's purpose of preventing discriminatory housing practices because it allows plaintiffs to counteract unconscious prejudices and disguised discrimination that may be harder to uncover than disparate treatment. However, a prima facie case for disparate-impact liability must meet a robust causality requirement, as evidence of racial disparity on its own is not sufficient. After a plaintiff does establish a prima facie showing of disparate impact, the burden shifts to the defendant to prove that the challenged practice is necessary to achieve one or more substantial, legitimate, nondiscriminatory interests. 24 C.F.R. § 100.500(c)(2).	If a plaintiff establishes that an action results in discrimination by "disparate impact", then the burden of proof shifts to the defendant to prove that the action is necessary to achieve one or more substantial, legitimate, nondiscriminatory objectives.	The zoning ordinance and variance process in Monroe County are applied uniformly to disabled and non-disabled individuals. The applicant has not been subjected to disparate-impact.

Description	Citation	What it Says	What it Means	Application to BZA Case
Bloch v. Frischholz,	587 F.3d 771, 782 (7th Cir. 2009)	FHA non-discrimination rules (§ 3617) apply to post-acquisition discrimination - a Jewish family presented evidence suggesting that their condominium board changed the enforcement of its rules to bar the family's' mezuzah on their door was based on anti-Jewish animus.	Changing the enforcement of rules in a discriminatory manner after a property is acquired is not permitted.	There have been no changes in the rules or their enforcement since the applicant purchased the property. The applicant chose to purchase the property before receiving a Use Determination. This court ruling was in the Seventh Circuit Court of Appeals. Indiana is under the jurisdiction of this court. Accordingly, this decision is binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
Oconomowoc Residential Programs v. City of Milwaukee	Citation 300 F.3d 775, 783 (7th Cir. 2002)	Decided before Wisconsin Community Services, Inc. v. City of Milwaukee (found at 465 F. 3d. 737) - a case not cited by the applicant.	Wisconsin said that under FHA "disabled individuals may not be prevented from buying or renting homes because of their disabilities." Under ADA, the same court in the same case (at 750) said: "no qualified individual shall, by reason of the disability, be	
			excluded from participation in or denied the benefit of services,	
			programs, or activities of a public entity [including zoning]	

Description	Citation	What it Says	What it Means	Application to BZA Case
Court Case - Galusha v. New York State Dept. of Environmental Conservation	27 F.Supp.2d 117, 124 (N.D.N.Y. 1998)	Disabled plaintiffs claim that current restrictions on motorized vehicle use in various areas of the New York State Parks (where park staff regularly use motorized vehicles for non-emergency purposes) violates ADA.	The court ruled that disabled citizens could use motorized vehicles in areas where park staff regularly used motorized vehicles for nonemergency purposes. It did not extend disabled motorized vehicle use to areas where motorized vehicles were only used for emergency purposes.	he BZA case is about obtaining a variance to county permitted use rules - specifically locating a Group Home Class II business in the AG/RR zone. It is not about denying housing to a group of disabled individuals that would otherwise be available to non-disabled individuals. This court ruling was in the US District Court for the Northern District of New York. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
Court Case - Bouley v. Young- Sabourin	Bouley v. Young- Sabourin, 394 F. Supp. 2d 675, 677- 78 (D. Vt. 2005)	if an apartment lease was terminated because the plaintiff was a victim of domestic violence, and because she refused to listen to a landlord's attempt to talk to her about religion, it could constitute unlawful discrimination under the Fair Housing Act	If proven, plaintiff's claims that her lease was terminated because she was a victim of domestic violence, and because she refused to listen to a landlord's attempt to talk to her about religion "could constitute unlawful discrimination under the Fair Housing Act"	In considering the applicant's variance request, the status of proposed residents as domestic violence survivors or their choice not totalk about religion are not factors in the deccision-making process. This court ruling was in the United States District Court, D. Vermont. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
Court Case - Valencia et al v. City of Springfield, Illinois	883 F.3d 959 (7th Cir. 2018)	Plaintiffs allege the City of Springfield ("Springfield" or "the City") unlawfully discriminated against three disabled individuals when it ruled they could no longer occupy a single-family residence located within 600 feet of an existing disabled group home.	The plaintiffs' only problem was that they had unknowingly rented a home across the street from another group home, which was a technical violation of the conditions of the permitted use (instead of being the required 600 feet from another group home, they were about 190 feet away). Under that extraordinary set of facts, the court could see no reasonother than a probable case of FHA/ADA prohibited discrimination that the County was insisting on a what seemed to the Court to be an arbitrary and unsupportable detail of the zoning code.	Applicant's proposed use is not a permitted use, and has no record of operating a group home residence home at 7505 Kerr Creek Road with no complaints, it has never before operated any residence home anywhere. This court ruling was in the United States District Court for The Central District of Illinois Springfield Division. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
Court Case - Cooper v. Western Southern Financial Group	847 F. Supp. 2d 1031 (S.D. Ohio 2012)	Plaintiffs sued a private real estate developer that allegedly tried to manipulate public opinion against, and directly intimidate a women's shelter so that it could acquire its property. Further, the plaintiff alleged that the defendant had lodged sham objections under Historic Preservation laws.	The Magistrate who decided not to dismiss the complaint explained that the case was not simply a zoning dispute.	Monroe County nor anyone else has tried to intimidate the applicant. There have been no sham proceedings in connection with this matter. This court ruling was in the US District Court for the Southern District of Ohio. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
Innovative Health Sys., Inc. v. City of White Plains	931 F. Supp. 222, 232–33 (S.D.N.Y. 1996)	Plaintiffs (IHS), an outpatient drug and alcohol-rehabilitation treatment center, began efforts to relocate to a building in downtown White Plains. After over a year of seeking permission from the city, IHS was ultimately denied the necessary building permit by the White Plains Zoning Board of Appeals ("ZBA"). Plaintiffs- initiated this action against the City of White Plains, alleging that the ZBA's zoning decision violated both Title II of the Americans with Disabilities Act, 42 U.S.C. §(s) 12131-12165 (1994), and section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §(s) 794 (1994). The plaintiffs moved for a preliminary injunction to prevent the City from interfering with IHS's occupation of the new site. The City crossmoved to dismiss the complaint. The court granted the preliminary injunction and denied the motion to dismiss.	Plaintiff requested a change of use to convert a commercial space from retail to office for use as downtown counseling offices which was approved by the local zoning commissioner. Opponents appealed saying the use was really a clinic (not a permitted use) and the approval was overturned. Plaintiff appealed and was granted the use.	The applicant's proposed use of the property is not and has never been a permitted use in the AG/RR zone. A variance is required for the proposed use. This court ruling was in the U.S. District Court for the Southern District of New York. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
Sullivan v. Town of Salem	805 F.2d 81, 82 (2d Cir.1986)	The plaintiff had received approval from Salem for a subdivision plan for a tract of land. Plaintiff installed part of the road system and the town accepted the road. Plaintiff built houses on the road and later began completion of the remaining road system. The town requested road upgrades (beyond original requirements) which the plaintiff completed. The town delayed accepting the new roads and refused to issue any certificates for occupancy for roads built on the new road section. The court granted summary judgment dismissing the complaint underagainst the Town of Salem, its officials, and its employees, because the appeals court found that Sullivan had no constitutionally protected right to have the roads in his real estate subdivision accepted by the town for dedication, but it disagreed, with the lower court's conclusion that plaintiffs right to receive a certificate of occupancy is not protected by the due process clause of the constitution and reversed on that issue.	"Federal courts should not become zoning boards of appeal to review non-constitutional land use determinations [because] [f]ederal judges lack the knowledge and sensitivity to local conditions necessary to a proper balancing of the complex factors that enter into local zoning decisions"	The due process clause of the Constitution has not been violated in connection with the proposed variance. This court ruling was in the United States Court of Appeals, Second Circuit. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

Description	Citation	What it Says	What it Means	Application to BZA Case
St. Paul Sober Living, LLC v. Bd. of Cnty. Comm'rs	896 F. Supp. 2d 982, 986 (D. Colo. 2012)	Plaintiff purchased a house in a residential neighborhood and turned it into a "sober house. The house involved in this case has a maximum occupancy of 10, including one manager, and a historical average occupancy of between seven and eight individuals. It opened in November 2007 and has operated without incident since that time. The County's zoning personnel informed the plaintiffs, that they could not operate a "group home" in that neighborhood. The County denied plaintiffs' request for a zoning amendment. Instead, the Board of County Commissioners sought an injunction and abatement order (and later civil penalties) in state court. The court found for the plaintiff and ruled that the handicap of the residents of the sober house was a motivating factor for the Board of County Commissioners'application of the zoning code resulting in discrimination.	The plaintiff purchased and began operation of a group home in a single family residence in an area not zoned for a group home. After neighbor complaints, the town denied plaintiff's request for a zoning amendment to allow for the home. The town was enjoined from prohibiting the use.	The applicant's proposed use of the property is not and has never been a permitted use in the AG/RR zone. Applicant has not secured a variance or a certificate of occupancy for the proposed use. This court ruling was in the United States District Court for The District of Colorado. Indiana is not under the jurisdiction of this court. Accordingly, this decision is not binding in Indiana.

	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
LB	53-09-32-200-060.000-015	Monroe Fire Protection District	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
LB	53-09-32-201-002.000-015	Monroe Fire Protection District	6510 W Center ST	Bloomington, IN 47403	VAN BUREN TOWNSHIP
LB	53-09-32-201-002.000-015	Monroe Fire Protection District	6510 W Center ST	Bloomington, IN 47403	VAN BUREN TOWNSHIP
LB	53-09-32-201-046.000-015	Monroe Fire Protection District	9039 W Hinds RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	53-11-29-101-003.000-006	Shubh Laxmi LLC	9200 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
GB	53-11-29-101-003.000-006	Shubh Laxmi LLC	9200 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
GB	53-11-29-101-003.000-006	Shubh Laxmi LLC	9200 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
GB	53-11-29-101-003.000-006	Shubh Laxmi LLC	9200 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
GB	53-11-29-101-006.000-006	May, Dwight R & Brandy J	424 W Hobart RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
GB	53-11-29-101-006.000-006	May, Dwight R & Brandy J	424 W Hobart RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
GB	53-11-21-400-029.000-006	LAKE MONROE STORAGE LLC	9390 S Strain Ridge RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-21-400-029.000-006	LAKE MONROE STORAGE LLC	9390 S Strain Ridge RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-21-100-009.000-006	HIDDEN FALLS LLC	9290 S Strain Ridge RD	Bloomington, IN 47401-8457	CLEAR CREEK TOWNSHIP
GB	53-11-21-100-009.000-006	HIDDEN FALLS LLC	9290 S Strain Ridge RD	Bloomington, IN 47401-8457	CLEAR CREEK TOWNSHIP
GB	53-11-21-100-017.000-006	Loucks, Todd L	S Strain Ridge RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-21-100-017.000-006	Loucks, Todd L	S Strain Ridge RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-21-400-011.000-006	Loucks, Todd L	9394 S Strain Ridge RD	Bloomington, IN 47401-8418	CLEAR CREEK TOWNSHIP
GB	53-11-21-400-011.000-006	Loucks, Todd L	9394 S Strain Ridge RD	Bloomington, IN 47401-8418	CLEAR CREEK TOWNSHIP
GB	53-11-03-401-046.000-006	Axsom, Byron Lee & Jacquelyn S	7301 S Main ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-401-046.000-006	Axsom, Byron Lee & Jacquelyn S	7301 S Main ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-401-041.000-006	Harmony Gardens LLC	1882 E Smithville RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-401-041.000-006	Harmony Gardens LLC	1882 E Smithville RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-028.000-006	Steinberg, Julie A	7300 S Chestnut ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-028.000-006	Steinberg, Julie A	7300 S Chestnut ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-011.000-006	Deckard, John R	1802 E Smithville RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-011.000-006	Deckard, John R	1802 E Smithville RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-028.000-006	Steinberg, Julie A	7300 S Chestnut ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-028.000-006	Steinberg, Julie A	7300 S Chestnut ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-008.000-006	Holmes, Cheryl	7400 S Chestnut ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-300-008.000-006	Holmes, Cheryl	7400 S Chestnut ST	Smithville, IN 47458	CLEAR CREEK TOWNSHIP
GB	53-11-03-100-040.000-006	COMPTON, LARRY F	1897 E Smithville RD	BLOOMINGTON, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-100-040.000-006	COMPTON, LARRY F	1897 E Smithville RD	BLOOMINGTON, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-100-008.000-006	Robertson, Robert E & Carolyn S	S Fairfax RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-100-008.000-006	Robertson, Robert E & Carolyn S	S Fairfax RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	RDWY				
GB	RDWY				
GB	53-11-03-101-006.000-006	Robertson, Robert E & Carolyn S	6977 S Fairfax RD	Bloomington, IN 47401-8946	CLEAR CREEK TOWNSHIP
GB	53-11-03-101-006.000-006	Robertson, Robert E & Carolyn S	6977 S Fairfax RD	Bloomington, IN 47401-8946	CLEAR CREEK TOWNSHIP
GB	53-11-03-101-008.000-006				
GB	53-11-03-101-008.000-006				
GB	53-11-03-101-014.000-006	Robertson, Robert E & Carolyn S	6816 S Fairfax RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-101-014.000-006	Robertson, Robert E & Carolyn S	6816 S Fairfax RD	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
GB	53-11-03-101-002.000-006				
GB	53-11-03-101-002.000-006				
GB	53-11-03-101-005.000-006	Robertson, Robert E & Carolyn S	6977 S Fairfax RD	Bloomington, IN 47401-8946	CLEAR CREEK TOWNSHIP
GB	53-11-03-101-005.000-006	Robertson, Robert E & Carolyn S	6977 S Fairfax RD	Bloomington, IN 47401-8946	CLEAR CREEK TOWNSHIP
GB	53-08-32-400-015.000-008	Fox Property Enterprises LLC	6931 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-32-400-015.000-008	Fox Property Enterprises LLC	6931 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-32-400-014.000-008	LLC, WEST GROUP	6941 S Old State Road 37	Bloomington, IN 47403-9426	PERRY TOWNSHIP
GB	53-08-32-400-014.000-008	LLC, WEST GROUP	6941 S Old State Road 37	Bloomington, IN 47403-9426	PERRY TOWNSHIP
GB	53-08-32-400-003.000-008	Strain, Douglas	6105 S Old State Road 37	Bloomington, IN 47401-7578	PERRY TOWNSHIP
GB	53-08-32-400-003.000-008	Strain, Douglas	6105 S Old State Road 37	Bloomington, IN 47401-7578	PERRY TOWNSHIP
GB	53-08-32-400-008.000-008	STATE OF INDIANA	S OLD STATE ROAD 37	BLOOMINGTON, IN 47403	PERRY TOWNSHIP
GB	53-08-32-400-008.000-008	STATE OF INDIANA	S OLD STATE ROAD 37	BLOOMINGTON, IN 47403	PERRY TOWNSHIP
GB	53-08-32-400-001.000-008	G&L Realty LLC	6935 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-32-400-001.000-008	G&L Realty LLC	6935 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB		•		-	
GB					
GB	53-08-32-400-020.000-008	G & L Realty, LLC	6935 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP

TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
GB	53-08-32-400-020.000-008	G & L Realty, LLC	6935 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB	ROW	··		<u>.</u> .	
GB	ROW				
GB	53-08-32-400-026.000-008	Perry Township of Monroe County	7057 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-32-400-026.000-008	Perry Township of Monroe County	7057 S Old State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
GB	ROW				
GB	ROW	a			
GB	53-08-19-200-061.000-008	State of Indiana	S Monroe Medical Park BLVD	Bloomington, IN 47403	PERRY TOWNSHIP
GB GB	53-08-19-200-061.000-008 ROW	State of Indiana	S Monroe Medical Park BLVD	Bloomington, IN 47403	PERRY TOWNSHIP
GB	ROW				
GB	53-08-19-200-060.000-008	Indiana University Health Inc	4171 S Monroe Medical PK BLVD	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-19-200-060.000-008	Indiana University Health Inc	4171 S Monroe Medical PK BLVD	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-19-200-059.000-008	MPT OF BLOOMINGTON LLC	4011 S Monroe Medical Pk BLVD	Bloomington, IN 47403	PERRY TOWNSHIP
GB	53-08-19-200-059.000-008	MPT OF BLOOMINGTON LLC	4011 S Monroe Medical Pk BLVD	Bloomington, IN 47403	PERRY TOWNSHIP
GB	ROW				
GB	ROW				
GB	53-08-19-200-064.000-008	AKB Development, LLC	4330 S ROCKPORT RD	Bloomington, IN 47403-9765	PERRY TOWNSHIP
GB	53-08-19-200-064.000-008	AKB Development, LLC	4330 S ROCKPORT RD	Bloomington, IN 47403-9765	PERRY TOWNSHIP
GB	ROW				
GB	ROW	Clark tool 0 ties	2210 C D	Discosio etc. IN 47402 0542	VAN BUREN TOWARDUR
GB GB	53-09-14-101-013.000-015 53-09-14-101-013.000-015	Clark, Joel & Lisa Clark, Joel & Lisa	3210 S Duncan RD 3210 S Duncan RD	Bloomington, IN 47403-9513	VAN BUREN TOWNSHIP VAN BUREN TOWNSHIP
GB	53-09-14-101-013.000-015	FUNKHOUSER, DONALD G	4646 W State Road 45	Bloomington, IN 47403-9513 Bloomington, IN 47403-9340	VAN BUREN TOWNSHIP
GB	53-09-14-100-018.000-015	FUNKHOUSER, DONALD G	4646 W State Road 45	Bloomington, IN 47403-9340	VAN BUREN TOWNSHIP
GB	53-09-14-100-027.000-015	FUNKHOUSER, DONALD G	5227 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
GB	53-09-14-100-027.000-015	FUNKHOUSER, DONALD G	5227 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
GB	53-09-14-100-014.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	53-09-14-100-014.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	53-09-14-100-023.000-015	FUNKHOUSER, DONALD G	5259 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
GB	53-09-14-100-023.000-015	FUNKHOUSER, DONALD G	5259 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
GB	53-09-12-400-080.001-015	Murphy Oil USA Inc	3311 W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	53-09-12-400-080.001-015	Murphy Oil USA Inc	3311 W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	53-09-12-400-080.000-015	WAL-MART REALTY CO	3585 W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	53-09-12-400-080.000-015	WAL-MART REALTY CO	3585 W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB	RDWY				
GB	RDWY	Duran Jahr E Davis sahla Tauat	C Commun DIVE	Disconing the UN 47402	VAN BUREN TOWARDUR
GB	53-09-12-200-021.001-015	Byers, John E Revocable Trust	S Curry PIKE	Bloomington, IN 47403	VAN BUREN TOWNSHIP
GB GB	53-09-12-200-021.001-015 53-09-01-400-007.000-015	Byers, John E Revocable Trust Liberty Mall Shaw Family LLC	S Curry PIKE 1180 S Liberty DR	Bloomington, IN 47403 Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP VAN BUREN TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-002.000-015	Liberty Wall Shaw Farminy LEC	1100 3 Liberty Dix	biodinington, iiv 47403 3120	VAN BOREN TOWNSTIII
GB	53-09-01-400-002.000-015				
GB	53-04-34-400-018.000-011	STATE OF INDIANA	W ST RD 48	BLOOMINGTON, IN 47404	RICHLAND TOWNSHIP
GB	53-04-34-400-018.000-011	STATE OF INDIANA	W ST RD 48	BLOOMINGTON, IN 47404	RICHLAND TOWNSHIP
GB	53-04-34-400-038.000-011	Blue Creek LLC	N Oard RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-34-400-038.000-011	Blue Creek LLC	N Oard RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-05-31-203-005.000-004	Strains, Laurens B, Post 604 Veterans of Foreign W	2404 W Industrial Park DR	Bloomington, IN 47404-2690	BLOOMINGTON TOWNSHIP
GB	53-05-31-203-005.000-004	Strains, Laurens B, Post 604 Veterans of Foreign W	2404 W Industrial Park DR	Bloomington, IN 47404-2690	BLOOMINGTON TOWNSHIP
GB	ROW				
GB	ROW		2526.44. 1	BL	DI COLUMNICA DI TRANSPORTE
GB	53-05-31-203-026.000-004	Hanna Properties LLC	2536 W Industrial Park DR	Bloomington, IN 47404-2691	BLOOMINGTON TOWNSHIP
GB	53-05-31-203-026.000-004	Hanna Properties LLC	2536 W Industrial Park DR	Bloomington, IN 47404-2691	BLOOMINGTON TOWNSHIP
GB	ROW ROW				
GB GB	53-05-20-300-027.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-027.000-004	STATE OF INDIANA STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404 BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.001-004	Rumple Properties LLC	3101 N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.001-004	Rumple Properties LLC	3101 N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
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TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
GB	53-05-20-300-039.000-004	Westbury Propeties LLC	3110 N WESTBURY VILLAGE DR	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.000-004	Westbury Propeties LLC	3110 N WESTBURY VILLAGE DR	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-002.000-004	Westbury Properties LLC	3106 N Canterbury CT	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-002.000-004	Westbury Properties LLC	3106 N Canterbury CT	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.002-004	Westbury Properties LLC	N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.002-004	Westbury Properties LLC	N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.003-004	Canterbury Ct LLC	3116 N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.003-004	Canterbury Ct LLC	3116 N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-19-401-009.000-004	HALE, STEPHEN L & GAIL G	3122 N Norwest Woods CIR	Bloomington, IN 47404-9224	BLOOMINGTON TOWNSHIP
GB	53-05-19-401-009.000-004	HALE, STEPHEN L & GAIL G	3122 N Norwest Woods CIR	Bloomington, IN 47404-9224	BLOOMINGTON TOWNSHIP
GB	53-05-19-401-002.000-004	NELSON, BRETT E & LORI A	3114 N Norwest Woods CIR	Bloomington, IN 47404-9224	BLOOMINGTON TOWNSHIP
GB	53-05-19-401-002.000-004	NELSON, BRETT E & LORI A	3114 N Norwest Woods CIR	Bloomington, IN 47404-9224	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-011.000-004	Westbury Village LLC	W State Road 46	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-011.000-004	Westbury Village LLC	W State Road 46	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-031.000-004	High Rock Church INC	3124 N Canterbury CT	Bloomington, IN 47404-1500	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-031.000-004	High Rock Church INC	3124 N Canterbury CT	Bloomington, IN 47404-1500	BLOOMINGTON TOWNSHIP
GB	53-05-19-100-003.000-004	Rodatz, Heinrich Revocable Trust	3450 N Maple Grove RD	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-19-100-003.000-004	Rodatz, Heinrich Revocable Trust	3450 N Maple Grove RD	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.004-004	High Rock Church Incorporated	3129 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.004-004	High Rock Church Incorporated	3129 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-19-401-003.000-004	Laster, James C & Melissa A	3118 N Norwest Woods CIR	Bloomington, IN 47404-9224	BLOOMINGTON TOWNSHIP
GB	53-05-19-401-003.000-004	Laster, James C & Melissa A	3118 N Norwest Woods CIR	Bloomington, IN 47404-9224	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.008-004	Westbury Properties LLC	N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.008-004	Westbury Properties LLC	N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-031.000-004	High Rock Church INC	3124 N Canterbury CT	Bloomington, IN 47404-1500	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-031.000-004	High Rock Church INC	3124 N Canterbury CT	Bloomington, IN 47404-1500	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-023.000-004	WESTBURY VILLAGE LLC	3109 N Canterbury CT	Bloomington, IN 47404-1500	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-023.000-004	WESTBURY VILLAGE LLC	3109 N Canterbury CT	Bloomington, IN 47404-1500	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.006-004	Westbury Properties LLC	N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.006-004	Westbury Properties LLC	N Canterbury CT	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB GB	53-05-20-300-013.000-004	JL Properties LLC	3108 N Norwest Woods LN	Bloomington, IN 47404-9281	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-013.000-004 53-05-20-300-009.002-004	JL Properties LLC ENJ Investments LLC	3108 N Norwest Woods LN 3131 N WESTBURY VILLAGE DR	Bloomington, IN 47404-9281 BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.002-004	ENJ Investments LLC	3131 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404 BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.002-004	ENJ Investments LLC	3133 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404 BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.000-004	ENJ Investments LLC	3133 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404 BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.004-004	Westbury Properties LLC	3135 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.004-004	Westbury Properties LLC	3135 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.005-004	MLB Holdings LLC	3137 N WESTBURY VILLAGE DR	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-039.005-004	MLB Holdings LLC	3137 N WESTBURY VILLAGE DR	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.006-004	Westbury Properties LLC	3139 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.006-004	Westbury Properties LLC	3139 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.007-004	Westbury Properties LLC	3141 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.007-004	Westbury Properties LLC	3141 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.000-004	ENJ Investments LLC	3133 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.000-004	ENJ Investments LLC	3133 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-04-24-101-059.000-011	Riley SIP Properties LLC	4935 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-059.000-011	Riley SIP Properties LLC	4935 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-059.000-011	Riley SIP Properties LLC	4935 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-059.000-011	Riley SIP Properties LLC	4935 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-102-007.000-011	Milestone Contractors LP	4755 W Arlington RD	Bloomington, IN 47404-1137	RICHLAND TOWNSHIP
GB	53-04-24-102-007.000-011	Milestone Contractors LP	4755 W Arlington RD	Bloomington, IN 47404-1137	RICHLAND TOWNSHIP
GB	53-04-13-400-050.000-011	Miller & Livingston Properties LLC	4950 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-050.000-011	Miller & Livingston Properties LLC	4950 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-029.000-011	ZZ STATE OF INDIANA	W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-029.000-011	ZZ STATE OF INDIANA	W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-032.000-011	ZZ STATE OF INDIANA	5003 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-032.000-011	ZZ STATE OF INDIANA	5003 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-009.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP

TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
GB	53-04-13-400-009.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-042.000-011	GAULDIN, CALVIN W. & SHIRLEY M	3530 W Pyramid CT	Bloomington, IN 47404-1157	RICHLAND TOWNSHIP
GB	53-04-13-400-042.000-011	GAULDIN, CALVIN W. & SHIRLEY M	3530 W Pyramid CT	Bloomington, IN 47404-1157	RICHLAND TOWNSHIP
GB	53-04-24-101-027.000-011	ZZ STATE OF INDIANA	W State Rd 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-027.000-011	ZZ STATE OF INDIANA	W State Rd 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-015.000-011	ZZ STATE OF INDIANA	5001 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-015.000-011	ZZ STATE OF INDIANA	5001 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-026.000-011	OWEN COUNTY STATE BANK	3419 W State Road 46	Bloomington, IN 47404-9165	RICHLAND TOWNSHIP
GB	53-04-24-101-026.000-011	OWEN COUNTY STATE BANK	3419 W State Road 46	Bloomington, IN 47404-9165	RICHLAND TOWNSHIP
GB	53-04-13-400-033.000-011				
GB	53-04-13-400-033.000-011				
GB	53-04-13-400-009.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-009.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-030.000-011	Belcher, Richard M & Sally A Revocable Trust	3477 W State Road 46	Bloomington, IN 47404-9165	RICHLAND TOWNSHIP
GB	53-04-13-400-030.000-011	Belcher, Richard M & Sally A Revocable Trust	3477 W State Road 46	Bloomington, IN 47404-9165	RICHLAND TOWNSHIP
GB	ROW				
GB	ROW				
GB	53-04-24-101-018.000-011	Farm Credit Services Of Mid-America, FLCA	3399 N Finance RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-018.000-011	Farm Credit Services Of Mid-America, FLCA	3399 N Finance RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-018.009-011	H2R LLC, an Indiana limited liability company	3389 N Finance RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-24-101-018.009-011	H2R LLC, an Indiana limited liability company	3389 N Finance RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-014.000-011	Highland Park Estates LLC	4101 N Centennial DR	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-014.000-011	Highland Park Estates LLC ZZ STATE OF INDIANA	4101 N Centennial DR	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-047.000-011		W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB GB	53-04-13-400-047.000-011 53-04-13-400-003.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-003.000-011				
GB	53-04-13-400-014.001-011	CRIDER, ROBERT E	4055 N Centennial DR	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-400-014.001-011	CRIDER, ROBERT E	4055 N Centennial DR	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	RDWY	Chibert, Nobert E	4033 W Centerman BW	Biodinington, in 47404	Menbara rewisini
GB	RDWY				
GB	53-04-13-300-036.001-011	McDonalds USA LLC	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-036.001-011	McDonalds USA LLC	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-059.000-011	Ooley, Donna H	4295 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-04-13-300-059.000-011	Ooley, Donna H	4295 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-04-13-300-019.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-019.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-019.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-019.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-027.000-011	ARCHLAND PROPERTY I LLC	4499 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-04-13-300-027.000-011	ARCHLAND PROPERTY I LLC	4499 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-05-08-400-007.000-004	Thompson, David Allen	5101 N State Road 37 Business	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-08-400-007.000-004	Thompson, David Allen	5101 N State Road 37 Business	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-08-400-012.000-004	Gupta, Dan	5109 N State Road 37 Business	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-08-400-012.000-004	Gupta, Dan	5109 N State Road 37 Business	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-03-17-403-046.000-002	Board of Commissioners of the County of Monroe	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-046.000-002	Board of Commissioners of the County of Monroe	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002	Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002	Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-018.000-002	Record, Lori G	8298 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-018.000-002	Record, Lori G	8298 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464 Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB GB	53-03-17-403-045.000-002 53-03-17-403-045.000-002	BLOOMINGTON RESTORATIONS INC BLOOMINGTON RESTORATIONS INC	W Main ST W Main ST	Stinesville, IN 47464 Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-043.000-002	WELCH, JESSE J & KAREN J	8126 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-032.000-002	WELCH, JESSE J & KAREN J	8126 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
JD	33 03 17 403 032.000 002	TELESTIN SEEDE S OF INTIMETERS	5220 W Main 51	Statesvine, in 47404	22. 14 BE0330141 TO WINSTILL

TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
GB	53-03-17-403-077.000-002	PAYTON, REGINALD & DEBRA	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-077.000-002	PAYTON, REGINALD & DEBRA	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-031.000-002	Record, Lori G	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-031.000-002	Record, Lori G	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-093.000-002	Neal, Jarrod T; Gulick, Cherie L	8205 W MAIN ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-093.000-002	Neal, Jarrod T; Gulick, Cherie L	8205 W MAIN ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-068.000-002	ARNETT, JAMES BRADLEY & JULIA	8182 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-068.000-002	ARNETT, JAMES BRADLEY & JULIA	8182 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-069.000-002	Pfeiffer, Mischelle & Joseph	8248 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-069.000-002	Pfeiffer, Mischelle & Joseph	8248 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-076.000-002	McGinnis, Nicholas J & Ashley M	8171 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-076.000-002	McGinnis, Nicholas J & Ashley M	8171 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-089.000-002	ZZ TOWN OF STINESVILLE	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-017.000-002	Smithville Telephone Co Inc	8362 N Market ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-017.000-002	Smithville Telephone Co Inc	8362 N Market ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	RDWY				
GB	RDWY				
GB	53-03-17-403-062.000-002	CARTER, ROBERT	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-062.000-002	CARTER, ROBERT	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002	Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002	Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002	Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002	Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-063.000-002	Town of Stinesville	W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-063.000-002	Town of Stinesville Spoor, Troy D	W Main ST 8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB	53-03-17-403-074.000-002 53-03-17-403-074.000-002	• • •		Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
GB LB		Spoor, Troy D	8273 W Main ST	Stinesville, IN 47464	BEAN BLOSSOM TOWNSHIP
LB	53-11-29-301-081.000-006 53-11-29-301-081.000-006	Goveia, Alexandra Goveia, Alexandra	9271 S Harrodsburg RD 9271 S Harrodsburg RD	Bloomington, IN 47403-8818 Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP CLEAR CREEK TOWNSHIP
LB	53-11-29-301-045.000-006	Govera, Alexandra	3271 3 Hairousburg ND	510011111gton, 114 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-045.000-000				
LB	53-11-29-301-043.000-000	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-080.000-006	Tuck, Elizabeth A & Steven L	9303 S Harrodsburg RD	Springville, IN 47462	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-078.000-006	Leasure, Leslie A	9291 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-078.000-006	Leasure, Leslie A	9291 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	RDWY				
LB	RDWY				
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP

TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
LB	53-11-29-301-081.000-006	Goveia, Alexandra	9271 S Harrodsburg RD	Bloomington, IN 47403-8818	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-079.000-006	Mitchell, Monica L	9292 S Harrodsburg RD	Harrodsburg, IN 47434-8000	CLEAR CREEK TOWNSHIP
LB	53-11-29-301-079.000-006	Mitchell, Monica L	9292 S Harrodsburg RD	Harrodsburg, IN 47434-8000	CLEAR CREEK TOWNSHIP
LB	53-11-29-101-004.000-006	South Central Regional Sewer District	W Hobart RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
LB	53-11-29-101-004.000-006	South Central Regional Sewer District	W Hobart RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
LB	53-11-29-100-021.000-006				
LB	53-11-29-100-021.000-006				
LB	53-11-29-100-013.000-006	MILLER, DENNIS E	9205 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
LB	53-11-29-100-013.000-006	MILLER, DENNIS E	9205 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
LB	53-11-29-400-016.000-006	Jeffries Family Trust	9206 S Old State Road 37	Bloomington, IN 47403-9449	CLEAR CREEK TOWNSHIP
LB	53-11-29-400-016.000-006	Jeffries Family Trust	9206 S Old State Road 37	Bloomington, IN 47403-9449	CLEAR CREEK TOWNSHIP
LB	53-11-29-100-020.000-006 53-11-29-100-020.000-006	Smithville Telephone Co Inc	9190 S Old State Road 37 9190 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
LB LB	53-11-29-100-020.000-006	Smithville Telephone Co Inc MILLER, DENNIS E	9190 S Old State Road 37 9205 S Old State Road 37	Bloomington, IN 47403 Bloomington, IN 47403	CLEAR CREEK TOWNSHIP CLEAR CREEK TOWNSHIP
LB	53-11-29-100-013.000-006	MILLER, DENNIS E	9205 S Old State Road 37	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
LB	53-11-15-400-005.000-006	Pruitt, Paul R Siffin, Mae	2235 E Pointe RD	Bloomington, IN 47401-9041	CLEAR CREEK TOWNSHIP
LB	53-11-15-400-005.000-006	Pruitt, Paul R Siffin, Mae	2235 E Pointe RD	Bloomington, IN 47401-9041	CLEAR CREEK TOWNSHIP
LB	53-11-14-200-020.000-006	G L TODD LLC	3401 E Cleve Butcher RD	Bloomington, IN 47401-9007	CLEAR CREEK TOWNSHIP
LB	53-11-14-200-020.000-006	G L TODD LLC	3401 E Cleve Butcher RD	Bloomington, IN 47401-9007	CLEAR CREEK TOWNSHIP
LB	53-11-14-200-020.000-006	G L TODD LLC	3401 E Cleve Butcher RD	Bloomington, IN 47401-9007	CLEAR CREEK TOWNSHIP
LB	53-11-14-200-020.000-006	G L TODD LLC	3401 E Cleve Butcher RD	Bloomington, IN 47401-9007	CLEAR CREEK TOWNSHIP
LB	53-11-03-100-027.000-006	Fleetwood, Shane & Joey	7105 S McCormick LN	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
LB	53-11-03-100-027.000-006	Fleetwood, Shane & Joey	7105 S McCormick LN	Bloomington, IN 47401	CLEAR CREEK TOWNSHIP
LB	53-11-03-100-034.000-006	Stewart, John Robert	7250 S STRAIN RIDGE RD	BLOOMINGTON, IN 47401	CLEAR CREEK TOWNSHIP
LB	53-11-03-100-034.000-006	Stewart, John Robert	7250 S STRAIN RIDGE RD	BLOOMINGTON, IN 47401	CLEAR CREEK TOWNSHIP
LB	53-11-03-102-002.000-006	Glass, Kenneth E Revocable Living Trust	7135 S Fairfax RD	Bloomington, IN 47401-8948	CLEAR CREEK TOWNSHIP
LB	53-11-03-102-002.000-006	Glass, Kenneth E Revocable Living Trust	7135 S Fairfax RD	Bloomington, IN 47401-8948	CLEAR CREEK TOWNSHIP
LB	53-11-03-102-001.000-006	Shubh Laabh Inc	7148 S Fairfax RD	Bloomington, IN 47401-9046	CLEAR CREEK TOWNSHIP
LB	53-11-03-102-001.000-006	Shubh Laabh Inc	7148 S Fairfax RD	Bloomington, IN 47401-9046	CLEAR CREEK TOWNSHIP
LB	RDWY				
LB	RDWY				
LB	53-11-03-101-013.000-006	Glass, Kenneth	6680 S Fairfax RD	Bloomington, IN 47401-9349	CLEAR CREEK TOWNSHIP
LB	53-11-03-101-013.000-006	Glass, Kenneth	6680 S Fairfax RD	Bloomington, IN 47401-9349	CLEAR CREEK TOWNSHIP
LB	53-11-03-100-062.000-006	ZZ NEW HORIZON CHURCH	7013 S McCormick LN	Bloomington, IN 47401-9370	CLEAR CREEK TOWNSHIP
LB	53-11-03-100-062.000-006	ZZ NEW HORIZON CHURCH	7013 S McCormick LN	Bloomington, IN 47401-9370	CLEAR CREEK TOWNSHIP
LB	53-08-34-305-069.000-008	Sanders, Deborra L & Eversole, Willowbei	6442 S Fairfax RD	Bloomington, IN 47401-9500	PERRY TOWNSHIP
LB	53-08-34-305-069.000-008	Sanders, Deborra L & Eversole, Willowbei	6442 S Fairfax RD	Bloomington, IN 47401-9500	PERRY TOWNSHIP
LB	53-08-34-305-025.000-008	White, Mark	1798 E Lena AVE	Bloomington, IN 47401	PERRY TOWNSHIP
LB	53-08-34-305-025.000-008	White, Mark	1798 E Lena AVE	Bloomington, IN 47401	PERRY TOWNSHIP
LB	53-08-34-300-032.000-008	Indiana Limestone Corp.	S Fairfax RD	Bloomington, IN 47401	PERRY TOWNSHIP
LB LB	53-08-34-300-032.000-008 53-09-32-201-002.000-015	Indiana Limestone Corp. Monroe Fire Protection District	S Fairfax RD	Bloomington, IN 47401	PERRY TOWNSHIP
LB	53-09-32-201-002.000-015	Monroe Fire Protection District Monroe Fire Protection District	6510 W Center ST 6510 W Center ST	Bloomington, IN 47403 Bloomington, IN 47403	VAN BUREN TOWNSHIP VAN BUREN TOWNSHIP
LB	53-08-21-300-018.000-008	Hall, Edward J Sr & Connie J	4720 S Walnut Street PIKE	Bloomington, IN 47401-9052	PERRY TOWNSHIP
LB	53-08-21-300-018.000-008	Hall, Edward J Sr & Connie J	4720 S Walnut Street PIKE	Bloomington, IN 47401-9052	PERRY TOWNSHIP
LB	53-08-21-300-018.000-008	BMI Properties LLC	4724 S Walnut Street PIKE	Bloomington, IN 47401-9052	PERRY TOWNSHIP
LB	53-08-21-300-075.000-008	BMI Properties LLC	4724 S Walnut Street PIKE	Bloomington, IN 47401-9052	PERRY TOWNSHIP
LB	53-08-21-300-006.000-008	RWP LLC	4750 S Walnut Street PIKE	Bloomington, IN 47401	PERRY TOWNSHIP
LB	53-08-21-300-006.000-008	RWP LLC	4750 S Walnut Street PIKE	Bloomington, IN 47401	PERRY TOWNSHIP
LB	ROW	-			
LB	ROW				
LB	53-08-19-200-058.000-008	Monroe Medical Park Association, Inc	W Shaw RD	Bloomington, IN 47403	PERRY TOWNSHIP
LB	53-08-19-200-058.000-008	Monroe Medical Park Association, Inc	W Shaw RD	Bloomington, IN 47403	PERRY TOWNSHIP
LB	53-08-19-200-063.004-008	DUKE ENERGY INDIANA INC	W Shaw RD	Bloomington, IN 47403	PERRY TOWNSHIP
LB	53-08-19-200-063.004-008	DUKE ENERGY INDIANA INC	W Shaw RD	Bloomington, IN 47403	PERRY TOWNSHIP
LB	ROW				
LB	ROW				
LB	53-08-19-200-064.000-008	AKB Development, LLC	4330 S ROCKPORT RD	Bloomington, IN 47403-9765	PERRY TOWNSHIP
LB	53-08-19-200-064.000-008	AKB Development, LLC	4330 S ROCKPORT RD	Bloomington, IN 47403-9765	PERRY TOWNSHIP
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TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
LB	53-08-19-200-063.000-008	Indiana University Health Inc	W Shaw RD	Bloomington, IN 47403	PERRY TOWNSHIP
.B	53-08-19-200-063.000-008	Indiana University Health Inc	W Shaw RD	Bloomington, IN 47403	PERRY TOWNSHIP
В	ROW				
В	ROW				
В	53-08-18-300-003.000-009	ZZ STATE OF INDIANA	S State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
В	53-08-18-300-003.000-009	ZZ STATE OF INDIANA	S State Road 37	Bloomington, IN 47403	PERRY TOWNSHIP
В	53-08-19-200-049.000-008	Fullerton LLC	W Fullerton PIKE	Bloomington, IN 47403	PERRY TOWNSHIP
В	53-08-19-200-049.000-008	Fullerton LLC	W Fullerton PIKE	Bloomington, IN 47403	PERRY TOWNSHIP
В	ROW				
В	ROW				
3	53-09-14-300-046.000-015	Hatton, Janet E	5699 W State Road 45	Bloomington, IN 47403-9363	VAN BUREN TOWNSHIP
В	53-09-14-300-046.000-015	Hatton, Janet E	5699 W State Road 45	Bloomington, IN 47403-9363	VAN BUREN TOWNSHIP
В	53-09-14-100-022.000-015	DILLMAN PROPERTIES LLC	4955 W State Road 45	Bloomington, IN 47403-9362	VAN BUREN TOWNSHIP
3	53-09-14-100-022.000-015	DILLMAN PROPERTIES LLC	4955 W State Road 45	Bloomington, IN 47403-9362	VAN BUREN TOWNSHIP
3	53-09-14-100-026.000-015	Tiller, Matt C	5263 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
3	53-09-14-100-026.000-015	Tiller, Matt C	5263 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
3	53-09-14-100-009.000-015	Tiller, Matt C	W Airport RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-009.000-015	Tiller, Matt C	W Airport RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-023.000-015	FUNKHOUSER, DONALD G	5259 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
3	53-09-14-100-023.000-015	FUNKHOUSER, DONALD G	5259 W Airport RD	Bloomington, IN 47403-9201	VAN BUREN TOWNSHIP
3	53-09-14-100-018.000-015	FUNKHOUSER, DONALD G	4646 W State Road 45	Bloomington, IN 47403-9340	VAN BUREN TOWNSHIP
3	53-09-14-100-018.000-015	FUNKHOUSER, DONALD G	4646 W State Road 45	Bloomington, IN 47403-9340	VAN BUREN TOWNSHIP
3	53-09-14-101-012.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-012.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-006.000-015	FUNKHOUSER, DONALD G	4806 W State Road 45	Bloomington, IN 47403-9341	VAN BUREN TOWNSHIP
3	53-09-14-101-006.000-015	FUNKHOUSER, DONALD G	4806 W State Road 45	Bloomington, IN 47403-9341	VAN BUREN TOWNSHIP
3	53-09-14-101-009.000-015	Scioto Blue River Properties LLC	4812 W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-009.000-015	Scioto Blue River Properties LLC	4812 W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-014.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-014.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-010.000-015			G ,	
3	53-09-14-100-010.000-015				
3	53-09-14-100-014.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-014.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-011.000-015	Store Master Funding XXI LLC	4900 W State Road 45	Bloomington, IN 47403-9341	VAN BUREN TOWNSHIP
3	53-09-14-101-011.000-015	Store Master Funding XXI LLC	4900 W State Road 45	Bloomington, IN 47403-9341	VAN BUREN TOWNSHIP
3	53-09-14-100-011.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-100-011.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-010.000-015	Store Master Funding XXI LLC	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-010.000-015	Store Master Funding XXI LLC	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-14-101-007.000-015	FUNKHOUSER, DONALD G	4750 W State Road 45	Bloomington, IN 47403-9657	VAN BUREN TOWNSHIP
3	53-09-14-101-007.000-015	FUNKHOUSER, DONALD G	4750 W State Road 45	Bloomington, IN 47403-9657	VAN BUREN TOWNSHIP
3	ROW		1750 II State Hoad 15	blockington, it is too soos	77117 2011217 10171101111
3	ROW				
3	53-09-12-300-033.000-015	Mac's Convenience Stores LLC	2520 S Leonard Springs RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-12-300-033.000-015	Mac's Convenience Stores LLC	2520 S Leonard Springs RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3	53-09-12-300-032.000-015	Deckard, Richard E Family Limited Partnership #201	3830 W State Road 45	Bloomington, IN 47403-5113	VAN BUREN TOWNSHIP
3	53-09-12-300-032.000-015	Deckard, Richard E Family Limited Partnership #201	3830 W State Road 45	Bloomington, IN 47403-5113	VAN BUREN TOWNSHIP
3	53-09-12-300-062.000-015	MAI, NGA	2544 S Leonard Springs RD	Bloomington, IN 47403-3134	VAN BUREN TOWNSHIP
3	53-09-12-300-062.000-015	MAI, NGA	2544 S Leonard Springs RD	Bloomington, IN 47403-3134	VAN BUREN TOWNSHIP
3	53-09-12-300-002.000-015	Curry Pike Storage LLC	2450 S Curry PIKE	BLOOMINGTON, IN 47403	VAN BUREN TOWNSHIP
3	53-09-12-300-023.000-015	Curry Pike Storage LLC	2450 S Curry PIKE	BLOOMINGTON, IN 47403	VAN BUREN TOWNSHIP
	53-09-12-300-023.000-015	MACS CONVENIENCE STORES LLC	2530 S Leonard Springs RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
3 3	53-09-12-300-038.000-015	MACS CONVENIENCE STORES LLC	2530 S Leonard Springs RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
	53-09-12-300-038.000-015	ININGS COUNTINIEMED STORES LLC	2000 o Leonard opinigs ND	Biodinington, IN 47405	VAIN BUILLY TUVVINSHIP
3 3	53-09-12-300-034.000-015				
3		Mac's Convenience Stores LLC	2520 S Leonard Springs PD	Bloomington, IN 47403	VAN RUREN TOWNSLID
	53-09-12-300-033.000-015	Mac's Convenience Stores LLC Mac's Convenience Stores LLC	2520 S Leonard Springs RD 2520 S Leonard Springs RD	- ·	VAN BUREN TOWNSHIP VAN BUREN TOWNSHIP
3	53-09-12-300-033.000-015 53-09-12-300-033.000-015		2520 S Leonard Springs RD	Bloomington, IN 47403	
3	23-03-12-200-033.000-015	Mac's Convenience Stores LLC	2020 3 Leonard Springs KD	Bloomington, IN 47403	VAN BUREN TOWNSHIP

	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
LB	53-09-12-300-033.000-015	Mac's Convenience Stores LLC	2520 S Leonard Springs RD	Bloomington, IN 47403	VAN BUREN TOWNSHIP
LB	53-01-61-702-501.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
LB	53-01-61-702-501.000-015	ZZ STATE OF INDIANA	W State Road 45	Bloomington, IN 47403	VAN BUREN TOWNSHIP
LB	53-05-25-303-004.000-004	HANDYDOWN ENTERPRISES LLC	E State Road 45	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-25-303-004.000-004	HANDYDOWN ENTERPRISES LLC	E State Road 45	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-36-200-017.000-004	HANDYDOWN ENTERPRISES LLC	4638 E State Road 45	Bloomington, IN 47408-9219	BLOOMINGTON TOWNSHIP
LB	53-05-36-200-017.000-004	HANDYDOWN ENTERPRISES LLC	4638 E State Road 45	Bloomington, IN 47408-9219	BLOOMINGTON TOWNSHIP
LB	53-04-24-101-006.000-011	Casey Shake DMV LLC	3140 N Smith PIKE	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-24-101-006.000-011	Casey Shake DMV LLC	3140 N Smith PIKE	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-24-101-015.000-011	ZZ STATE OF INDIANA	5001 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-24-101-015.000-011	ZZ STATE OF INDIANA	5001 W Arlington RD	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-400-031.000-011	CE Immobilien LLC	3536 W Pyramid CT	Bloomington, IN 47404-1157	RICHLAND TOWNSHIP
LB	53-04-13-400-031.000-011	CE Immobilien LLC	3536 W Pyramid CT	Bloomington, IN 47404-1157	RICHLAND TOWNSHIP
LB	53-04-13-400-013.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-400-013.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-400-008.000-011	Patel, Naraj & Nita	4252 N Centennial DR	Bloomington, IN 47404-9608	RICHLAND TOWNSHIP
LB	53-04-13-400-008.000-011	Patel, Naraj & Nita	4252 N Centennial DR	Bloomington, IN 47404-9608	RICHLAND TOWNSHIP
LB	53-04-13-400-032.000-011	Hoosier Hills Credit Union	3590 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-400-032.000-011	Hoosier Hills Credit Union	3590 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-400-052.000-011	Lakeview Apostolic Church Of Jesus Christ	3510 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-400-053.000-011	Lakeview Apostolic Church Of Jesus Christ	3510 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-400-031.000-011	CE Immobilien LLC	3536 W Pyramid CT	Bloomington, IN 47404-3157	RICHLAND TOWNSHIP
LB	53-04-13-400-031.000-011	CE Immobilien LLC	3536 W Pyramid CT	Bloomington, IN 47404-1157	RICHLAND TOWNSHIP
LB	53-04-13-400-051.000-011		3510 W State Road 46	- ·	
		Lakeview Apostolic Church Of Jesus Christ		Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-400-053.000-011	Lakeview Apostolic Church Of Jesus Christ	3510 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-300-011.000-013				
LB	53-04-13-300-011.000-013				
LB	53-04-13-400-013.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-400-013.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-400-032.000-011	Hoosier Hills Credit Union	3590 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-04-13-400-032.000-011	Hoosier Hills Credit Union	3590 W State Road 46	Bloomington, IN 47404-9167	RICHLAND TOWNSHIP
LB	53-00-71-457-001.000-011	SPEEDWAY SUPERAMERICA LLC	3585 W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-00-71-457-001.000-011	SPEEDWAY SUPERAMERICA LLC	3585 W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-00-71-457-001.000-011	SPEEDWAY SUPERAMERICA LLC	3585 W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-00-71-457-001.000-011	SPEEDWAY SUPERAMERICA LLC	3585 W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-300-019.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-300-019.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-13-300-027.000-011	ARCHLAND PROPERTY I LLC	4499 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
LB	53-04-13-300-027.000-011	ARCHLAND PROPERTY I LLC	4499 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
LB	RDWY				
LB	RDWY				
LB	53-04-14-100-019.000-011	Hawkins, Michelle L	4695 N Ridgewood DR	Bloomington, IN 47404-8926	RICHLAND TOWNSHIP
LB	53-04-14-100-019.000-011	Hawkins, Michelle L	4695 N Ridgewood DR	Bloomington, IN 47404-8926	RICHLAND TOWNSHIP
LB	53-04-14-100-035.000-011	Brinegar, Christopher	4698 N Brookbank DR	Bloomington, IN 47404-9600	RICHLAND TOWNSHIP
LB	53-04-14-100-035.000-011	Brinegar, Christopher	4698 N Brookbank DR	Bloomington, IN 47404-9600	RICHLAND TOWNSHIP
LB	53-04-14-100-020.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-14-100-020.000-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
LB	53-04-14-100-055.000-011	Pratt, Robert E Jr	4685 N Ridgewood DR	Bloomington, IN 47404-8926	RICHLAND TOWNSHIP
LB	53-04-14-100-055.000-011	Pratt, Robert E Jr	4685 N Ridgewood DR	Bloomington, IN 47404-8926	RICHLAND TOWNSHIP
LB	53-05-02-300-020.000-004	Higgins, Roger & Julie L	6128 N Old State Road 37	Bloomington, IN 47408-9739	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-020.000-004	Higgins, Roger & Julie L	6128 N Old State Road 37	Bloomington, IN 47408-9739	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-026.000-004	Rice, James David & Janet Carol AB Living Trust	E Robinson RD	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-026.000-004	Rice, James David & Janet Carol AB Living Trust	E Robinson RD	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-009.000-004	Gaden Khachoe Shing Monastery Inc	2150 E Dolan RD	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-009.000-004	Gaden Khachoe Shing Monastery Inc	2150 E Dolan RD	Bloomington, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-006.000-004	Higgins, Roger & Julie	6175 N Old State Road 37	Bloomington, IN 47408-9740	BLOOMINGTON TOWNSHIP
LB	53-05-02-300-006.000-004	Higgins, Roger & Julie	6175 N Old State Road 37	Bloomington, IN 47408-9740	BLOOMINGTON TOWNSHIP
LB	53-05-04-300-010.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
				,	
LB	53-05-04-300-010.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP

TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
LB	53-05-04-200-006.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-006.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-017.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-017.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-004.000-004	Thompson, Mark & Elizabeth	6571 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-004.000-004	Thompson, Mark & Elizabeth	6571 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-002.000-004	Thompson, Mark & Elizabeth	6593 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-002.000-004	Thompson, Mark & Elizabeth	6593 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-018.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-018.000-004	STATE OF INDIANA	N ST RD 37	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	ROW				
LB	ROW				
LB	ROW				
LB	ROW				
LB	53-05-04-202-001.000-004	Thompson, Mark & Elizabeth	6765 N State Road 37	Bloomington, IN 47404-9498	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-001.000-004	Thompson, Mark & Elizabeth	6765 N State Road 37	Bloomington, IN 47404-9498	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-002.000-004	Thompson, Mark & Elizabeth	6593 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-202-002.000-004	Thompson, Mark & Elizabeth	6593 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB LB	53-05-04-202-005.000-004 53-05-04-202-005.000-004	Thompson, Mark & Elizabeth	N State Road 37	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP BLOOMINGTON TOWNSHIP
LB	53-05-04-202-005.000-004	Thompson, Mark & Elizabeth Baugh, Brenda	N State Road 37 6419 N Charlie Taylor LN	Bloomington, IN 47404 Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-034.000-004	Baugh, Brenda	6419 N Charlie Taylor LN	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-034.002-004	Thompson, Mark & Elizabeth	6427 N Charlie Taylor LN	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-034.002-004	Thompson, Mark & Elizabeth	6427 N Charlie Taylor LN	Bloomington, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-028.000-004	THOMPSON, MARK & ELIZABETH R	6505 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	53-05-04-200-028.000-004	THOMPSON, MARK & ELIZABETH R	6505 N THOMPSON RIDGE RD	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
LB	row	movii son, with a clienterm	OSOS IV INICIVII SOIV IIIDGE IID	B2001/11/01/, 11/ 47/404	becommend to writerin
LB	row				
LB	RDWY				
LB	RDWY				
LB	53-01-35-300-034.000-003	McNamee, William J & Lynn	9137 E Southshore DR	Unionville, IN 47468	BENTON TOWNSHIP
LB	53-01-35-300-034.000-003	McNamee, William J & Lynn	9137 E Southshore DR	Unionville, IN 47468	BENTON TOWNSHIP
LB	53-01-35-300-003.000-003	Jyoti, Dhruv & Sonia	9191 E Southshore DR	Unionville, IN 47468	BENTON TOWNSHIP
LB	53-01-35-300-003.000-003	Jyoti, Dhruv & Sonia	9191 E Southshore DR	Unionville, IN 47468	BENTON TOWNSHIP
LB	53-01-35-300-053.000-003				
LB	53-01-35-300-053.000-003				
LB	53-02-33-100-026.000-017	State of Indiana	100 E Sample RD	Bloomington, IN 47408-9308	WASHINGTON TOWNSHIP
LB	53-02-33-100-026.000-017	State of Indiana	100 E Sample RD	Bloomington, IN 47408-9308	WASHINGTON TOWNSHIP
LB	RDWY				
LB	RDWY				
LB	ROW				
LB	ROW				
LB	53-02-33-100-017.000-017	Mac's Convenience Stores LLC	7340 N Wayport RD	Bloomington, IN 47408	WASHINGTON TOWNSHIP
LB	53-02-33-100-017.000-017	Mac's Convenience Stores LLC	7340 N Wayport RD	Bloomington, IN 47408	WASHINGTON TOWNSHIP
LB	53-02-33-100-013.000-017	CMC4 LLC	7326 N Wayport RD	Bloomington, IN 47408	WASHINGTON TOWNSHIP
LB	53-02-33-100-013.000-017	CMC4 LLC	7326 N Wayport RD	Bloomington, IN 47408	WASHINGTON TOWNSHIP
LB	53-02-33-100-022.000-017	Arbor Investment LLC	7330 N Wayport RD	Bloomington, IN 47408-9315	WASHINGTON TOWNSHIP
LB	53-02-33-100-022.000-017	Arbor Investment LLC	7330 N Wayport RD	Bloomington, IN 47408-9315	WASHINGTON TOWNSHIP
LB	ROW				
LB	ROW	Dublic laws start and Comp	2000 W Ct-t- B 4 45	Disconing to 10 47402 5102	VAN DUDEN TOWNSHIP
GB	53-09-12-400-044.000-015	Public Investment Corp	3690 W State Road 45	Bloomington, IN 47403-5109	VAN BUREN TOWNSHIP
GB	53-09-12-400-044.000-015	Public Investment Corp	3690 W State Road 45	Bloomington, IN 47403-5109	VAN BUREN TOWNSHIP
GB	53-09-12-400-033.000-015	Public Investment Corp.	3598 W State Road 45	Bloomington, IN 47403-5121	VAN BUREN TOWNSHIP
GB	53-09-12-400-033.000-015	Public Investment Corp.	3598 W State Road 45	Bloomington, IN 47403-5121	VAN BUREN TOWNSHIP
GB	53-09-12-400-056.000-015	Public Investment Corp.	3650 W State Road 45	Bloomington, IN 47403-5109	VAN BUREN TOWNSHIP
GB	53-09-12-400-056.000-015	Public Investment Corp.	3650 W State Road 45	Bloomington, IN 47403-5109	VAN BUREN TOWNSHIP VAN BUREN TOWNSHIP
GB	53-09-12-400-029.000-015	Public Investment Corp.	3939 W Industrial BLVD	Bloomington, IN 47403-5169 Bloomington, IN 47403-5169	
GB GB	53-09-12-400-029.000-015 53-09-12-400-028.000-015	Public Investment Corp. Public Investment Corporation	3939 W Industrial BLVD	Bloomington, IN 47403-3174	VAN BUREN TOWNSHIP VAN BUREN TOWNSHIP
UΒ	JJ UJ-12-400-020.000-013	i abiic investinent corporation	2431 S Curry PIKE	5174 Biodinington, IN 47405-3174	VAIN BOILEN TOWNSHIP

TAG	Parcel Number (18-digits)	Owner Name	Property Street	Property City, ST & ZIP	Political Township
GB	53-09-12-400-028.000-015	Public Investment Corporation	2431 S Curry PIKE	Bloomington, IN 47403-3174	VAN BUREN TOWNSHIP
GB	53-09-12-400-075.000-015	BRYAN RENTAL, INC.	2411 S Curry PIKE	Bloomington, IN 47404-1410	VAN BUREN TOWNSHIP
GB	53-09-12-400-075.000-015	BRYAN RENTAL, INC.	2411 S Curry PIKE	Bloomington, IN 47404-1410	VAN BUREN TOWNSHIP
GB	53-08-21-200-116.000-008	Owen County State Bank	4020 S Old State Road 37	Bloomington, IN 47401-7412	PERRY TOWNSHIP
GB	53-08-21-200-116.000-008	Owen County State Bank	4020 S Old State Road 37	Bloomington, IN 47401-7412	PERRY TOWNSHIP
LB	53-08-17-100-039.000-008				
LB	53-08-17-100-039.000-008				
LB	53-08-17-100-038.000-008	Rogers & Country Club Inc	2801 S Rogers ST	Bloomington, IN 47403-4343	PERRY TOWNSHIP
LB	53-08-17-100-038.000-008	Rogers & Country Club Inc	2801 S Rogers ST	Bloomington, IN 47403-4343	PERRY TOWNSHIP
UR	53-11-29-400-023.000-006	Miller, Dennis E	9345 S Harrodsburg RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
UR	53-11-29-400-023.000-006	Miller, Dennis E	9345 S Harrodsburg RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
UR	53-11-29-400-028.000-006	KOONTZ, RONALD KEITH & MARY L	9294 S Old State Road 37	Bloomington, IN 47403-9449	CLEAR CREEK TOWNSHIP
UR	53-11-29-400-028.000-006	KOONTZ, RONALD KEITH & MARY L	9294 S Old State Road 37	Bloomington, IN 47403-9449	CLEAR CREEK TOWNSHIP
UR	RDWY	NOON LO NEI NEI NEI LE	323 : 0 0 iu state noud 37	bloomington, iit is too o i is	CLLY III CINEEN TO WITCH
UR	RDWY				
UR	53-11-29-101-006.000-006	May, Dwight R & Brandy J	424 W Hobart RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
UR	53-11-29-101-006.000-006	May, Dwight R & Brandy J	424 W Hobart RD	Bloomington, IN 47403	CLEAR CREEK TOWNSHIP
UR	53-11-29-101-002.000-006	Boruff, James D & Danielle R	726 W Hobart RD	Bloomington, IN 47403-9410	CLEAR CREEK TOWNSHIP
UR	53-11-29-101-002.000-006	Boruff, James D & Danielle R	726 W Hobart RD	Bloomington, IN 47403-9410	CLEAR CREEK TOWNSHIP
LB	53-05-16-200-005.000-004	Cream & Crimson Management LLC	4750 N STATE ROAD 37 BUSINESS	BLOOMINGTON, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-16-200-005.000-004	Cream & Crimson Management LLC	4750 N STATE ROAD 37 BUSINESS	BLOOMINGTON, IN 47408	BLOOMINGTON TOWNSHIP
LB	53-05-16-200-010.000-004	Cream & Crimson Management LLC	4750 N Old State Road 37	Bloomington, IN 47408-9261	BLOOMINGTON TOWNSHIP
LB	53-05-16-200-010.000-004	Cream & Crimson Management LLC	4750 N Old State Road 37	Bloomington, IN 47408-9261	BLOOMINGTON TOWNSHIP
GB	53-04-13-300-044.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-044.001-011	ZZ STATE OF INDIANA	W State Road 46	Bloomington, IN 47404	RICHLAND TOWNSHIP
GB	53-04-13-300-017.001-011	Jallal, Nasir	4137 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-04-13-300-017.001-011	Jallal, Nasir	4137 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-04-13-300-017.001-011	Jallal, Nasir	4137 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-04-13-300-017.001-011	Jallal, Nasir	4137 W State Road 46	Bloomington, IN 47404-9588	RICHLAND TOWNSHIP
GB	53-08-21-200-115.000-008	Owen County State Bank	4034 S Old State Road 37	Bloomington, IN 47401-7412	PERRY TOWNSHIP
GB	53-08-21-200-115.000-008	Owen County State Bank	4034 S Old State Road 37	Bloomington, IN 47401-7412	PERRY TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-001.000-015	Lazarus LLC	1425 S Curry PIKE	Bloomington, IN 47403-2708	VAN BUREN TOWNSHIP
GB	53-09-01-400-007.000-015	Liberty Mall Shaw Family LLC	1180 S Liberty DR	Bloomington, IN 47403-5120	VAN BUREN TOWNSHIP
GB	53-09-01-400-001.000-015	Lazarus LLC	1425 S Curry PIKE	Bloomington, IN 47403-2708	VAN BUREN TOWNSHIP
GB	53-05-20-300-013.000-004	JL Properties LLC	3108 N Norwest Woods LN	Bloomington, IN 47404-9281	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.002-004	ENJ Investments LLC	3131 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-013.000-004	JL Properties LLC	3108 N Norwest Woods LN	Bloomington, IN 47404-9281	BLOOMINGTON TOWNSHIP
GB	53-05-20-300-009.002-004	ENJ Investments LLC	3131 N WESTBURY VILLAGE DR	BLOOMINGTON, IN 47404	BLOOMINGTON TOWNSHIP
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GB	53-05-20-300-013.000-004 53-05-20-300-009.000-004	JL Properties LLC		•	

April 25, 2023

Monroe County Board of Zoning Appeals c/o Tammy Behrman Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals,

I have been a resident of 7165 E. Kerr Creek Road since 1990. I am opposed to the second variance request in the abovementioned case.

This variance request is essentially the same as the first one, which was denied at the 3/1/23 hearing. Instead of filing an appeal of that outcome, which is the proper procedure in such matters, Sojourn has filed a second variance request. The only difference now is that Sojourn has hired a lawyer (or is possibly receiving pro bono assistance) demanding the variance and threatening to sue the county if they don't get what they want. Their case is essentially the same as the previous one, which was denied because they do not meet any of the 5 standards for granting a variance listed in Chapter 812-5 of our zoning ordinance.

Sojourn appears to be operating their business at 7505 without a variance or Certificate of Occupancy. There is always a car parked there in the same spot, which is perhaps an attempt to make it look occupied for safety reasons. But frequently there are from 2 to 10 cars parked there, filling the driveway and spilling over onto the lawn and the edge of the road. After the 3/1 hearing, neighbors saw trucks and vans from Leading Edge Security on 3 or 4 days - possibly installing a security system.

I am including the *Recovery Residence How To Manual* published by the Indiana FSSA Division of Mental Health and Addiction. Please read the section on Neighbor Relations beginning on page 14. Sojourn has done the exact opposite of what the guidelines recommend. From the beginning, Sojourn has treated the neighbors in a hostile manner. They have made no attempt to get to know the neighbors or reach out in any way. The day after purchasing the property, Carissa Muncie told a neighbor to tell all the other neighbors not to call her, not to push her. Sojourn has attacked us in the Herald Telephone, the IDS, on WFIU, and on their website, calling us NIMBYs and stating that we should be ashamed of ourselves.

I think you know by now that we have never disputed the validity of their "mission". This is about land use. Sojourn is not above the law, and we just want to be protected by the laws of this county.

Yours truly,

Terri GouldTerri Gould
7165 E. Kerr Creek Road
Bloomington, IN 47408

RECOVERY RESIDENCE: HOW TO MANUAL



https://www.in.gov/fssa/dmha/files/Recovery_Residence_How_To_Manual.pdf

- Neighborhood Associations: These formal neighborhood organizations are a great way to build relationships with neighbors and help avoid "Not In My Back Yard" (NIMBY) situations. It is recommended that the administration and staff have representatives attend meetings held by the Neighborhood Associations. Attending these meetings, provides the opportunity to meet the neighbors and begin to build relationships and answer their questions regarding the operations and services provided by the residence.
- Residential Care Sometimes the level of care provided will not be enough for some of the residents. In some cases, they may require more accountability and services than is offered at the residence. In order to meet the needs of the residents, a higher level of care, such as a residential stay, may be needed. Be prepared for this scenario by already having a referral source established.
- Skills Training: Some of the residents have been so involved with the behaviors and realities of substance use, that they may not have learned basic life skills like budgeting or grocery shopping. Residents may need to be referred to programs or services that help them learn how to "live life" on a daily basis.
- Substance Use services: Depending on the level of care offered, the residence may not
 provide Substance Use Disorder services. Therefore, a referral will need to be made for
 those that need these services. Some may benefit from group sessions, or some may be
 court-ordered to attend some kind of SUD services.
- Healthcare Navigator: Having a relationship with a healthcare navigator may be very helpful for your clients to access healthcare in a timely manner.

Building relationships and trust with all of these referral sources will pay off in the end. The more effort put into these relationships, the more the organization will benefit. It will be easier to refer residents and know that they will receive quality care and receive appointments in a timely manner.

Neighbor Relations

Building strong relationships with the neighbors are equally as important as referral sources. The neighbors and the organization staff need the opportunity to "get to know each other" to begin to develop and establish mutual trust. Taking the time to build a relationship with the neighbors, and establishing your organization as a good neighbor makes it easier for the neighbor to call the organization first to address any problems or issues. The following are some recommendations on how the residence can establish itself as a good neighbor:

- Be considerate of the neighbors
- Don't play loud music or make excessive noise
- If smoking is allowed, establish the area to make sure it doesn't drift into your neighbor's home

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- Make sure the residence's outdoor area is neat and well maintained (lawn is mowed, no overgrown bushes/trees, no trash in yard, etc.)
- Get to know the neighbors (have an annual party, offer tours before the residence opens so people know what's going on at the residence, etc.)
- Make sure that residents are parking appropriately and not blocking driveways or the street

These are just a few examples. If there is a conflict between the residence and a neighbor, or a resident and a neighbor, handle it immediately. Do not allow it to escalate and attempt to handle it calmly and prudently. Always try to resolve problems in person, not via text or email, so the message is much less likely to be misconstrued.

Development

Who are you? Mission and Vision

A mission statement is a formal way to explain the organization's core purpose and values. A good mission statement clearly states the purpose of the organization and the goals needed for success. According to BusinessDictionary.com, a mission statement "is a written declaration of an organization's core purpose and focus that normally remains unchanged over time" (mission statement, n.d.). A mission statement defines the organization's cause and is intended to be an internal document that inspires and informs the team in order to achieve the company's goals. Most mission statements fall between two to four sentences in length and are not more than 100 words in total.

A vision statement defines what the organization wants to pursue for its cause. What are the future aspirations of the organization's efforts? A vision statement is defined "as aspirational description of what an organization would like to achieve or accomplish in the mid-term or long-term future. It is intended to serve as a clear guide for choosing current and future courses of action" (mission statement , n.d.). A vision statement is typically longer than a mission statement and defines the desired depth and breadth of the organization's future. A vision statement should inspire others to act for the future.

Some examples include:

LinkedIn

Mission: To connect the world's professionals to make them more productive and successful.

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Monroe County Board of Zoning Appeals c/o Tammy Behrman Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404 Via e-mail

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

The Sojourn House application for a variance, denied in March, has been amended to make clear that the number of residents will be eight, rather than the original application's "4 no more than 8."

Otherwise, the new application is characterized by a new claim that no variance is required, and a renewed insistence that Monroe County's zoning, as applied to Sojourn, violates state and federal law. Sojourn suggests that if its demands are not met, it will bring the matter to the federal courts, a "forum this is more properly relegated to."

The application spends little time on **state law**. It acknowledges that state law only prohibits denial of Sojourn's variance request if the justification for the denial is solely that too many unrelated persons would reside there or that the proposed use is a business. Neither issue was a focus of the objections that supported the previous denial. Rather, the discussion focused on the applicant's failure to meet the Code's requirements for a variance. Comments and testimony included such reasons for denying the application as traffic, safety, failure to address septic concerns in the Lake Monroe overlay district, and inconsistency with the zoning purposes of the Agricultural Reserve zoning classification. Indiana Code 12-28-4-7 (a) specifically says that while it would be impermissible to deny zoning for no reason other than the unrelated persons and business issues, "[t]he residential facility may be required to meet all other zoning requirements, ordinances, and laws."

With respect to the **criteria for granting variances**, it should be emphasized that insisting on application of current zoning rules will not work a hardship on Sojourn House. Sojourn claims, again, that a denial would cause it to lose its entire \$425,000 investment, as well as its investment in improvements, many of which were completed *after* the initial zoning variance application was denied.

The claim is obviously untrue. Should the BZA deny the new application, Sojourn could rent or sell the house. Because it was purchased for more than \$100,000 less than the last posted asking price, and because a reasonably comparable nearby home with fewer bedrooms (on a larger lot) recently sold for over \$600,000, Sojourn is likely to be able to recover all of its investment and more if it sells.

As to **federal law**, Sojourn House insists that the County has violated the Fair Housing Act and the Americans with Disabilities Act.

In the end, the claim seems to amount to an assertion that the County has no right to impose any zoning requirements on those classes of people protected by those laws. That claim is obviously without merit.

Specifically, Sojourn claims that the County discriminated against Sojourn by classifying it a "Group Home Class 2." Sojourn wishes to call itself a "Residential Facility for Individuals with Mental Illness." It claims that the County, by honestly trying to assign Sojourn the zoning use classification that seems most applicable, is discriminating against it by "interfering" with its protected use.

The County Zoning Code features an extensive list of uses. "Residential Facility for Individuals with Mental Illness" is not one. Sojourn apparently believes every applicant for a variance ought to be able to create its own special classification for zoning purposes and in the absence of that right, cannot be made subject to the requirements of the existing classification that fits it most closely. This policy would create an unreasonable administrative burden that cannot be met.

The definition of Group Home Class 2 reads, in part: "halfway houses providing residence to those needing...shelter during crisis intervention for not more than fifteen (15) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 15 or fewer individuals." That seems a reasonable choice; others might be "hospital", "nursing home", "temporary care facility", or "rehabilitation therapy facility." But none of those alternative classifications to Group Home 2 would offer a larger choice of zones in which permitted or conditional uses are available. Monroe County classified Sojourn House fairly, and as generously as its choices permit. It would do the same for any proposed use. That is not discrimination. It is routine administration.

What is certain is that Sojourn House, a facility with a rotating roster of eight disabled persons under therapy and care, a staff of four to six, volunteers, and perhaps visitors is not comparable to a single family residence. And it assuredly is not well-aligned with the purposes of the Agricultural Rural Reserve Zone. A residential treatment center for mentally ill persons does not "encourage[e] the continuation of agricultural uses and discourage[e] non-farm related non-residential uses." Nor does it protect "environmentally sensitive areas' such as the floodplain and the Lake Monroe watershed.

Now for the specifics of applicable federal law. While Sojourn House has not been consistent nor clear with respect to the women it hopes to help, it seems clear enough that at least some of the temporary residents of the facility Sojourn House hopes to provide will have disabilities related to the effects of abuse or trafficking. As such, Monroe County may not illegally discriminate against those prospective residents by zoning or otherwise, under the Fair Housing Act and the Americans with Disabilities Act.

Specifically, as the United States Court of Appeals for our circuit, the Seventh, has said in *Wisconsin Community Services, Inc. v. City of Milwaukee* (found at 465 F. 3d. 737, at 747): under the Fair Housing Act "disabled individuals may not be prevented from buying or renting homes because of their disabilities." With regard to the ADA, the same court in the same case (at 750) said: "no qualified individual shall, *by reason of the disability*, be excluded from participation in or denied the benefit of services, programs, or activities of a public entity [including zoning]." [Emphasis added.]

Sojourn House has not been denied a variance because of the disability of its clients. Rather, the BZA denied the requested variance on a record that included concerns about safety, septic performance, traffic, and the certainty that enforcing the zoning code provisions applicable to the Agricultural Reserve District would work no special hardship on Sojourn.

If, for example, a person of color (protected under the FHA) had sought a variance so as to open a ten-table restaurant at 7505 Kerr Creek Road, the denial of the application would surely have been based on concerns about traffic, parking, fire protection, and septic performance. It would be upheld if challenged under an FHA discrimination claim because the application of a restauranteur of any race would surely have been denied.

Similarly, the BZA would have denied an application for a variance filed by prospective operators, FHA/ADA protected or not, of other socially useful enterprises, such as a residence home for homeless persons not needing mental health services or residence home for recently paroled persons. The reason for the denial would be traffic, safety, septic and AGRR zoning objectives—the same issues that exist with Sojourn's application. Protected status under the FHA and ADA does not require that legitimate, non-discriminatory zoning objectives be set aside.

Next, Sojourn House argues that the County's failure to make a "reasonable accommodation" violates that FHA and ADA. In attempting to support this claim, Sojourn House cites the holding of the court in the *Wisconsin* case in a misleading way. While the words Sojourn quotes from the case are indeed in the opinion, when divorced from the words that follow they suggest a meaning that is far from what the court intended. Indeed, the Seventh Circuit in *Wisconsin* makes clear that reasonable accommodation is not a stand-alone requirement; the failure to make a

reasonable accommodation is only, in some instances, way in which discrimination may be shown. But reasonable accommodation is only required when the challenged action can be attributed to the specific protected status. The applicable standard announced in *Wisconsin*, and reaffirmed in the 2018 case *Valencia v. City of Springfield*, (found at 883 F. 3d. 959 (7th Cir. 2018)), was recently explained by the judge in *H.P. v. Naperville Community School District* 2018 WL 776538: "[Wisconsin] stands for the proposition that a Title II [ADA] claim based on a failure to provide a reasonable accommodation *cannot survive unless there is a "but for" causal connection between a plaintiff's disability and the allegedly discriminatory exclusion or denial*. Plaintiff's claim here fails because there is no causal connection." [Emphasis added.]

Because (as has been established above) there is no causal connection between the disability of the prospective residents of the facility Sojourn House wants to establish and the denial of a variance in this matter, Sojourn House has no ADA or FHA claim. In the words of the *Wisconsin* Court itself, (465 F. 3d. at 752) the question is "whether the rule, if unmodified, 'hurts handicapped people by reason of their handicap, rather than by virtue of what they have in common with other people." [Emphasis in original.]

The *Valencia* case, which explicitly adopted the *Wisconsin* standard, is not to the contrary. Rather, the plaintiff there sought a preliminary injunction, in which the standard of decision is "likely to prevail in a trial on the merits." The court considered a complaint from a group of disabled renters who had occupied a home together with no public issues or complaints for three years in a zone in which such occupancy was *permitted*. The renters' only problem was that they had unknowingly rented a home across the street from another group home, which was a technical violation of the conditions of the permitted use: instead of being the required 600 feet from another group home, they were about 190 feet away. Under that extraordinary set of facts, the court could see no reason--other than a probable case of FHA/ADA prohibited discrimination--that the County was insisting on a what seemed to the Court to be an arbitrary and unsupportable detail of the zoning code.

In this matter, Sojourn's proposed use is not a permitted use, and Sojourn not only has no record anywhere of operating a residence home at 7505 Kerr Creek Road with no complaints, it has never before operated any residence home anywhere.

The Cooper case (Cooper v. Western & Southern Financial Group, Inc., 847 F. Supp. 2d. 1031 (S.D. Ohio 2012) is likewise not of useful guidance here. It involved a suit against a private real estate developer that allegedly tried to manipulate public opinion against, and directly intimidate a women's shelter so that it could acquire its property. No one could plausibly allege that Monroe County or anyone else has intimidated or could intimidate Sojourn House in this matter. Further, in Cooper, the plaintiff alleged that the defendant had lodged sham objections under Historic Preservation laws. No sham proceedings characterize this matter. Finally, the

Magistrate who decided not to dismiss the *Cooper* complaint explained that the case was not simply a zoning dispute. By contrast, the Sojourn application for a variance is emphatically simply a zoning dispute.

Because Sojourn has suggested with its amended application that the County is hostile to its use, it may be important to review the **evidence of the County's welcoming attitude.**

Monroe County, under no legal obligation to do so, has clearly tried to be of help to Sojourn House. Not long ago, Sojourn House was preparing to use the now empty Stinesville Elementary School for its facility, having been offered the school at the cost of one dollar, and having sought and received a substantial grant from the County to help adapt the school to Sojourn's purposes. The path from there to where we are isn't clear from the outside and does not matter. What matters is that the accommodation is clear evidence that the County supports Sojourn's mission.

In addition, The County's zoning ordinance itself makes Sojourn's use a permitted one in three of its zones, including "urban residential," a zone that would enable Sojourn to locate by right in a residential community if it desires to do that. The Planning Department, at the first variance hearing, made a rough estimate that 4-6% of the County—which must surely include hundreds and hundreds of buildings—would be available to Sojourn of right under current zoning. The rough estimate doesn't make clear whether state and federal land were included in the base from which the percentage was derived, nor does it include the obvious opportunities available to Sojourn in the City of Bloomington.

The plaintiff in *Wisconsin* had searched for three years without finding a suitable building and was still turned away in its FHA/ADA challenge with costs being awarded to the defendant City. The reason for that, to review, was that the denial of a variance was not attributable to the plaintiff's protected status. As Judge Easterbrook stated, concurring in the Court's opinion: "That an alteration of zoning rules would be convenient or of benefit to a plaintiff does make the change necessary."

Finally, Sojourn's seems to be putting forward a new claim that a rural setting for its mission work is not only desirable, but necessary. Other providers with similar missions do not seem to share that view. A quick search generated a U.S. Health and Human Services report on residential-based treatment for minors suffering the effects of abuse and trafficking. Three of the four facilities studied were in urban settings. In addition, the web site of an organization that describes itself as the nation's largest provider of housing for abused and trafficked women make it evident that many such facilities are located in large cities. Sojourn has itself cited a program called Thistle Farms, headquartered in Nashville, Tennessee. The Thistle Farms program apparently includes involving its residents in the

manufacturing and sale of products. Thistle Farms' facility seems to be located in a well-developed area of Nashville, not far from an Interstate highway

In conclusion, if the members of the BZA did and would deny Sojourn's application for no reasons other than the prospective presence in the facility of more than three unrelated persons and/or that Sojourn is a business, then the BZA did and would act in violation of state law and should change its mind. As stated above, that truly does not seem to be the case.

Similarly, assume the BZA would have approved an application for a variance in an AG RR zone by a provider that had four to six staff persons and an unknown number of volunteers and visitors ready to support a residence home that would serve eight residents **who suffer no disabilities**. **If, under that set of assumptions,** the BZA still did and would deny Sojourn's application **because Sojourn proposes to serve a protected class of persons with disabilities,** then federal law requires that BZA change its mind. However, the assumptions don't describe this matter. There is no evidence that BZA was acting or would act with in such a discriminatory manner.

Therefore, BZA and Monroe County should read the applicable laws and court decisions carefully, should not take Sojourn's assertions about law as presumptively accurate, and should forthrightly uphold its original decision and Monroe County's existing Zoning Code--and Monroe County should be prepared to defend the BZA, the Zoning Code and the County's dutiful efforts to fairly administer it.

Finally, if the BZA is unsure of its legal obligations, it should defer its decision until it secures an opinion from its own counsel.

Sincerely,

W. William Weeks

6573 E. Kerr Creek Road, Bloomington, IN

PETER GOULD

June 21, 2023

Monroe County Board of Zoning Appeals c/o Tammy Behrman Planning Department Showers Building North 501 N Morton St Suite 224 Bloomington, IN 47404

Re: VAR-23-5 - Sojourn House - 7505 E. Kerr Creek Rd. - Use Variance for Group Home Class II

Dear Members of the Board of Zoning Appeals:

As a considerable amount of time has passed since the original 3/1/2023 hearing on this variance request, I am writing to provide additional information and a recap of comments/remonstrance letters submitted for the cancelled 5/3/2023 BZA meeting.

On 4/5/2023, the applicant submitted an amended application for the variance. The facts and substance of the amended application are unchanged from the original application that you denied at the March 1, 2023 meeting. If the applicant disagreed with the result, they should have sought Judicial Review within the 30 day time frame (3/31/2023 deadline) - the process spelled out in Chapter 821-18 of the zoning ordinance. As the underlying facts have not changed, the request for a BZA rehearing (rather than a Judicial Review) is an abuse of the established process.

Although there were no changes to the facts and substance of the original application, I would like to direct you to my remonstrance letter of 4/25/2023 which included a point-by-point analysis of misstatements contained in the amended application. I would also direct you to William Weeks' 6 page remonstrance letter (undated, but received by planning for the 5/3 meeting) - which contains a detailed analysis of the flawed legal arguments contained in the amended application.

Finally, in April, I and other neighbors had observed considerable activity at the property during normal business hours. A letter addressed to someone (unknown to neighbors) at 7505 was mistakenly delivered to another neighbor. Accordingly, I suspected that the applicant may be using the property for the intended purpose without having secured the use variance. I initiated a complaint about this with the plan department on 4/22 (#23-41). The plan department did not investigate onsite, nor did they contact the applicant about the possible violation - they dismissed my complaint with "there does not appear to be any evidence to support the intent of a zoning violation at the property 7505 E Kerr Creek Road based on the staff observations, communications and uploaded items to the property complaint. I will be directing the Zoning Inspector to close this complaint at this time."

Monroe County Board of Zoning Appeals June 21, 2023 Page 2

Thank you for your consideration. This "amended" application doesn't merit a re-hearing, however if you feel that you must re-hear this matter, please deny this variance application again - nothing has changed since your 3/1/2023 denial decision.

Sincerely,

Peter Gould

Peter Gould

EXHIBIT 13: Letters of Support for Amended Petition

As someone who heartily supports Sojourn House and the women who serve on the board, I would like to speak on their behalf.

I am a 27 year member of the Stinesville community area, a 30 year veteran high school teacher, and have known Amy Meek for 30 years and Carissa Muncie for 10 years through our church affiliation. I have served with them in a number of leadership roles of the church. When I learned that Amy and Carissa had a vision to help trafficked women by finding a "home" as a means to house, educate, love and mentor them into strong, independent citizens; I simply knew that it would happen. In my association with them, and in every initiative that they've undertaken, they have NEVER dropped the ball.

Carissa has fostered numerous children and adopted four to add to her three biological. In addition to managing a very busy household, she is very active in the children's programs at our church, volunteers at the local schools, and makes time to manage the church website. She's smart, organized, efficient with her time and her segue into the presidency of the Sojourn House Board was no surprise to those of us who know her well. She's inexhaustible and simply gets things done.

Amy combined her love of God, sports and kids to run an amazingly successful Upwards Soccer Program for 12+ years. This, on top of her family and very busy job as a nurse. Her work resume attests to her rise in her career and community and county responsibilities through Covid and beyond.

These two women along with a quality board have persevered through a number of setbacks in the past three years and still continue to move ahead. Their commitment to this endeavor is unquestionable and I know that Sojourn House will be run by the highest standards.

Thank you for your consideration of Sojourn House and it's future in Monroe County.

Beth Petry

Board of Zoning Appeals

To whom it concerns:

This letter is in support of the efforts of the work of Sojourn House located at 7505 East Kerr Creek Rd, Bloomington. As a resident of Monroe County, I am in support of these services being in our county and being supported by our county and community.

I have known Carissa Muncie and Amy Meek, who are 2 of the leading board members of Sojourn House, for over 5 years. I have seen their passion and vision to help this population of women grow from a dream to fruition. These past 5 years, I have seen Carissa and Amy, together with the other board members, be very intentional in how they approach this mission to support this group of women. Through intense education and research, seeking to learn how many other successful organizations have gone before them, looking at the big picture of what is best for the women they seek to serve and keeping in mind how this affects those around them, they have prepared themselves for this task of effectively managing the mission of Sojourn House. These are women of integrity who put others first and are dedicated to doing things right. I have also found them to be individuals that are able to have those hard conversations and maintain boundaries and expectations of others in both their professional and personal lives. I feel that they are very qualified along with the other board members to competently manage a safe place for women to heal while seeking new opportunities to better themselves and become independent.

In working with individuals of a similar population, I have come to believe in the good of every individual. In living my life, I have also personally experienced that any family can find themselves in a situation where they have a loved one that needs someone to come along side of them and give them a second chance. Many are challenged with what life has given them, and they need someone to believe in them and support them while making a positive change in the trajectory of their lives. Safe stable housing is one of the most important steps in laying that positive step towards building a foundation to grow and move forward. I feel that the location at 7505 East Kerr Creek Road offers this opportunity for positive growth, safety, healing and independence. If the location was in town, I would be concerned that it would be more challenging for this positive growth forward and healing as the influence of past life would be more obtainable.

Thank you for your time and consideration.

Chris Sherwood



PASTORS DAVID & SUMER NORRIS

Re: Sojourn House residential home Tuesday, May 2, 2023

Dear Tammy Behrman & Committee,

Please accept this letter on behalf of the Board, Staff, and Residents of Sojourn House.

It is my understanding that the character of the organization, Sojourn House is in question as to whether or not they can fully use their property. Additionally, the surrounding neighbors have expressed concerns about the residential program not being the best location for it. I can attest that the sole purpose of this program is to bring compassion, safety, and restoration to its Residents. The Board and Staff of Sojourn House are highly qualified and have overseen every aspect of support and security thus far, and will continue to do so.

To my knowledge, Sojourn House purchased the property, 7505 E Kerr Creek Road, at the end of 2022, and they believe they went through the proper channels with the zoning department to verify this program could be established there. These types of resident programs do not mean to be a disturbance to the community, but rather a place that provides therapy, supervision, and support to those rescued from such abuse and human trafficking. We are in full support and come alongside Sojourn House to continue the work they are doing bringing recovery and hope to these survivors. Everyone is on a journey, and this is a wonderful opportunity for Monroe County to be a part of these women's road to restoration.

As to the location not being suitable for them, the truth is every community within the State of Indiana is in danger of human trafficking. In 2022, Representative John Barlett stated, "Human trafficking is a major public health, human rights, economic justice, and social justice issue that has touched all of our 92 counties, and yet, we never hear about it. In that silence, human trafficking has flourished." With the location of the program being minutes from town, yet not too out in the country; it's an advantage. It provides the security and shelter that is needed, along with the rest and beautiful Hoosier scenery that is peaceful.

Based on the information provided, and on behalf of the needs of our community, we ask you to reconsider your previous decision and grant Sojourn House full use of their program at its current location. It will bring peace, safety, and restoration to the current and future women of Sojourn House.

Should you require more information or would like to discuss this matter in person, you may reach me at 812-336-5958 or pastor.david@citychurchbloomington.org.

Sincerely, Pastor David Norris City Church For All Nations

LOVE. BUILD. LEAD.

Tammy Behrman

From: Jeff Huston <jeff@plantoday.net>
Sent: Saturday, April 22, 2023 8:05 AM

To: Tammy Behrman

Subject: Sojourn House 7505 E Kerr Creek Road Appeal

Tammy,

Hello, I am writing in support of Sojourn House, a ministry to women who have been exploited through sex trafficking. Based on guidance given to them from the Monroe County Zoning Department, they proceeded with a purchase of the property at 7505 E Kerr Creek Road.

It turns out that this guidance was not accurate and a public hearing was filled with frightened neighbors making claims that were not all factual.

Since I lived at the address in question for over 20 years I suppose I have a unique perspective on this conversation. We fell in love with this property because it was so secluded and yet just 10 minutes into town. It's the last property on the far end of Kerr Creek Road and the house is built into the side of a huge hill that runs perpendicular to Kerr Creek Road, such that no neighbor can see this property from their house, nor could we see any neighbors from our property. This huge natural hill barrier came in handy as we are involved in an international student ministry and hosted huge events with up to 100 international students 2 or 3 times a year. We played outdoor games, had bonfires (in the current location of the fire pit) - they didn't add it or move it) and singalongs and not once in all those 20 years did we ever get a complaint from neighbors due to noise or traffic or disruption, probably because it's an 8 acre property at the end of a country road that neighbors would have to go out of their way to encounter. If we had any concerns about any disruption that this ministry would cause we would not have considered selling this property to them in the first place. Most of these neighbors never came down to our end of the road because it's out of their way and not the route they take into town. This is why the property is not only appropriate but uniquely suited to provide a safe haven for the residents without impacting the neighbors adversely.

- On Dec 13, 2022 the Monroe County Planning Commission held a meeting to discuss recommended changes to the codes. The property at 7505 E Kerr Creek Road is currently zoned AG/RR and according to the draft, all properties on Kerr Creek Road would be rezoned CR 2.5 which allows the following uses.
- Group Care Home I (PS) A facility providing 24-hour care in a protected living arrangement for not more than eight (8) residents per IC 12-28-4-8. This classification includes foster homes, homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons 60 years of age and older, and maternity homes.

Group Care Home II (PS) - Subject to IC 12-28-4-7 A facility providing 24-hour care in a protected living arrangement for not more than eight (8) residents. This classification includes homes for juvenile delinquents, halfway houses providing residence in lieu of institutional sentencing, halfway houses providing residence to those needing correctional and mental institutionalization. This classification also includes emergency shelter during crisis intervention for not more than eight (8) victims of crime, abuse, or neglect, and residential rehabilitation for alcohol and chemical dependence for 8 or fewer individuals.

Since the Planning Commission is already planning to change the uses for the above mentioned, it makes sense to allow Sojourn House to continue to operate their Group Care Home as this use is allowable under the changes proposed by the Monroe County Plan Commission.

Also,

As a community and as individuals, we need to decide if we are going to pay lip service to protecting women who are being bought and sold into sex trafficking OR if we are going to make laws, codes, rules, ordinances, exemptions and decisions designed to truly offer them a safe place, a healing place, a helping place, a place to start fresh, gain marketable skills and receive the confidence they need to escape their bondage. This is the right property situated in the right place to help the right people now. This time, it's time to do the right thing- I hope we can count on you.

Thank you for your thoughtful consideration,

Jeff Huston

Sent from my iPad

To Whom It May Concern:

I am writing in support of Sojourn House and the zoning approvals they have requested. I have worked with Sojourn House for several years as they have moved toward their goal of providing transitional housing onsite at their location. With 20+ years of experience working in both housing and sexual health, I have been nothing but impressed at the approach they have taken in regard to program development. Sojourn House is a fantastic community partner, is comprehensive in their approach to services, is transparent in the mission, and is providing an incredibly needed service to our community.

While I would like to first vouch for the professionalism of Sojourn House as an organization, my primary reason in writing is to address my concern with the reasons given for not approving the group home located at 7505 E Kerr Creek Road. Having worked in fair housing for many years, imagine my utter shock at the reasons given for denying a variance. I would like to address a few that were of particular concern in regard to fair housing law. Fair housing law indicates that Indiana residents cannot be discriminated against on the basis of race, religion, color, sex, disability, familial status, or national origin in the purchase or rental of housing. Obviously the home was purchased by an organization that has no intention of discriminating, but the community appears willing to discriminate on the basis of familial status given that the location is to be used as a group home.

At the zoning meeting earlier this year several issues were raised that do not make sense, nor do they align with the spirit of fair housing.

- Location is rural and electricity sometimes goes out
 - O Do the neighbors feel that there is a location (urban or rural) where utilities do not go out given Indiana's weather? Would this matter to the neighbors if a family or individual moved into the unit? If not, it is apparent the complainants are concerned not with the utility outage but instead with the individuals they assume will reside in the residence. It is the responsibility of Sojourn House to ensure habitability standards, which they have indicated they are able to provide through installation of a generator (a luxury not afforded in most rural homes).
- Police response time
 - O Again, the response time of police is not pertinent to meeting of zoning requirements. The residence has the same response time as anyone else. Should a group of adults, or a family with children or teens, move into the residence there would be no difference in police response time. It would appear the concern is not in the response, but in the assumption that the residents of the home will have need for a continued police presence, which has not been indicated except by stigmatizing prejudice toward the population.
- Distance from a grocery store
 - o Is it the right of neighbors to verify the ability of another household's ability to get to the grocery store? It is not. The assumptions made by the complainants indicate they are neither aware of the intricacies of the population served nor of the supportive services already in place by the organization. It is simply an assumption
- Home was purchased under market value, so the agency could easily move
 - The purchase price of a home does not indicate that an organization should move so as to not inconvenience the neighbors of the home. The complainants do not have any proof that there are or will be any disruptive issues, increased police presence, or

inconvenience to them in any way yet have advocated that the organization simply sell and move somewhere else so they do not have to face their own unfounded assumptions about the population being served by the organization. Review of published literature and experiences of similar organizations would indicate these are unfounded fears and are rooted in biased views toward others.

It is concerning that such obvious NIMBYism is present in the neighborhood and the decision of the zoning board. While the concerns raised are not directly in violation of fair housing laws as written, they are certainly and verily against the spirit of the law: that one should not discriminate against a targeted population based on unfounded assumptions and stereotyping. Sojourn House has an excellent reputation both locally and nationally for their service provision, and have not provided any reason to question the validity of their ability to maintain the residence.

Sincerely,

Jill L Stowers, MSW, LSW

Board of Zoning Appeals

To Whom it May Concern:

This letter is to share support for the work happening thru the Sojourn House located at 7505 E. Kerr Creek Rd in Bloomington. While I respect neighbors having concerns and working to ensure that those being served are receiving adequate access to transportation, services and care needed, I feel that some of the concerns noted may not be viewed thru the lens of what their clients may actually feel best to fit their needs. One of the goals of Sojourn House is to provide save space that is supportive and allows for healing for those they serve. What better environment than a rural and tranquil setting could possibly allow them to have a sense of safety, security with the ability to have independence and some space to be within nature? Capacity of 8 individuals given the space and size of the home also seem well within comfort range and may not be too different than housing that supports the college student population of unrelated individuals with rentals.

As an individual who works with similar population and backgrounds one of the hardest challenges often faced for those who have a desire to have positive life change is stable and supportive housing. Often without that in place, the risk of recidivism to their previous life challenges returns. Many of those served will have a background where they've experiences trauma and having the location being more urban in nature, while seems logical for some aspects, can be a detriment in their recovery. Sounds related to sirens, car horns, busses and other similar noises often common place in towns can be triggering and result in a negative impact to their care. Access to the bus line may be seen as a positive, however, would also allow for those they may be working to avoid having easy access to attempt to connect and intrude back into their lives. Safety is not always as cut and dry as those who have not experienced similar struggles in life may view it.

I can assure you that the President, board members of Sojourn and the volunteers within are working very diligently and with the best interest of their clients. Much time, planning and education has happened throughout their journey to provide services that would be considered an asset to the community and those they serve.

Thank you for your time and consideration to this matter. As a resident of Monroe County, I'd love to see these services be supported!

Subj: Sojourn House Variance

Please provide this letter to Planning Department c/o Tammy Behrman to be included as part of the BZA packet for variance hearing to be held on May 3rd.

I do not live in Bloomington, but I am a Sojourn House volunteer and very much support the opening of the Sojourn House at 7505 E Kerr Creek Rd in Bloomington. As you know, Sojourn House is a new non-profit organization. This organization will help abused and trafficked women. Sojourn House is a transitional living facility that offers women freedom from exploitation, pathways to restoration, and the opportunity to pursue their purpose in life.

They contacted the zoning department in 2022 before purchasing the property at 7505 E Kerr Creed Rd and were given the go-ahead to proceed. However, earlier this year after some neighbors complained at a meeting of the zoning board. All but one member of the zoning board sided with the neighbors.

I would like to ask the zoning board to approve the variance that will allow Sojourn House to stay at 7505 E Kerr Creek Rd. Give women a chance at a better life. The Sojourn House board has taken measures at the house to help protect everyone by putting a security system in place. Every woman who comes through the doors of Sojourn House will be given all the support they need to feel better about themselves; to become more productive citizens; to know their worth.

Please approve Sojourn House to get fully operational. Allow a total of eight women to be in the home at any given time.

Mayblelister 4/27/2023

Mary Webster

Sojourn House Volunteer

Tammy Behrman

From: pebrunner <pebrunner@bluemarble.net>

Sent: Monday, April 24, 2023 8:44 PM

To: Tammy Behrman

Cc: team@sojournhousewomen.org

Subject: Sojourn House

Dear Ms Behrman and the Board of Zoning Appeals,

We are writing to you today in support of Sojourn House and the use of the house they purchased on Kerr Creek Road as a residential facility to assist victims of sex trafficking. Having a stable living environment with the support of the board and professional staff is an integral part for these women to successfully gain the skills necessary to live safe, productive lives on their own.

The location on Kerr Creek Road provides a peaceful retreat for these women and removes them from easy access to possible pitfalls. The board, staff, and volunteers of Sojourn House are dedicated to accessing services for residents at the house and in town so, transportation will not be an issue.

The board and staff of Sojourn House are stellar members of our community and will continue to be vigilant stewards of the house they bought to be a home for the countless precious souls who have yet to have their lives transformed by this ministry.

A vote for this variance is a vote for victims' rights, women's right, and human rights.

Sincerely,
Paul and Emilia Brunner
Residents of Monroe County

^{**}We respectfully request that you please include this letter in the packet being prepared for the hearing on May 3, 2023.**

April 19, 2023

From P.E.O. Chapter CR Members Bloomington

Board of Zoning Appeals

Dear Board,

We are writing in support of the planned Sojourn House residence at 7505 E Kerr Creek Rd. Our organization (P.E.O.--Philanthropic Educational Organization) gives loans, grants and scholarships for higher education to women. Our chapter has been active in this community for 54 years. We were pleased to welcome Amy Meek, from Sojourn House, to speak to our group about human trafficking on March 1.

She also spoke about the planned opening of their residential program and what a big step forward this was going to be. It was very evident from her presentation that she had no idea this long-planned dream was going to be blindsided the very next day at the last moment. She certainly thought it had been greenlighted by the proper boards and agencies, including the county planning department.

It was clear from Ms. Meek's long professional experience that any health, safety, and transportation issues associated with such a home had been extremely well thought out and planned for. This is no naïve venture by amateurs. We believe that the Fair Housing Act standards that categorize group homes where residents receive mental health treatment do qualify as a family residence, and that this should supersede the county zoning ordinance and should win a use variance to proceed immediately.

Respectfully,

Members of P.E.O. Chapter CR (signing as individuals, appended)

Sojourn House. me Williams Dry Back

Signatures from P.E.O. Chapter CR members, added to our letter of support for

Dave Hall
200 West Washington Street
Indianapolis, IN 46204
www.in.gov/H62
h62@iga.in.gov
317-232-9863

2023 Legislative Session

House District 62 Planning Dept. c/o Tammy Behrman 501 N Morton St Suite 224 Bloomington, IN 47404

Dear Bloomington Board of Zoning Appeals,

I am writing to express my support for the Sojourn House's application for a zoning variance. The Sojourn House provides critical support and case management for women who have been exploited or trafficked. If the zoning variance is approved, their residential, 24-month program will allow time for each woman to find healing, freedom, a solid support system, and a clear path toward a much brighter future.

In order to approve a use variance, the Board must consider several factors. Firstly, the approval will not be injurious to the public health, safety, and general welfare of the community. The Sojourn House's program is an essential service to women who have experienced exploitation or trafficking. The residential program is critical to providing the necessary support and safety for these vulnerable individuals. The approval of this variance will not be injurious to the public health, safety, and general welfare of the community but rather will provide a much-needed service to those in need.

Secondly, the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner. The Sojourn House's program will not adversely affect the use and value of the area adjacent to the property. In fact, the program will have a positive impact on the community by providing safe housing, support and resources to women who have experienced exploitation or trafficking.

Thirdly, the need for the variance arises from some condition peculiar to the property involved. The need for this variance arises from the unique conditions presented by the Sojourn House's program. The residential, 24-month program provides a necessary level of support and safety to the women in their care, and without the variance, the Sojourn House would not be able to operate and provide their essential services at this location.

Fourthly, 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. The strict application of the zoning ordinance would constitute an unnecessary hardship for the Sojourn House, as their program requires a residential setting to provide the necessary support and safety to the women they are helping. Without the variance, the Sojourn House would not be able to provide their essential services to women who have been exploited or trafficked.

Lastly, 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, and (5) Distinguish Land from Property. The Sojourn House's program is in harmony with the general purpose and intent of the zoning ordinance and the comprehensive plan as it provides a necessary service to women in need and addresses an important social issue.

In conclusion, I urge you to approve the Sojourn House's application for a zoning variance. The work they are doing is an essential part of our community, and it provides much-needed support to women who have been victimized. Thank you for your service to the community and for your thoughtful consideration on this matter.

Sincerely,

Dave Hall

State Representative

House District 62

Dear Monroe County Planning Department,

I am writing to support the Sojourn House and its variance request for the home at 7505 E. Kerr Creek Road. My home is within one mile of the Sojourn House. As a neighbor, I understand why Sojourn House has chosen this location for its residential women's program. The Kerr Creek Rd. home is private and serene, yet provides residents easy access to employment opportunities in both Monroe and Brown Counties, proximity to emergency and women's health care, and mental health care providers. This home's location is ideal for allowing the most vulnerable in our community a place to feel safe and have opportunities available to them when they are able and ready to seek them. This type of privacy with ease of access to employment and amenities is rare in Monroe County, and will not be easy to replicate for Sojourn House. I believe the directors of Sojourn House have performed their due diligence to secure an ideal location for their residents, and I feel strongly that denying them the variance needed to proceed is an injustice to a good cause and its undeserved residents. As neighbors, we should do our best to protect and provide for the disadvantaged, not shoo them away and shun them. I am not afraid of the residents of Sojourn House, I welcome them here. The women of Sojourn House are entitled to quiet enjoyment of their home, just as I am of mine.

Amanda Franklin 6630 E. SR 46 Bloomington, IN 47401

Tammy Behrman

From: Griffin Family <griffinfamilyof4@gmail.com>

Sent: Friday, May 26, 2023 11:36 AM

To: Tammy Behrman **Subject:** BZA: Sojourn House

To the Planning Department,

I am writing to you in support of Sojourn House and the work this organization is doing to support an underserved population of women in Bloomington and Monroe County. I, along with my family, am a volunteer with Sojourn House and am a financial supporter of Sojourn House. I believe in its mission to provide a safe place for women to live while they are receiving the necessary support to heal and learn skills that will help them to gain independence and become productive members of our community. Sojourn House exists to help women in our community get back on their feet after experiencing unfortunate circumstances. The work Sojourn House is doing and will continue to do is strengthening our community, making it a better and healthier place to live for all members. The more women Sojourn House is able to help, the more positive impact will be had on our community at large.

I believe that the house on Kerr Creek Road purchased by Sojourn House is a perfect location for the women in residence to distance themselves from their former situations and to heal in a peaceful and quiet environment. This beautiful property provides a way for the women at Sojourn House to relax and enjoy nature, which is proven to be healing in and of itself. I am sure those who already live on Kerr Creek Road know how peaceful and wonderful country living can be! This location will allow the women to be removed from the distractions that 'city life' can bring, allowing them to focus on their healing and progress toward the life they now get to choose for themselves. Sojourn House staff and trained volunteers will provide the necessary transportation for the residents to get to appointments and their jobs in the community. The residents will help care for and maintain the property, including creating and cultivating a small garden, giving them a sense of ownership, responsibility, and accountability.

I understand that some of the neighbors have questions or concerns about Sojourn House and the women that will be living on the property. It is my hope that, after gaining knowledge of the purpose of Sojourn House (what it is and what it isn't) and the good that it will bring to our community, that those who live nearby will see the benefits far outweigh any risk that could be posed. Any time new neighbors move into a neighborhood, there is some element of unknown -- will they be 'good' neighbors? Sojourn House is no different than any other new family moving into this home. The women living at Sojourn House will have successfully completed any necessary rehabilitation programs before moving to the home. They will sign a contract that requires them to abide by certain rules that they must follow in order to stay at Sojourn House. These women will be charged with being responsible tenants, neighbors, and members of our community. The staff and volunteers of Sojourn House will provide regular guidance to the women living in the home and will oversee the day-to-day operation of the home just like any family would.

As a community member that has a 'recovery house' just a few doors down from my family's home, I understand that there is a stigma attached to those who were previously in undesirable situations and now need a safe place to call home away from their former life. My family has not encountered any ill effects from having a recovery house on our street. The men who live in the recovery house are just like any other neighbor and have not posed any real threat to me or my children. I am pleased to know that these men are able to live in a nice neighborhood such as ours as they recover and learn how to become productive members of our community.

I urge the residents of Kerr Creek Road to learn more about Sojourn House and the good that it is doing for Monroe County. Oftentimes, fear stems from lack of knowledge, and I hope that as the residents gain more information and respect for Sojourn House and its mission that they will see there is truly nothing to fear by having these women as neighbors. Furthermore, I hope that the neighbors on Kerr Creek Rd will be welcoming and show neighborly love to the residents, staff, and volunteers at Sojourn House.

Please include a copy of this email letter in the BZA packet for the Sojourn House hearing that is to take place on June 7.

Thank you,

Amber Griffin Monroe County Resident

Tammy Behrman

From: Carol Weiss-Kennedy < carolweisskennedy@gmail.com>

Sent: Tuesday, May 30, 2023 4:32 PM

To: Tammy Behrman Sojourn House **Subject:**

Please accept this email/letter of support for Sojourn House and please add it to the BZA packet. The leaders of Sojourn House are nothing more than amazing, dedicated women who work to support the vulnerable and those less fortunate.

Their work, through the physical space at Sojourn House, will add to the strength of our community and will not be a disruption.

Thank you for your consideration.

Carol Weiss-Kennedy

Tammy Behrman

From: Chiara Perry <chiara.perry.2021@gmail.com>

Sent: Saturday, May 27, 2023 5:31 AM

To: Tammy Behrman

Subject: BZA Meeting June 7, 2023 - Support Variance for Sojourn House

Please include this letter in the package of materials for the meeting on June 7.

To the Members of the BZA,

As a 30+ year citizen of Monroe County, I am asking that this board vote in favor of the variance to support the use and mission of Sojourn House.

You have an opportunity to make a difference in the lives of many women who have been able to escape the handcuffs of trafficking. They are now in a place for recovery, healing, and shaping a brighter future.

Since Sojourn House was given information before purchasing this property, that they could offer this service and this is covered under state law, the right decision is to approve this variance.

We can not all choose our neighbors, but we can decide how to show up to support each other in a neighborly way. It is sad that human trafficking is happening in our own county, in plain site. It is amazing that Sojourn House is a place to help people.

Thank you and please do the right thing.

Chiara Perry 4242 N. Emma Drive Bloomington, IN 47404 Chiara.perry.2021@gmail.com

Sent from Mail for Windows

To the members of the Bloomington Zoning Board, concerning the variance hearing on 6/7/23 for Sojourn House for Women:

INDIANA RANKS 21ST IN THE NATION FOR HUMAN TRAFFICKING REPORTS.

IN JANUARY 2022 A BIPARTISAN INDIANA LEGISLATIVE COMMITTEE WHILE AUTHORING A BILL TO ADDRESS HUMAN TRAFFICKING, ACKNOWLEDGED 'HUMAN TRAFFICKING IS A MAJOR PUBLIC HEALTH, HUMAN RIGHTS, ECONOMIC JUSTICE AND SOCIAL JUSTICE ISSUE THAT HAS TOUCHED ALL OF OUR 92 COUNTIES. AND YET WE NEVER HEAR ABOUT IT. IN THAT SILENCE, HUMAN TRAFFICKING HAS FLOURISHED'

THE STATE OF INDIANA GOVERNMENT WEBSITE LISTS A PRIMARY CHALLENGE OF COMBATING HUMAN TRAFFICKING AS 'LIMITED RESOURCES', NOTING 'ORGANIZATIONS THAT PROVIDE SERVICES TO TRAFFICKING VICTIMS MAY HAVE LIMITED RESOURCES. THIS MAKES IT CHALLENGING TOPROVIDE ADEQUATE SUPPORT TO VICTIMS'

IPATH, THE INDIANA PROTECTION FOR ABUSED AND TRAFFICKED HUMANS TASK FORCE NOTES THE FOLLOWING NEEDS FOR INDIVIDUALS LEAVING A SITUATION IN WHICH THEY HAVE BEEN EXPLOITED:

BASIC NEEDS (MEDICAL ATTENTION, FOOD, TOILETRIES, CLOTHING)

EMERGENCY SHELTER AND TRANSITIONAL HOUSING

LEGAL SERVICES

ONGOING COUNSELING, THERAPY, CASE MANAGEMENT

COMMUNITY CONNECTIONS

LIFE SKILLS, EDUCATIONAL & VOCATIONAL TRAINING

LONG TERM HOUSING

SOJOURN HOUSE IS THE <u>ONLY</u> RESOURCE IN MONROE COUNTY AND THE SURROUNDING COUNTIES THAT HAVE STAFF AND VOLUNTEERS SPECIFICALLY TRAINED IN PROVIDING TRAUMA BASED COUNSELING AND SUPPORT FOR WOMEN WHO HAVE BEEN TRAFFICKED.

HAVING A MORE RURAL SETTING FOR HOUSING FOR THESE WOMEN IS THERAPEUTIC, PROMOTES PEACE AND HEALING, AND ALLOWS FOR INCREASED PERSONAL SAFETY FOR THEM AWAY FROM POTENTIAL TRIGGERS AND A DECREASED OPPORTUNITY TO ENCOUNTER INDIVIDUALS FROM THEIR FORMER LIFE.

SOJOURN HOUSE HAS RECEIVED OVERWHELMING SUPPORT FROM HUNDREDS OF INDIVIDUALS AND DOZENS OF BUSINESSES IN THE COMMUNITY SINCE ITS INCEPTION. THESE INCLUDE BUT ARE NOT LIMITED TO, IU HEALTH, COOK GROUP, BLOOMINGTON HEALTH FOUNDATION, AND BLOOMINGTON NORTH ROTARY. THESE ORGANIZATIONS OBVIOUSLY EMBRACE THE MISSION OF SOJOURN HOUSE AS EVIDENCED BY THEIR PHYSICAL AND FINANCIAL ASSISTANCE.

AS TO THE CONCERNS OF RESIDENTS OF EAST KERR CREEK ROAD, I WOULD SAY THIS: THERE ARE 5 REGISTERED SEX OFFENDERS IN A 2 MI RADIUS OF E KERR CREEK ROAD. THERE ARE 12 IN A 5 MILE RADIUS. WE DO NOT, IN A FREE AND OPEN SOCIETY, HAVE THE RIGHT TO CONTROL WHO OUR NEIGHBORS ARE.

WE DO HOWEVER, HAVE A RESPONSIBILITY AS A CIVIL, EDUCATED COMMUNITY TO SUPPORT THESE WOMEN AND TO PROVIDE THEM EVERY OPPORTUNITY AND RESOURCE TO LIVE A LIFE THAT ENSURES THEIR PERSONAL LIBERTY AND SELF-ACTUALIZATION. I WOULD STRONGLY ENCOURAGE THE ZONING BOARD TO MAKE THE CORRECT AND COMPASSIONATE DECISION TO ALLOW THE VARIANCE REQUESTED BY SOJOURN HOUSE. ANY OTHER DECISION IS A PERPETUATION OF THE VICTIMIZATION THESE WOMEN HAVE ALREADY EXPERIENCED.

Jodi Hoagland

Hoagland.jodi@yahoo.com

812.320.2375



Board of Zoning Appeals,

I am writing to you in support of Sojourn House. I am the Lead Pastor of Zion Community Church of the Nazarene in Bloomington, Indiana. My church has chosen to partner with Sojourn House from their beginnings a few years ago.

The women who run this wonderful organization have made presentations in our church and we have worked closely with them as they have been working with this oft neglected demographic of our community. We financially support them through donations and many of our members are monthly givers. They lead well and they lead with love. They are always cautious about how their decisions influence not only their organization but the community in which they reside. They have been clear communicators every step of their journey. I have the utmost faith that they will continue to lead with transparency and integrity as they move forward on this property.

The very nature of their program closely resembles normal family life. Women will be living together, sharing resources, and helping each other navigate whatever challenges might come. In no way do I see this as something that will negatively affect the neighborhood in which they operate. I would be led to believe that their presence will hardly be noticeable, even with a full home!

I hope that our community will embrace Sojourn House and the necessary work that they are involved in. I believe you have the opportunity to make a decision that will make Bloomington and Monroe County a better, safer, and more charitable place to live.

Thank you for taking the time to read this letter in support of Sojourn House.

Grace and Peace,

Pastor Doug Lane

Pastor Doug Lare

To: Bloomington City Planning Department Zoning Board of Appeals

Dear all,

I'd like to strongly support the continuation of the Sojourn House location on Kerr Creek Road. There are two primary reasons for this:

- The location is safe and reasonable for the women who would be served at the house for this purpose. It in no way impacts others who live nearby.
- I've lived opposite a group home on E Blackstone Court for several years and don't feel in any way that it has impacted my home value, or our ability to use it

To the first reason: I don't see any reason for concern. The Sojourn House board, staff, and volunteers are part of a highly successful organization and are more than capable of maintaining the property. The house is situated well away from any neighbors and would be used in a way that is similar to a large family. The women living in the house would be provided with an invaluable opportunity to recover so that they can return to their adult lives — and the beauty of the location can only enhance this process.

To the second reason: I've lived for years across the street from a group home and have never felt that my home was compromised in any way. The value of my property has increased alongside all other homes in the area, there were never any disruptions, and the group home was kept in good order, including the grounds.

I hope that the Zoning committee will continue to fully support the use of the house as a Sojourn House.

Sincerely,

Alain Barker

Alain Barker 4410 East Blackstone Court Bloomington, IN 47408 (812) 325-9523 New Leaf, New Life, Inc. 1010 S. Walnut St. Suite H Bloomington, IN. 47401

Planning Dept. c/o Tammy Behrman 501 N Morton St Suite 224 Bloomington, IN 47404

6/5/2023

Dear Bloomington Board of Zoning Appeals,

On behalf of New Leaf, New Life, and as a Bloomington resident, I'm writing to show support for Sojourn House and the variance that would allow them to open their doors and begin positively impacting lives at the 7505 E. Kerr Creek Road location.

This location (7505 E. Kerr Creek Road) is safe and reasonable for Sojourn House clients. Sojourn House board, staff, and volunteers are capable of maintaining the property. This property will be used similarly to a large family. Sojourn House is responsible and committed to making this program an asset to the area. The nature of the program is not disruptive to the environment or the neighbors.

As the leader of a local nonprofit and an informed and concerned community member, I attest that the above statements are true and urge you to take the steps necessary for this nonprofit to begin doing their work at 7505 E. Kerr Creek Road. Thank you for your time.

Jordan McIntire

Jordan McIntire, PhD, CTRS Executive Director New Leaf, New Life Katarina M. Reese 3502 S. Tyler Ln. Bloomington, IN 47403

June 19, 2023

Monroe County Board of Zoning Appeals 501 N Morton St Suite 224 Bloomington, IN 47404

To the Board of Zoning Appeals:

I am writing in support of Sojourn House and their desire to maintain the property they've recently purchased for use as a house for women recovering from trafficking. I trust the leadership of the women who run Sojourn House, as they are people who have sacrificed their own time, money, and energy to this cause. They are not ones to take their responsibilities lightly. They are professionals who have experience working with people who are vulnerable. As such, they know what it takes to create a safe and rejuvenating place for these women in need to live.

I also believe that the leaders of Sojourn House care for people of all kinds, including the neighbors in the area of the house they purchased. I trust that the leaders of Sojourn House would be very responsive to any concerns from the neighborhood, certainly more so than the average family that might have moved into the house now owned by Sojourn House. The leaders of Sojourn House are dedicated to seeing this project succeed, and so I believe they would happily work with neighbors to ensure that neighbors are not negatively affected by their use of this property.

The Sojourn House is also supported by churches, businesses, and individuals who trust their vision for helping women who have been trafficked. They have support from the broader community to be able to financially provide for these women as they recover, and to keep the property well-maintained.

Thank you,

Katarina M. Reese

K-MR.

Morgan Lane 4022 W Glen Oaks Drive Bloomington, IN 47403 June 20, 2023

To the Board of Zoning Appeals:

I am writing in support of Sojourn House being able to use our property as intended. As a cofounder and Board Treasurer of Sojourn House, I could go on and on about all the good Sojourn House does, why Sojourn House has the right to operate in this house, etc. and so on. But I'll keep it timely by just stating a couple things.

First, I would like to address the statement previously mentioned in a neighbor's letter that we have not gone out of our way to meet the neighbors. We purchased our house on December 22, 2022-just days before a big holiday that all of our board celebrates. Some of us left town immediately after the purchase, some had family in town, kids home from school, etc. It was ALWAYS our intention to be good neighbors to those around us. We did not have immediate plans to interact with neighbors, because again, we all had many things going on during the busy holiday season. And we certainly did not anticipate the uproar our presence would cause the neighborhood.

Our Board President spent the next several days, time that should have been spent celebrating with her family, fielding phone call after phone call from upset neighbors. She answered their questions graciously and openly. This is not how we hoped to interact with neighbors for the first time. In spite of all this, it is our deepest desire that once we make it through this process, those neighbors who oppose us will, over time, become some of our biggest cheerleaders. We look forward to building good relationships with the neighbors moving forward.

Secondly, I would like to speak to the concern in an opposing letter from a neighbor that we will have a negative effect on the watershed. To the rest of the Sojourn House board and to most who know me, I am lovingly seen as a "hippie" or "tree-hugger". It is one of my biggest passions and desires to care for the earth and I do my best to challenge others, including our board when needed, to use environmentally safe products and practices.

In addition to my eco-conscious nudges, our board is committed to using sustainable products because of the immense number of products that are made at the hands of someone else's exploitation. Companies that care about their workers usually go hand in hand with companies that care for all of life, watershed included. Are we perfect at it? Of course not; no one is. But, we are committed to doing our best to build up rather than tear down. We have hopes to one day teach our future residents about the importance of caring for the earth and organically growing and preserving their own food! We are aware of the impact our property can have on the watershed and we will do our best to use environmentally safe products and practices. Sojourn House desires to spark positive change in everything we do.

Thank you,

Morgan Lane



MONROE COUNTY **BOARD OF ZONING APPEALS**

June 28th, 2023 **Public Meeting Date:**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-25a	Minimum Lot Size Variance	Approval
VAR-23-25b	Minimum Lot Width Variance	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 approval of VAR-23-25a and VAR-23-25b due to the pre-existing non-conforming nature of the lot.

Dlannanı

Daniel Brown

Variance Type: ⊠ D	esign 🗆 Use	Planner:	Daniel Brown	
⊠ Ro	esidential Commercial	1		
PETITIONER	Hupp, Michael	l & Anna		
ADDRESS	8448 W Chafir	8448 W Chafin Chapel RD; parcel #53-03-32-100-023.000-001		
TOWNSHIP + SECTION Bean Blossom; 32				
PLATS	□ Unplatted □	☐ Platted:		
ACREAGE +/-	1.27 +/-			

ACREAGE +/-	1.27 +/-	
	PETITION SITE	ADJACENT
ZONING	Agricultural/Rural Reserve	Agricultural/Rural Reserve
COMP. PLAN	Rural Residential	Rural Residential
USE	Single Family Residential	Single Family Residential, General Farm

SUMMARY

Variance Type:

The Variance was triggered by a Residential Demolition Permit, R-23-8. The petitioner intends to build a single-family residential structure at this property. The prior home on this lot was granted a Residential Demolition Permit, R-23-8, in January of 2023, and the lot is currently without a residence. However, it was found during review that the property is only 1.27 acres in area, while the minimum lot size for an Agricultural/Rural Reserve lot is 2.5 acres. It was also found that the lot was only 175 feet across at the site of the proposed new home, while the minimum lot width for a parcel zoned AG/RR is 200 feet. Thus, the Minimum Lot Size and Minimum Lot Width variances were triggered.

There were also two accessory structures on this property, both car sheds that were constructed in the year 2000, according to the Property Record Card. One measures at 660 square feet, while the other one measures at 240 square feet. A site visit has shown that both structures have been removed. The singlefamily dwelling that was removed earlier in 2023 was constructed in 1971.

If the variance is approved, the petitioner will be permitted to file a residential building permit to place a proposed home. If the petition is denied, the petitioner will not be permitted to construct a residence on the property.

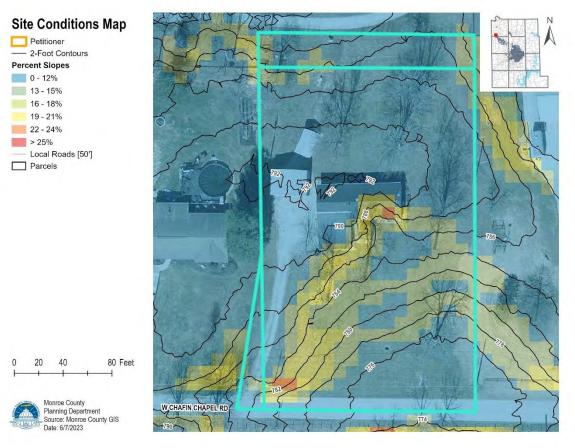
EXHIBITS - *Immediately following report*

- 1. Location and Slope Map
- 2. Site Photos
- 3. Petition Letter
- 4. Site Plan

EXHIBIT 1: Location Map, Slope Map, and Zoning Map



Above, the location map of the petition property; Below, the slope map of the petition property





Above, Zoning Map of the petition property; Below, the Comprehensive Zoning Map of the same



EXHIBIT 2: Site Photos



Photo 1. Pictometry photo of the property



Photo 2: The former location of the house



Photo 3: The former location of the house

EXHIBIT 3: Petition Letter

The plan for the site is rebuild a house where prior house was located. The variance is required due to lot size, but there was a en existing house on the lot. The existing house is already torn down and the lot sits vacant.

Anna Hupp

EXHIBIT 4: Site Plan





MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: June 28, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-26	Rear Yard Setback from Chapter 804	Denial

812-6 <u>Standards for Design Standards Variance Approval</u>: 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:

<u>Deny the rear yard setback variance:</u> Practical difficulties are not met, specifically "C". The setback issue can be more effectively address through a relocation of the existing development/building/

structure. Planner: Shawn Smith Variance Type: □ Design □ Use ⊠ Residential □ Commercial **PETITIONER** Halter, Lisa and Nick (Owners) 6565 N Maple CT **ADDRESS** 53-04-02-202-002.000-011 **TOWNSHIP + SECTION** Richland Township, Section 2 PLATS ☐ Unplatted ☒ Platted: Maple Grove Manor Lot 3 0.58 acres ACREAGE +/-**PETITION SITE ADJACENT ZONING** AG/RR AG/RR **CDO ZONE** Rural Residential Rural Residential USE Single-family Residential Single-family Residenital **EXHIBITS**

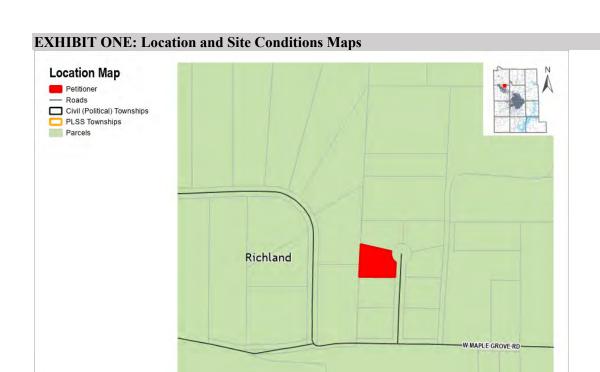
1. Location Map

- 2. Site Conditions Map
- 3. Pictometry & staff visit photos
- 4. Petitioner Letter
- 5. Letter of Support
- 6. Subdivision Plat
- 7. Petitioner Site Plan
- 8. Petitioner Construction Plans

SUMMARY

The petitioner is requesting one Design Standards Variance to construct an approximate 1,400 sqft pole barn structure at 6565 N Maple CT on a 0.58 acre lot in the AG/RR zone. Chapter 804-2 (D) states that legal, pre-existing lots of record in the AG/RR zone shall be deemed to conform to the Height, Bulk, Area, and Density regulations if in a platted subdivision. This negates the need for a minimum lot size and minimum lot width variances. Chapter 804 requires structures in the AG/RR zone to have a 35' rear setback. The proposed location is approximately 25' from the property line. The petitioner has a residential pole barn structure permit on file (R-23-544). A 15' utility easement is present on the property but does not impact the location of the structure.

If the design standards variance is **approved**, the petitioner will be able to continue with the residential pole barn structure permit application and comply with all other building and zoning codes. If the design standards variance to the rear yard setback is **denied**, the petitioner will be required to construct a structure that meets the rear setback requirements of the AG/RR zone per Chapter 804.



0.09 Miles

0.02 0.04



EXHIBIT THREE: Pictometry and Site Photos



Photo 1 – Facing East



Photo 2 – Facing West



Photo 3 – facing West (proposed construction site)







Photo 6 – Proposed location in relation to primary residence

EXHIBIT FOUR: Petitioner Letter & Owner Consent

June 5, 2023

Letter Variance Request For: 6565 N Maple Ct. Ellettsville, IN 47429 Parcel ID# 53-04-202-002.000-011

To the Board of Zoning Appeals,

We are requesting a variance for our property 6565 N Maple Ct. Ellettsville, IN 47429 in building a 30X40 pole barn in the reduction of the 35 ft rear setback to 25 ft. We are requesting this variance for the following reasons.

- Due to the shape and narrowness of the front of the property, combined with placement of our house and the required rear setback of 35 ft, this would make the new structure of the pole barn closer than desired to the back corner of our home.
- Due to the shape of the property, placement of our home and size of the pole barn we cannot perfectly align the pole barn with the property line without impeding into our home and leaving a large empty area of yard behind.
- Granting the variance will have no effect on any of the adjoining properties. Instead, it would allow us to remove the two smaller existing barns and build one new structure that would allow us to be able to store our yard equipment, tools, bikes etc., making our property more appealing to the Maple Manor Community and the Horseshoe Retreat behind our property.
- This requested variance would be consistent with the spirit of the Maple Manor Community and recent improvements among the properties.

Thank you for your consideration.

Aug Haten NH Hatte

Sincerely,

Lisa and Nick Halter

Property Owners

EXHIBIT FIVE: Letter of Support

Ryan Pickard Elizabeth Curtis Pickard 6535 North Maple Court Ellettsville, Indiana 47429

June 21, 2023

Monroe County Planning Department 501 N. Morton Street, Stret 224 Bloomington, Indiana

Re: Variance Request - Rear Yard Setback (6565 N. Maple Court, Ellettsville)

To Whom It May Concern,

We are writing this letter in support of Mr. Nick Halter and Mrs. Lisa Halter's Variance Request – Rear Yard Setback (6565 N. Maple Court, Ellettsville) under consideration by the Monroe County Board of Zoning Appeals. We respectfully request that the board vote in favor of Mr. and Mrs. Halter's request for the variance.

As immediate neighbors of Mr. and Mrs. Halter, we support their request for the variance as it will be more aesthetically pleasing for the neighborhood. The variance of the structure will utilize unused land on the back part of Mr. and Mrs. Halter's lot rather than crowding the house. This will lead to a continued unobstructed view and space to maneuver for Mr. and Mrs. Halter and us.

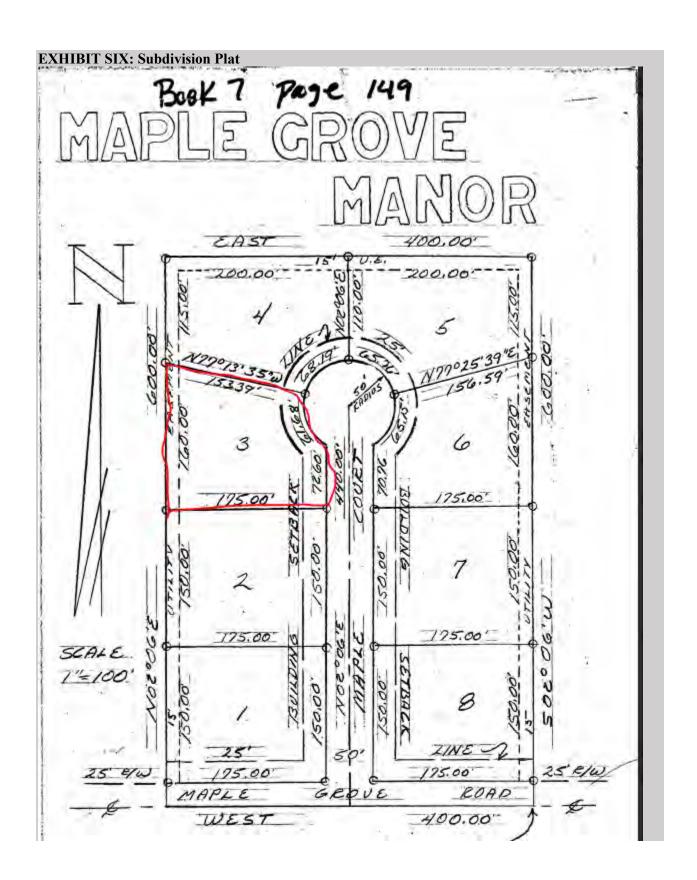
We strongly believe that Mr. and Mrs. Halter's request for the variance will benefit the overall neighborhood. Thank you for your consideration.

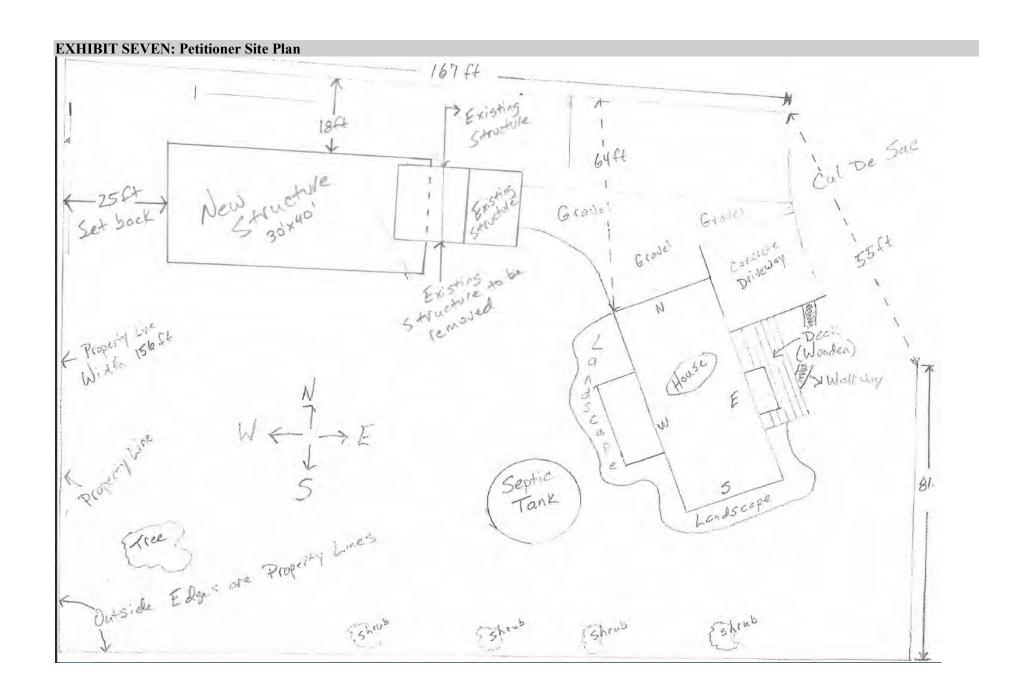
Sincerely,

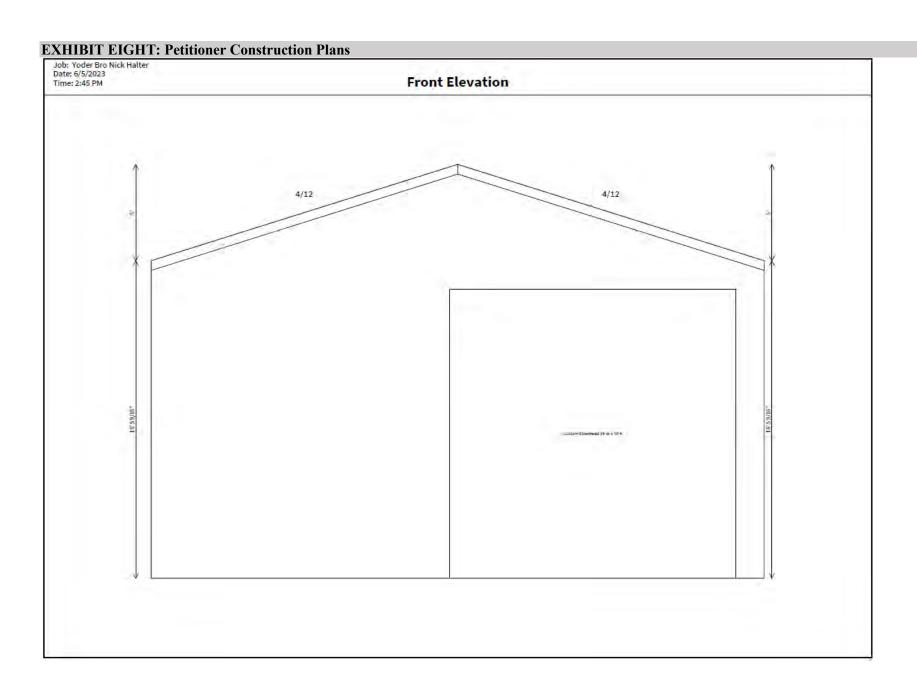
Ryan Pickard

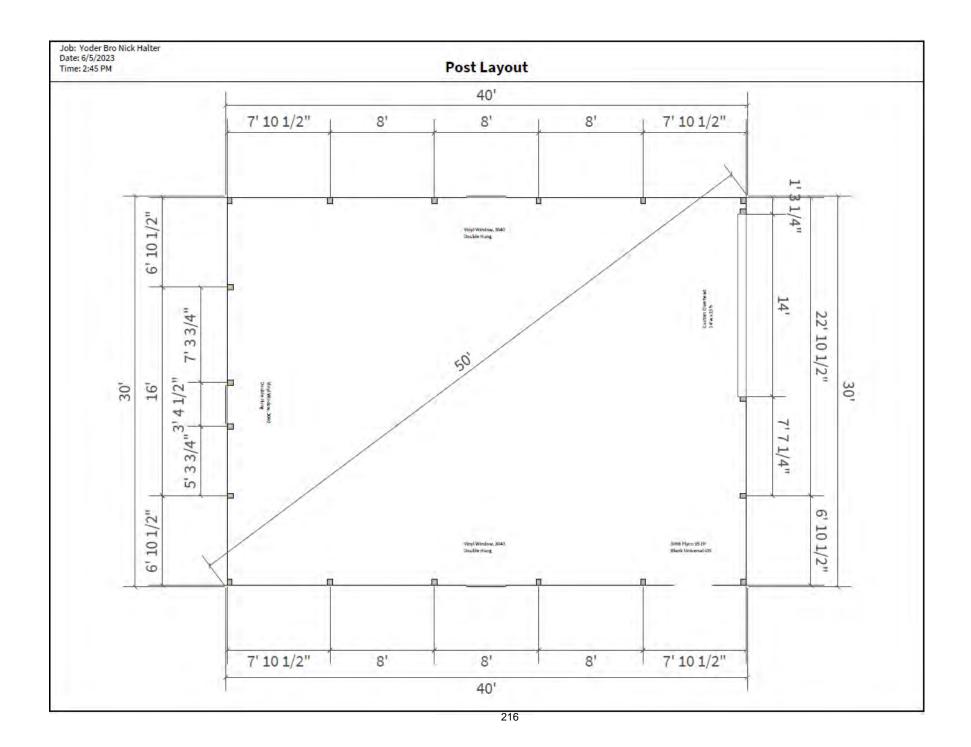
Much

Elizabeth Curtis Pickard
Elizabeth Curtis Pickard











MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: June 28, 2023

CASE NUMBER		DETAIL		RECOMMENDED MOTION
VAR-23-27		Rear Setback from Ch. 833		Denial
812-6 Standards for Design Standards Variance Approval			l: In order to	approve an application for a
design standards va	riance,	the Board must find favorable	findings for	all three (3) criteria, A, B, and C,
listed after the agen	da with	in the BZA packet.		
		nditions or Reasoning:		
No practical difficu	lties de	monstrated.		
Variance Type:	⊠ Des	sign 🗆 Use		Planner: Anne Crecelius
	⊠ Res	sidential Commercial		
PETITIONER	5	Smelser, Sheila & William c/o		
	S	Sean Matthews, Matthews Hon	ne Design &	Rendering
ADDRESS 614 W Soutar DR, 53-		514 W Soutar DR, 53-01-40-37)-379-000.000-008	
TOWNSHIP +		Perry, 17		
SECTION				
PLATS		☐ Unplatted ⊠ Platted: Quail Ridge Condominiums (1975)		
ACREAGE +/-		0.05 (condominium)		
	PETI	TION SITE	ADJACEN	T
ZONING	RM7		RM7, IN	<u> </u>
COMP PLAN	MCU	A Suburban Residential	MCUA Sul	ourban Residential
USE	Reside	ential	Residential	, Commercial

SUMMARY

The petitioner is requesting one (1) design standard variance from Chapter 833 of the Monroe County Zoning Ordinance from the Rear Yard Setback requirement. The petitioner submitted building permit application R-23-338 in order to remodel the existing deck as a 176 sq. ft. sunroom addition and new 230 sq. ft. elevated deck. The site is zoned Multi Dwelling Residential 7 (RM7) which requires a rear yard setback of 25°. The existing condominium complex is located approximately 18° +/- from the rear property boundary. Planning Staff found no documents to assist or clarify the original 1975 platted setback. The Subdivision Control Ordinance "850-6 Interpretation, Conflict and Separability" specifically states that "the provisions which are more restrictive and which impose higher/greater standards shall control."

The Quail Ridge Condominiums plat requires that any addition to the condo structures requires authorization by the Homeowner's Association. The petitioner has received authorization for the proposed addition – see exhibits.

EXHIBITS - *Immediately following report*

- 1. Petitioner Letter
- 2. Architect's Site Plan Exhibit using Plat
- 3. Quail Ridge Condominiums (1975) plat
- 4. Addition Renderings by Architect
- 5. Homeowner's Association Approval
- 6. Staff Site visit photos

Hello.

I am writing to respectfully request a 12' setback variance for the property located at 614 W Soutar Dr Bloomington, In 47403. The current setback requirement of 25' is presenting challenges for an additional sunroom and deck, especially considering that none of the adjacent homes adhere to this setback requirement and are already situated at a 12' or so distance from the property line.

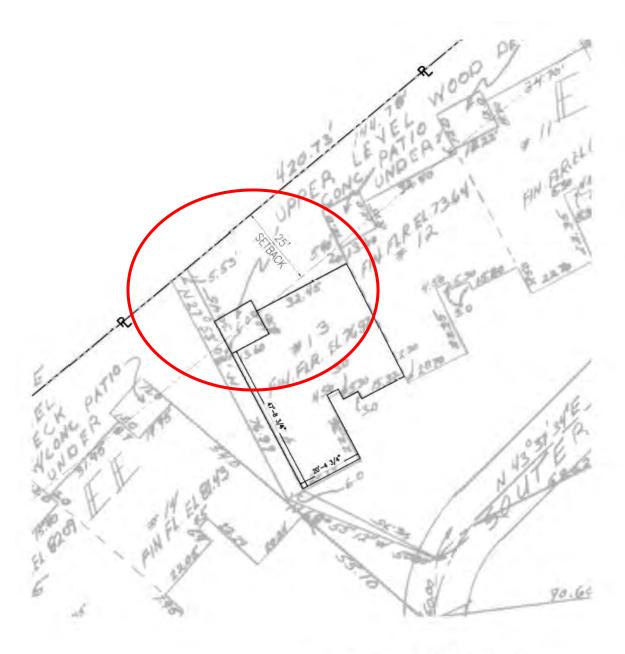
I believe that granting this variance is both reasonable and justifiable based on the following reasons:

- Consistency with Adjacent Homes: All the neighboring homes surrounding this
 property are positioned at a 12' setback from the property line. By allowing the
 owners of this property to have the same setback as the adjacent homes, the
 overall visual consistency and harmony of the neighborhood will be preserved.
- 2. No Negative Impact on Neighboring Properties: Reducing the setback to 12' will not infringe upon the rights, privacy, or enjoyment of the neighboring properties. As the existing adjacent homes already have a 12' setback, granting the same setback variance to this property will not introduce any new adverse effects or encroachments onto the surrounding properties.
- 3. Efficient Use of Property: The current 25' setback requirement severely limits the available space for potential of this property. It hampers my ability to create any design to bring this property to its full potential. By reducing the setback to 12', I will have more flexibility to design and meets the needs of the property owner and maximizes its use without compromising the overall aesthetics of the neighborhood.
- 4. Contributing to the Neighborhood: By utilizing the property more efficiently, I can create additional living space that will contribute to the local housing market. This, in turn, can attract new residents in the future, as well as enhance the properties value.

Thank you for your time and attention to this matter. I am confident that granting this variance will not only benefit the owners of this home but also align with the principles of fairness, consistency, and the overall betterment of the neighborhood.

Look forward to seeing what we can do!

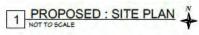
-Sean Matthews



1 EXISTING : SITE PLAN NOT TO SCALE

THIS SITE PLAN HAS BEEN CREATED BY THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES DO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND G.I.S SUPPLIED THE DATA. INFORMATION BASE UPON THESE DRAWINGS SHALL BE VERFIED WITH A CIVIL ENGINEER OR STAMPED SURVEY, MATTHEWS HOME DESIGN AND RENDERING MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED OF THE DAT CONTAINED ON THIS DRAWING.





THIS SITE PLAN HAS BEEN CREATED BY THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES DO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND G.I.S. SUPPLIED THE DATA. INFORMATION BASE UPON THESE DRAWINGS SHALL BE VERIFIED WITH A CIVIL ENGINEER OR STAMPED SURVEY, MATTHEWS HOME DESIGN AND RENDERING MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED OF THE DAT CONTAINED ON THIS DRAWING.

103712

INCOLUTION: Quall Ridge Conductions
A per's of the Northeast quarter of Section 17, Township 8 North, Henge 1 West, Moorce County, Indians, described as follows:
Deginning at a point on the Northeast quarter of the Northeast quarter of the Northeast corner of the Northeast quarter of the Northea

Also on enterent for ingrees and agrees 30.00 feet of even sidth, lying 15.00 feet on total sides of the following described linebuildings of a point that is 15.00 feet bond and 1790.17 feet Feat of the Morthmest corner of the Southeest quarter of the Northmest operator of the self-decition "7: themes Bouth 89" 95" Part for distance of 504.40 feet, themes Bouth 87" 88" Feat for a distance of 165.61 feet; themes Bouth 69" 96 Year for a distance of 10.00 feet; themese Bouth 87" 18" Feat for a distance of 10.00 feet; themese Bouth 87" 18" Feat for a distance of 100,00 feet; thence Bouth 80" 00" Feat for a distance of 100,00 feet; thence Bouth 80" 00" Feat for a distance of 100,00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" Feat for a distance of 10.00 feet; thence Bouth 80" 00" of the 10.00 feet; thence Bouth 80" of the 10.00 feet; thence Bouth 80" of the 10.00 feet; thence B

The undersigned, being the owners of the real satata shoan and described herein, do hereby lay off, plet, and subdivide cell real satata in accordance with the althin plet. This subdivides shill be known and designated as Custl Ridge Contoninous, a mutdivisit of a part of the Borcheast underty of Section 2, Township 5 Borth, range 1 Newl and a part of the Bortheast quarter of Section 2, the state of the state of Section 2 and the state of Section 2

Ryn Upe SCALE / -30' SOON NORTH & 174945 EAST OF NW CORNER, SEXH, NWYH, SECTION 17, TWA BN, R. IW)

QUAIL RIDGE CONDOMINIUMS

ROAD

EXHIBIT A

- 524.55

COUNTRY

EXISTING

SHEILA AND BILL SMELSER

PROJECT: EXISTING HOME SUN ROOM AND DECK ADDITION

ADDRESS: 614 WEST SOUTAR DRIVE **BLOOMINGTON, INDIANA 47403**

DESIGNER: SEAN MATTHEWS BUILDER: ROGERS REMODELING LLC

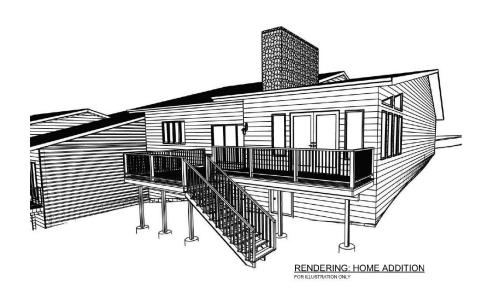
INDEX

PROJECT OVERVIEW	GI100
EXISTING SITE PLAN	AS100
PROPOSED SITE PLAN	AS101
DEMOLITION PLAN	AD101
DEMOLITION ROOF PLAN	AD121
EXISTING ELEVATION	AD201
PROPOSED FLOOR PLAN	AE101
PROPOSED ROOF PLAN	AE121
PROPOSED ELEVATIONS	AE201
INTERIOR ELEVATION	AE901
PROPOSED ELECTRICAL PLAN	EL101
FONDATION AND FRAMING	SB101

GENERAL NOTES:
THESE PLANS ARE NOT CONSTRUCTION DOCUMENTS! THESE PLANS ARE SCHEMATIC ONLY AND ARE PROVIDED ONLY AS A GUIDE. IT IS RECOMMENDED THAT A LORSEDS TRUCTURAL EXPINEER BY ENARGED TO LORSE TWANTED TO YOUR LOCAL CONDITIONS AMPOORSTRUCTION METHODS PREVALENT IN YOUR AREA, SITE SPECIFIC SOIL CONDITIONS, WIND SPEEDS, ANDOTHER FACTORS CAN DRAWNTICALLY AFFECTIVE DELICIONS, BUILDING ELEMENTS.

WRITTEN DIMENSIONS AND SPECIFIC NOTIES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR LOAR/DEATHCATT FOR PREFERENT THAN SHOWN. IF DISCREPANCIES MER FOUND IN THE PLANS OF NOTES, OF IF A QUESTION ARSSES OVER THE INTENT OF THE PLANS OR NOTES. CONTRICTORS THAT UP THE PLANS OF NOTES. CONTRICTORS INFOLLUTIONS OF NOTES. OF THE PLANS OF THE PLANS

MATTHEWS HOME DESIGN AND RENDERING IS NOT RESPONSIBLE FOR ANY STRUCTURAL ASPECTS OF THIS DESIGN, ALL STRUCTURAL COMPONENTS SHALL BE PROVIDED BY A LICENCED ENGINEER OR ARCHITECT.



HOME DESIGN & RENDERING 812.278.4308 - designedbymatthews.com

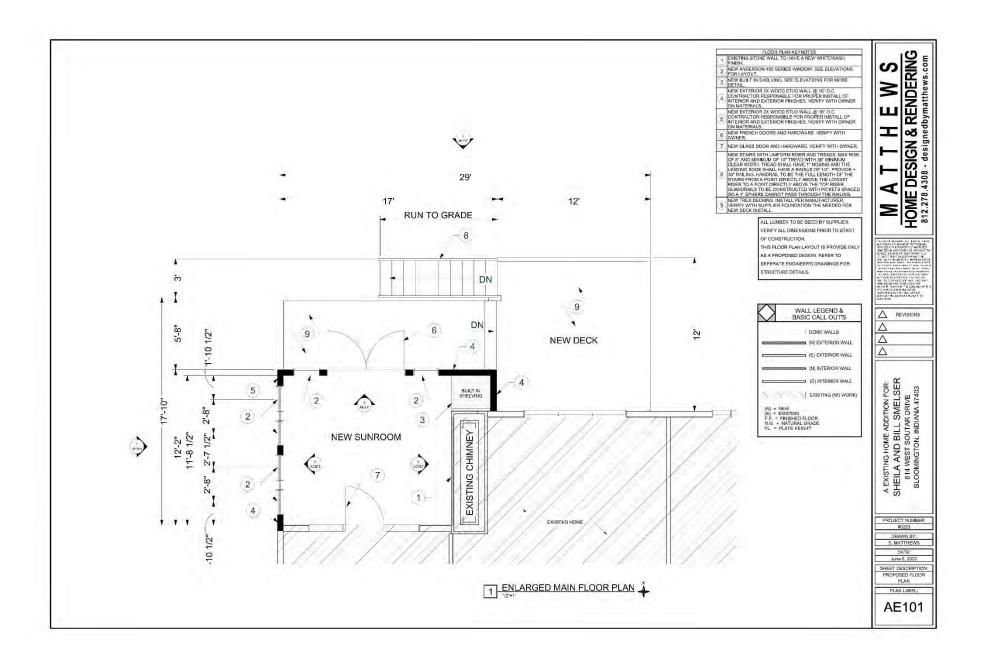
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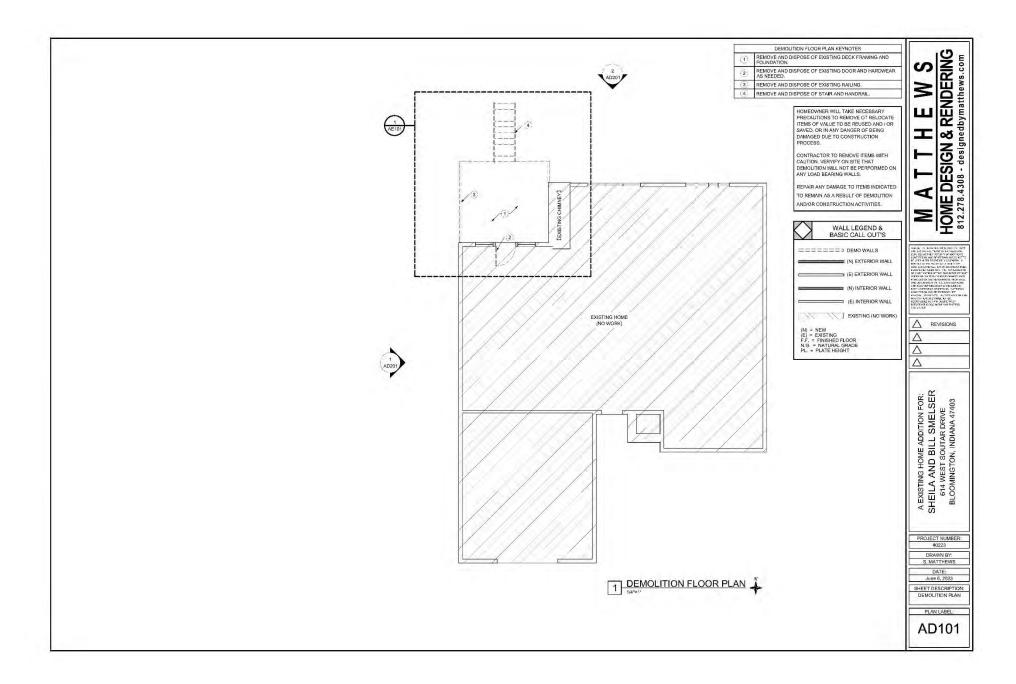
A EXISTING HOME ADDITION FOR: SHEILA AND BILL SMELSER 614 WEST SOUTAR DRIVE BLOOMINGTON, INDIANA 47403

DRAWN BY: S. MATTHEWS DATE

June 6, 2023 SHEET DESCRIPTION: PROJECT OVERVIEW

GI100







Sean Matthews <sean@designedbymatthews.com> To: Alyssa Gilliland <alyssa@pmimeridian.com> Cc: Lee Clouse <lee@pmimeridian.com> Mon, Mar 20, 2023 at 11:47 AM

Alyssa,

Attached is the design for this sunroom addition. We are planning to remove the existing deck, and build a new sunroom in its place. The sun room will have a vaulted ceiling and tie into the existing roof. On the exterior we plan to match the siding on the home. As well as match the window colors and trim style. For the new deck addition off of the back of the sun room we want to use composite decking. We plan to match the color of the existing deck. That way it does not stand out, but is built out of a higher quality/ long lasting material.

Attached you will find the proposal floor plans, existing exterior render, sunroom exterior render, and the sunroom interior renderings.

Please let me know if you have any questions or concerns.

Sean Matthews
Matthews Home Design & Rendering
812.278.4308
designedbymatthews.com
[Quoted text hidden]

6 attachments



existing.jpg 153K



propos ed.jpg 158K



view3.jpg 80K



view2.jpg 111K



view1.jpg 141K

SunroomAddition03172023.pdf 3397 K

Alyssa Gilliland <alyssa@pmimeridian.com>
To. Sean Matthews <sean@designedbymatthews.com>
Cc; Lee Clouse <lee@pmimeridian.com>

Mon, Mar 20, 2023 at 11:57 AM

Sean,

Awesome! Thank you! I have sent this to the Board of Directors for approval and I will get back to you with their response.

Best,

[Quoted text hidden]

Sean Matthews <sean@designedbymatthews.com>
To: Alyssa Gilliland <alyssa@pmimeridian.com>
Cc: Lee Clouse <lee@pmimeridian.com>

Fri, Mar 31, 2023 at 10:40 AM

Hi Alyssall

Hope you're having a great weekend. I was just following up on seeing if you have heard anything from the Board of Directors?

Sean Matthews
Matthews Home Design & Rendering
812.278.4308
designedbymatthews.com
[Quoted text hidden]

Sean Matthews <sean@designedbymatthews.com>

Wed, Apr 12, 2023 at 12:03 PM

To: Alyssa Gilliland <alyssa@pmimeridian.com> Cc: Lee Clouse <Lee@pmimeridian.com>

Hi Alyssal Just checking in on this :)
[Quoted text hidden]

Alyssa Gilliland <alyssa@pmimeridian.com>

To: Sean Matthews <sean@designedbymatthews.com>

Cc: Lee Clouse <lee@pmimeridian.com>

This was approved!!!!!

Sent from my iPhone

Thu, Apr 13, 2023 at 5:29 PM

On Apr 12, 2023, at 12:03 PM, Sean Matthews < sean@designedbymatthews.com> wrote:

[Quoted text hidden]

Sean Matthews <sean@designedbymatthews.com>
To: Alyssa Gilliland <alyssa@pmimeridian.com>
Cc: Lee Clouse <lee@pmimeridian.com>

Amazing!!! Can't wait to see this built! Thank you all for everything.

Sean Matthews
Matthews Home Design & Rendering
812.278.4308
designedbymatthews.com
[Quoted text hidden]









MONROE COUNTY **BOARD OF ZONING APPEALS**

June 28, 2023 **Public Meeting Date:**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-28	Front Setback from Ch. 833	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:

Setback is unique to the 1954 plat and doesn't reflect ordinance setback. Covering the existing entrance and steps would protect entrance from weather hazards. .

Variance Type:	$\boxtimes \Gamma$	Design 🗆 Use	Planner: Anne Crecelius
\boxtimes F		Residential Commercial	
PETITIONER		Norris, Richene	
ADDRESS		562 W Green RD, parcel #53-0	08-17-102-007.000-008
TOWNSHIP +		Perry, 17	
SECTION			
PLATS		☐ Unplatted ⊠ Platted: Coun	try Club Manors (1954), Lot 39
ACREAGE +/-		0.24	
	PET	TITION SITE	ADJACENT
ZONING	RS3	3.5	RS3.5
COMP PLAN	MC	UA Suburban Residential	MCUA Suburban Residential

Residential

Residential

SUMMARY

USE

The petitioner is requesting one (1) design standard variance from Chapter 833 of the Monroe County Zoning Ordinance from the Front Yard Setback requirement. The petitioner submitted building permit application R-23-497 in order to add a roof to the existing front poured concrete entrance. The addition is proposed to be 9'x 8'5, a total of 76.5' square feet. The front yard setback of 35' comes from the 1954 Country Club Manors subdivision plat. The site is zoned Single Family Residential 3.5 (RS3.5) which would normally only require a 25' setback from a "local" road. The existing poured concrete entrance would not require any setbacks – in order extend the roofline a variance is the minimum required. The petitioner has requested a front setback of 25' which would allow 1' of wiggle room for construction.

EXHIBITS - *Immediately following report*

- 1. Petitioner letter
- 2. Site Plan
- 3. 1954 Country Club Manors plat
- 4. Addition rendering
- 5. Staff site visit photos

To the Monroe County Planning Department

Board of Zoning: Variance request

Attn: Chris M Husted (Zoning Inspector)

I, Richene Norris, am the homeowner at 562 W. Green Rd, Bloomington, Perry Twnship, section 17.

We have contracted Jeremy Kennedy with Straight Line Construction to build a roof over our existing front porch. He informed us that our pre-existing porch encroaches on the Country Club Manor's Subdivision plat's setback of 35' and that we would need to apply for a front yard setback variance to proceed with the construction of the new roof over the pre-existing porch.

The porch with the addition of a roof will encroach 9 ft into the 35' set-back. Our property is zoned RS3.5, which has a setback of 25'. We are requesting a front yard setback variance of 25' as our zoning allows, to give us a little wiggle room for the addition of the pillars that support the new roof.

Thank you for your consideration.

Sincerely,

Richene Norris 812-320-6301 richenenorris@gmail.com



Petitioner

— 2-Foot Contours

15% Slope (County/ECO2)

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Local Roads [50']

Parcels

Critical Watersheds

West Fork Clear Creek/Clear Creek



0 5 10 20 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/6/2023

I, the undersigned, a licensed civil engineer in the State of Indiana, le hereby certify that the plat shown here is a true representation of the COUNTRY CLUB MANORS, a sub-d'avision of the West half of the Southeast quarter of the Northeast quarter and the Southwest quarter of the Northeast quarter, all in Caction 17 - TGN, RIW, in Monroe County, Indiana, and described as follows: - Beginning at a point that is 3173.5 feet East of the Northwest corner of the Southeast quarter of the Northwest quarter of said section 17 and in the cepter of the South Rogers Street Road; thence West 1697 feet and to the benter lane of the South Rogers Street Road; thence Fast long the center of said road 603.75 feet and to the place of beginning, forthaling in all 23.55 acres, more or less.

BUILDING LINES: Shown on this plat by broken lines are the 10 foot and 35 foot building lines, between which lines and the property lines of the streets no building, buildings or parts thereof, shell be erected or main-

UTILITY STRIPS: Shown on this plat by dotted lines are the various utility strips, which are hereby reserved for the use, construction and maintenance of all public utilities. No permanent structure, structures or parts thereof, shall be erected or maintained on or over said utility strips or areas.

BUILDINGS: No residence having less than 850 square feet of livable area shall be erected on any lot in this sub-division. No person, groups or family shall use a constructed basement only as a dwelling. No lot shall have more than a one (1) family dwelling upon it. No building shall have exposed coment aggregate block exterior wall or walls above the first floor line. All residences shall have central heating with running water in bath room and kitchen.

MISCELLANEOUS RESTRICTIONS: No lot or lots in this sub-division shall be used for business or commercial mausement purposes of any kind. No livestock or poultry shall be housed, fed, pastured or confined within the area of this sub-division. No trailer or trailers shall be parked on any lot in this sub-division.

DIMENSIONS: The dimensions of all lots, the width of all streets and utility strips are shown on the plat. All lots are 80 feet wide.

We, the undersigned, the owners of the real estate described herein, hereby acknowledge the execution of this plat, the same to be known as COUNTRY CLUB NAMORS and hereby dedicate the atreets for the use of the public.

STATE OF INDIANA

Personally appeared before me a notary public in and for said County this 9th day of March, 1954, Harold B. Wegmiller and Effic Wegmiller, husband and wife, and hereby acknowledged the execution of the above instrument for the purposes therein stated.

My commission expires October 15, 1955

Duly entered for taxation this 11th day of March, 1954

Approved this //thday of March, 1954

County Planning Commission

Filed for record March 11, 1954 Recorded in Plat Book #4, page 42 Marion J. Kerr, Recorder

COUNTRY CLUB MANORS

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MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: June 28, 2023

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-23-29	Front Setback from Ch. 804	Denial
010 (C 1 1 C D '	C: 1 1 77 ' A 1 T 1 :	1: .: C

812-6 <u>Standards for Design Standards Variance Approval</u>: 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 (previous owner). Submit demolition permit application through the Building Dept.

Variance Type:	ee Type: ⊠ Design □ Use		Planner: Anne Crecelius	
⊠ Residential ☐ Commercial		Residential Commercial		
PETITIONER		Huston, Joel c/o		
		Noah Rogers, Rogers Remodeling		
ADDRESS	ADDRESS 5991 E State Road 45, parcel #53-05-13-400-003.000-004		53-05-13-400-003.000-004	
TOWNSHIP +		Bloomington, 13		
SECTION		-		
PLATS		☑ Unplatted ☐ Platted:		
ACREAGE +/-		1.19		
	PE	FITION SITE	ADJACENT	
ZONING	SR,	CR, ECO3	SR, CR, PB, ECO3	
COMP PLAN	AN Farm and Forest		Farm and Forest, Rural Residential	
USE	Res	idential	Residential, Agricultural	

SUMMARY

The petitioner is requesting one (1) design standard variance from Chapter 804 of the Monroe County Zoning Ordinance from the Front Yard Setback requirement. The petitioner submitted building permit application R-23-499 in order to remodel and expand the existing roof system of the existing residence. Upon review Planning staff identified that the front porch was added without proper permits and located within the front yard setback. E State Road 45 is a Major collector which requires a 35' front yard setback – there doesn't appear to be dedicated right of way which means the front setback is measured from the edge of pavement. The porch structure is 24' from the edge of pavement. The petitioner has submitted an after-the-fact building permit application for the front porch (R-23-566). In order to allow the porch to remain within the setback, with an encroachment of 11', this variance is the minimum required. Note, a guardrail is located to the north of the property on the curve of E State Road 45.

EXHIBITS - *Immediately following report*

- 1. Petitioner Letter
- 2. Staff Site visit photos
- 3. Site Plan

We are asking for a setback variance as the homeowner purchased this home last year (6/7/2022) and a homeowner prior to Mr. Huston had added this porch without the proper setback.

Mr. Huston has hired Rogers Remodeling to do some needed work on the roof as Rogers Remodeling did the correct thing, hired Kevin Potter structural engineer to look to ensure all was plans were proper and applied for the proper permit to do said work it became apparent that the front porch had not been properly permitted leaving Mr. Huston in this situation of having to ask for a variance.









Site Conditions Map

— Major Collector [70']

Petitioner

— 2-Foot Contours

15% Slope (County/ECO2)

<VALUE>

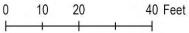
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Local Roads [50']

Parcels







Monroe County
Planning Department
Source: Monroe County GIS
Date: 6/21/2023

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