

MONROE COUNTY BOARD OF ZONING APPEALS



**November 7, 2018
6:00 p.m.**

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

AGENDA
MONROE COUNTY BOARD OF ZONING APPEALS (BZA)

Judge Nat U. Hill III Meeting Room, 100 West Kirkwood Avenue, Bloomington, Indiana 47404

November 7, 2018

6:00 p.m.

REGULAR MEETING

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

September 10, 2018

OLD BUSINESS:

- 1. 1805-VAR-14 Schopp Conditions for Tourist Home Variance to Chapter 802**
One (1) 5.22 +/- acre parcel in Clear Creek Township, Section 21 at 9521 S Strain Ridge Rd.
Zoned AG/RR/ECO1.
****CONTINUED BY PETITIONER TO 01/02/2019 BZA MEETING****

NEW BUSINESS:

- 1. 1808-VAR-27 Wetzel Minimum Lot Size Variance to Chapter 804 PAGE 4**
One (1) 0.86 +/- acre parcel in Perry Township, Section 30 at 5580 S Victor PIKE.
Zoned ER.
- 2. 1809-VAR-28 J. Empire Boat Storage Use Variance to Chapter 802 PAGE 20**
One (1) 1.20 +/- acre parcel in Perry Township, Section 32 at 6935 S Old State Road 37 (Parcel No. 53-08-32-400-028.000-008).
Zoned LI.
- 3. 1809-VAR-29 Eads Minimum Lot Width Variance to Chapter 804 PAGE 39**
One (1) 3.55 +/- acre parcel in Clear Creek Township, Section 8 at 7561 S Old State Road 37.
Zoned AG/RR.
- 4. 1809-VAR-30 Rushton Minimum Lot Size Variance to Chapter 804 PAGE 53**
One (1) 2.28 +/- acre parcel in Benton North Township, Section 27 at 8015 E Northshore Dr.
Zoned FR.
- 5. 1809-CDU-08 Mt. Ebal Church Historic Adaptive Reuse Conditional Use, Chapter 813 PAGE 67**
One (1) 1.00 +/- acre parcel in Clear Creek Township, Section 23 at 8700 S Fairfax Rd.
Zoned SR/ECO1/HP Overlay.
- 6. 1809-VAR-31 Dickerson / Kelley Minimum Lot Size Variance to Chapter 804 PAGE 117**
7. 1809-VAR-32 Dickerson / Kelley Lake Setback Variance to Chapter 825
One (1) 1.38 +/- acre parcel in Clear Creek Township, Section 24 at 8041 E Hardin Ridge Rd.
Zoned FR/ECO1.
- 8. 1809-VAR-33 Deckard / Mann Buildable Area Variance to Chapter 804 PAGE 136**
One (1) 8.01 +/- acre parcel in Polk Township, Section 27 at 9450 S Dutch Ridge Rd (Parcel No. 53-12-27-300-019.000-010).
Zoned FR.

One (1) 0.93 +/- acre parcel in Salt Creek Township, Section 21 at E Pine Grove Rd (Parcel No. 53-07-21-400-019.000-014).

Zoned CR/ECO1.

REPORTS:

1. Planning: Larry Wilson

2. County Attorney: David Schilling

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.

CASE NUMBER: 1808-VAR-27
PLANNER: Jordan Yanke
PETITIONER(S): Jason Wetzel
REQUEST: Design Standards Variance: Chapter 804 Minimum Lot Size Standard
ADDRESS: 5580 S Victor PIKE
ZONING: Estate Residential (ER)
ACRES: 0.86 +/- acres
TOWNSHIP: Perry
SECTION(S): 30
PLAT(S): N/A
COMP. PLAN
DESIGNATION: MCUA Suburban Residential

EXHIBITS:

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

RECOMMENDED MOTION:

Approve the Design Standards Variance to the Minimum Lot Size standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.


SUMMARY/BACKGROUND

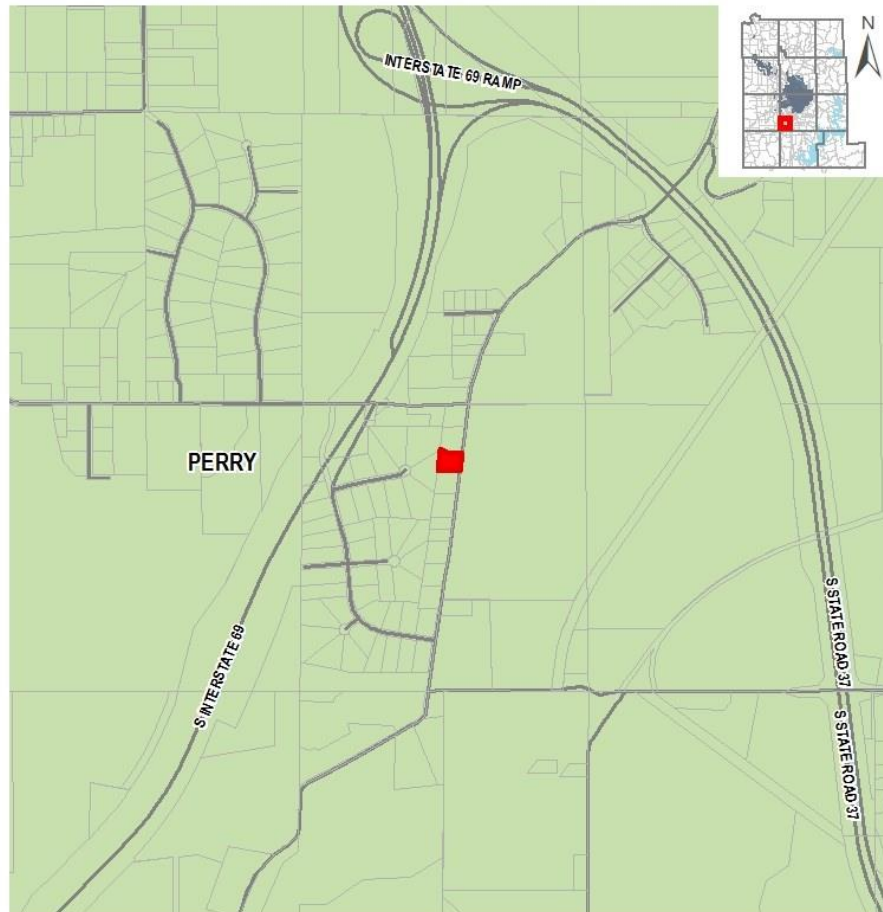
The petitioner requests a design standards variance from the minimum lot size standard of the Estate Residential (ER) Zoning District, listed in Chapter 804 of the Monroe County Zoning Ordinance. The minimum lot size in Estate Residential (ER) is 1.00 acres. The petition parcel meets all other design standards except for the minimum lot size requirement. The petition site is 0.86 +/- acres. Variance approval would allow the petitioner to construct an accessory structure on the site (see Exhibit 2). The variance is the minimum variance needed to further develop the petition site.

LOCATION MAP


The parcel is located in Perry Township, Section 30 and is addressed as 5580 S Victor PIKE. The property is not in a platted subdivision.

Location Map

-  Petitioner
-  Townships
-  Roads
-  Parcels



0 0.1 0.2 0.4 Miles

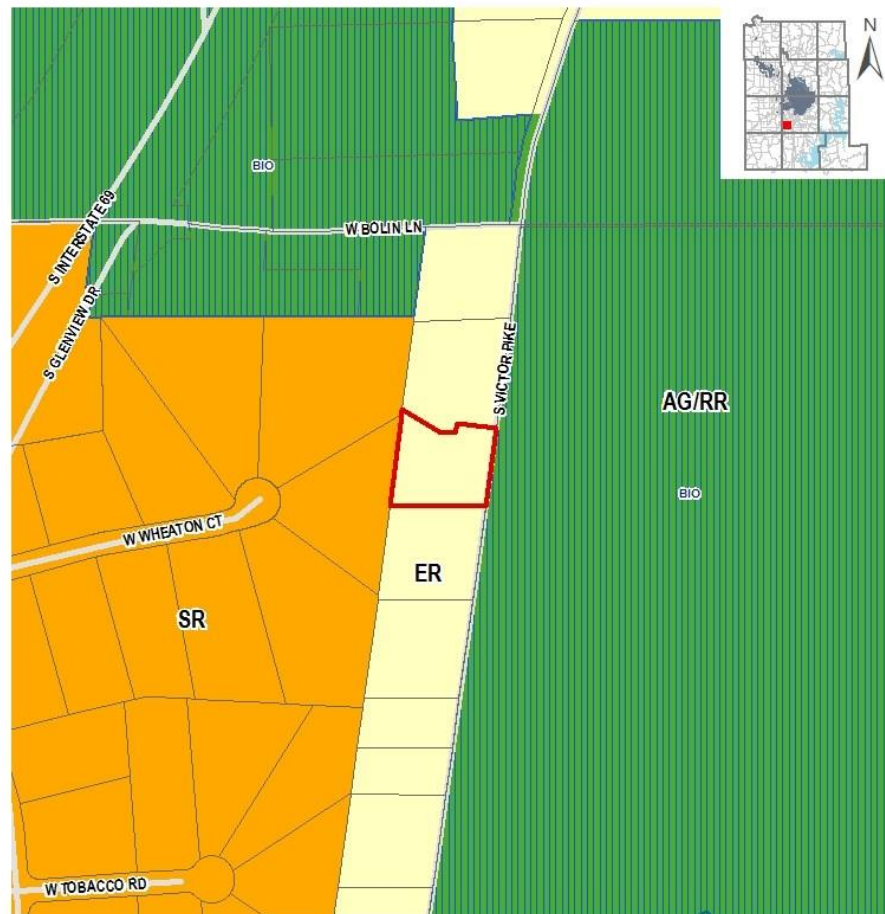
 Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/24/2018

ZONING AND LAND USE


The property is zoned Estate Residential (ER). The surrounding zones are Agriculture/Rural Reserve (AG/RR), Suburban Residential (SR), and Estate Residential (ER).

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
-  Business Industrial Overlay
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural
-  ER - Estate Residential
-  SR - Suburban Residential



0 0.025 0.05 0.1 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/24/2018

SITE CONDITIONS


The site conditions include minimal areas of steep slope, although the proposed development is meeting slope standards.

Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads





0 20 40 80 Feet

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/24/2018

Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads

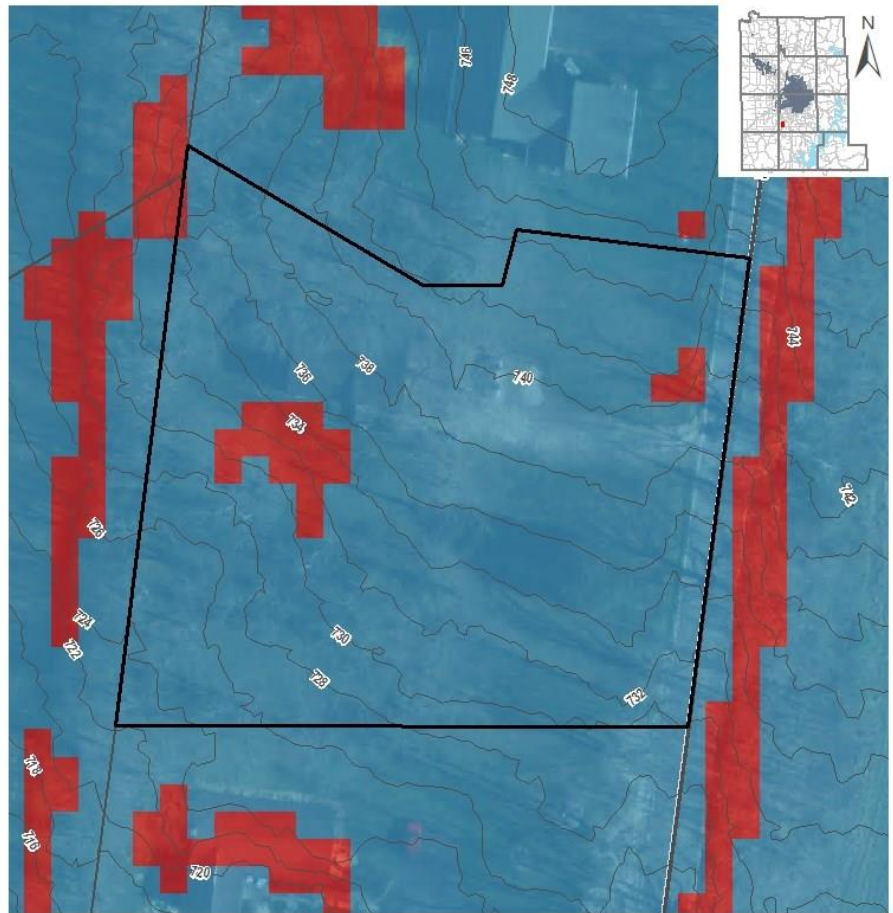
Percent Slope (2010)

-  0 - 15
-  > 15

0 10 20 40 60 80 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 9/24/2018



SITE PICTURES



Figure 1: View of petition site's frontage along S Victor PIKE, facing north.



Figure 2: View of petition site's frontage along S Victor PIKE, facing south.



Figure 3: View of existing residence on the petition site, facing west.

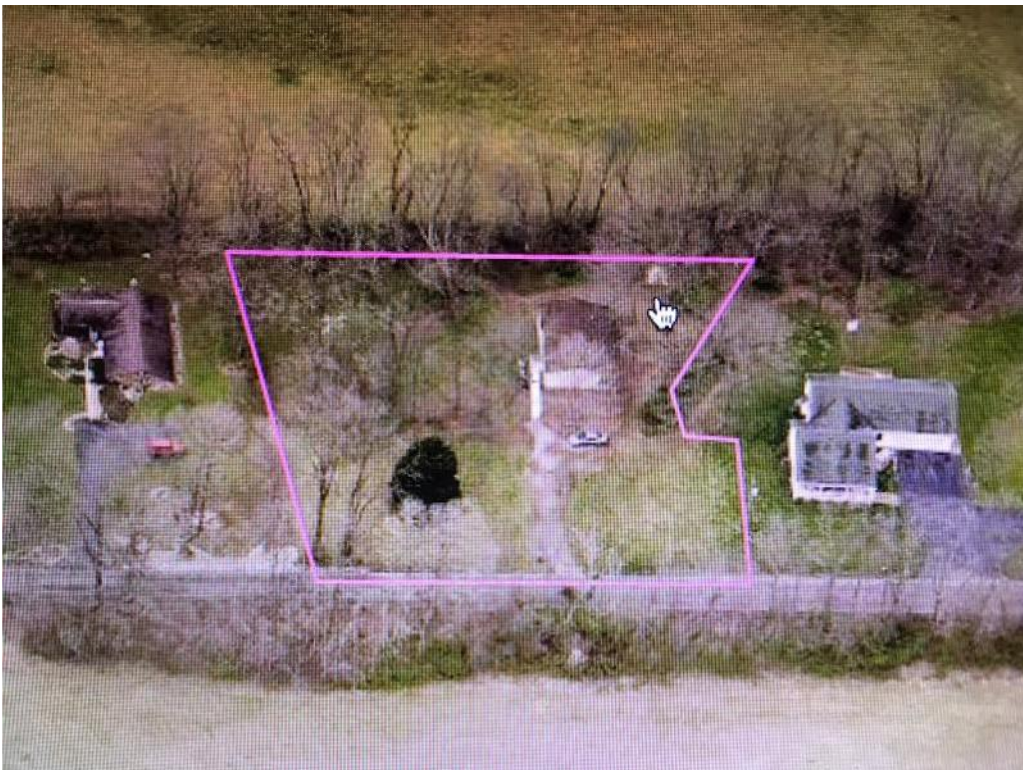


Figure 4: Aerial image of the petition site, facing west.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Suburban Residential designation of the Monroe County Urbanizing Area Plan (MCUA), which states:

5.1.2 Suburban Residential

Suburban residential includes existing low- density single-family subdivisions and isolated multi-family apartment complexes. Different housing types are typically segregated, with multiple buildings having a similar or identical appearance. This development type is not recommended for extensive application beyond existing or currently planned developments.

In some locations, it may be appropriate to extend this development pattern if it is directly adjacent to existing Suburban residential subdivisions as an appropriate way to coordinate with those neighborhoods. However, the conservation community land use category offers a more appropriate alternative to the conventional suburban subdivision that balances the desire for non-urban living while also preserving rural character. The following guidelines should be considered if new suburban-style developments are approved; they also provide considerations for potential retrofitting of public infrastructure within existing neighborhoods.

A. Transportation

Streets

Suburban residential subdivisions are auto-oriented by design. To the extent possible, this approach to residential development should be de-emphasized within the Urbanizing Area to prevent continued expansion of isolated “leap- frog” subdivisions and sprawl development patterns that require continued reliance on the automobile. New Suburban residential streets should be designed to encourage interconnectivity to and through the neighborhood and to surrounding subdivisions. Cul-de-sacs should be discouraged unless necessary due to topographic or environmental constraints. Streets are typically designed with curb and gutter, but may also be designed to accommodate surface runoff with open street-side swales or ditches.

Bike, pedestrian, and Transit modes

Sidewalks and/or shared use paths should be provided on all streets, with connections to larger pedestrian and bicycle systems. Sidewalk retrofits in existing subdivisions should be considered after thorough consultation with and support from existing residents.

Given their remote location and low-density development pattern, opportunities to serve Suburban residential neighborhoods with public transportation are limited. Expansion opportunities for rural Transit routes should be explored, with pick-up locations considered near entries to subdivisions.

B. Utilities

Sewer

New development should be served by the public sewer system. Localized package systems for individual residential subdivisions should be discouraged. Retrofit and tie-ins should be encouraged for older neighborhoods on septic.

Power

Overhead utility lines should be buried within subdivisions. Where possible, existing overhead lines along arterial frontages should also be buried.

Communications

Communications needs will vary within the suburban residential developments, but upgrades to infrastructure should be a key consideration for future development sites. Creating a standard for development of communications corridors should be considered to maintain uniform and adequate communications capacity.

C. Open space

Park Types

Many of the older suburban subdivisions in the Urbanizing Area were developed without dedicated open space. New developments, such as Stone chase, include platted open space reserves; these generally function to preserve natural features such as streams and tree stands, or to provide space for stormwater retention ponds. However, subdivisions are not currently required to provide usable park space, with the exception of voluntary cluster subdivisions. All new residential subdivisions should be designed to include neighborhood parks and/or greenways as a community amenity.

Urban Agriculture

Private residential gardens and local community gardens should be encouraged within commonly maintained open space areas or via conversion of undeveloped lots in established neighborhoods.

D. Public Realm Enhancements

Lighting

Lighting needs will vary by street type and width but safety, visibility and security are important. Local streets may be lighted, but lighting may be not be necessary in all low-density subdivisions.

Street/Site furnishings

Suburban residential neighborhoods typically have few street furnishings beyond street lamps.

E. Development Guidelines

Open Space

A minimum of 5% of total site area for new developments should be set aside for publicly accessible and usable open space areas. Open spaces may be designed as formal park settings or informal, naturalized reserve areas. Natural areas should be accessible with trails or paths where appropriate. If not accessible, additional open space area should be provided. Likewise, open space areas may include stormwater management features, but should not be dominated by large retention ponds with no additional recreational space.

Parking Ratios

Parking for single-family homes is typically accommodated on individual lots. On-street parking should also be permitted.

Site Design

Reverse frontage lots should be avoided. Homes should not back onto arterial or collector streets.

Building form

Modern suburban single-family construction has trended in two directions: either overly simplified (e.g.

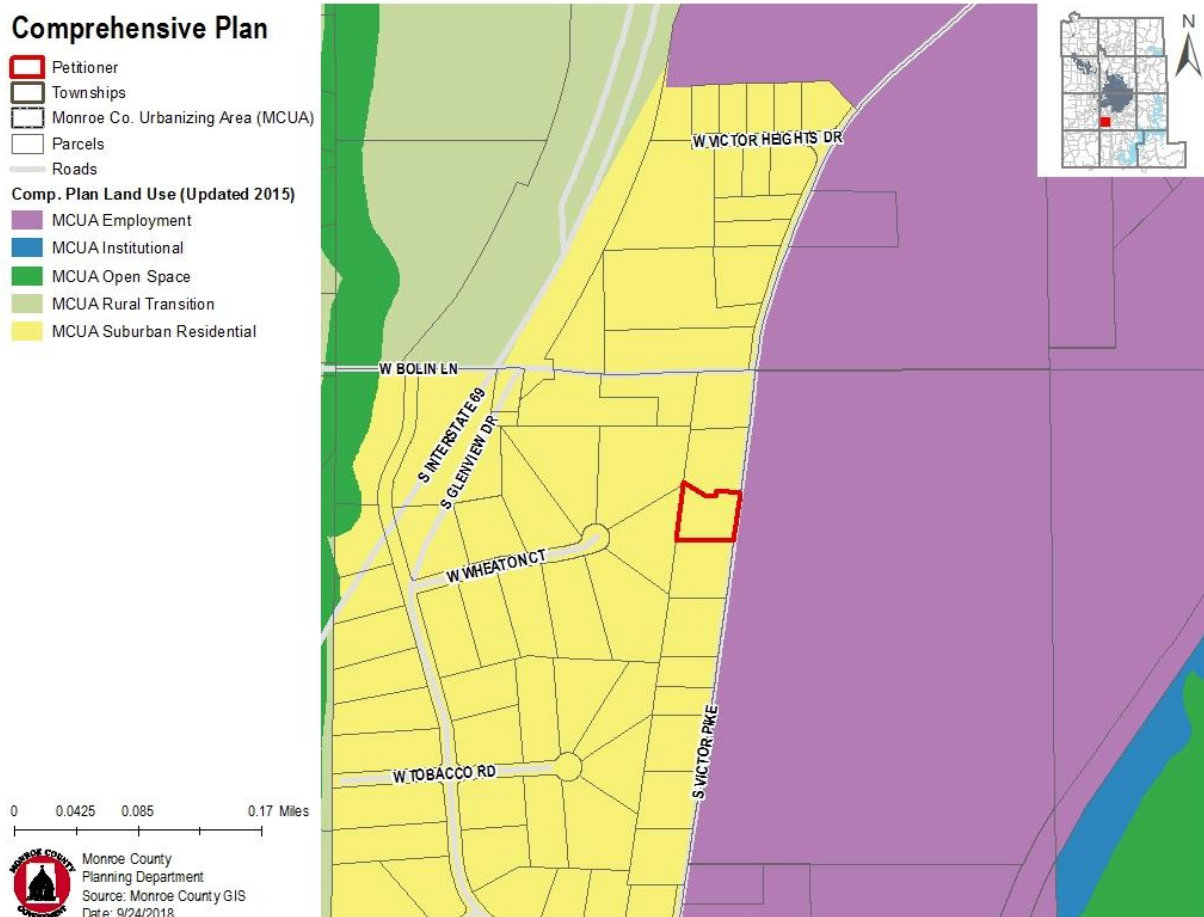
blank, windowless side facades) or overly complex (e.g. complicated building massing and roof forms). Homes should have recognizable forms and detailing appropriate to the architectural style, with an emphasis on “four-sided architecture”. Garages doors should not dominate the front facade; ideally garages should be set back from the front facade and/or side-loaded.

Materials

High quality materials, such as brick, stone, wood, and cementitious fiber should be encouraged. Vinyl and exterior insulated finishing Systems (eifS) may be appropriate as secondary materials, particularly to maintain affordability, but special attention should be paid to material specifications and installation methods to ensure durability and aesthetic quality.

Private Signs

Subdivision entry signs should be integrated into high-quality landscape designs.



FINDINGS OF FACT: Minimum Lot Size Standard

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

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

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

Findings:

- Approval of the variance would allow the petitioner to construct an accessory structure on the petition site;
- The parcel currently contains a residential dwelling;
- The petition site is zoned Estate Residential (ER) and is 0.86 +/- acres;
- The minimum lot size in Estate Residential (ER) is 1.00 acres;
- The parcel is not platted;
- There is no evidence that the building site is located on sensitive lands;
- There is no known karst on the property;
- There is no evidence that the building would obstruct a natural or scenic view;
- There are other parcels nearby that are under 1.00 acres in size;
- Conclusion: It would not impair the stability of a natural or scenic area;

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

Findings:

- See findings under A(1);
- The parcel is addressed off of S Victor PIKE, a Local Road;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

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

Findings:

- See findings under A(1) and A(2);
- The proposed structure would meet all design standards for the Estate Residential (ER) Zoning District, with exception to the minimum lot size standard;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district;

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

Findings:

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

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

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

Findings:

- See findings under A(1), A(2), and A(3);
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied;

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

Findings:

- See findings under A(1);
- There is no floodplain on site;
- The site is not located in the Environmental Constraints Overlay (ECO) Area;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area;

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

Findings:

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

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

Findings:

- See findings under (A)(1);
- Conclusion: The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property;

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

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

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

EXHIBIT 1: Petitioner Letter

Thursday, August 23, 2018

Board of Zoning Appeals

501 N Morton St. Suite 224 Bloomington, IN 47404

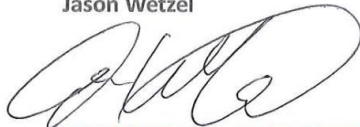
Dear Board of Zoning Appeals,

Thank you for taking the time to read this letter that I have prepared for you. I am writing this letter in hopes that you will allow a variance for a garage that I'm trying to have constructed on my property. This building is 24x24 (essentially a 2-car garage) that will be built in 2 pieces, delivered and setup at our home located at 5580 S. Victor Pike in Bloomington. I gathered all the items that I needed to get a building permit and have already put down a non-refundable deposit for this garage which totals \$859.30. I wasn't aware that my land being .86 acres was too small for a building of this size. I was unaware of the 1 acre minimum until I received an email the day after applying. I'm hoping that you will allow this variance to happen, so I can use this building for storage as we are moving into this home from an apartment and have some personal belongings that we need to store. This will also be used to store tools, lawn mower, childhood items etc. This is my first time owning a new home and ask that you please allow this garage to be constructed. This house was my fathers' home and when he passed this past January, I purchased it by paying off his existing mortgage with a mortgage of my own. I lived in the house as a child and know both neighbors who have lived there since then. I have spoken to both about this garage and assure you they have given me their blessing. I have no problem with sending the required notice letters as well as they have already been notified personally by myself.

Thank you again for your time, and I ask for your blessing on this project.

Warm regards,

Jason Wetzel



PROPERTY OWNER - 5580 S. VICTOR PIKE BLOOMINGTON, IN 47403



812 - 803 - 0787



4JWETZEL1@GMAIL.CO



JASON WETZEL



EXHIBIT 2: Site Plan

Slope Map

- Parcels
- 2-Foot Contours
- Roads
- Percent Slope (2010)
 - 0 - 15
 - > 15

RECEIVED
AUG 28 2018
MONROE COUNTY PLANNING

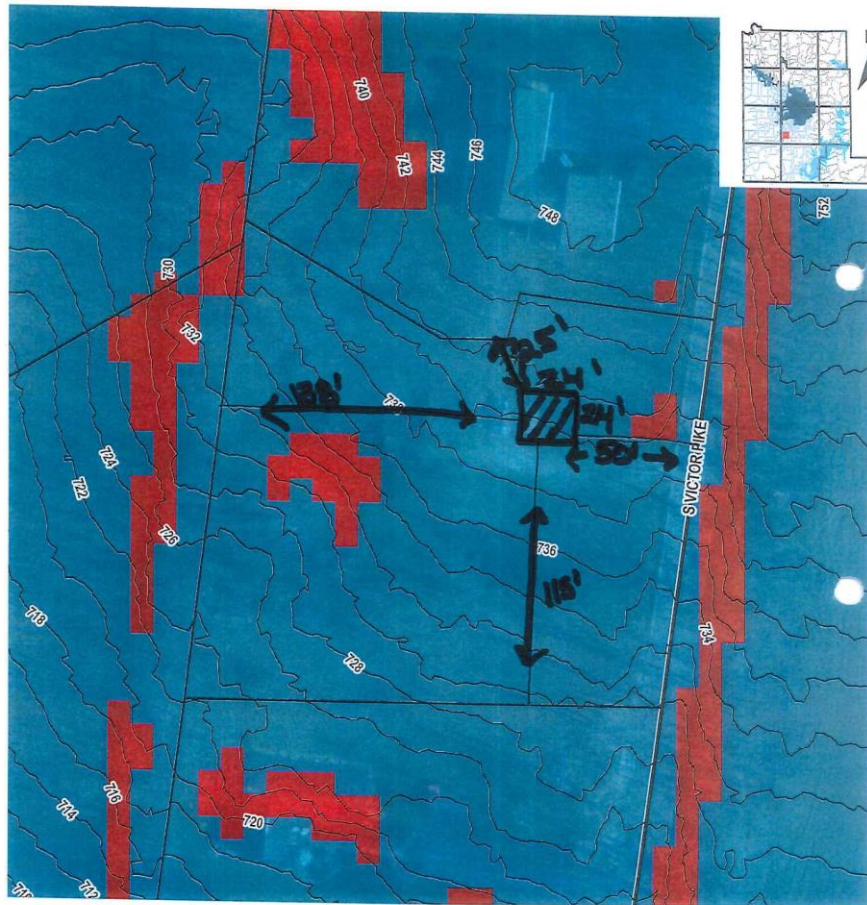
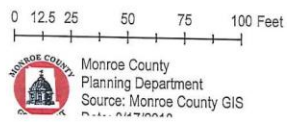



EXHIBIT 3: Parcel Size Map

Parcel Size Map

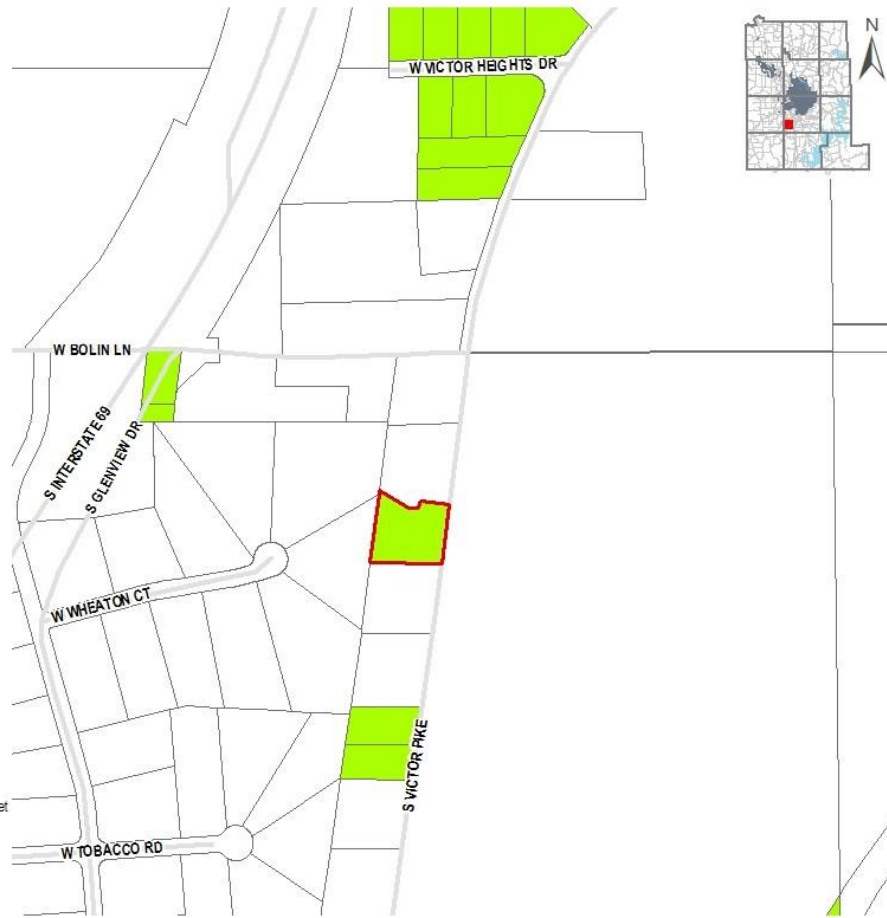
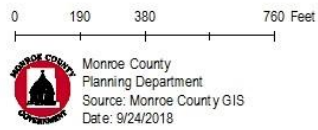
 Petitioner

 Roads

Parcel Size (Acres)

 0 - 1.0

 > 1.0



MONROE COUNTY BOARD OF ZONING APPEALS**November 7, 2018**

CASE NUMBER: 1809-VAR-28
PLANNER: Jackie Nester
PETITIONER(S): John Paul
REQUEST: Chapter 802, Use Variance (Boat Storage)
ADDRESS: 6935 S Old State Road 37 (Parcel #: 53-08-32-400-028.000-008)
ZONING: Light Industrial (LI)
ACRES: 1.20 +/- acres
TOWNSHIP: Perry
SECTION(S): 32
PLAT(S): N/A
COMP. PLAN
DESIGNATION: MCUA Employment

EXHIBITS:

1. Petitioner Letter
2. Site Plan

RECOMMENDED MOTION

Deny the use variance (Boat Storage) to Chapter 802 based on the findings of fact.

SUMMARY

The petitioner, John Paul, is seeking a use variance in order to construct a facility for boat storage in the Light Industrial (LI) Zoning District. Boat storage is not a permitted use in the Light Industrial (LI) Zoning District, thus requiring variance approval. The table below shows the use of “Boat Storage” as it appears in Chapter 802 of the Monroe County Zoning Ordinance:

Business and Personal Services	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Boat Storage	M										P						CU	41

Also per Chapter 802 of the Monroe County Zoning Ordinance, the use of “Boat Storage” is defined as the following:

Boat Storage. A storage facility utilizing enclosed buildings and/or unenclosed outdoor areas for the seasonal or year-round storage of four or more boats.

The conditions for Boat Storage under #41 include:

41. Boat Storage facilities shall be permitted subject to the following conditions:
 - A. the required building setbacks shall be applied to all boats stored outside
 - B. all boats stored outside of enclosed buildings shall be screened from adjoining properties by a double staggered row of evergreen trees, installed in conformance with Chapter 830, or a 6 ft. high opaque fence or wall.
 - C. boat repair services and accompanying sales of repair merchandise is allowed only as an accessory use
 - D. compliance with all applicable local, State and Federal regulations for the disposal of hazardous materials.

The permitted uses within the Light Industrial (LI) Zoning District are as follows:

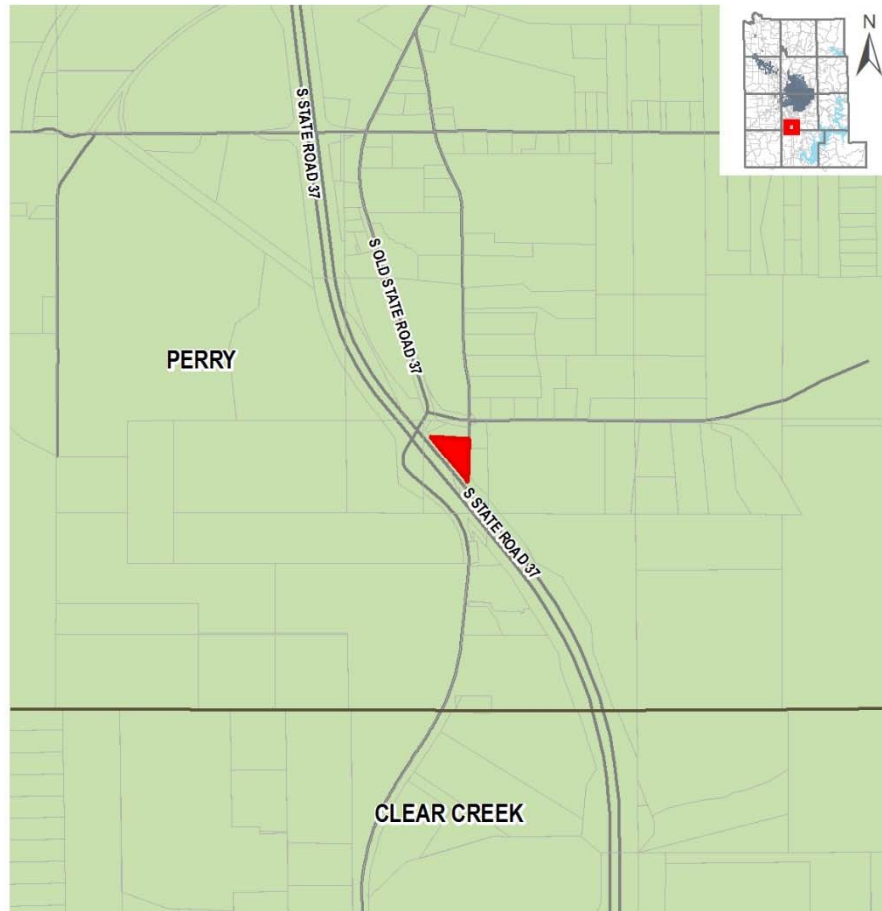
Agricultural Uses- Land Animal	Construction Trailer	Industrial Supplies	Plastic Products Assembly
Agricultural Uses- Non Animal	Convenience Storage	Jewelry Products	Plating and Polishing
Air Cargo and Package Service	Daycare Facility	Kennel, including commercial animal breeding operations	Remote Garbage/Rubbish Removal
Air Craft Charter Service	Electrical Repair	Laboratories	Sign and Advertising Displays
Apparel	Electronic Devices and Instruments	Leather Goods	Small Engine and Motor Repair
Appliance Assembly	Engineering and Scientific Instruments	Locksmith	Stockyard
Appliance Repair	Exterminating Service	Machine Assembly	Taxidermist
Auction House	Feed Mill	Machine Shop	Telephone and Telegraph Services
Automotive Paint Shop	Fertilizer Sales (Packaged)	Metal Fabrication	Transfer or Storage Terminal
Automotive Tire Repair	Florist (Wholesale)	Metalworking Machinery	Upholstery Service
Automotive/Boat Repair Shop	Food Products	Musical Instruments	Utility Service Facility
Bakery (Wholesale)	Furniture	Office	Veterinary Service (Indoor)
Beverage Products	Garden Center	Office and Computer Equipment	Veterinary Service (Outdoor)
Bottling Machinery	Gasoline Services Station	Office Equipment Repair	Warehousing and Distribution
Building Materials	General Contractor	Office Showroom	Wastewater Treatment Facility
Buisness or Industrial Center	Gunshop (CONDITIONAL USE)	Optical Instruments and Lenses	Watches and Clocks
Cold Storage Plant	Gunsmith	Paper Products	Water Treatment Facility
Commercial / Industrial Adaptive Reuse	Heavy Machinery Sales	Park and Recreational Services	Welding
Commercial Printing	Industrial Equipment Repair	Parking Facility	Wood Products
			Wrecker Service

LOCATION MAP

The petition site is located at 6935 S Old State Road 37 in Perry Township, Section 32; Parcel No. 53-08-32-400-028.000-008. The lot is unplatted.

Location Map

-  Petitioner
-  Townships
-  Roads
-  Parcels



0 0.1 0.2 0.4 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/17/2018

ZONING AND LAND USE

The petition site is zoned Light Industrial (LI). The neighboring lots are zoned Light Industrial (LI), Estate Residential (ER), Pre-Existing Business (PB), Agriculture/Rural Reserve (AG/RR), Mineral Extraction (ME), Heavy Industrial (HI), and General Business (GB). The neighboring uses are commercial, agricultural, residential, and mineral extraction.


Current Zoning Map

 Petitioner

 Parcels

 Roads

Monroe County Zoning

 AG/RR - Agriculture/Rural Reserve

 ER - Estate Residential

 GB - General Business

 HI - Heavy Industrial

 LI - Light Industrial

 ME - Mineral Extraction

 PB - Pre-Existing Business

0 0.025 0.05 0.1 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/17/2018



SITE CONDITIONS

The petition site is a 1.20 +/- acre parcel. State Road 37 is in close proximity to the property. The access for the property is off of S Empire Rd (Local).

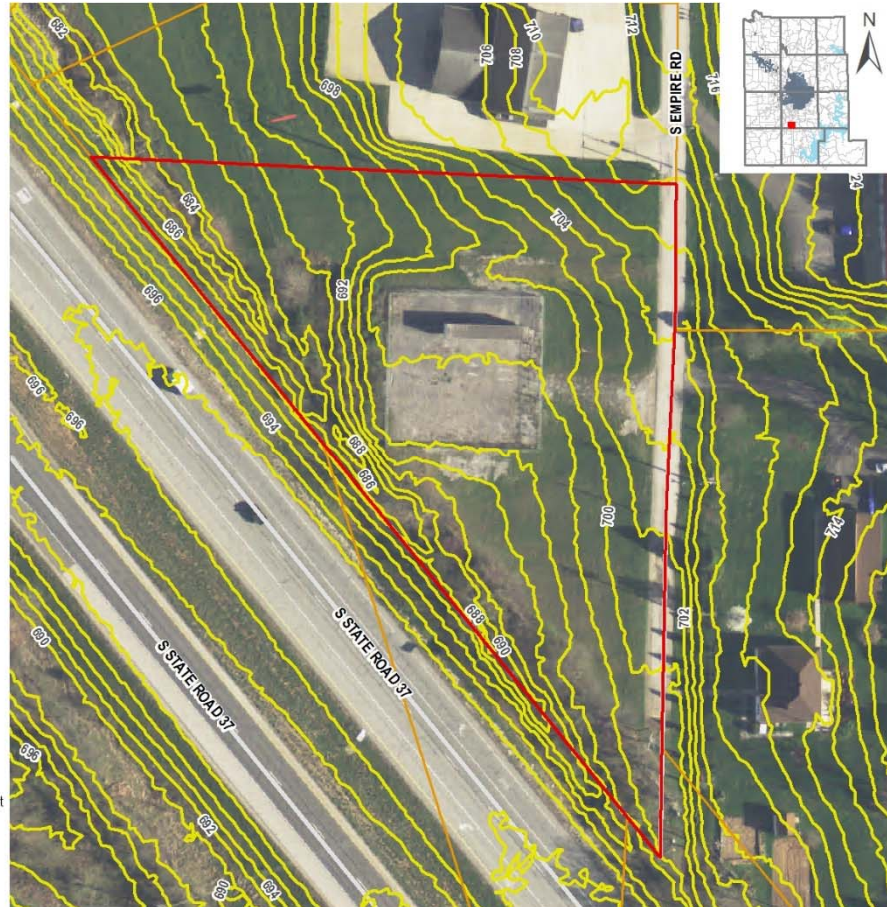
Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads

0 37.5 75 150 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/17/2018



Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads

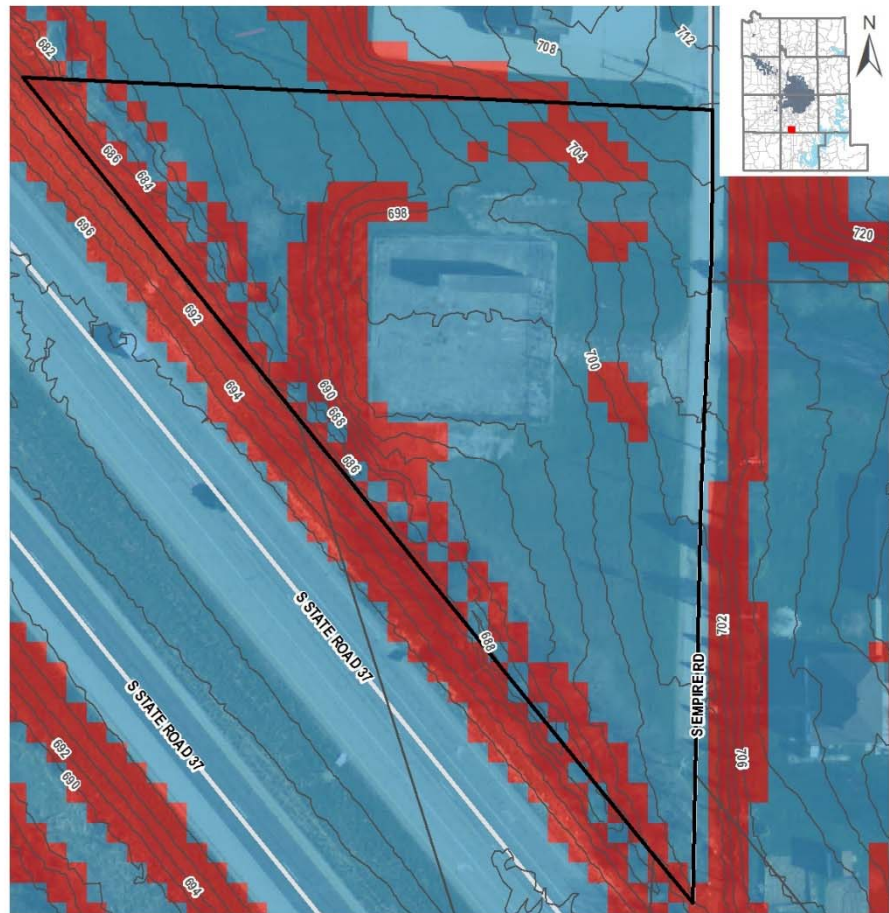
Percent Slope (2010)

-  0 - 15
-  > 15

0 15 30 60 90 120 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/17/2018



SITE PHOTOS



Figure 1: View north on S Empire RD. The petitioner also owns the property to the north (General Contractor Use)



Figure 2: View southwest, showing the petition site. Prior use was a utility substation.



Figure 3: View south on S Empire RD



Figure 4: View southwest, showing the proximity of State Road 37



Figure 5: View southeast, showing neighboring residential use.



Figure 6: View northeast, viewing commercial property across the road from the petition site.



Figure 7: View the petition site, showing where existing foundation would become area for boat storage



Figure 8: View south, showing existing buffer from State Road 37.



Figure 9: View north, showing bird's eye view of the property.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the MCUA Employment Plan designation, which states:

5.1.4 Employment

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

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

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

A. Transportation

Streets

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

Arterial connections may

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

Freight

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

Bike, Pedestrian, and Transit modes

Commuting by automobile will likely remain the primary form of transportation to work in the larger employment centers within the Urbanizing Area. However, opportunities to expand transportation options should be provided wherever possible. Streets within employment areas should include sidewalks and/or shared-use sidepaths and encourage connections to Karst Farm Greenway and Clear Creek Trail.

Opportunities to expand City of Bloomington and rural Transit service to employment areas should also be explored.

B. Utilities

Sewer and water

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

Power

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

Communications

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

C. Open space

Park Types

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

Urban Agriculture

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

D. Public Realm Enhancements

Wayfinding

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

Lighting

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

Street/Site furnishings

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

E. Development guidelines

Open Space

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

Parking ratios

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

Site Design

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

Building form

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

Materials

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

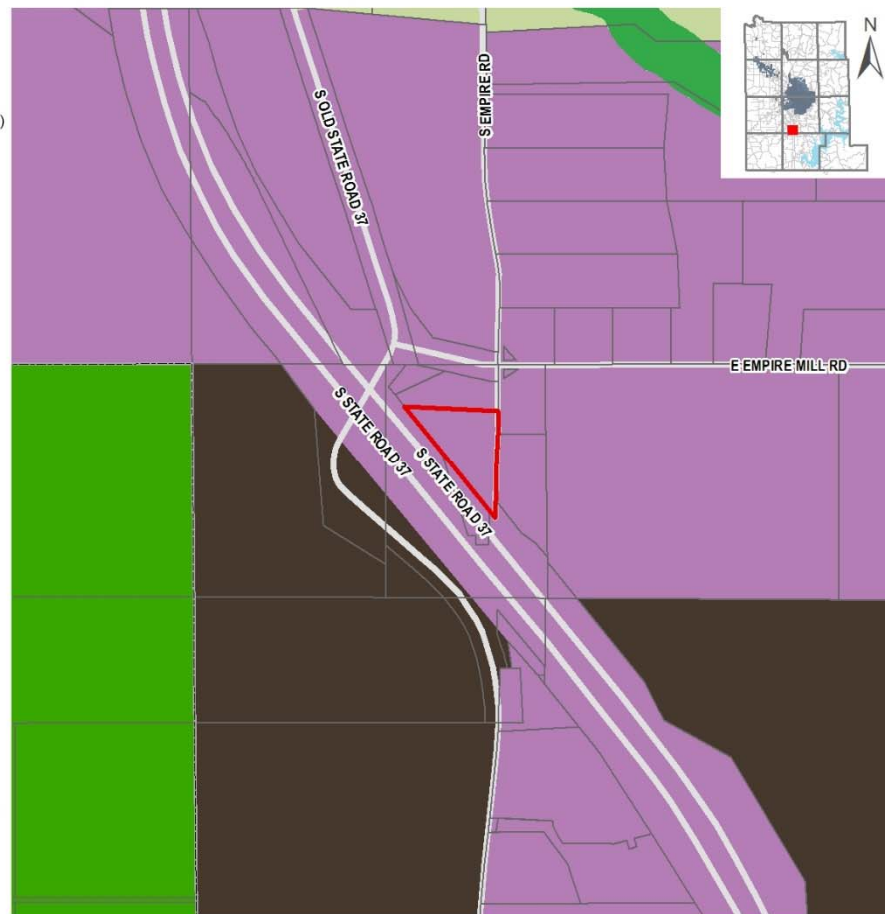
Private Signs

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

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

Comp. Plan Land Use (Updated 2015)

 Farm and Forest
 MCUA Employment
 MCUA Open Space
 MCUA Quarry Landscape
 MCUA Rural Transition



FINDINGS OF FACT: Use Variance

812-5 Standards for Use Variance Approval: In order to approve an application for 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:**

Findings:

- Approval of the use variance would allow the petitioner to build storage units for boats;
- The proposed use on the property would require full compliance under a commercial site plan filing;
- The property derives access from S Empire Road, which is a local road;
- The petition site is not located in FEMA Floodplain;
- There are no known karst areas on the lot;
- Conclusion: The approval would 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:**

Findings:

- See Findings under (A);
- Approval of the use variance would permit a filing to obtain site plan approval for the proposed boat storage use;
- The Monroe County Public Works Department and Monroe County Planning Department review site plans to confirm uses are meeting development standards on subject property in the county;
- The effect of the approval of the use variance on property values is difficult to determine;
- The neighboring uses on S Empire Rd are commercial and residential in nature;
- Conclusion: The use and value of the area adjacent to the property included in the variance may or may not be affected in a substantially adverse manner.

- (C) **The need for the variance arises from some condition peculiar to the property involved:**

Findings:

- The use of "Boat Storage" is not a permitted use in the Light Industrial (LI) Zoning District, thus requiring the variance to be filed;
- The Light Industrial (LI) Zoning District permits a similar use, convenience storage. However, since this lot is located within 500 feet of State Road 37, the convenience storage use would not be permitted without a variance;
- The site has an existing foundation that was once a utility substation;
- There is no substantial evidence the property cannot be utilized under one of the permitted uses listed in the Light Industrial (LI) zoning district;
- Conclusion: The need for the variance does not arise 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,**

Findings:

- See Findings under (C);
- Boat storage is also permitted in the Limited Business (LB) Zoning District per Chapter 802;
- The Light Industrial (LI) zoning district permits 77 uses per Chapter 802;
- Conclusion: The strict application of the terms of the Zoning Ordinance will not constitute an unnecessary hardship if applied to the property for which the variance is sought.

(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;**
- (5) Distinguish Land from Property;**

Findings:

- See Findings under (A);
- The Urbanizing Area Plan designates the subject site as Employment, which is described previously in this report. The neighboring residence is also zoned Employment in the MCUA plan;
- There is a ravine area on the southwest side of the property. The area outside of setbacks does not have any environmental constraints;
- The proposed use and its “Medium” intensity classification is consistent with the Comprehensive Plan’s designation;
- The submitted findings in the petitioner’s application (see Exhibit 1) assert that the proposed use will not stress existing infrastructure and will not impact the surrounding environment;
- Conclusion: The approval does interfere substantially with the Comprehensive Plan. Especially, the five (5) principles set forth in the Monroe County Comprehensive Plan.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

NOTE: The Board must establish favorable finding for ALL FIVE criteria in order to legally approve a use variance.

EXHIBIT ONE: Petitioner Letter

Monroe County Planning Commission
401 N. Morton Street Suite 130
Bloomington, Indiana

July 29, 2018

Dear County Planning Committee:

This proposal letter is to request and substantiate the grant of a variance for a commercial property located at 6935 S Old State Road 37 Bloomington, Indiana.

The variance is to allow for a Boat and RV storage facility to be located in a property which is currently zoned light industrial. The lot at one time, was a Duke Energy electrical substation-years ago, they removed their equipment.

The project will be appealing in design and construction, enhancing the value and attractiveness of the area. It is located along a dead-end road of which I have developed several nearby properties as well. The location, along State Highway 37, and one of the main corridors for people traveling to and from Lake Monroe, make this an ideal location for those who wish to store their boat convenient to the lake.

Respectfully submitted,

John Paul

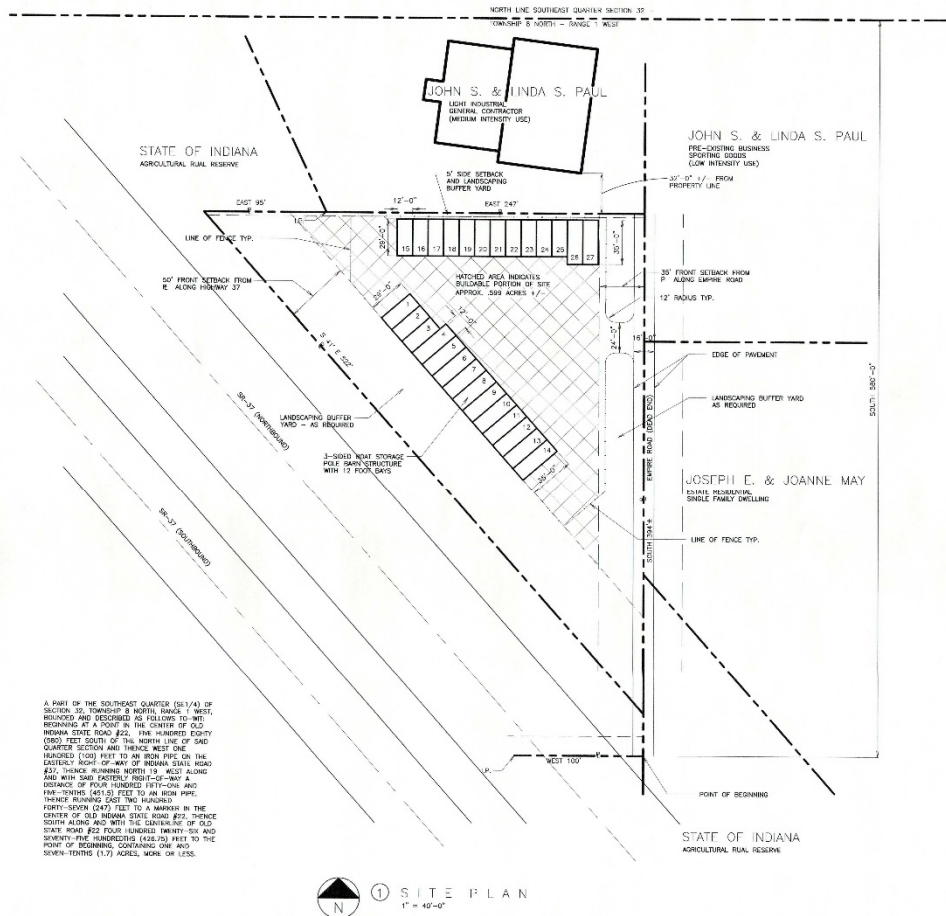
9320 West Carter Rd.

Bloomington, Indiana

(812) 322-0112

EXHIBIT TWO: Site Plan

THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. IT IS THE RESPONSIBILITY OF THE USER TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



REVISIONS

SITE USE VARIANCE PROPOSAL FOR:
JOHN PAUL
6935 SOUTH OLD STATE ROAD 37
BLOOMINGTON, INDIANA 47401

PROJECT NO. 1915
DATE 05-14-2016
DRAWN BY A. KOSLOSKI
CHECKED BY D. BRICCY
SCALE 1/8" = 1'-0"
**SITE USE
VARIANCE
PROPOSAL**
SHEET NO.

EXH-1

MONROE COUNTY BOARD OF ZONING APPEALS**November 7, 2018**

CASE NUMBER: 1809-VAR-29
PLANNER: Jordan Yanke
PETITIONER(S): Daren Eads
REQUEST: Design Standards Variances, Chapter 804, Minimum Lot Width at Building Line
ADDRESS: 7561 S Old State Road 37
ZONING: Agriculture/Rural Reserve (AG/RR)
ACRES: 3.55 acres +/-
TOWNSHIP: Clear Creek
SECTION: 8
PLAT(S): N/A
COMPREHENSIVE PLAN DESIGNATION: Rural Residential

EXHIBITS:

1. Petitioner Letter
2. Site Plan

RECOMMENDED MOTIONS:

Approve the design standards variance to the Minimum Lot Width standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.

SUMMARY/DISCUSSION

The petitioner requests a design standards variance from Chapter 804 of the Monroe County Zoning Ordinance due to a proposed storage bard on the lot of record. The lot, at 7561 S Old State Road 37, currently contains a single family dwelling and a detached garage. The proposed structure is portable and is 10' x 16' (160 Square Feet). The structure will meet all development standards with exception to the minimum lot width at building line, thus requiring this variance. The minimum lot width in Agriculture/Rural Reserve is 200', whereas the petition site's lot width is approximately 139' for the entire parcel.

The parcel in question is an existing lot of record. It is deemed legal pre-existing nonconforming due to its substandard lot width. Any proposed development on the lot requires a variance from the lot width standard. The proposed use is permitted.

LOCATION MAP

The parcel is located in Clear Creek Township, Section 8 at 7561 S Old State Road 37. The property is not in a platted subdivision.

Location Map

- Petitioner
- Townships
- Roads
- Parcels

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



ZONING AND LAND USE

The property is zoned Agriculture/Rural Reserve (AG/RR). The surrounding properties are zoned Agriculture/Rural Reserve (AG/RR) and Suburban Residential (SR).

Current Zoning Map

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

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



SITE CONDITIONS

The site currently has a single family dwelling and a detached garage. The site is relatively flat and contains no known sinkholes. There is no floodplain existing.

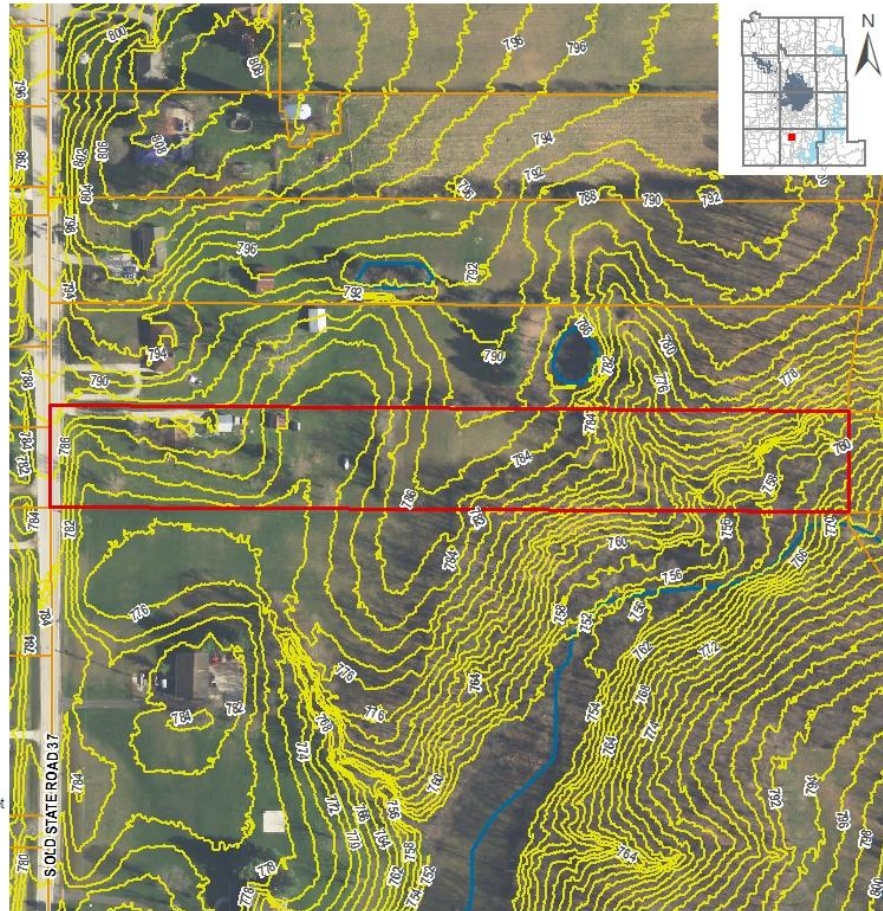
Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads
-  Hydrologic Features

0 90 180 360 Feet





Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads

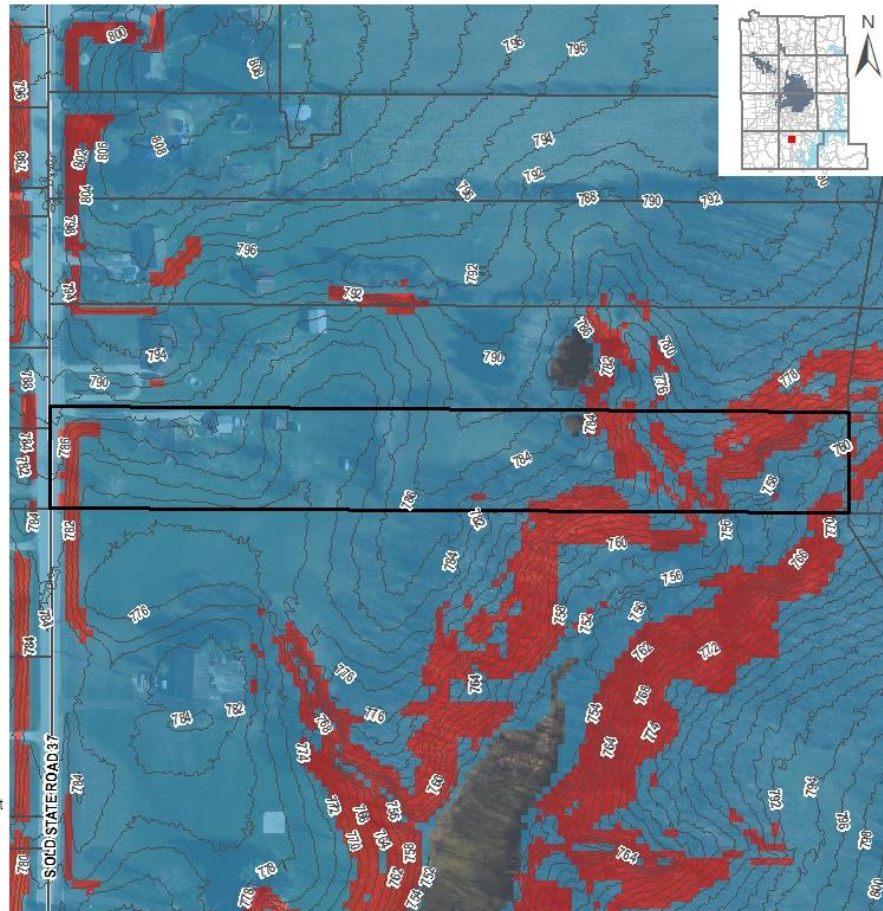
Percent Slope (2010)

-  0 - 15
-  > 15

0 45 90 180 270 360 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



SITE PHOTOS



Figure 1: View of petition site's frontage along S Old State Road 37, facing south.



Figure 2: View of petition site from its driveway entrance off of S Old State Road 37, facing east.



Figure 3: View of the rear part of the petition site, facing east.



Figure 4: Aerial image of the petition site.

COMPREHENSIVE PLAN DISCUSSION





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

Rural Residential

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

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

Comprehensive Plan

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

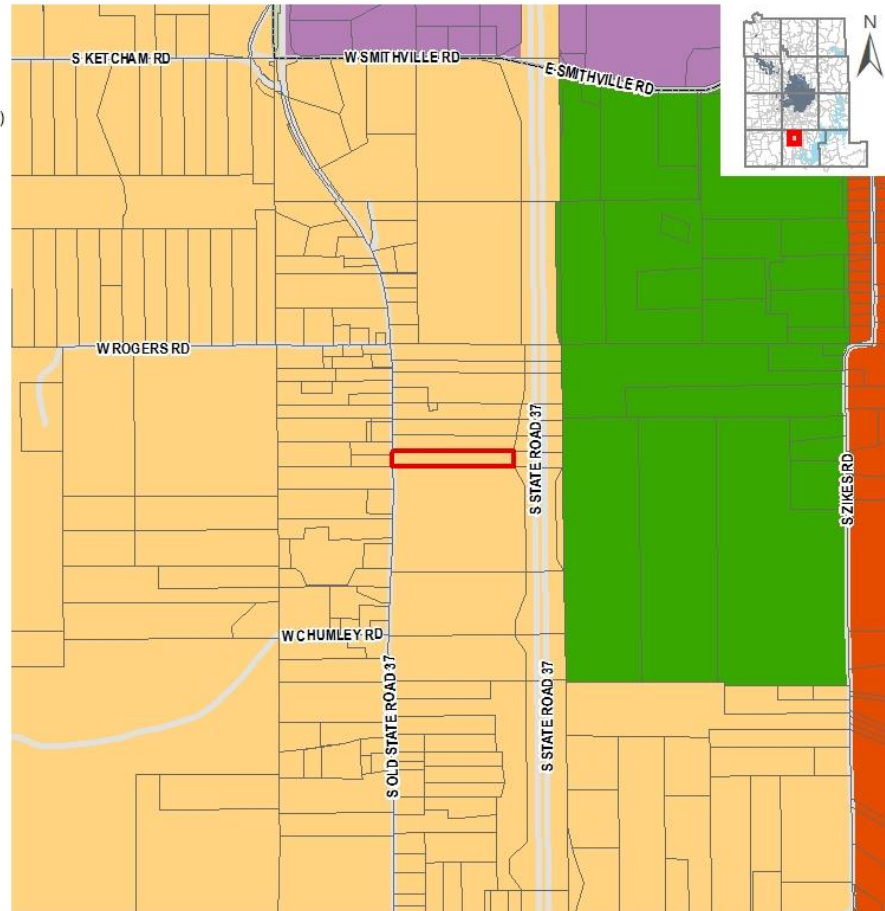
Comp. Plan Land Use (Updated 2015)

-  Designated Communities
-  Farm and Forest
-  Rural Residential
-  MCUA Employment
-  MCUA Rural Transition

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



FINDINGS OF FACT: Minimum Lot Width at Building Line

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;

- Approval of the variance would allow the petitioner to construct a new storage barn on the lot of record;
- The site is zoned Agriculture/Rural Reserve (AG/RR);
- The minimum lot width at building line in AG/RR is 200’;
- The parcel is an existing substandard lot of record at 139’ lot width. The parcel size is 3.55 +/-acre;
- The site currently consists of a single family dwelling and a detached garage;
- The proposed barn would not be constructed on slopes greater than 15 percent;
- Any new development on the lot, regardless of location, would be subject to minimum lot width variance approval;
- The site is not within the FEMA floodplain;
- The site is adjacent to residential lots and S State Road 37;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See Findings under Section A(1);
- The site gains access via S Old State Road 37, a road designated as a Minor Collector under the Monroe County Thoroughfare Plan;
- The proposed barn is a permitted use in the Agriculture/Rural Reserve (AG/RR) Zoning District;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

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

Findings:

- See Findings under Section A(1) and A(2);
- Approval of this variance would not result in a development profile associated with a more intense zoning district;
- The comprehensive plan designates this site as Rural Residential;
- The 3.55 +/- acre parcel is a single lot of record;
- Surrounding properties are zoned Agriculture/Rural Reserve (AG/RR) and Suburban Residential (SR);

- There are nearby parcels that do not meet the minimum lot width requirement;
- Without variance approval, the lot cannot be further developed;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district.

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

Findings:

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

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

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

Findings:

- See Findings under Section A(1), A(2), and A(3);
- Conclusion: Approval of the variance would satisfy the design standard sought to be varied.

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

Findings:

- See Findings under Section A;
- Conclusion: It would not promote conditions detrimental to the use and enjoyment of other properties in the area.

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

Findings:

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

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

Findings:

- The parcel is a legal lot of record, and is rendered a substandard lot in terms of lot width;
- The application of the ordinance requires any proposed development to obtain a variance.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

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

EXHIBIT 1: Petitioner Letter

September 23, 2018

Board of Zoning Appeals
Monroe County Planning Department
Monroe County Government Center
501 N. Morton St., Suite 224
Bloomington, IN 47404

RECEIVED

SEP 24 2018

MONROE COUNTY PLANNING

Re: Zoning Variance Request

To whom it may concern:

We, Daren and Susan Eads, property owners of parcel number 53-11-08-100-003.000-006 commonly known as 7561 South Old State Road 37, Bloomington, IN 47403, respectfully request a zoning variance for the installation of a 10 x 16 portable storage barn. Currently the 3.55 acre property contains a two bedroom home (38 x 28) and a detached garage (21 x 21). Until July 2018, the property also had a barn (20 x 20) that was structurally unsound and was removed by Perry Clear Creek Fire Protection District as a training exercise. The 10 x 16 portable storage barn is being purchased to replace the former barn. Upon requesting a building permit, we were informed our property did not meet the 200' property width requirement. We are requesting the variance to allow the portable storage barn to be placed on our property.

Thank you for your consideration.

Respectfully,

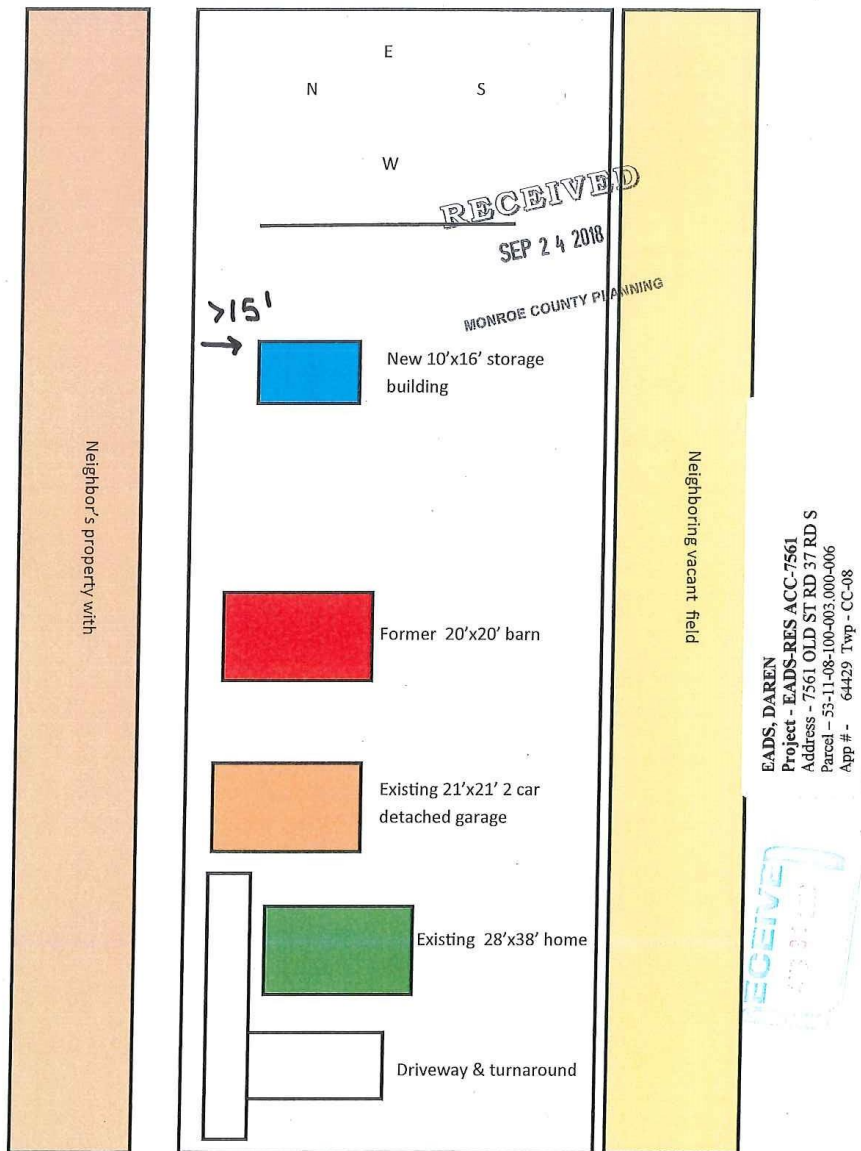


Daren Eads



Susan Eads

EXHIBIT 2: Site Plan



MONROE COUNTY BOARD OF ZONING APPEALS**November 7, 2018**

CASE NUMBER: 1809-VAR-30
PLANNER: Jordan Yanke
PETITIONER(S): Sue Rushton
REQUEST: Design Standards Variance: Chapter 804 Minimum Lot Size Standard
ADDRESS: 8015 E Northshore Drive
ZONING: Forest Reserve (FR)
ACRES: 2.28 +/- acres
TOWNSHIP: Van Buren
SECTION(S): 17
PLAT(S): N/A
COMP. PLAN
DESIGNATION: Rural Residential

EXHIBITS:

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

RECOMMENDED MOTION:

Approve the Design Standards Variance to the Minimum Lot Size standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.

SUMMARY/DISCUSSION

The petitioner requests a design standards variance from the minimum lot size standard of the Forest Reserve (FR) Zoning District, listed in Chapter 804 of the Monroe County Zoning Ordinance. The minimum lot size in Forest Reserve (FR) is 5.00 acres. The petition parcel meets all other design standards except for the minimum lot size requirement. The petition site is 2.28 +/- acres. Variance approval would allow the petitioner to construct a storage shed on site (see Exhibit 2). The variance is the minimum variance needed to further develop the lot.

LOCATION MAP

The parcel is located in Benton North Township, Section 27 and is addressed as 8015 E Northshore Drive. The property is not in a platted subdivision.

Location Map

- Petitioner
- Townships
- Roads
- Parcels
- Lakes



0 0.1 0.2 0.4 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018

ZONING AND LAND USE

The property is zoned Forest Reserve (FR). The surrounding zoning is Forest Reserve (FR).

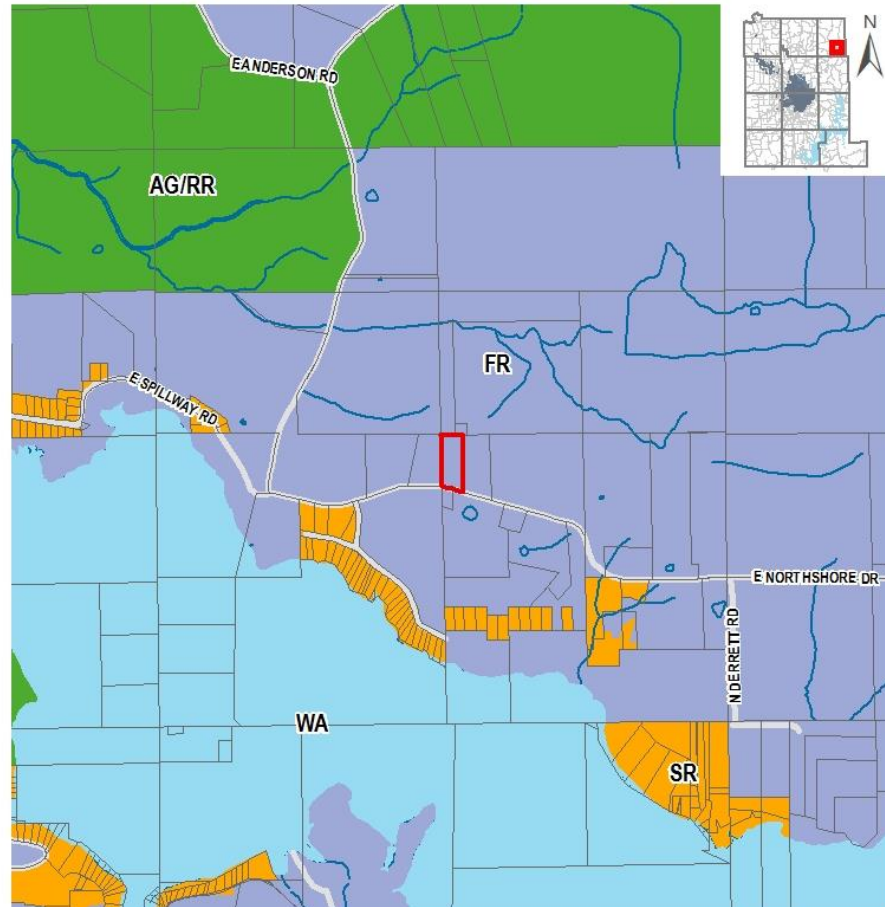
Current Zoning

-  Petitioner
-  Parcels
-  Roads
-  Lakes
-  Hydrologic Features
- Monroe County Zoning**
-  AG/RR - Agriculture/Rural
-  FR - Forest Reserve
-  SR - Suburban Residential
-  WA - Water

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



SITE CONDITIONS

The site conditions do not include areas of steep slope. There are no known sinkholes and there is no floodplain on the property.

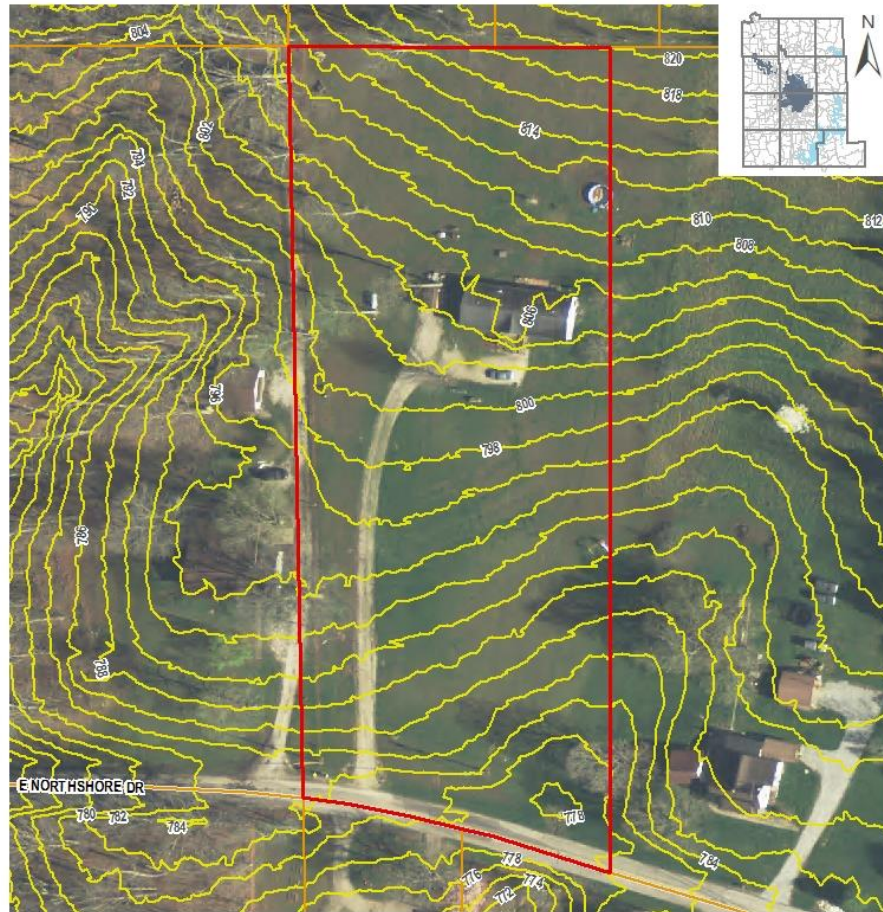
Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads







0 40 80 160 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



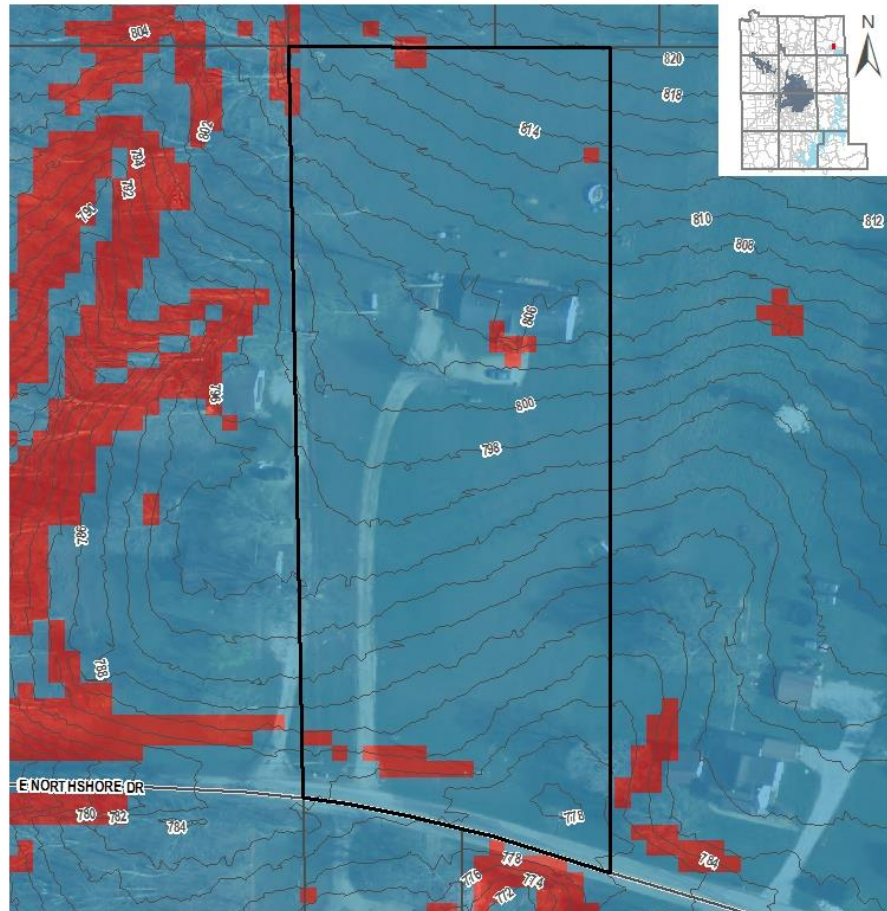
Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads
- Percent Slope (2010)**
-  0 - 15
-  > 15

0 20 40 80 120 160 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



SITE PICTURES



Figure 1: View of petition site's frontage along E Northshore Drive, facing east.



Figure 2: View of petition site's frontage along E Northshore Drive, facing west.



Figure 3: View of the proposed storage shed's location on the petition site, facing north.



Figure 4: Aerial view of petition site.

COMPREHENSIVE PLAN DISCUSSION

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

Rural Residential

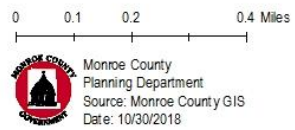
The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas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

The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

Comprehensive Plan

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



FINDINGS OF FACT: Minimum Lot Size Standard

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

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

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

Findings:

- Approval of the variance would allow the petitioner to install a storage shed on the petition site;
- The parcel currently contains a residential dwelling and an outbuilding;
- The petition site is zoned Forest Reserve (FR) and is 2.28 +/- acres;
- The minimum lot size in Forest Reserve (FR) is 5.00 acres;
- The parcel is not platted;
- There is no evidence that the building site is located on sensitive lands;
- There is no known karst on the property;
- There is no evidence that the building would obstruct a natural or scenic view;
- There are other parcels nearby that are under 5.00 acres in size;
- Conclusion: It would not impair the stability of a natural or scenic area;

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

Findings:

- See findings under A(1);
- The parcel is addressed off of E Northshore Drive, a Minor Collector;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

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

Findings:

- See findings under A(1) and A(2);
- The proposed storage shed would meet all design standards for the Forest Reserve (FR) Zoning District with exception to the minimum lot size standard;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district;

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

Findings:

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

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

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

Findings:

- See findings under A(1), A(2), and A(3);
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied;

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

Findings:

- See findings under A(1);
- There is no floodplain on site;
- The site is not located in the Environmental Constraints Overlay (ECO) Area;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area;

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

Findings:

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

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

Findings:

- See findings under (A)(1);
- Conclusion: The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property;

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

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

EXHIBIT 1: Petitioner Letter

Sue E. Rushton
8015 E. N. Shore Drive
Unionville, In 47468
September 18, 2018

RECEIVED

SEP 27 2018

MONROE COUNTY PLANNING

Board of Zoning Appeals
Monroe County
Bloomington, In 47401

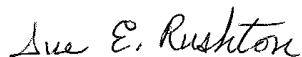
Dear Members of the Board:

I, Sue E. Rushton, am currently submitting a request for variance application for which I am told is needed to install a new 14x24 (14x18 not counting porch area) wooden gardening tool/storage shed on my property. The purpose of this shed is to replace the current, 20year old, 10x12 metal shed that has, throughout time, sustained storm damage and general age related structural issues, i.e. stability and leakage issues.

I would appreciate your consideration, and prompt approval of this request for variance, considering winter weather is fast approaching this would allow me to have the shed delivered in time to have my lawn mower and gardening tools secured and protected from the elements.

If you have any questions or concerns, please call me at 812-322-9494. I look forward to hearing from you.

Sincerely,



Sue E. Rushton

EXHIBIT 2: Site Plan

RUSHTON SUE
Project - RUSHTON-RES ACC-8015
Address - 8015 NORTH SHORE DR E
Parcel - 003-07660-02
App # - 64426 Twp - SB-27

RECEIVED
SEP 17 2008
MONROE COUNTY PLANNING

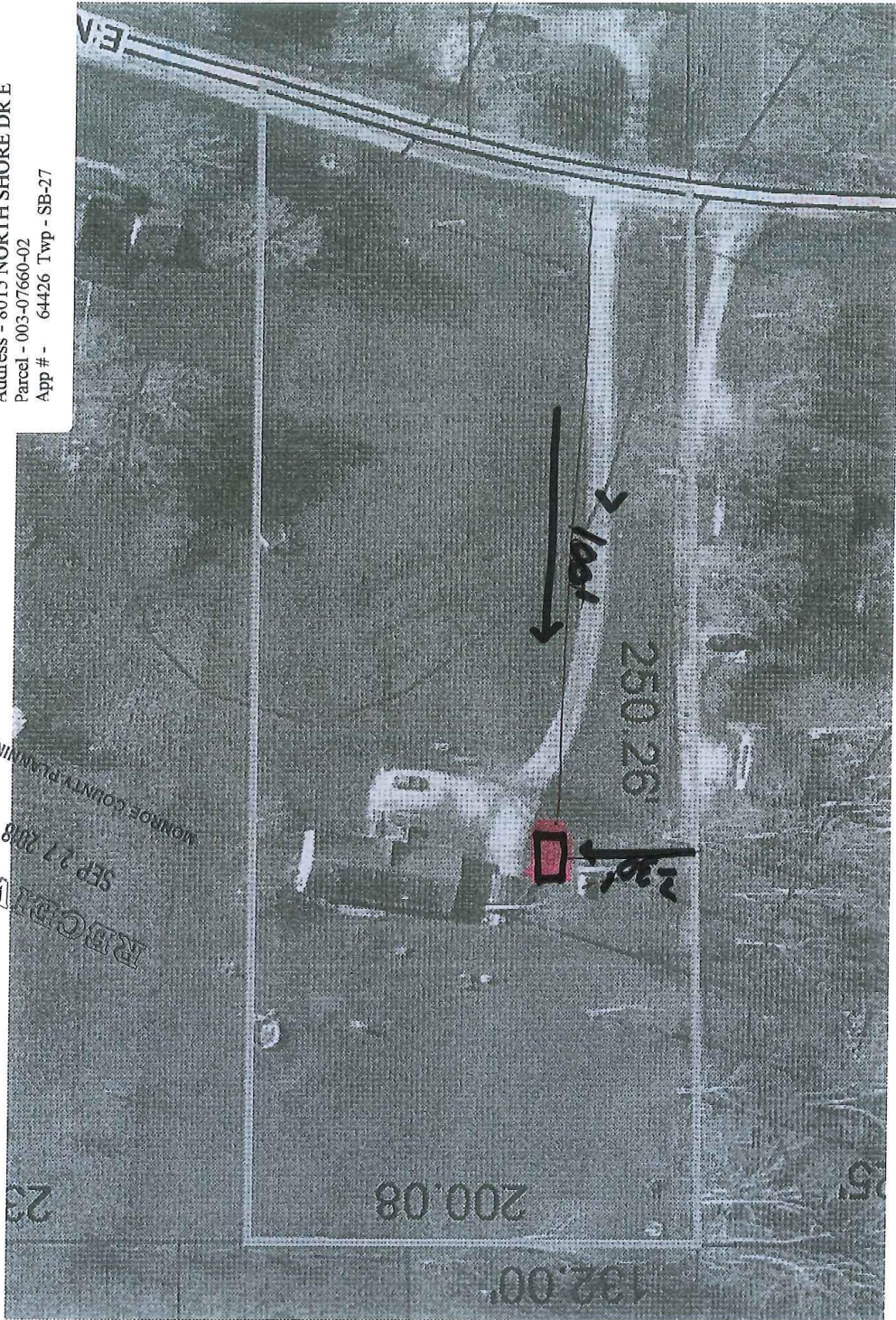


EXHIBIT 3: Parcel Size Map

Parcel Size Map

 Petitioner

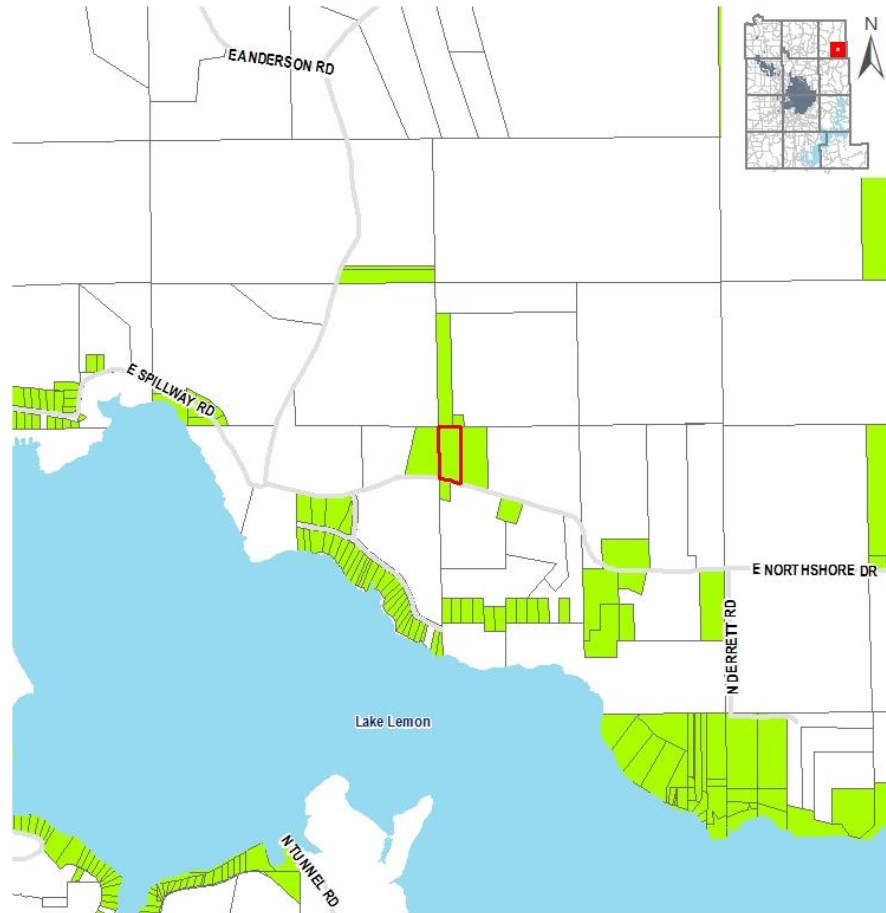
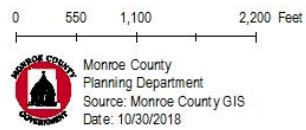
 Roads

 Lakes

Parcel Size (Acres)

 0 - 5.0

 > 5.0



MONROE COUNTY BOARD OF ZONING APPEALS**November 7, 2018**

CASE NUMBER: 1809-CDU-08
PLANNER: Jordan Yanke
PETITIONER(S): Brook & Corey Rieman
REQUEST: Conditional Use, Chapter 813, "Historic Adaptive Reuse"
ADDRESS: 8700 S Fairfax Road
ZONING: Suburban Residential (SR); Historic Preservation (HP) Overlay; Environmental Constraints Overlay Area 1 (ECO1)
ACRES: 1.00 acres +/-
TOWNSHIP: Clear Creek
SECTION(S): 23
PLAT(S): N/A
COMPREHENSIVE PLAN DESIGNATION: Rural Residential

EXHIBITS:

1. Petitioner Letter
2. Site Plan
3. Letter of Support
4. Supplemental/Historic Documents

RECOMMENDED MOTION

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

SUMMARY/DISCUSSION

The petition site, Mt. Ebal Church, is a 1.00 acre +/- parcel located in Clear Creek Township Section 23. The parcel maintains frontage along S Fairfax Road and E Mt. Ebal Road. The property currently contains the historic Mt. Ebal Church, constructed in 1872, in addition to a utility shed.

The petition site was locally designated historic in 1981 by the Monroe County Commissioners (Ordinance No. 134). The historic designation affects the preservation of the current structures, not the preservation of the current zoning of the property.

Finally, the petitioner is requesting a Conditional Use for the use "Historic Adaptive Reuse" in order to be able to reuse the existing Mt. Ebal Church as a *Tourist Home or Cabin* (see Exhibit 1).

****NOTE: There have been recent concerns regarding parking access on the petition site for people visiting the cemetery adjoining to the east. This is not a planning and zoning related issue and is not under the purview of the Board of Zoning Appeals as it pertains to this conditional use request.****

LOCATION MAP


The parcel is located at 8700 S Fairfax Road, Section 23 of Clear Creek Township.

Location Map

- Petitioner
- Townships
- Roads
- Parcels
- Lakes

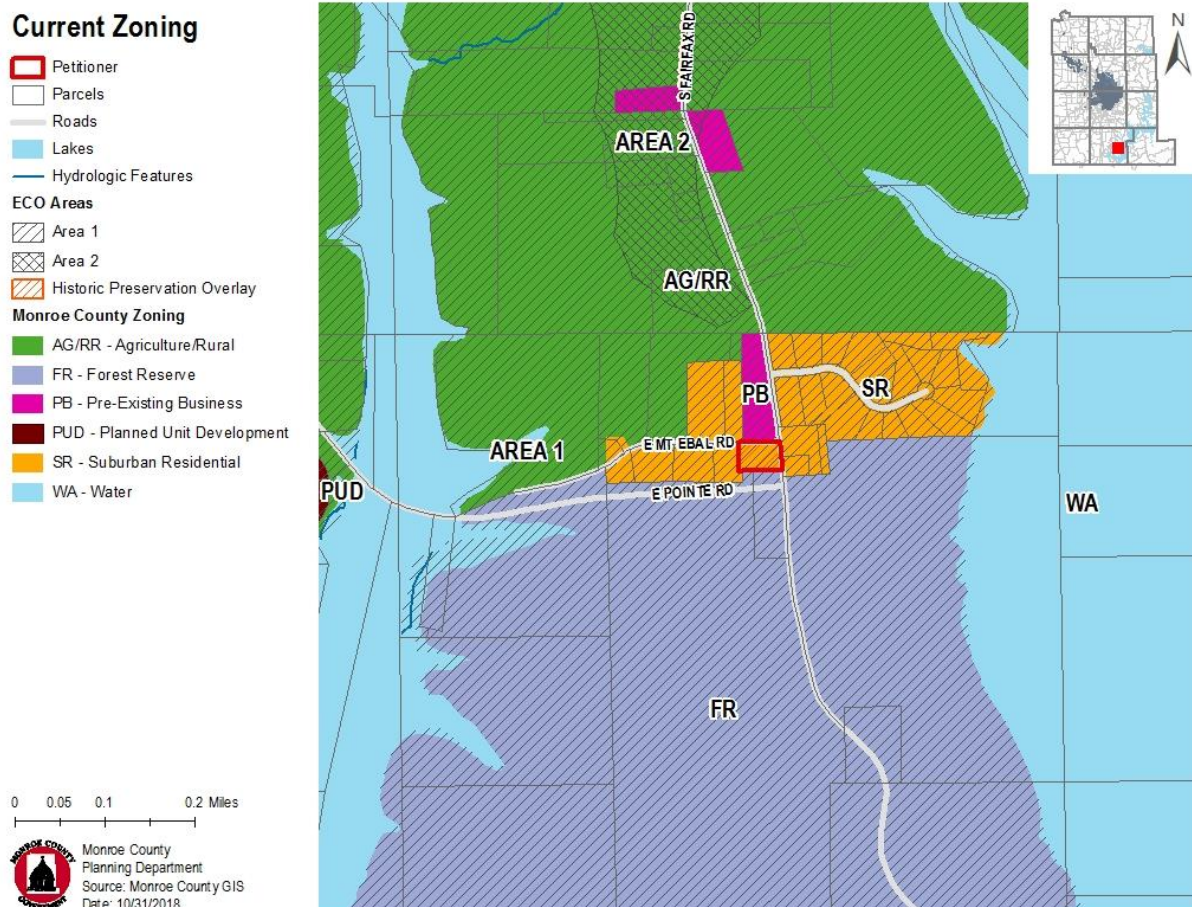


0 0.125 0.25 0.5 Miles

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/31/2018

ZONING AND LAND USE

The site is zoned Suburban Residential (SR) and is located in the Environmental Constraints Overlay Area 1 (ECO1). The surrounding properties are zoned Suburban Residential (SR), Pre-Existing Business (PB), and Forest Reserve (FR), while they are also located in the Environmental Constraints Overlay Area 1 (ECO1).



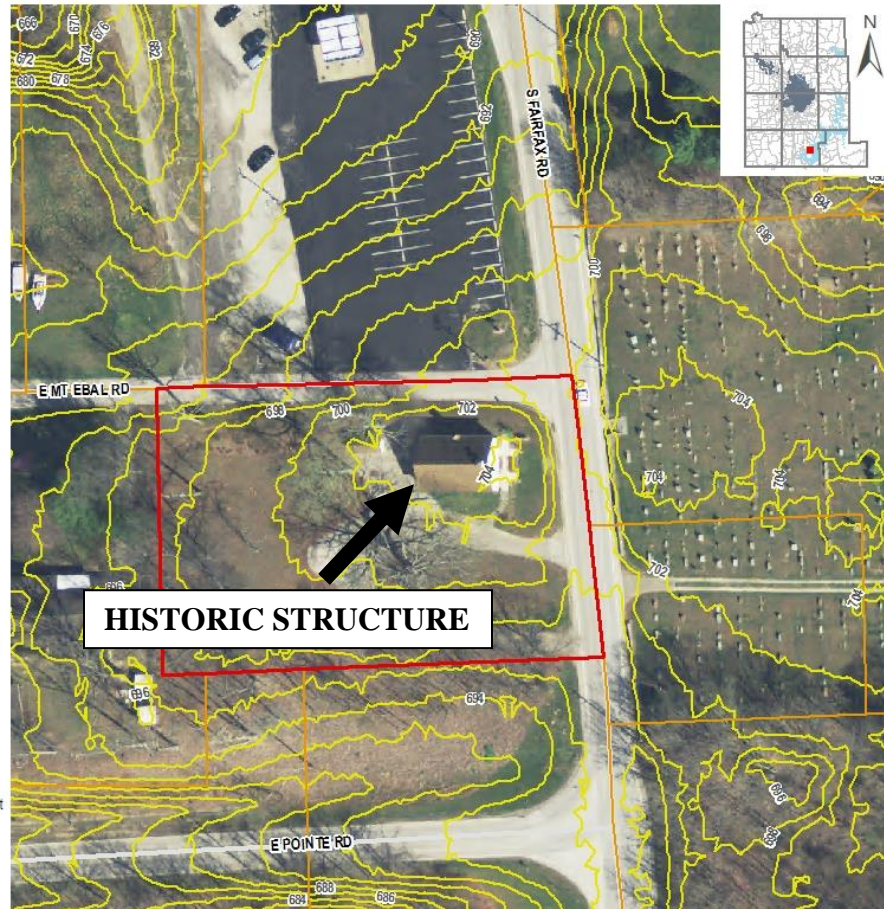
SITE CONDITIONS

The site contains two (2) structures, including the historic Mt. Ebal Church and an outbuilding. The property gains access via S Fairfax Road, which is designated as a Major Collector in the Monroe County Thoroughfare Plan.


The site has two road frontages and adjoins a commercial use to the north, cemetery to the east, and residential properties to the west. The property to the south is vacant. There are no known karst features on the site and the property is not within the floodplain.

Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads









0 37.5 75 150 Feet

 Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/31/2018

Slope Map

-  Petitioner
-  Parcels
-  10-Foot Contours
-  Roads

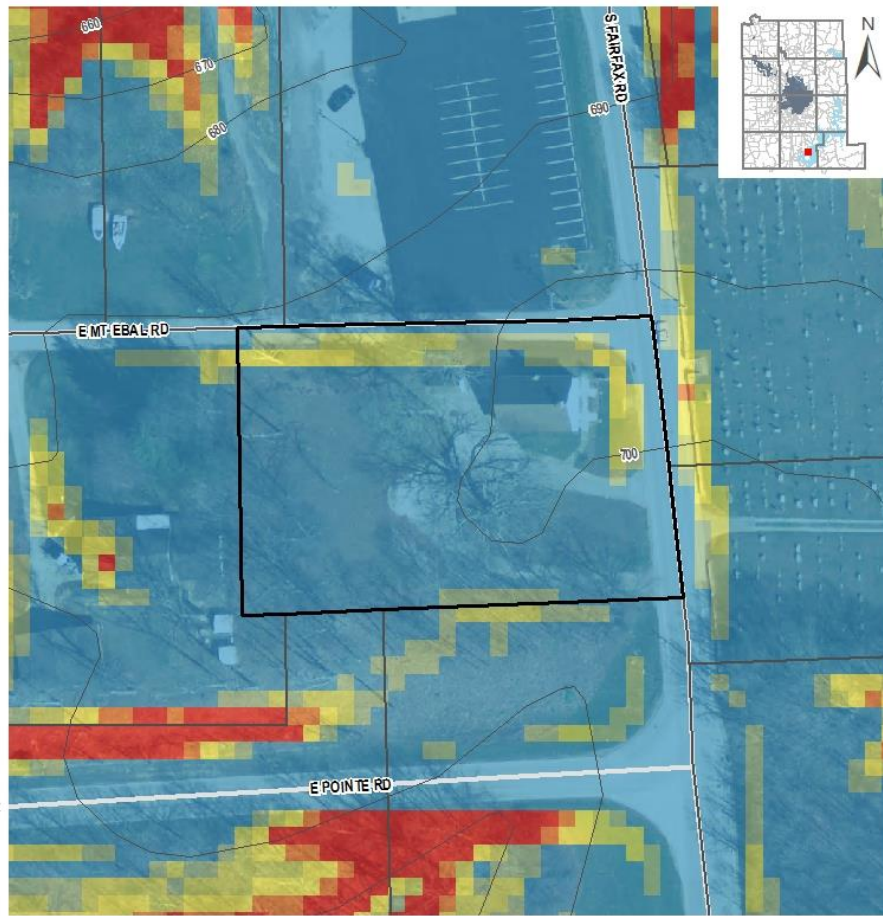
Percent Slope (2010)

-  0 - 12
-  13 - 15
-  16 - 18
-  19 - 21
-  22 - 24
-  > 25

0 37.5 75 150 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/31/2018



SITE PHOTOS



Figure 1: View of Mt. Ebal Church, constructed 1872.



Figure 2: View of Mt. Ebal Church, constructed 1872.



Figure 3: View of petition site's frontage along S Fairfax Road, facing north.



Figure 4: View of petition site's frontage along E Mt. Ebal Road, facing west.



Figure 5: View of Mt. Ebal Church, constructed 1872.



Figure 6: View of adjoining commercial property to the north, facing north.



Figure 7: View of adjoining cemetery to the east, facing east.



Figure 8: Aerial image of the petition site, facing north.



Figure 9: Aerial image of the petition site, facing east.

COMPREHENSIVE PLAN DISCUSSION

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

Rural Residential

The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available. The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

Comprehensive Plan

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

0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/31/2018



FINDINGS OF FACT: Conditional Use, Chapter 813

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

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

Findings:

- The proposed use is listed as “Historic Adaptive Reuse” in the Use Table in Chapter 802 of the Monroe County Zoning Ordinance;
- Two conditions are attached to the proposed use in Chapter 802, Conditions 15 and 44;
- Condition 15 reads, “The Plan Commission may attach additional conditions to its approval in order to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste or other objectionable conditions and to protect and preserve the character of the surrounding neighborhood.”;
- Condition 44 reads, “Subject to the procedure described in Chapter 813 of the Monroe County Zoning Ordinance.”;
- The petition property is zoned Suburban Residential (SR) and is located in the Environmental Constraints Overlay Area 1 (ECO1);

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

Findings:

- The petitioner is requesting approval to be able to use the existing historic Mt. Ebal Church as a *Tourist Home or Cabin*;
- The historic structure was used as a church originally;
- Further development on the site is required to meet Height, Bulk, Area, and Density requirements for the Suburban Residential (SR);

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

Findings:

- The zoning ordinance allows for Historic Adaptive Reuse as a conditional use in the Suburban Residential (SR) zone;
- The Comprehensive Plan designates the site as Rural Residential;
- The description of the Comprehensive Plan’s Rural Residential designation is provided in this report;
- The Suburban Residential (SR) Zoning District has a 1.00 minimum lot size requirement;
- The petition site is 1.00 +/- acres;

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

Findings:

- The conditional use property can be served with adequate facilities;

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

Findings:

- The petitioners will be required to comply with the Performance Standards set forth in Chapter 802-4 of the Monroe County Zoning Ordinance;
 - The proposed use will not have an adverse impact on traffic conditions in the area;
- (F) The conditional use shall be situated, oriented and landscaped (including buffering) to produce a harmonious relationship of buildings and grounds with adjacent structures, property and uses;**

Findings:

- Approval of the conditional use will not produce a conflicting relationship between the petition site and its surrounding area;
 - The petition site is naturally screened from its adjoining properties to the west and south, while it has road frontage along the northern and eastern property lines;
- (G) The conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;**

Findings:

- The area surrounding the petition site includes a commercial use to the north, cemetery to the east, and residential or vacant areas to the west and south;
- (H) The conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,**

Findings:

- The petition site will be accessed off S Fairfax Road, a designated Major Collector;
- (I) All permits required by other Federal, State and local agencies have been obtained;**

Findings:

- Further development on the site is required to meet Height, Bulk, Area, and Density requirements for the Suburban Residential (SR) Zoning District;

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

Historic Adaptive Reuse:

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

Findings:

- The Monroe County Commissioners approved local historic designation for the petition site on March 30, 1981 (Ordinance No. 134);
- (2) Proposed use shall not diminish the historic character of the property or, if it is located within an historic district, the historic character of said district;**

Findings:

- Historic Adaptive Reuse approval per the petitioner's submitted request will not diminish the historic character of the property;
- The Monroe County Historic Preservation Board of Review has provided its support for the requested conditional use and reuse of the historic structure;

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

Findings:

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

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

Findings:

- Historic designation has been granted for the petition site, meaning all external changes to the building(s) will require Certificate of Appropriateness (COA) approval by the Monroe County Historic Preservation Board of Review;

EXHIBIT 1: Petitioner Letter

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

RECEIVED
SEP 27 2018
MONROE COUNTY PLANNING

Brook and Corey Rieman
8803 S Fairfax Rd
Bloomington, IN 47401

September 24, 2018

Dear Board of Zoning Appeals,

Six years ago, we came in front of this board to request a use variance to use the Historic Mount Ebal Church building, that we own, as a photography studio. We were granted the use variance at that time after we added the required landscaping to meet the commercial requirements of the county. After using the building for this purpose for 4 years, our family situation changed and Brook had to discontinue her photography business in order to care for two special needs foster children in our care. For a time we thought we would be moving into the building, so we added a small bathroom and open-concept kitchen inside to make it a livable space. In the end, Corey did not get the job which would have required the move so we looked for other options to use the structure in a way that could produce an income for our family while at the same time creating funds for upkeep of the historic building.

We would like to request a Historic Adaptive Reuse of this property to use it as an Airbnb. We have learned that under the Monroe County Zoning Ordinance, Airbnb is considered "Tourist Cabin" use. Using this building as an Airbnb is very low-impact to the structure, as we only have two guests at a time, usually couples looking to spend the weekend near the lake. Using the building as an Airbnb has no greater impact than it had as a photography studio and it resides next door to a large commercial operation (restaurant and bar).


The building has a rich history which is well documented in newspaper clippings in the Monroe County Library and the Monroe County History Center. This simple Methodist Church was built in 1872 by members of the original congregation who lived on the land which is now under Monroe Reservoir. The lumber for the church was sawn at a mill located at Fairfax and brought to the site by a team of oxen. The church was in continuous use until the late 1960's when the congregation dwindled and stopped holding services. This led to the building being vacant and falling into a state of disrepair for over 10 years (1970's). In 1978, it was fortunately purchased by Bloomington Restorations, Inc. (BRI) as their flagship acquisition. Using a grant from Indiana Landmarks, BRI restored the building to its original condition and sold the property (with deed restrictions) to Jay Ellis who used the building as a rental facility. To our knowledge, Mr. Ellis used this building for rental purposes for at least 25 years. In 2012, Brook's Father Purchased the property and we (Brook and Corey) now own it. Today, 146 years after it was built, the exterior of the church looks almost identical to the way it did when it was built. According to the Monroe County Interim Report of 1989, Mount Ebal Church was "the best preserved of the many frame churches in the county".

Over the last 6 years, using the building for a business afforded us the opportunity to put money into the upkeep of the church. We refinished the original wood floor, repaired all of the plaster which was peeling off the walls and ceiling when we purchased it. We repainted the exterior, painstakingly re-glazed all of the window panes and hired a structural engineer to advise on an issue with the walls moving outward, potentially compromising the structure. This issue was remedied with the installation of guttering to direct water away from the building. We also repaired the sill plate and rotted siding on the front of the building. Additionally, we removed a fence and front patio which were installed by Mr. Ellis (before we purchased it) and were not authorized by the covenants of BRI. Our family has taken great pride in our role as stewards of this building and have enjoyed bringing it back to life. Many neighbors and community members have commented on the job we have done and expressed their gratitude that the building has found a new life.

We would like the chance to continue to use this building in a way that generates income that we can use to keep it up in the condition that we have so far while also providing a modest income for our family. As you probably know, buildings which are rarely used fall into disrepair, sadly this had already been the case 2 times in the life of this church. Using the building as an Airbnb allows the public to experience the unique, rich history of this building. Inside, we have all of the articles we have collected about the church, including some very interesting ones. One such article provides a very colorful depiction of a shooting that occurred at the Mount Ebal Church ice cream social in 1909. People love reading about the history of this church and it reminds them of years gone by and churches that they attended in their youth. We love being able to share this history with others. Some guests have come from states away, saying they chose our place above all others because they wanted a chance to stay in such a unique historical structure. They ended up falling in love with Bloomington as a result, and plan on returning.

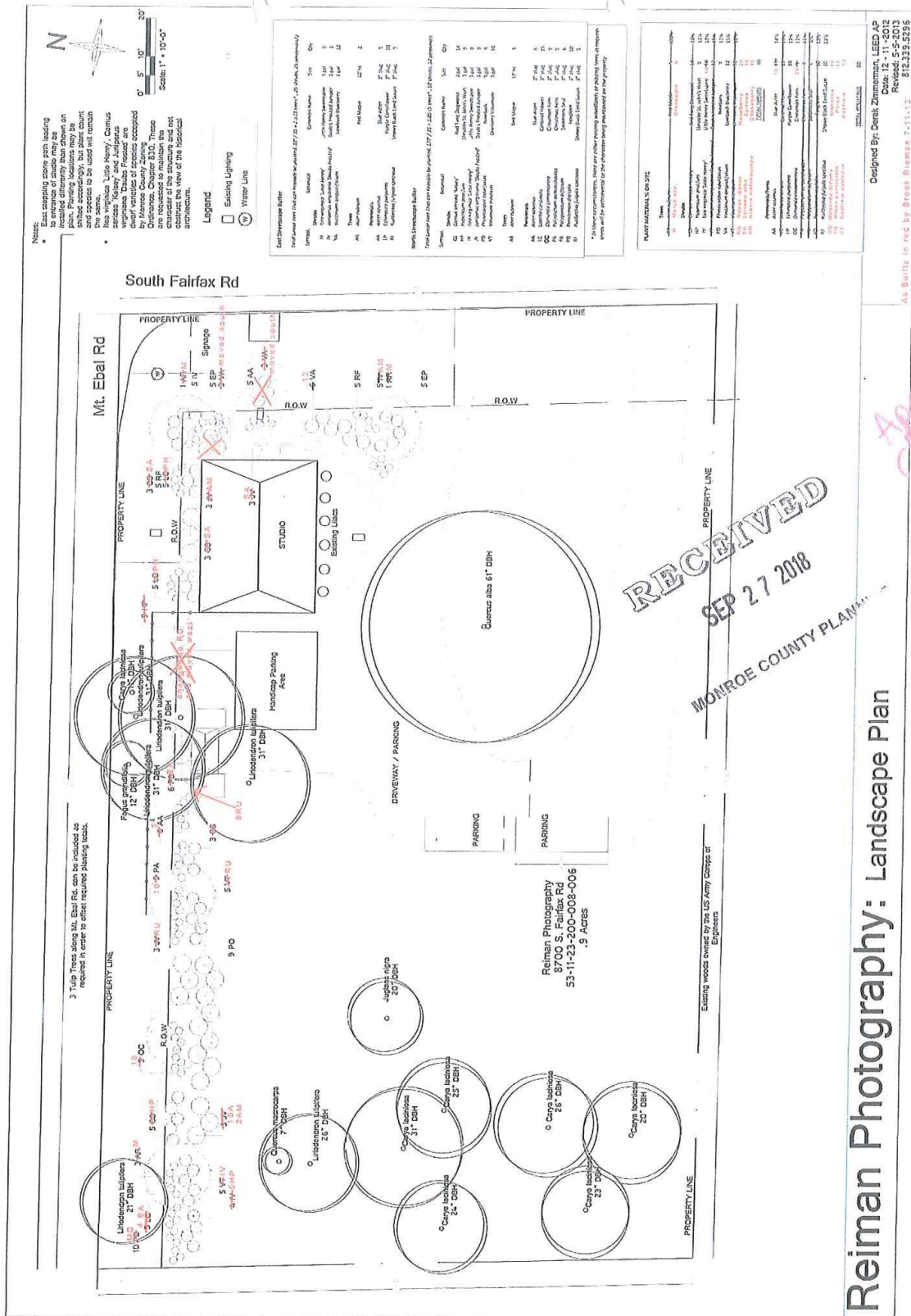
In conclusion, we hope you consider our request for Historic Adaptive Reuse of the building as a Tourist Cabin. We hope to share this historic structure with others for many years to come.

Sincerely,



Brook, Corey, Lily and Briar Rieman

RECEIVED
SEP 27 2018
MONROE COUNTY PLANNING



Historic Mt Ebal Church
Variance Request

2010 Aerial



Disclaimer:

Printed: 04/22/12

RECEIVED

SEP 27 2018

MONROE COUNTY PLANNING

EXHIBIT 3: Letter of Support



2920 E. Tenth Street
Bloomington, IN 47408
812-336-0909
FAX 812-323-2089
bri@Bloomington
Restorations.org

Board Members

Devin Blankenship
Duncan Campbell
Ernesto Castaneda
Caroline Clay
Elizabeth Cox-Ash
Karen Duffy
Henry Glassie
Don Granbois
Pete Kinne
Derek Richey
Tom Roznowski
Jan Sorby

Bloomington Restorations, Inc.

A FOUNDATION FOR HISTORIC PRESERVATION IN MONROE COUNTY

Jordan Yanke
Monroe County Planning Department
501 N Morton St, Suite 224
Bloomington, IN 4704

October 22, 2018

Dear Jordan:

I am writing on behalf of Bloomington Restorations, Inc. (BRI) to support Brook and Corey Rieman's request for historic adaptive reuse for the Mt. Ebal Church.

As the membership-supported historic preservation not-for-profit group serving Bloomington and Monroe County, BRI has helped save more than 100 old buildings locally. One of the first was the Mt. Ebal Church, which our group purchased soon after our 1976 founding and lovingly restored. It has a unique place in our group memory.

The building was already special, because it is a well-preserved example of a 19th century one-room frame chapel. After we restored the building, we recorded preservation covenants to ensure that it is not demolished or changed in ways that would detract from its character.

Because we care about this building, we are backing the Riemans' variance request. For a historic building to survive, it must be useful. That use ensures that the owners will pay the cost of maintenance. Without use, maintenance suffers and the building declines.

The new use would not significantly alter the historic exterior of the property and would continue the tradition of public use of the building, which continued long after it stopped being a church, as first BRI and then Jay Ellis operated it as a special events facility popular for weddings and other gatherings, and later as the Riemans operated it as a photo studio.

I hope that the Board of Zoning Appeals will approve the historic adaptive reuse as a tourist cabin and open the way for another chapter in the history of this old chapel.

Sincerely,

Steve Wyatt
Executive Director

RECEIVED
OCT 26 2018
MONROE COUNTY PLANNING

EXHIBIT 4: Supplemental/Historic Documents

IHSSI (County Survey)



Survey Number: 105-009-75112

Rating: Outstanding

Historic Name: Mount Ebale Church

Year Dataset Compiled: 2012

National Register File
Number: -

Survey County

County	Legal Township(s)	Quad Name(s)
Monroe	Clear Creek	Allens Creek

Address: 8699 S Fairfax Rd

City: -

Location Notes: -

Coordinates

Easting

Northing

544109

4320560

Common Name: -

Category: Building

Visible?: ☒Historic District?: ☐

Historic District Name: -

Ownership: private

Use: PresentResidence: ☐Commercial: ☐Vacant: ☐Other: ☐Other: ☒

Describe: Hall

Use: PastResidence: ☐Commercial: ☐Vacant: ☐Other: ☒

Describe: Church

Other: ☐**Surveys/Legal Protections**National Register: ☐State Register: ☐Hoosier Homestead: ☐National Historic
Landmark: ☐Local Designation: ☐Protective
Covenants: ☐Other: ☐

Areas of Significance: ARCHITECTURE,
ENTERTAINMENT/RECREATION,
EXPLORATION/SETTLEMENT,
PHILOSOPHY,
RELIGION,
SOCIAL HISTORY

Other Significance: -

Endangered: No

Explanation: -

Number of
Contributing 2
Resources:

Number of
Non-
contributing 2
Resources:

Environment: Rural

Bibliography: -

Structure TypeBridge: ☐Cemetery: ☐Other: ☒

Time Period(s): 1872

Condition: Excellent

Year Demolished: -
Integrity: Slightly Altered
Date Moved: -
Alterations: -
Style: Greek Revival
Type/Vernacular: -

Architect/Builder**Architectural Firm****Affiliation**

Dan Chambers

-

-

ReplacementWindows: ☐Roof: ☒Other: ☐**Additions**Siding: ☐Wings: ☐Other: ☐

Removals: -

Stories1: ☒1 1/2: ☐2: ☐2 1/2: ☐Other: ☐**Plan**Rectangular: ☒Polygonal: ☐L: ☐T: ☐X: ☐U: ☐Irregular: ☐Other: ☐**Depth**Single-Pile: ☐Double-Pile: ☐Irregular/Massed: ☐Other: ☐**Number of Bays:**

-

Foundation:

STONE

Foundation Description:

-

Walls Description:

-

Other Walls:

-

RoofSide-Gable: ☐Front-Gable: ☒Cross-Gable: ☐Hip: ☐Pyramidal: ☐Mansard: ☐Other: ☐

Material: ASPHALT

Features: Bell Tower, Exterior brick chimney

PorchesFront: ☐Side: ☐Back: ☐

Notes: -

Openings:

Nine-over-nine wood double-hung windows, four on each side. Paired six-panel wood front doors with six-pane transoms.

Interior:

-

Outbuildings:

Shed,
Other

Description: Stair, Fence

Notes: Modern wood fence and limestone and concrete stairs added at time of restoration in 1978.

Statement of Significance: -**Architectural Description:**

Church was built by local workmen under the leadership of carpenter Dan Chambers. Church was owned and operated by the United Methodist Southern Conference until 1978 when it was purchased and restored to its original appearance by Bloomington Restorations, Inc.

Ketcham's gristmill in the northwest corner of the township on Clear Creek served the needs of many nearby settlers, including many of the inhabitants of Indian Creek Township. Ketcham was also known for his business acumen, lively conversation and his hospitality to travellers. His log "dog-trot" house stood near Clear Creek until recently, and his son's house still stands on Fluck Mill Road.

When Clear Creek Township was officially established in 1818, several families had already settled in the area later organized as Harrodsburg. These enterprising early settlers sent flatboats loaded with grain, pork and lumber to southern markets, beginning a tradition that continued in Harrodsburg until the 1880s. Fairfax, on Salt Creek, another early community in Clear Creek Township, flourished from the 1830s to the 1850s. Smithville, which was founded to accommodate railroad workers in the 1850s, grew as a result of the nearby limestone companies to reach a population of 375 in 1910.

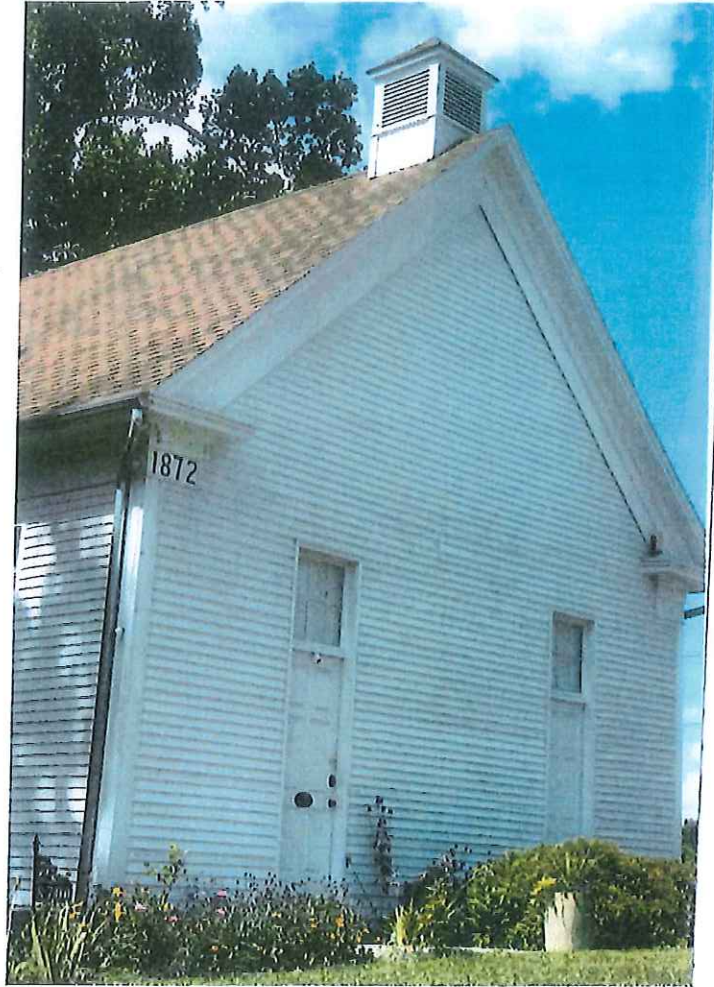
Although the Salem limestone belt runs through much of Clear Creek Township, quarrying has been limited to the Smithville area. The township's residents have capitalized instead on its areas of good farmland, its scenic beauty, and its proximity to major north-south thoroughfares.

No.	Rtg.	Description
001	C	House, 3635 Cleve Butcher Road; Hall-and-parlor, c.1895; Vernacular/Construction (009)
002	C	House, 3630 Cleve Butcher Road; Gabled-ell, c.1860; Vernacular/Construction (009)
003	C	House, 8290 Fairfax Road; Double-pen, c.1900; Vernacular/Construction (009)



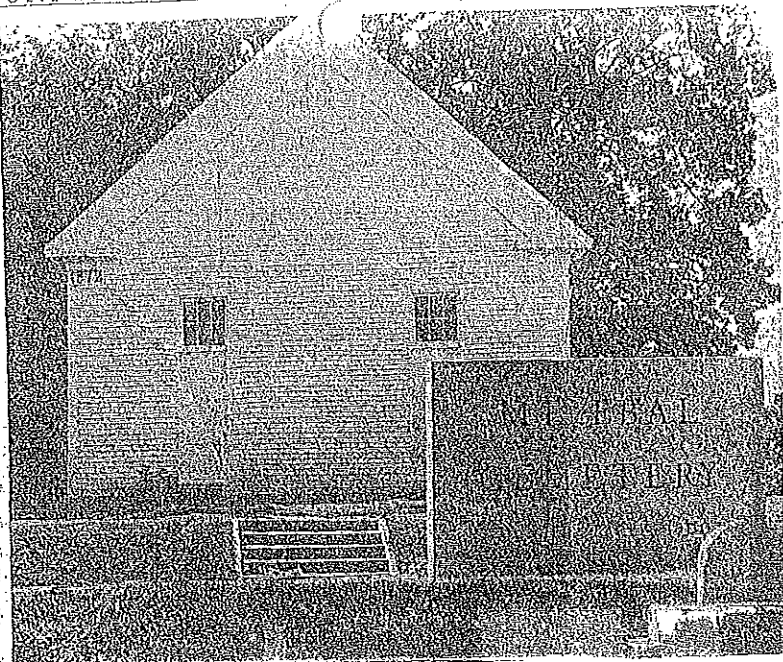
Mount Ebal Church (50004) Built in 1872 by men from the community, under the direction of carpenter Dan Chambers, Mt. Ebal Church was dedicated in 1873. It belonged to the United Methodist Southern Conference until 1978 when Bloomington Restorations, Inc. purchased it and restored it to its original appearance. It is the best-preserved of the many frame country churches in the county.

004	O	Mt. Ebal Church, 8699 Fairfax Road; Greek Revival, 1872; Architecture, Religion; MCHD (009)
005	C	House, 888 Hobart Road; Gabled-ell, c.1890; Vernacular/Construction (115)
006	C	House, 9450 Strain Ridge Road; Double-pen, c.1900; Vernacular/Construction (115)
007	C	House, 9092 Strain Ridge Road; Bungalow, c.1925; Architecture (115)
008	C	House, 2655 Mt. Ebal Road; Gothic Revival, c.1885; Architecture (115)
009	N	House, 8605 Strain Ridge Road; Hall-and-parlor, c.1850; Vernacular/Construction, Exploration/Settlement (115)
010	C	House, 8680 Strain Ridge Road; I-house/Gothic Revival, c.1885; Vernacular/Construction, Architecture (115)
011	C	House, 8335 Strain Ridge Road; Gothic Revival, c.1885; Architecture (115)
012	C	House, 8197 Strain Ridge Road; Bungalow, c.1925; Architecture (115)
013	C	House, 8115 Strain Ridge Road; Bungalow, c.1925; Architecture (115)
014	C	House, 2600 East Scott Road; Bungalow, c.1925; Architecture (115)
015	C	House, 8105 Strain Ridge Road; Bungalow, c.1925; Architecture (115)
016	C	House, Strain Ridge Road; Double-pen, c.1880; Vernacular/Construction (115)
017	C	House, 368 East Smithville Road; Double-pen, 1910; Vernacular/Construction (115)
018	C	House, 7399 South Old State Road 37; Double-pen, c.1900; Vernacular/Construction (115)
019	C	House, 7475 South Old State Road 37; Pyramid Cottage, c.1900; Vernacular/Construction (115)
020	O	House, 7840 South Old State Road 37; Bungalow, c.1925; Architecture (115)
021	C	House, 7844 Zikes Road; Central Passage, c.1875; Vernacular/Construction (115)
022	N	Farm, 8170 South Old State Road 37; Double-pen, c.1880; Vernacular/Construction, Education (115)









The NEWS Photo, Bill Pittman

Mt. Ebal Church in Monroe County to be used again.

Old Church Restored To Its Original State

By BILL PITTMAN

The News Indiana-Bloomington Bureau

SMITHVILLE, Ind. — Ulysses S. Grant had just begun his second term as president in 1872 when carpenter Dan Chambers started framing up the modest building that was to be Mt. Ebal church.

David and Anthony Deckard, father and son, had used a team of oxen to haul lumber out of the woods to be made into planks at John Stoltz's water-powered sawmill at Fairfax. Members of the congregation had raised \$550 with \$25 donations from 22 families and individuals. Mel Whisenand had given the land.

The little church was dedicated in 1873, and the congregation formed as a Sunday school class sponsored by the Indiana Methodist Conference in 1869 began nearly 100 years of existence.

Mt. Ebal followed the downward curve of other churches of its era with changing social patterns, the influence of the automobile and the rise of factions within the church. After Monroe Reservoir was completed, displacing many of the families who called Mt. Ebal their spiritual home, the church sat empty and unused almost 10 years.

Community Center

Now with a new roof, refinished floors, newly plastered walls, rebuilt pews, plastic screens to protect the original window panes and a new coat of paint, Mt. Ebal beckons to be used again as a center of community life.

It took a while.

In 1977, Urry Chambers and Herbert Lucas began agitating for the United Methodist South Indiana Conference to restore the building. Chambers said he had three reasons for wanting the building preserved.

"The carpenter, Dan Chambers, was my great-uncle, and the Deckards were my great-grandfather and grandfather. The church is a landmark in the area without doubt. A third reason

is that the cemetery across the road is practically inaccessible without the church yard to park in," he said.

"The Methodists wanted to sell the church as a house," Chambers said. Instead, the church was purchased by Bloomington Restorations Inc. in 1978 with a grant from the Historic Landmarks Foundation of Indiana. Additional small grants have been used to complete the restoration, and last July the church was rededicated in an open house and rang with hymns by the Sacred Harp Singers.

\$1,500 Price Tag

Rosemary Miller of Bloomington Restoration Inc. said: "We worked a long time on restoring the church. First we tried to get the state to do it, and couldn't get them interested in it. The Methodist board suggested they might sell it to us cheap, even though the land was assessed at about \$15,000. After about a year and a half, we negotiated with the Methodists and with a loan from the Historic Land-

marks Foundation, bought it for \$1,500."

The church has been restored as it was in the beginning — there is no heat, no plumbing and no electricity. And the pews are divided as they were at first for the women on one side and men on the other. There are separate doors, as well.

Missing, however, is the bell tower. Mrs. Miller said BRI has begun raising money to build one.

The original bell is in private ownership in Lafayette.

"We have been offered similar bells, but there is a chance we may be able to buy back the one that was here," she said.

BRI is encouraging use of the church as a community center and several organizations have scheduled events there and at least two weddings are on the calendar for spring.

Joann Steele, also of BRI, said, "We want the church to be used. It can't just sit there and deteriorate; again, it has to be alive."

RECEIVED
SEP 27 2008

MONROE COUNTY PL-11111111

the Way... this week

OUR COMMUNITY CHURCHES

First Congregation in Mt. Ebal Methodist Church Met at School House in Year 1869

The Mt. Ebal Methodist Church, as the church in the Mt. Ebal neighborhood was named on Nov. 14, 1875, is a white one-roomed frame building facing the east.

The church cemetery is directly opposite the front of the church.

The Indiana Methodist Conference first organized a class at the school house in the year 1869, near where the church now stands. The land was given by Mel Whisenand for the church which was built in 1872.

The men of the community assisted Dan Chambers in building the structure for the worship of God. Part of the logs were supplied by David Deckard and hauled by Anthony "Uncle Bud" Deckard, with a team of oxen.

Some of the other neighbors furnished logs, and some brought lumber, which had been saved by water power at Fairfax by John Stulitz. The sills of the church were given by Steven Davis and lumber for the pews was given by Calvin Wisley.

The lime kiln was burnt about 200 yards south of where

the church now stands, on the farm owned by Paul Scott. This work, too, was done by neighbors interested in seeing a church erected in their community.

Each of the following men and families donated \$25 towards the building of the new church: John Scott, Alexander Mercer, Washington Mercer, Joe Lucas, James Lucas, Pete Lucas, David Deckard, Calvin Wisley, Leonard Litz, Sam Perry, Mel Whisenand, Isaac Mitchell, Henry Nikirk, Calvin Young, George Mercer, Hiram Butcher, James Woodward, James Harrell, Anthony Chambers, Jr., Anthony Chambers, Sr., David Chambers and John Harrell.

One of the last parts of the meeting house to be constructed was a hitch-rack around the church for the members to tie their horses to during the services.

The church was dedicated for all to worship in by the Rev. Hugh Stackhouse, in 1878.

Charter members were Mr. and Mrs. David Deckard, Mr. and Mrs. Sam Perry, Mr. and Mrs. Joe Lucas, Mr. and Mrs. J. J.



MT. EBAL METHODIST CHURCH

Hiram Howard, Matthew Butcher, Mr. and Mrs. John Howard, Mr. and Mrs. James Kelly, Lizzie Richardson, Mr. and Mrs. Robert Wilson, Mr. and Mrs. Dan Chambers, Mr. and Mrs. Isaac Mitchell.

Oldest member of the congregation is 77-year-old Elmer Lucas.

Former pastors whose names are remembered by several members of the congregation are the Reverends Maldon Baker, Hugh Stackhouse, D. Flood, Sandy Baker, Wesley Cazee, Mose Adams, Henry Adams, Silas Adams, Claude Simons, Charles Laken, Smith Harper, Percy Botwell, Sam Sturges, George Bundy, John McHenry, W. W. Lineberry, Nicholas Smith, Paul Emery, Rev. Zimmerman, Ralph Owings, Alonzo Hamilton, Ross Bennett, Rev. Ashbaugh, Lloyd Sawyer, Carl Nikirk, Alfred Chastain, Fred Reynolds, Oscar Williams, James Cox, Jr., and the present pastor, Paul Haywood, of Bloomfield.

Present officers of the church are: Mrs. Clara Wisley, Sunday School Superintendent; Miss Dorothy Scott, Sunday School

The M^r. Ebal church is located three miles south of Smithville on Fairfax Road. The original building, which was erected in 187. is still used for services, and a unique feature of the church (in this day and age) is the 2 by 6 railing which extends down the center of the church dividing the pews. In former days, the men sat on the south side of the church, while the women occupied the pews on the north side.

The large one-room frame building faces the east and was built on ground donated by Mel Whisenand. Although it was built in 1872, it was not named until November 14, 1875.

Prior to the erection of the church building, meetings were held in the neighboring school house where a class was organized in 187. Revivals were held often and old timers say that so great was the enthusiasm of the people, especially when the Rev. Hugh Stackhouse was preaching, that the building would not accommodate the crowds. Many stood under the eaves in the rain to hear him.

The church cemetery is directly opposite the front of the church.

The men of the community assisted Dan Chambers in building the structure for the worship of God. Part of the logs were supplied by David Deckard and hauled by Anthony "Uncle Bud" Deckard, with a team of oxen.

Some of the other neighbors furnished logs, and some brought lumber, which had been sawed by water power at Fairfax by John Stultz. The sills of the church were given by Steven Davis and lumber for the pews was given by Calvin Wisley.

The lime kiln was burnt about 200 yards south of where the church

RECEIVED
SEP 27 2018
MONROE COUNTY PLANNING

now stands, on the farm owned by Paul Scott. This work, too, was done by neighbors interested in seeing a church erected in their community.

Each of the following men and families donated \$25 towards the building of the new church: John Scott, Alexander Mercer, Washington Mercer, Joe Lucas, James Lucas, Pete Lucas, David Deckard, Calvin Wisley, Leonard Litz, Sam Perry, Mel Whisenand, Isaac Mitchell, Henry Nikirk, Calvin Young, George Mercer, Hiram Butcher, James Woodward, James Harrell, Anthony Chambers, Jr., Anthony Chambers, Sr., David Chambers and John Harrell.

One of the last parts of the meeting house to be constructed was a hitch-rack around the church for the members to tie their horses to during the services.

The church was dedicated for all to worship in by the Rev. Hugh Stackhouse, in 1873.

RECEIVED
SEP 27 1918

Charter members were Mr. and Mrs. David Deckard, Mr. and Mrs. Sam Perry, Mr. and Mrs. Joe Lucas, Mr. and Mrs. John Lucas, Mr. and Mrs. James Lucas, Mr. and Mrs. Henry Nikirk, Mr. and Mrs. Sally Richardson, and Mr. and Mrs. Silas Adams.

Mr. and Mrs. Washington Mercer, Mr. and Mrs. Alexander Mercer, Mr. and Mrs. William Butcher, Mr. and Mrs. Calvin Wisley, Mr. and Mrs. Anthony Deckard, Mr. and Mrs. Leonard Litz, Mr. and Mrs. Mel Whisenand, Mr. and Mrs. Anthony Chambers, Mr. and Mrs. Dan Chambers, and Mr. and Mrs. John Scott.

Mr. and Mrs. John Howard, Mr. and Mrs. Hiram Howard, Mr. and Mrs. Matthew Butcher, Lizzie Richardson, Mr. and Mrs. James Shelley, Mr. and Mrs. Robert Wilson, Mr. and Mrs. Isaac Mitchell, and others.

Oldest member of the congregation is 77-year-old Elmer Lucas.

Former pastors whose names are remembered by several members of the congregation are the Reverends Maldon Baker, Sandy Baker, Clyde Simons, Perry Bixwell, John McKenny, Paul Emery, Ralph Owings, Hugh Stackhouse, Wesley Cazee, Charles Laken, Sam Sturgeon, F. N. Lineberry, Rev. Zimmerman, Ross L. Bennett, D. Flood, Mose Adams, Smith Harper, George Bundy, Nicholas Smith, Alonzo Hamilton, C. Chastain, and others.

Present officers of the church are: Mrs. Clara Wisley, Sunday School Superintendent; Miss Dorothy Scott, Sunday School Secretary; Willis Souders, Sunday School Treasurer. Trustees of the church are Willis Souders, Elmer Lucas and Wayne Wisley. The Church Treasurer is Warren Wisley. Mrs. Anna Mitchell is pianist. Mrs. Mildred Wisley is song leader.

Services at the church are: Sunday School each Sunday at 10 o'clock, Church Services the second and fourth Sunday of each month at 11 o'clock.

Average attendance at the church services is 35.
(This was the schedule for the year 1953.)

* * *

RECEIVED

SEP 27 2018

MONROE COUNTY PLANNING

*Y am the only one who
can be counted on for
the future of the
county.*

Mt. Ebal Church Needs Help

Follow Highway 37 South to Fairfax Road. Take Fairfax Road to Lake Monroe. As you approach the Fairfax Recreation Area and the Inn of the Four Winds you will pass a small, white frame church, the Mt. Ebal Church, with a small cemetery across the road. The church belongs to BRI and major efforts are being made to restore it to its original state. The church, now timeworn and dilapidated, was once the center of the Mt. Ebal community. Some of its members lived on farms now covered by Lake Monroe. Homes of other members stood where we now see condominiums, a golf course or a motel. The construction of the building takes us back to the church-going customs of another day—the pews are divided into two sections, one for men and one for women and there are two doors, also one for men and one for women.

The congregation that worshipped in this little church has a long history. It began as a class, organized by the Indiana Methodist Conference in 1869, in a schoolhouse which stood near the present site of the church. The building was built in 1872 on land donated by Mel Whisenand. As was customary in those days, the men of the community assisted Dan Chambers in building the structure. Chambers' grave is in the cemetery across the road from the church he built. Logs were furnished by David Deckard and hauled by Anthony "Uncle Bud" Deckard with a team of oxen. Other neighbors furnished logs and lumber which were sawed by water power at Fairfax by John Sultz. Records show that donations of \$25 were given toward the building fund by a total of 22 members or families. The church was dedicated by the Rev. Hugh Stackhouse in 1873. Charter members were Mr. and Mrs. David Deckard, Mr. and Mrs. Sam Perry, Mr. and Mrs. Joe Lucas, Mr. and Mrs. John Lucas, Mr. and Mrs. James Lucas, Mr. and Mrs. Pete Lucas, Mr. and Mrs. Henry Nikirk, Mr. and Mrs. Silas Adams and Mrs. Sally Richardson. Others were Mr. and Mrs. Washington Mercer, Mr. and Mrs. Alexander Mercer, Mr. and Mrs. William Butcher, Mr. and Mrs. Calvin Wisley, Mr. and Mrs. Anthony Deckard, Mr. and Mrs. Leonard Litz, Mr. and Mrs. Mel Whisenand, Mr. and Mrs. Anthony Chambers, Mr. and Mrs. John Scott, Mr. and Mrs. Hiram Howard, Matthew Butcher, Mr. and Mrs. John Howard, Mr. and Mrs. James Kelly, Lizzie Richardson, Mr. and Mrs. Robert Wilson, Mr. and Mrs. Dan Chambers, and Mr. and Mrs. Isaac Mitchell. After its dedication in 1873, the church was used as a place of worship until , when it closed. The building was then owned by the United Methodist Southern Indiana Conference which, although unable to maintain the building, recognized its historic significance. In 1978, the building was purchased for \$1500 by BRI with a loan from the Historic Landmarks Foundation of Indiana.

Bloomington Restorations Inc.

A Foundation for Historic Preservation in Monroe County
P.O. Box 1522, Bloomington, IN 47402



RECEIVED
Interview With Joanne Steele
SEP 27 2018
MONROE COUNTY PLANNING

The following questions were asked of Joanne Steele who has been active in the restoration of the church up to this point.

How did BRI become involved with the Mt. Ebal Church?

BRI got involved in 1977 when Norris Wentworth brought the late Arny Chambers and Herbert Lucas into my shop and asked who they could contact to help save the Mt. Ebal Church. BRI approached the Methodist Conference to see if the building could be saved. We also got in touch with the Department of Natural Resources to see if they could use it in connection with the Lake Monroe development but they were not interested. At the same time, we learned that Historic Landmarks of Indiana had money to lend and wanted to try a short-term grant with a local organization. Reid Williamson, of that organization, met with me and Rosemary Miller and gave us ideas for drawing up a grant proposal. The proposal was written and the grant was funded for the \$1500 it took to buy the building in 1978.

What was done then?

We learned about Community Development money which was available from HUD for the Smithville area and another proposal was written for a grant of \$5000. We got that for the beginning of the restoration.

What has been done up to now to restore the building?

The Community Development funds were used on the replacement of the shingles, repairing and replacing glass in the windows, making new storm windows that will protect the old glass once the windows are put back in. Volunteers removed the windows from the church and attempted to remove the paint. This turned out to be a very big job, and after much hard work by many people, Mr. Galloway of the

continued on next page . . .

Mt. Ebal Church in Monroe County to be used again.

Old Church Restored To Its Original State

By BILL PITTMAN

The News Indiana-Bloomington Bureau

SMITHVILLE, Ind. — Ulysses S. Grant had just begun his second term as president in 1872 when carpenter Dan Chambers started framing up the modest building that was to be Mt. Ebal church.

David and Anthony Deckard, father and son, had used a team of oxen to haul timber out of the woods to be made into planks at John Stultz's water-powered sawmill at Fairfax. Members of the congregation had raised \$550 with \$25 donations from 22 families and individuals. Mel Whisenand had given the land.

The little church was dedicated in 1873, and the congregation formed as a Sunday school class sponsored by the Indiana Methodist Conference in 1869 began nearly 100 years of existence.

Mt. Ebal followed the downward curve of other churches of its era with changing social patterns, the influence of the automobile and the rise of factions within the church. After Monroe Reservoir was completed, displacing many of the families who called Mt. Ebal their spiritual home, the church sat empty and unused almost 10 years.

Community Center

Now with a new roof, refinished floors, newly plastered walls, rebuilt pews, plastic screens to protect the original window panes and a new coat of paint, Mt. Ebal beckons to be used again as a center of community life.

It took a while.

In 1977, Arny Chambers and Herbert Lucas began agitating for the United Methodist South Indiana Conference to restore the building. Chambers said he had three reasons for

is that the cemetery across the road is practically inaccessible without the church yard to park in," he said.

"The Methodists wanted to sell the church as a house," Chambers said. Instead, the church was purchased by Bloomington Restorations Inc. in 1978 with a grant from the Historic Landmarks Foundation of Indiana. Additional small grants have been used to complete the restoration, and last July the church was rededicated in an open house and rang with hymns by the Sacred Harp Singers.

\$1,500 Price Tag

Rosemary Miller of Bloomington Restoration Inc. said, "We worked a long time on restoring the church. First we tried to get the state to do it, and couldn't get them interested in it. The Methodist board suggested they might sell it to us cheap, even though the land was assessed at about \$15,000. After about a year and a half, we negotiated with the Methodists and with a loan from the Historic Land-

marks Foundation bought it for \$1,500."

The church has been restored as it was in the beginning — there is no heat, no plumbing and no electricity. And the pews are divided as they were at first for the women on one side and men on the other. There are separate doors, as well.

Missing, however, is the bell tower. Mrs. Miller said BRI has begun raising money to build one.

The original bell is in private ownership in Lafayette.

"We have been offered similar bells, but there is a chance we may be able to buy back the one that was here," she said.

BRI is encouraging use of the church as a community center and several organizations have scheduled events there and at least two weddings are on the calendar for spring.

Joann Steele, also of BRI, said, "We want the church to be used. It can't just sit there and deteriorate again, it has to be alive."

RECEIVED

SEP 27 2018

MONROE COUNTY PLANNING

Generated by CamScanner

Mt. Ebal Methodist

EDITOR'S NOTE: This is the thirty-sixth in a series of articles on Bloomington and Monroe County churches. Today's article concerns the Mt. Ebal Methodist Church.

By VIRGINIA BARNARD
Telephone Staff Writer

The Mt. Ebal Methodist church, as the church in the Mt. Ebal neighborhood was named on November 14, 1875, is a large white one-roomed frame building, facing the east. The church cemetery is directly opposite to the church.

The Indiana Methodist Conference first organized a class in the school house in the year 1869, near where the church now stands. The land was given by Mel Whisenand for the church which was built in 1872.

The men of the community assisted Dan Chambers in building the structure for the worship of God. Part of the logs were furnished by David Deckard and hauled by Anthony "Uncle Bud" Deckard, with a team of oxen.

Some of the other neighbors furnished logs and some brought lumber, which was sawed by water power at Fairfax by John Stultz. The sills of the church were given by Steven Davis and lumber for the pews was given by Calvin Wisley.

The lime kiln was burnt about 200 yards south of where the church now stands, on the farm owned by Paul Scott. This work, too, was done by neighbors, interested in seeing a church erected in their community.

Each of the following men and families donated \$25 towards the building of the new church: John Scott, Alexander Mercer, Washington Mercer, Joe Lucas, James Lucas, Pete Lucas, David Deckard, Calvin Wisley, Leonard Litz, Sam Perry, Mel Whisenand, Isaac Mitchell, Henry Nirkirk, Calvin Young, George Mercer, Hiram Butcher, James Woodward, James Harrell, Anthony Chambers, Jr., Anthony Chambers, Sr., David Chambers and John Harrell.

One of the last parts of the meeting house to be constructed was a hitch-rack around the church, for the members to tie their horses to during the services.

The church was dedicated for all to worship in by the Rev. Hugh Stackhouse, in 1873.

Charter members were Mr. and Mrs. David Deckard, Mr. and Mrs. Sam Perry, Mr. and Mrs. Joe Lucas, Mr. and Mrs. John Lucas, Mr. and Mrs. James Lucas, Mr. and Mrs. Pete Lucas, Mr. and Mrs. Henry Nirkirk, Mrs. Sally Richardson and Mr. and Mrs. Silas Adams.

Mr. and Mrs. Washington Mercer, Mr. and Mrs. Alexander Mercer, Mr. and Mrs. William Butcher, Mr. and Mrs. Calvin Wisley, Mr. and Mrs. Anthony Deckard, Mr. and Mrs. Leonard Litz, Mr. and Mrs. Mel Whisenand, Mr. and Mrs. Anthony Chambers, Mr. and Mrs. John Scott, Mr. and Mrs. Hiram Howard, Matthew Butcher, Mr. and Mrs. John Howard, Mr. and Mrs. James Kelley, Lizzie Richardson, Mr. and Mrs. Robert Wilson, Mr. and Mrs. Dan Chambers and Mr. and Mrs. Isaac Mitchell.

ers are: Mrs. Ruth Mitchell, president; Mrs. Eric Stewart, vice-president; Mrs. Mae Hartman, secretary; Mrs. Pearl Deckard, treasurer; and Mrs. Ruth Mitchell, news reporter.

Sunday School is held each Sunday morning at 10 a. m. with the superintendent, Mrs. Otis Deckard, in charge. Saturday night services are held at 7:30 p. m. on the third Saturday nights of each month. Prayer meetings are held at 7 o'clock on Wednesday nights.

Officers of the Sunday School are: Mrs. Otis Deckard, superintendent; Miss Doris Mitchell, secretary; and James Stewart, treasurer. Mrs. Ruth Mitchell is teacher of the Adult class, and Mrs. Eric Stewart teacher of the Young People's class. The primary class is taught by Robert Deckard.

Mrs. Daisy Stotts is secretary of the church, and A. O. Mitchell, treasurer. Stewards are Clifford Deckard, Fred Stotts and Robert Deckard. A. O. Mitchell, Fred Stotts and Elmer Lucas are trustees, and Mrs. Pearl Deckard is pianist.

The church has a present membership of 32 persons. It is devoted to the "trustees and their successors, and their successors."

Credit for source of this information goes to Anthony Deckard, Elmer Lucas and A. O. Mitchell. Miss Doris Mitchell, County correspondent for Daily Telephone deserves credit for the gathering of the material and submitting of it to the writer.

RECEIVED
SEP 27 2018

MONROE COUNTY PLANNING

Monroe County, Kentucky History 1957

RECEIVED
SEP 27 2018

MONROE COUNTY

presented plans for our present building. The first services were held in it on February 2, 1974.

Already a building fund is growing for future expansion. Our membership is around 350 resident members. We do not claim perfection but we are a harmonious and friendly people. Like the rest of humanity we have difficulties, disappointment, joys and expectations. However, we share all these and are held together through a bond of love in Christ Jesus, knowing He will see us through each valley and rejoice in each triumph.

We are not a large church, but because we serve a great God, we are a great church.

MT. EBAL CHURCH

The Mt. Ebal Church is located three miles south of Smithville on Fairfax road. The original building, which was erected in 1872, is still used for special events, and a unique feature of the church is the 2 by 6 railing which extends down the center of the church dividing the pews. In former days, the men sat on the south side of the church, while the women occupied the pews on the north side.

The large one-room building faces the east and was built on ground donated by Mel Whisenand, to the Indiana Methodist Conference in 1871. It was not named until November 14, 1875.

Revivals were held often and old timers say that so great was the enthusiasm of the people, especially when the Rev. Hugh Stackhouse was preaching, that the building would not accommodate the crowds. Many stood under the eaves in the rain to hear him.

The church cemetery is directly opposite the front of the church.

The men of the community assisted Dan Chambers in building the structure for the worship of God. Part of the logs were supplied by



Mt. Ebal Church

David Deckard and hauled by Anthony "Uncle Bud" Deckard, with a team of oxen.

Some of the other neighbors furnished logs, and some brought lumber, which had been sawed by water power at Fairfax by Stultz. The sills of the church were given by Steven Davis and lumber for the pews was given by Calvin Wisley.

The lime kiln was burnt about 200 yards south of where the church now stands, on the farm owned by Paul Scott. This work, too, was done by neighbors interested in seeing a church erected in their community.

Each of the following men and families donated \$25 toward the building of the new church: John Scott, Alexander Mercer, Washington Mercer, Joe Lucas, James Lucas, Pete Lucas, David Deckard, Calvin Wisley, Leonard Litz, Sam Per-

ry, Mel Whisenand, Isaac Mitchell, Henry Nikirk, Calvin Young, George Mercer, Hiram Butcher, James Woodward, James Harrell, Anthony Chambers Jr., Anthony Chambers Sr., David Chambers and John Harrell.

The church was dedicated, in which all could worship, by the Rev. Hugh Stackhouse, in 1873.

Charter members were the David Deckards, Sam Perrys, Joe Lucases, John Lucases, James Lucases, Henry Nikirks, Sally Richardsons, Silas Adams, Washington Mercers, Alexander Mercers, William Butchers, Calvin Wisleys, Anthony Deckards, Leonard Litzs, Mel Whisenands, Anthony Chambereses, Dan Chambereses, John Scotts, John Howards, Hiram Howards, Matthew Butchers, Lizzie Richardson, James Shelleys, Robert Wilsons, Isaac Mitchells, and others.

Pastors who served the church were Maldon Baker, Sandy Baker, Clyde Simons, Perry Bixwell, John McKeuney, Paul Emery, Ralph Owings, Hugh Stackhouse, Wesley Caze, Charles Laken, Sam Sturgeon, W.M. Lineberry, Ross L. Bennett, D. Flood, Mose Adams, Smith Harper, George Bundy, Nicholas Smith, Alonzo Hamilton, C. Chastain, Solomon Lucas, and others.

The church is now owned and has been restored by Bloomington Restorations in 1980. Joan Steele manages the renting of the building. Many people enjoy visiting the old church at country weddings, memorial services and other functions.

MT. GILEAD CHRISTIAN CHURCH

Mt. Gilead Christian Church is believed to have been organized in 1849 or 1850 at the home of Presley Mathers. He had lately moved from the Clear Creek Church and was living on what is known as the Alexander farm. A locust grove near the house afforded a place for open air meetings in warm weather. The preacher was Washington Houston, John C. Mathes, who helped him, was the younger brother of Elder James M. Mathes, who was the best known advocate of the cause in this part of the state. The young Mathes, though still working at his trade as cabinet maker, was beginning to attract the favorable notice of his brethren for his zeal and ability in speaking.

The following are believed to have been members from the beginning: John C. Mathes (younger brother of James), Ruth Mathes, Benjamin Franklin Rogers (was for a long time Elder of the church), Sophie Rogers, Catherine Gabber, Elizabeth Buskirk (Mrs. Isaac Buskirk), Mar-



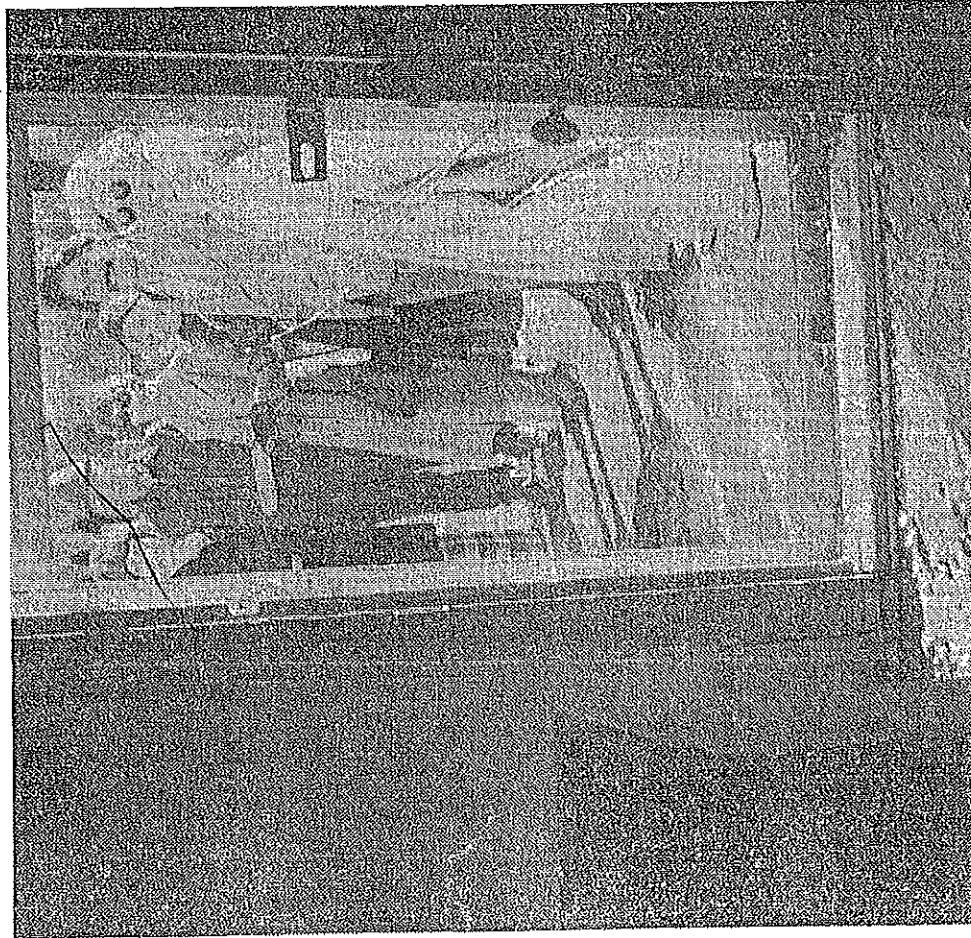
Mt. Gilead Christian Church

Rogers, Pres, Thoter, Flee Galzati, J. Chumiras, Eldby, Pre Aug, H. ple, Am is a Ch Chpre chu L. t Sur ser ing My thrld (Jai De: Cai (De He. Ler Sec Lai

Th ear wo be Ac Cr ed pre cer, bei chr me tre ne mt far mi ste At aft Or yo ne the an mt Ac fut) eig

Mt. Ebal Church to

be restored



Staff photo by Larry Crewell

Bloomington Restorations Inc. officially took possession of the 106-year-old Mt. Ebal Church on Fairfax Road at Mt. Ebal Road in ceremonies today. Among those participating in the ceremonies were the group standing at one of the altars in the church.

right are Gayle Cook, BRI vice president; Urney Chambers, former member of the church; Vera O'Lesker, BRI member; Larry Burke, restoration architect for BRI; and Rosemary Miller, BRI president.

Bloomington Restorations, Inc., the not-for-profit corporation dedicated to preserving and restoring historic structure in Bloomington and Monroe County, officially took possession of the Mt. Ebal Methodist Church this morning.

THE CHURCH, CONSTRUCTED in 1872, was owned by the Southern Indiana Methodist Conference and had not been used for several years. It was headed for the wrecking ball until Bloomington Restorations made the decision to purchase the building.

It's located on Fairfax Road at the intersection with old Ebal Road.

Bloomington Restorations president Rosemary Miller said no decision has been made about how the building will be used.

"It was acquired because of the opportunity, not because we had an immediate use for it," she explained. "Whatever is done will be in keeping with the church character of the structure."

Miller said it will probably be used as a location for meetings because the pews in the church are the original ones and they will be preserved. She noted that the pews are divided into two sections, one for men and one for women, and that the church has two doors, also one for men and one for women.

"THERE'S NOTHING ORNATE or elaborate about the church," Miller noted, "but it is unique because it is one of those structures that was constructed by the people of the community. There aren't many little frame churches like it left."

Miller said Bloomington Restorations is interested in obtaining any furniture or other memorabilia that has been in the church in the past. She indicated BRI is especially interested in obtaining old pictures of the church that can be used in providing so guidance for restoration efforts.

The land on which the church now stands was given to the Indiana Methodist Conference by Mel Whisenand in 1871.

Construction of the church was a community project with labor and materials donated.

Most of the logs were donated by David Deckard and were hauled to the site by Anthony "Uncle Bud" Deckard with a team of oxen.

Lumber used in the church was saved at nearby Fairfax on Salt Creek by a water power driven saw operated by John Stultz.

The sills of the church were given by Steven Davis and lumber for the pews was given by Calvin Wisely.

A total of 22 families donated \$25 each towards building the new church. They were: John Scott, Alexander Mercer, Washington Mercer, Joe Lucas, James Lucas, Pete Lucas, David Deckard, Calvin Wisely, Leonard Litz, Sam Perry, Mel Whisenand, Isaac Mitchell, Henry Nikirk, Calvin Young, George Mercer, Hiram Butcher, James Woodward, James Harrell, Anthony Chambers Jr., Anthony Chambers Sr., David Chambers and John Harrell.

RECEIVED

SEP 27 2018

MONROE COUNTY PLANNING

Renovation project gives old church new life



By Dann Denny
331-4350 | ddenny@herald.com

Jay Ellis has been busy this summer, trying to keep a bit of Monroe County history alive.

He's spent more than \$60,000 restoring Mount Ebal Church — a small white frame building on Fairfax Road.

"It's a quaint little one-room church that represents a way of life from more than a century ago," Ellis said.

"Years ago, preachers who rode horses from church to church would stop at Mount Ebal. My wife's great grandfather was one of those church preachers."

Built in 1872 as the Mount Ebal Methodist Church, it was restored by Bloomington Restorations Inc. in 1981 — and designated as an historic structure. Ellis, owner of Ellis Floral, bought the building from BRI in 1995 and rented it to couples for weddings.

"It didn't have rest rooms — just a concrete block pit toilet out back with no heating or air conditioning," he said. "It was a four-holer, so you could sit there with your favorite friends."

This summer, Ellis hired workers to replace the pit toilet with modern rest rooms in a separate building behind the white clapboard church. They also covered the walls and ceiling with a fresh coat of eggshell paint, caulked and painted gray the trim around the eight 12-foot-high windows — and added heating and air conditioning.

"My goal was to restore the building to its original condition, plus some amenities," he said. "We've kept an old pump organ that might be original; and the original walnut lectern. We even kept the wooden barrier down the middle of the church that kept the men

"We even kept the wooden barrier down the middle of the church that kept the men from getting at the women and vice versa; and the two Amish-made entrance doors — one for men and one for women."

JAY ELLIS, who restored Mount Ebal Church on Fairfax Road

getting at the women and vice versa; and the two Amish-made entrance doors — one for men and one for women."

Outside the church, Ellis spread fresh pea gravel on the parking lot, enclosed the back yard with a white picket fence and built a front-yard patio with tumbled stone.

"One thing I'm most happy about is keeping a big oak tree on the south side of the church," he said. "It's 200 to 300 years old."

Ellis said he hopes to some day build a chuppah, a canopy-like structure that could be used for outside weddings. He'd also love to refinish the old walnut pews, which have been painted gray.

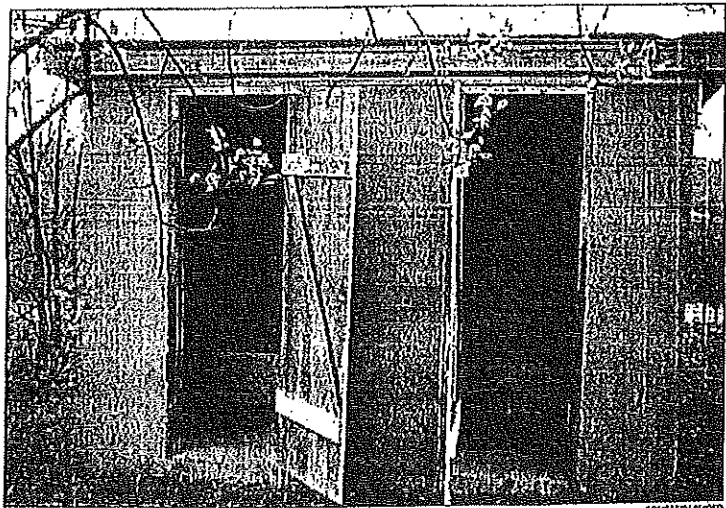
Ellis plans to rent the refurbished church to people for weddings, receptions, family reunions and funerals.

And though Mount Ebal Church has not housed regular church services since the early 1970s, Ellis has been approached by two different groups that want to have church services there at various times. "That made me feel really good," he said. "I would love to see some church services there again."

Jay Ellis has finished restoring the Mount Ebal Church on Fairfax Road south of Bloomington.

CHRIS HOATEL/HERALD-TIMES

The two-hole outhouse at Mount Ebal Church as it was in July 1979. Bloomington Restorations did some renovations at the church in 1981, but there were no functioning rest rooms until a project this summer added modern facilities.



COOLEST PHOTO

RECEIVED

SEP 27 2018

MONROE COUNTY PLANNING

Historic Mount Ebal Church restored and ready for use

Special to the H-T 4-23-92

EDITOR'S NOTE: Although Mount Ebal Church is no longer holding regular Sunday services, the historic church is ready to be rented for weddings and other types of receptions.

It has been said that a Methodist preacher was on every wagon train that crossed the mountains on the westward journey in the early 19th century. The plaque of the pioneer Methodist circuit rider serves to indicate the antiquity of the Mount Ebal Church. It is part of the monument of the Rev. Marshall Wisley (Weissle, in German) 1888-1970, a native of the area who often preached at the church, located on the corner of Fairfax and Pointe roads.

The cemetery across the road from the church is the burial place of some who were born as early as 1730. Although the present building was not built until 1872, as early as 1838 there was a log school house which stood on the site behind the present building and served as a church. The school and church were maintained by the joint ef-

forts of the founders of Fairfax, an early shipping town located where the Four Winds Marina now stands, and the early farmers of Strain Ridge and Fairfax roads.

Mount Ebal Church is an example of the vigorous beginnings of modern Monroe County. It is not the faded little brown church in the vale, but the little white church on the hill. It was supposedly placed there because the early settlers believed that God should be worshipped on a mountain or high hill. This belief was in harmony with the Bible's teaching that Jehovah's dwelling place is in Jerusalem on Mount Zion.

The pews, which can seat up to 175 people, are the original handmade seats the church founders fashioned from the native lumber hewn from their farms. A 2 x 6-inch railing extends down the middle of the center pews and divides the men from the women during church services. According to the belief of the early congregation, the purpose for the division was also in harmony with the teachings of the Bible.

Steele said the windows of the church have been removed and are being refinished. Some of the clear glass panes have been broken, and she made this appeal:

"If anyone has the old wavy type of glass, we'd love to have it to replace the broken panes."

She said she hopes people also will show up on Sunday afternoon to help strip the paint off the window frames.

"Bring rubber gloves, scrapers and paint brushes," she said.

If enough people show up, Steele is hopeful the inside of the structure can be thoroughly cleaned, and trash hauled away, if someone brings a pickup truck.

Anyone desiring more information about the Mt. Ebal project may call Steele at work, phone 334-1776, or at home, phone 339-1004.

Historic Mt. Ebal church restoration needs help

By JOHN FANCHER
H-T Civic Affairs Editor

Do you have some human energy you'd like to volunteer for cleaning up Mt. Ebal Church? Or do you have a pickup truck that could be used for hauling trash away from the site? A brush hog would come in handy, too, for cutting big, tough weeds that have enguird

part of the property

Mt. Ebal Church was built in 1872, and it is now the center of a big restoration job undertaken by Bloomington Restorations, Inc.

"But we need help," said Joanne Steele, member of the board and director of the Mt. Ebal project.

Steele is hoping enough people show up at 1 p.m. Sunday to get a lot of the work done at the church, which has been vacant for the last six years.

By preserving the building, she sees the facility being used for meetings by garden clubs and other community organizations.

"Hopefully, it also will be used by those desiring a country wedding," Steele said.

She pointed out anyone wishing to have a wedding in the church could probably make arrangements to have the reception at the nearby Inn of the Fourwinds.

"We might even get a surrey to take them from the church to the inn," Steele said.

The church is located at the intersection of the Fairfax and Mt. Ebal roads a short distance from the entrance to the Fairfax Recreation Area in which is located the inn.

Steele said Mt. Ebal Church was destined to be torn down, so Bloomington Restorations, Inc., landed a grant, bought the property and is now in the midst of restoring it.

"If we can get the community's ministers interested, we'd like to see summer church services conducted there for people who are vacationing at Lake Monroe," Steele said.

But, in the meantime, she said: "We do need help with the restoration."

RECEIVED
SEP 27 2018

MONROE COUNTY PLANNING

Air BnB Guestbook entry

ce/de

Lovely place and enjoyable stay.

Very comfortable. Great workmanship
I so admire what you've done to this
well loved structure. Thank you for
preserving it for others to enjoy.

Much success to you.

Nigel, Martha and the ~~Family~~ Family
Indianapolis

RECEIVED
SEP 27 2018

MONROE COUNTY PLANNING

August 5, 2018

AirBnB guestbook entry

Such a great mother/daughter weekend getaway! We loved all the details in the Historic Hideaway!

Reminded my mother of her grandmother's old church! We loved being close to the lake & enjoyed time in Blainington.

Thank you!

- Jana + Kelli
Muncie, IN

RECEIVED
SEP 27 2018

MONROE COUNTY PLANNING

Bloomington Restorations Inc.
(Mt. Ebal Church)

127800

BOOK 123 PAGE 85

ORDINANCE OF THE BOARD OF COMMISSIONERS
MONROE COUNTY, INDIANA

Ordinance #134-Plan Commission
Date: March 30, 1981

AN ORDINANCE TO AMEND THE MONROE COUNTY MAP DATED THE 3RD DAY OF JUNE 1974

Whereas the Board of Commissioners of Monroe County, Indiana passed a zoning Ordinance and adopted a Zoning Map on the 3rd day of June, 1974, which said Ordinance and Maps are now incorporated in the Ordinance of Monroe County, Indiana, and whereas the Monroe County Plan Commission has recommended that said Zoning Map be amended by the Board of Commissioners of Monroe County, Indiana, under authority of Chapter 174 of the Acts of 1974 of the General Assembly of the State of Indiana.

SECTION I.

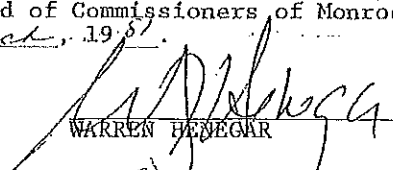
That said map entitled "Monroe County Zoning Map" dated the 3rd day of June, 1974 be amended to reclassify:


That part of the South half of the North East quarter of the North West quarter of Section twenty three township seven Range One West. Beginning at the center of the Bloomington and Salem State Road where the county road leading from Harrodsburg intersects said road on the aforesaid described section thence South 10 rods, thence west 16 rods, thence North 10 rods thence East 16 rods to the place of beginning containing one acre.

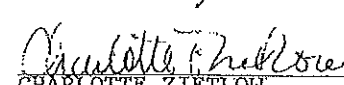
RESIDENTIAL TO SPECIAL HISTORIC

SECTION II.

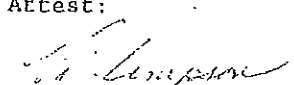
That this ordinance shall be in full force and affect from and after its passage and approval by the Board of Commissioners of Monroe County, Indiana. Passed and adopted by the Board of Commissioners of Monroe County, Indiana on the 30th day of March, 1981.


WARREN HENEGAR


PHILLIP ROGERS


CHARLOTTE ZIETLOW

Attest:


Vi Simpson
Monroe County Auditor

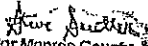
RECORDED
A. M. _____ P. M. 1:35

APR 14 1981


RECORDER MONROE CO., IND. ✓

DULY ENTERED
FOR TAXATION

AUG 16 2013


Auditor Monroe County, Indiana

2013014648 QC \$18.00
08/16/2013 03:24:52P 2 PGS
Jim Fielder
Monroe County Recorder IN
Recorded as Presented

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH, That:

Gerald J. Pagac, of legal age,

(Grantors), of Champaign County, in the State of Illinois, CONVEYS AND QUIT
CLAIMS to

Brook Rieman and Corey Rieman, Wife and Husband,

(Grantees), of Monroe County, in the State of Indiana, for the sum of \$1.00 and other valuable
consideration, the following described real estate in Monroe County, Indiana:

A part of the South half of the Northeast quarter of the Northwest quarter of Section Twenty
Three (23), Township Seven (7) North, Range One (1) West. Beginning at the center of the
Bloomington and Salem State Road where the county road leading from Harrodsburg intersects said
road on the the aforesaid described section thence South 10 rods, thence West 16 rods, thence North
10 rods thence East 16 rods to the place of beginning containing one acre.

Tax ID: 53-11-23-200-008.000-006

304-1400-00

Subject to all Covenants, Conditions, Restrictions and Easements of record.

The address of the real estate described herein is 8700 S. Fairfax Road, Bloomington, IN 47401.

511124

Grantee's Address:
2500 E. Third Street
Bloomington, IN 47401

438 page 358

RECORDED
A.M. _____ P.M. 2:12

AUG 09 1996

CORPORATE WARRANTY DEED

John Doe
ORDER MONROE CO., IN

THIS INDENTURE WITNESSETH, That Bloomington Restorations, Inc., an Indiana corporation, by David P. Walter and Donald Granbois, its president and secretary respectively, ("Grantor") of Monroe County in the State of Indiana, CONVEYS AND WARRANTS to Jay R. Ellis and Judith J. Ellis, husband and wife, ("Grantee"), of Monroe County in the State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, all of its right, title and interest in and to the following described real estate in Monroe County, Indiana:

That part of the South half of the North East quarter of the North West quarter of Section Twenty Three (23), Township Seven (7) North, Range One (1) West. Beginning at the center of the Bloomington and Salem State Road where the county road leading from Harrodsburg intersects said road on the aforesaid described section thence South 10 rods, thence west 16 rods, thence North 10 rods thence East 16 rods to the place of beginning containing one acre.

Subject to all assessments and taxes.

Subject to the Right-of-Way of county roads along the North and East sides of the subject real estate.

Subject to the right of reversion retained by United Methodist South Indiana Conference in Quit Claim Deed recorded October 30, 1978, and recorded at pages 135 through 137 of the Deed Record 264 in the office of the Recorder of Monroe County, Indiana, to-wit: "In the event said Grantee ceases to use said property for historical purposes then it shall revert to the Grantor Corporation or its successors in interest."

DULY ENTERED
FOR TAXATION

AUG - 9 1996

Subject to the Ordinance of the Board of Commissioners, Monroe County Indiana rezoning the subject real estate to Special Historic, recorded April 14, 1981 at page 85 of Miscellaneous Record 123 in the office of the Recorder of Monroe County, Indiana.

Grantor makes no representation or warranty of any kind with respect to the condition of said premises or the improvements thereon, the fitness thereof for any purpose nor the adequacy of zoning classification for any use to which grantee may desire to put the same, same being sold in the present condition thereof and subject to all applicable zoning and use restrictions.

004-19200-00

By acceptance of this Deed, Grantee, and each of them, agrees to the following Protective Covenants and Subsequent Obligations:

Grantor and Grantee covenant and agree that the Real Estate is conveyed subject to the following protective covenants and conditions subsequent, which shall run with the Real Estate:

1. Stabilization and Maintenance of Property.

a. **Stabilization Plan.** Within forty-five (45) days hereof, and before commencing stabilization work, Grantee shall submit to Grantor a stabilization plan. The stabilization plan, including any amendments thereto, shall consist of all documents, drawings and reports, if any, required by applicable laws, ordinances and regulations to be submitted by Grantee to any governmental or regulatory authority to obtain any license, permit or other approval; if any, required for the exterior stabilization work, together with such other documents, drawings and reports as are reasonably necessary specifically to describe and illustrate the exterior stabilization work. Grantor shall either approve or disapprove the stabilization plan within fifteen (15) days and any amendment thereto within ten (10) days of submission. Grantor's failure to disapprove the stabilization plan or amendment thereto within such periods shall be deemed an approval. Any disapproval shall state specifically the reason for disapproval.

b. **Stabilization Work.** Within thirty (30) days following approval of the stabilization plan, Grantee shall commence the stabilization work and proceed with diligence to complete the stabilization work in strict compliance with the stabilization plan. The stabilization work shall be completed no later than six (6) months following approval of the stabilization plan. The stabilization work shall consist of all materials, labor and acts required to stabilize the exterior of the Real Estate until such time as a more substantial rehabilitation can be completed. All stabilization work shall be performed in full compliance with applicable laws, ordinances and regulations.

2. Rehabilitation and Maintenance of Property.

a. **Rehabilitation Plan.** Within six (6) months hereof, and before commencing rehabilitation work, Grantee shall submit to Grantor a rehabilitation plan. The rehabilitation plan, including any amendments thereto, shall consist of all documents, drawings and reports, if any, required by applicable laws, ordinances and regulations to be submitted by Grantee to any governmental or regulatory authority to obtain any license, permit or other approval, if any, required for the exterior rehabilitation work, together with such other documents, drawings and reports as are reasonably necessary specifically to describe and illustrate the exterior rehabilitation work. Grantor shall either approve or disapprove the rehabilitation plan within fifteen (15) days and any amendment thereto within ten (10) days of submission. Grantor's failure to disapprove the rehabilitation plan or amendment thereto within such periods shall be deemed an approval. Any disapproval shall state specifically the reason for disapproval.

b. **Rehabilitation Work.** Within thirty (30) days following approval of the rehabilitation plan, Grantee shall commence the rehabilitation work and proceed with diligence to complete the rehabilitation work in strict compliance with the rehabilitation plan. The rehabilitation work shall be completed no later than twenty-four (24) months following approval of the rehabilitation plan. The rehabilitation work shall consist of all materials, labor and acts required to rehabilitate the exterior of the Real Estate to a condition consistent with its original construction or, to the extent such rehabilitation is not possible, to a condition consistent with comparably styled real estate of the same general construction era. All rehabilitation work shall be performed with first class materials and workmanship to rehabilitate the Real Estate to a "first class condition," as that phrase is hereinafter defined. All rehabilitation work shall be performed in full compliance with applicable laws, ordinances and regulations.

c. **Maintenance.** Grantee shall maintain the exterior of the Real Estate in a "first class condition." "First class condition" includes, without limitation: chimneys tuckpointed or otherwise safe and sound; roof, flashings, gutters and downspouts weathertight and of original materials or those specified in the rehabilitation plan; masonry tuckpointed and/or otherwise secure and sound; painted surfaces maintained in appropriate colors and free of obvious peeling, rusting or other discoloration; windows, doors and other wooden elements maintained free of rot, caulked where appropriate, and close fitting; exposed metal surfaces free from rust or oxidation and protected with appropriate materials; window lights in place where originally existing and properly glazed; foundation walls sound and secure; fences maintained and in sound condition; building and grounds reasonably free of debris and construction materials or waste and without inappropriate fixture, devices or things attached to or around the Real Estate; and the Real Estate maintained in compliance with all applicable laws, ordinances and regulations.

3. **Demolition, Alteration and New Construction.** No structure located on the Real Estate shall be removed, demolished or otherwise intentionally destroyed without the prior written approval of Grantor. The exterior of any structure on the Real Estate shall not be altered, modified or changed nor shall any change be made in the color, texture or materials of any structure on the Real Estate without the prior written approval of Grantor. No addition to any existing structure nor any new structure shall be constructed nor any new or old structure installed, or moved onto the Real Estate without prior written approval of Grantor.

4. **Obscuring View of Facade.** Without the written consent of Grantee, nothing may be erected on the premises which would obscure any part of the facades to be visible from the main view point or view points of the structure from the street level, except for temporary structures, such as scaffolds needed to assist workmen, and except for vegetation of the quantity (and allowance for managed growth) and type now on the premises.

5. **Remedies.** If the Grantee decides not to proceed with rehabilitation of the Real Estate, or in the event that such rehabilitation work does not begin within six (6) months, the Grantor shall have a first right to repurchase the Real Estate, free and clear of all liens and encumbrances, for the sum of One Dollar (\$1.00), within ten (10) days after receipt of a written notice from the Grantee. In the event that rehabilitation is begun by the Grantee and is not completed, the Grantor shall have the first right to repurchase the Real Estate for the documented rehabilitation costs incurred by the Grantee.

436 1951 367

If the Grantee fails to submit and secure approval of a rehabilitation plan or fails to complete rehabilitation work in accordance with the rehabilitation plan and this Agreement, or if the Grantee should, without Grantor's written approval, sell, contract to sell, or otherwise dispose of, the Real Estate before completion of the rehabilitation work, then, in any of such events, Grantor may:

a. re-enter the Real Estate and divest the Grantee of title thereto by tendering to the Grantee or to the Clerk of the Circuit Courts of Monroe County the lesser of (1) the same net dollar amount as was received by Grantor from Grantee as consideration for the conveyance of the Real Estate to the Grantee, together with such actual costs, if any, as the Grantee may prove to have incurred in connection with the rehabilitation work, and (2) the then fair market value of the Real Estate, as determined by averaging two appraisals made by qualified appraisers appointed by the Judge of the Circuit Court of Monroe County;

b. obtain injunctive relief to force compliance by the Grantee with such provisions of these covenants as stated; and

c. pursue such other remedies at law and in equity as may be available to the Grantor.

If after completion of the rehabilitation work, the Grantee fails to maintain the Real Estate in a first class condition or violates or threatens to violate or threatens to violate Section 2 of this Agreement, then Grantor may:

a. obtain injunctive relief to force compliance by Grantee with such provisions of this Agreement and, upon Grantee's failure to comply therewith, Grantor may re-enter the Real Estate and divest Grantee of title to the Real Estate by tendering to Grantee or to the Clerk of the Court having jurisdiction over such action the then fair market value of Real Estate, as determined by averaging two appraisals made by qualified appraisers appointed by the Judge of such Court, and

b. pursue other remedies at law or in equity as may be available to Grantor.

6. Amendment, Duration and Successors. The provisions of this Agreement may be amended at any time by the mutual consent of Grantor and Grantee. These restrictions shall be binding on the parties hereto, their heirs, successors and assigns, in perpetuity. In the event that the Grantor shall cease to exist or is unable to function under the terms of these provisions, the Historic Landmarks Foundation of Indiana, Inc. shall succeed to the Grantor's rights and obligation hereunder.

7. Remedies Cumulative. In the event of a violation of this Agreement, all legal and equitable remedies shall be available to the Grantor including, without limiting the generality of the foregoing, injunctive relief and damages. No remedy provided in this Agreement shall be exclusive of any other remedy provided herein or of any remedy provided or permitted at law or in equity, but each shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing at law or in equity.

8. Separability. The above conditions and covenants are intended to be separable and, if any is found to be void or violated, such finding shall not affect the validity or enforceability of those remaining.

436 100-002

Grantor further states that none of the fixtures or property attached in any way to the real estate is subject to any lien or encumbrance or security interest of any kind which would constitute a lien or charge against said real estate, fixture or property under the Uniform Commercial Code or otherwise.

Grantor further states that to the best of its knowledge and belief the improvements located on the subject real estate are contained within the boundaries of the subject real estate, and there are no encroachments thereon.

Grantor further states that the only persons in possession of and/or claiming the right of possession to the real estate other than the Grantor are the following: None.

Grantor has made all of the foregoing statements and representations for the purpose of inducing the Grantee to purchase said real estate and to induce said Grantee and all other persons to rely on such statements.

BLOOMINGTON RESTORATIONS, INC.

BY: David P. Walter
David P. Walter, President

BY: Donald Granbois
Donald Granbois, Secretary

STATE OF INDIANA)
COUNTY OF MONROE) SS:

Before me, the Undersigned, a Notary Public in and for said County and State, personally appeared Grantor, Bloomington Restorations, Inc., by David P. Walter and Donald Granbois, its president and secretary respectively, who acknowledged the execution of the foregoing Vendor's Affidavit to be its free and voluntary act and deed for the uses and purposes therein expressed.

WITNESS my hand and notarial seal this 27th day of August, 1995

My Commission Expires:

4-28-1995

Signature: Robert J. Dunn

Printed: Robert J. Dunn
Residing in Monroe County, Indiana



Prepared by: Vincent S. Taylor, TAYLOR, BAUER & DENSFORD, Attorneys at Law, 608 W. Third Street, Post Office Box 1332, Bloomington, IN 47404-1332, (812) 334-0600.

MONROE COUNTY BOARD OF ZONING APPEALS**November 7, 2018****CASE NUMBER:** 1809-VAR-31 and 1809-VAR-32**PLANNER:** Tammy Behrman**PETITIONER(S):** Keith Dickerson; **OWNER:** William M & Elizabeth A Kelley**REQUEST:** Design Standards Variance: Chapter 804 Minimum Lot Size Standard
Design Standards Variance: Chapter 825 Lake Setback**ADDRESS:** 8041 E Hardin Ridge Road**ZONING:** Forest Reserve (FR); ECO Area 1**ACRES:** 1.38 +/- acres**TOWNSHIP:** Clear Creek**SECTION(S):** 24**PLAT(S):** N/A**COMPREHENSIVE PLAN DESIGNATION:** Managed Lands**EXHIBITS:**

- 1) Petitioner Letter
- 2) Site Plan
- 3) Nearby Parcel Size Map
- 4) Package Plant evidence

RECOMMENDED MOTION:

Approve the Design Standards Variance to the Minimum Lot Size standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.

Approve the Lake Setback Design Standards Variance to the Lake Setback in Chapter 825 of the Monroe County Zoning Ordinance based on the findings of fact with the following conditions:

1. Apply for a grading permit with the Planning Department showing the upgrade to the erosion area of concern and the location and vegetation of at least five (5) trees to replace the trees that have been felled over time on the property within the steep slopes.
2. Consult the County Drainage Engineer to get an approved plan for proposed addition drainage.

SUMMARY

The petitioner requests a design standards variance from the minimum lot size standard of the Forest Reserve (FR) Zoning District, listed in Chapter 804 of the Monroe County Zoning Ordinance. The minimum lot area requirement in Forest Reserve (FR) is 5.0 acres. The petition parcel is 1.38 +/- acres. Variance approval would allow the petitioner to expand the current residential on the lot by 1100 square feet toward the southern property line (see Exhibit 2). Additionally, Chapter 825-3(A) requires “minimum setback, measured horizontally, from the normal pool elevation shall be 125 feet” for “land disturbance of any kind within this setback, including construction, removal of vegetation, agricultural activity, logging operation, or construction of infrastructure.” The existing home built in 1994 is within this Lake Setback making the home a pre-existing nonconforming structure. The proposed addition will not be within the lake setback but it will be an expansion of the non-conforming structure.

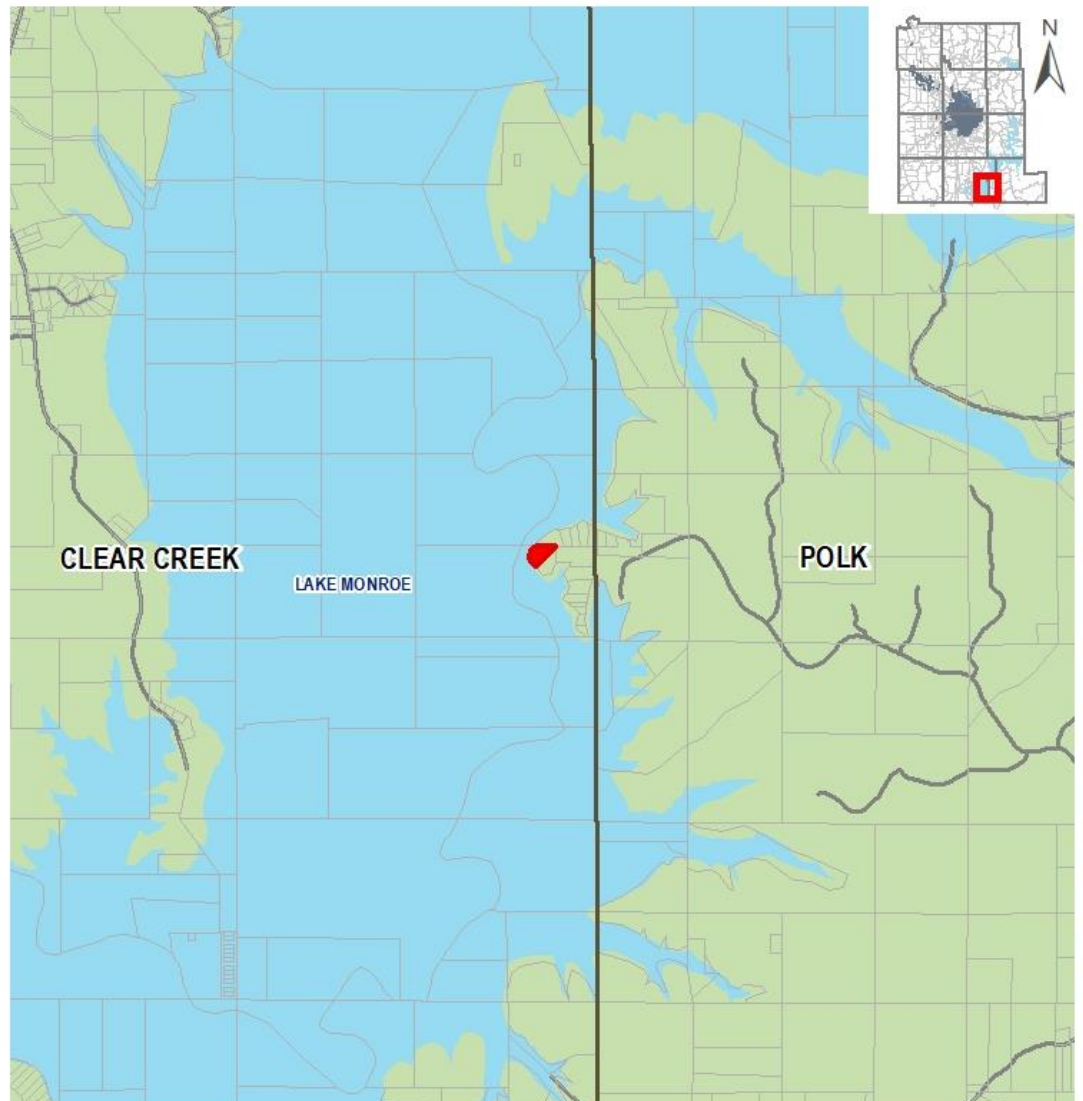
Slopes analysis was performed using GIS and an on-site visit. There does not appear to be a need for a slope variance for the porch addition as long as the proposed site plan footprint is utilized for all construction.

LOCATION MAP

The parcel is located in Clear Creek Township, Section 24 and is addressed as 8041 E Hardin Ridge Road. The property is not in a platted subdivision.

Location Map

-  Petitioner
-  Townships
-  Roads
-  Parcels
-  Lakes



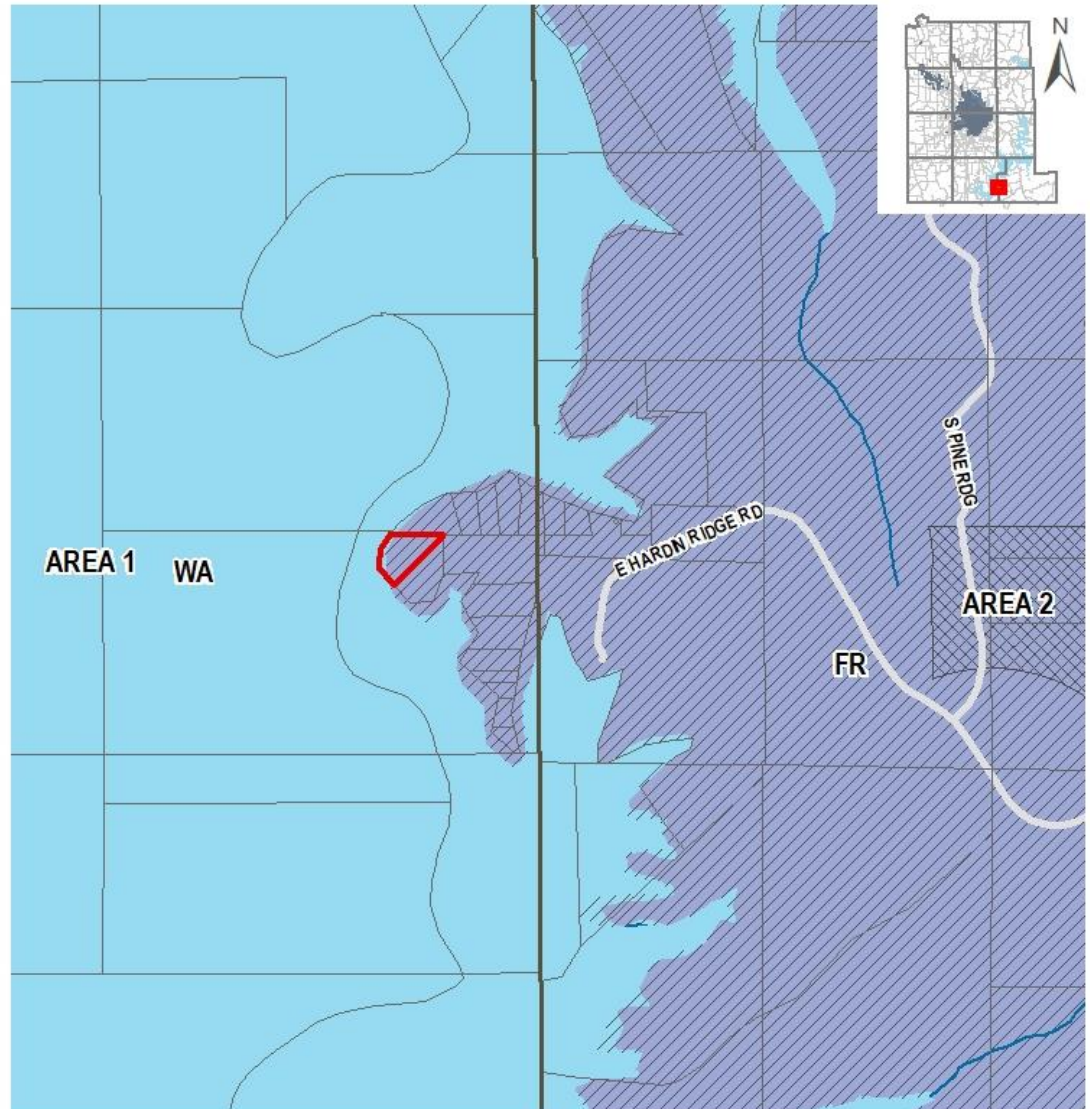
Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/11/2018

ZONING AND LAND USE

The property is zoned Forest Reserve (FR). The parcel is located within the Environmental Constraints Overlay Area 1 (ECO1). The surrounding zones are the same.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Lakes
-  Hydrologic Features
- ECO Areas**
-  Area 1
-  Area 2
- Monroe County Zoning**
-  FR - Forest Reserve
-  WA - Water



0 0.075 0.15 0.3 Miles








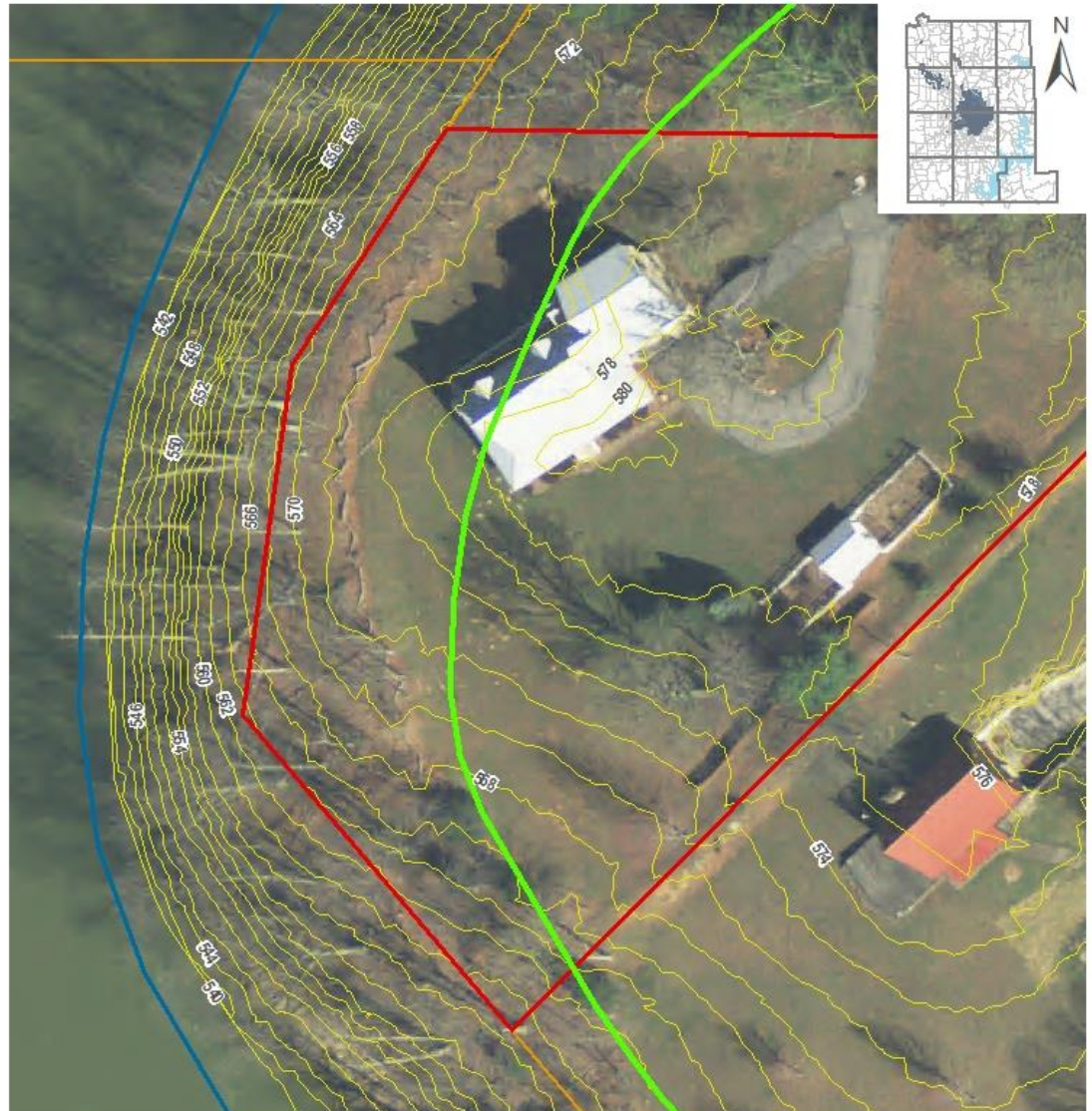
Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/11/2018

SITE CONDITIONS

The site currently has a personal residence built in 1994 with an attached garage added in 2006. The building lot width and side setbacks but the current residence is within the 125' lake setback. There is also a small shed. The site contains no known karst features. There are slopes greater than 12% on the site and adjacent to the residence. The FEMA map is overlaid on the site but it is doubtful that the lot is capable of flooding at this elevation.

Site Conditions Map

-  Lake setback 125'
-  Petitioner
-  Parcels
-  2-Foot Contours
-  Normal Pool Elevation 538 ft



0 25 50 100 Feet









Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/15/2018

Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours

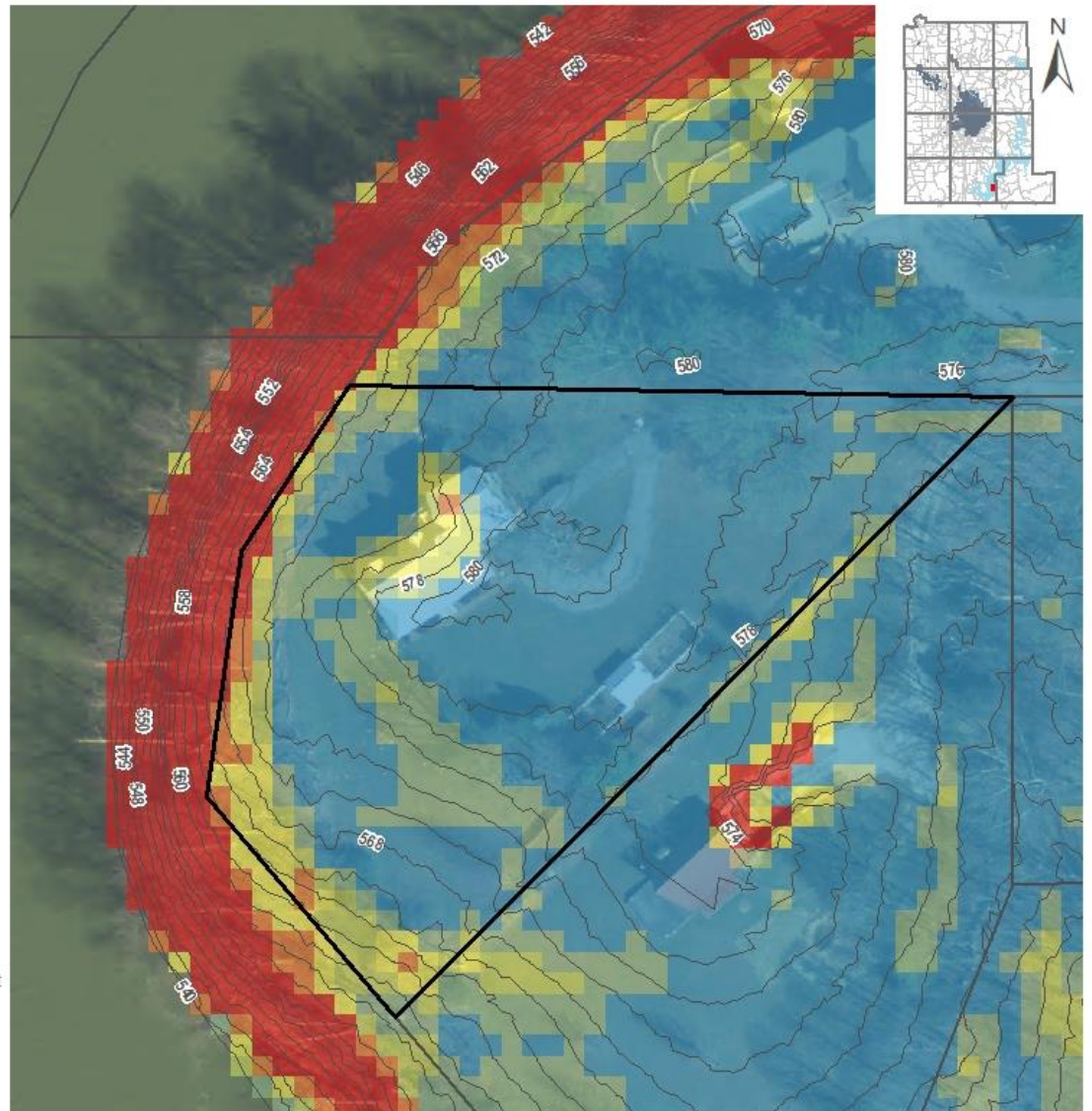
Percent Slope (2010)

-  0 - 12
-  13 - 15
-  16 - 18
-  19 - 21
-  22 - 24
-  > 25

0 37.5 75 150 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/11/2018



SITE PICTURES



Figure 1. Facing northeast: view of the existing home and attached garage. A 175 sf portion of the home will be removed during the proposed addition.



Figure 2. Facing northwest: view of the area for the proposed porch and home addition.



Figure 3. Facing west: view of the lake from the home's existing porch. This part of the house is within the 125' lake setback though the proposed addition will not be within the lake setback.



Figure 4. Facing south: view of the northwest side (lake facing side) of the home. Area of erosion concern caused by drainpipe from the home is shown in the foreground.



Figure 5. Facing north: view of cut trees on slopes greater than 12%.



Figure 6. Facing northeast: view of vegetation on property and location where tree was removed.



Figure 7. Pictometry view facing north from April 2017.

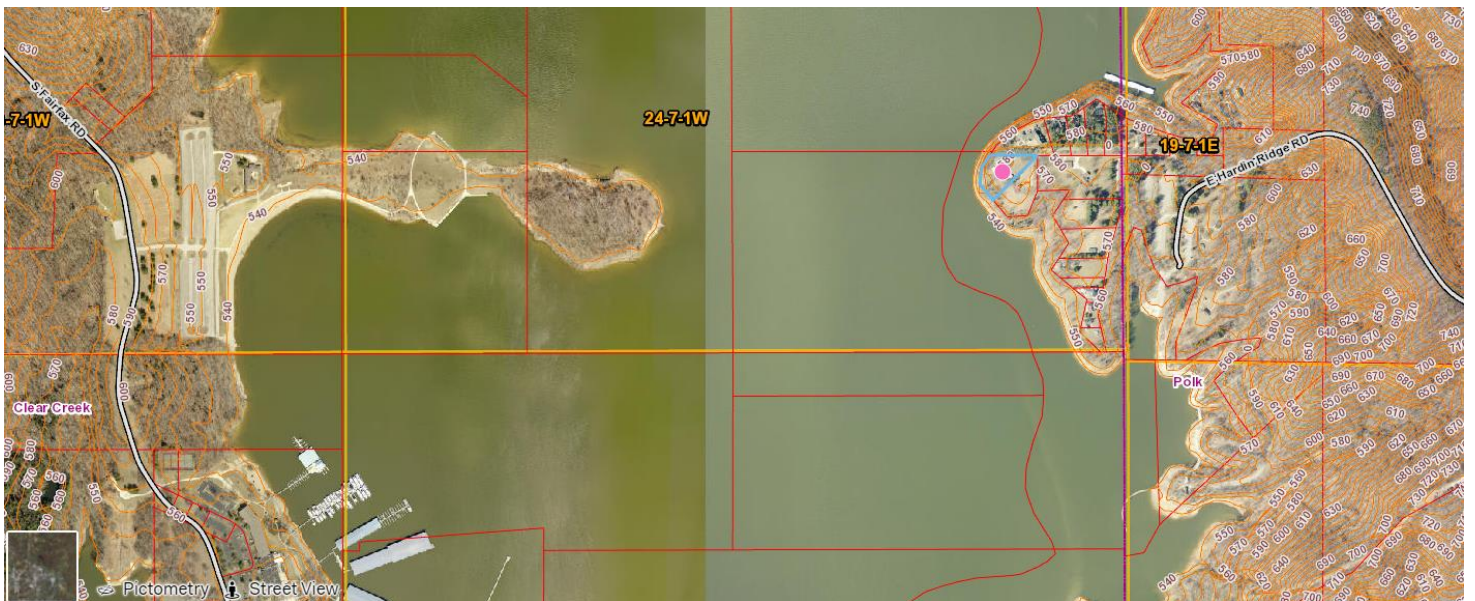


Figure 8. Aerial view depicting proximity to Lake Monroe public uses.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Managed Lands Comprehensive Plan designation, which states the following regarding the designation:

Property Uses on Vulnerable Land

Vulnerable Land is sensitive to degradation by human activities; therefore, property containing Vulnerable Land shall only be used in a manner that protects and sustains the underlying vulnerable features. Since Vulnerable Land is so often intermingled with Resilient Land where more intense human activity is sustainable, property use is often a mixture of uses, each specific to that Vulnerable Land and Resilient Land portion of the property.

For a particular property parcel, one vulnerability may exist within other vulnerabilities, e.g., steep slopes within a reservoir watershed, and different constraints may be imposed by each vulnerability.

A means for protection shall be established for each identified Vulnerable Land category. Some of these protective instruments shall be in the form of specific ordinance requirements related to a property's use, e.g., sink-hole conservancy areas, slope disturbance restrictions, and dedications for inter-connections with the transportation system. Other protective instruments may apply more broadly to large areas and encompass many pieces of property, e. g., lakeshore building restrictions, forest canopy maintenance, and drainage ways.

All vulnerabilities do not require the same extent of protection. For example, a floodplain may be suitable for sustained agricultural use with appropriate riparian buffers and soil management techniques, but unsuitable for residential use. Vulnerable Land and the constraints imposed on that land are generally identified by broad analyses of existing geographic and field data, but must be evaluated on a case-by-case basis to determine the proper application of use and locating restrictions.

Property use on Vulnerable Land is categorized as:

- Undisturbed Land that includes most of the environmentally sensitive vulnerabilities characterized by the specific form and function of the features, e. g., karst, floodways and riparian zones, steep slopes, poor soils, and endangered species habitat;
- Public Open Space that includes public property devoted to a wide variety of low intensity uses generally focused on our tourism or timber industries but also including more intensely used transportation corridors; and
- Private Holdings that include our best agricultural land for row crops, pasture, forests, floodplains, and mineral resources.

All of these property categories are susceptible to change in property use that degrades or eliminates the value we place in their natural or historic features.

Where public improvements are considered, the development of these improvements should be handled with great care and public scrutiny. The Plan supports conservation of vulnerable resources through public reservation, regulation and, where necessary, acquisition.

Transportation corridors of all kinds are considered vulnerable to encroachment and overuse that diminish their value to the public. Roadways, paths, trails, and waterways must be constrained with respect to their placement. This Plan recognizes the constraints of topography, proximity, and utility that determine transportation corridor location.

8.1.1 Undisturbed Land

This Plan adopts the value proposition that the special environments of karst, steep slopes, floodways, riparian areas, wetlands, and endangered species habitat shall be reserved and remain undeveloped and undisturbed, with the exception of low intensity non-invasive educational and recreational uses. The Plan recognizes that all economic, residential and recreational needs of County residents and visitors can be adequately accommodated on other accessible property not impacted by vulnerable environmental or historic features.

8.1.3 Private Holdings

Much of Monroe County is characterized by hills and hollows formed by erosion over the millennia. As a result, much of the property contains steeply sloping land, narrow ridge-tops, or floodplain bottoms. Significant karst is present on the Mitchell Plain where the land is more level. Over the past two centuries, property owners used what we classify as “Resilient Land” for their homes and businesses. Generally that portion of their land is suitable for residential development, farming, or timbering, but some of their property is Vulnerable Land that was farmed too intensively or logged beyond an appropriate capacity. Marginal farm ground has often reverted to pasture or forest as a consequence of uses that were too intense to be sustained. Owners have retained property with Vulnerable Land that includes farm and forest land that has been used in an unsustainable fashion acquired as a part of their purchase of Resilient Land.

Care must be taken to assure Vulnerable Land is not exploited in the future as it has sometimes in the past. Both the federal and state governments acquired significant property, now referred to as “open space”, precisely because of its overuse for agricultural and timbering activities. But those acquisitions could not include all Vulnerable Land in Monroe County and most of it is still privately held and remains in a more or less natural state because it lacks an otherwise historically viable economic use.

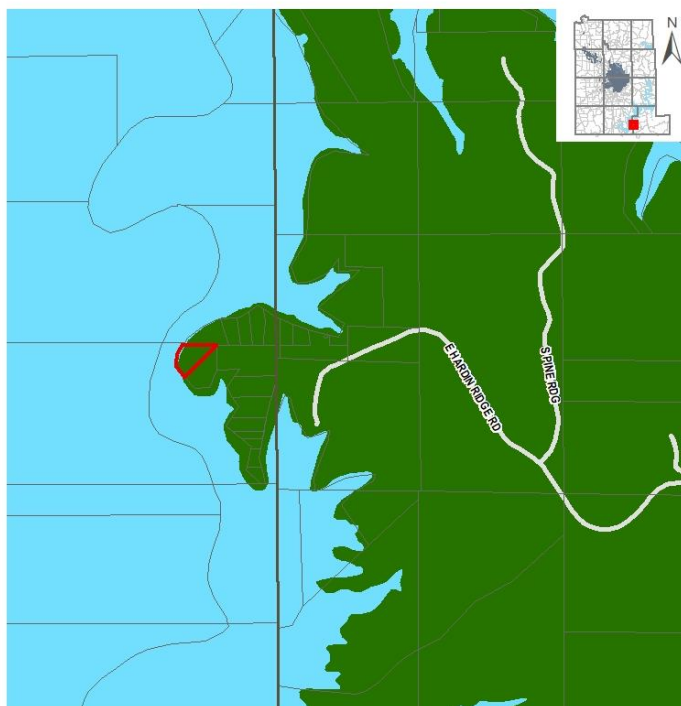
The result has been that large portions of Monroe County are privately held but undeveloped. They form the “rural” Monroe County. Our reservoir and lake watersheds are comprised of this land and provide high quality runoff collected in the water reservoirs, with benefit to all residents. The expanse of privately owned hardwood forest is greater than that of the federal and state forests combined. Even without a right to access,

all residents and visitors benefit from these private holdings.

Many property owners have taken it upon themselves to establish conservation easements on their property that reduce future use. For example, the Sycamore Land Trust, a nonprofit organization and member of the National Land Trust Alliance, seeks to preserve the landscape, protect scenic beauty, provide habitat for wildlife, and offer natural places for the aesthetic enjoyment of current and future generations. This Plan supports and encourages the expanded use of conservation trusts.

Comprehensive Plan

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



FINDINGS OF FACT: Minimum Lot Area Standard

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

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

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

Findings:

- Approval of the variance would allow the petitioner to further develop a 1.38 +/- acre parcel;
- The parcel has an existing home with attached garage and accessory structure;
- Proposed development is required to meet all setback standards with exception of the lake setback;
- The lake setback is 125' from the normal pool elevation of 538';
- The petition site is zoned Forest Reserve (FR) with ECO Area 1;
- The minimum lot area in Forest Reserve (FR) is 5.0 acres;
- The parcel is not platted;
- It was determined by staff that the proposed building site is not located on slopes greater than 12 percent;
- There is no known karst on the property;
- The lot is bordered by the Army Corps of Engineers property that encompasses Lake Monroe;
- The 16 lot housing community is within federally managed Hardin Ridge, a 1,200-acre recreational complex located on the shores of Monroe Reservoir in Hooiser National Forest;
- There are other undersized lots in the immediate area (see Exhibit 3);
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- Approval of the variance allows an expansion to the existing home;
- The petition property is served by a private, gated drive and is addressed off of E Hardin Ridge Road;
- E Hardin Ridge Road is classified as a local road;
- The site utilizes a packaging plant service for the sewage disposal system that is monitored by IDEM;
- Electric and other utilities are underground;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

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

Findings:

- See findings under A(1) and A(2);
- The proposed addition is approximately 1100 square feet residential addition and a 495 square foot porch to an existing 2,762 square foot structure;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district.

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

Findings:

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

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

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

Findings:

- See findings under A (1);
- Adjoining uses are residential in nature;
- Surrounding uses are public/recreational;
- All of the surrounding residential properties do not meet the 5.0 acre lot size standard for FR (see Exhibit 3);
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied.

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

Findings:

- See findings under A (1);
- There is FEMA floodplain mapped on site but does not impact the existing or proposed structures;
- The gutters from the existing home drain under the yard toward the lake into the steep sloped areas;
- One gutter outlet needs additional stabilization to prevent further erosion into Lake Monroe;
- Staff is recommending approval under the condition that drainage plan be reviewed the County Drainage engineer;
- The site utilizes a packaging plant service for the sewage disposal system that is monitored by IDEM;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area.

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

Findings:

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

Findings:

- See findings under (A)(1);
- The property currently has an existing residence built 1994 with attached garage and an accessory structure;
- If the variance is not granted, the proposed addition cannot be built;
- The strict application of the ordinance would not allow any further development on the parcel without a minimum lot area variance;
- All seventeen lots in immediate vicinity are also under the 5.0 acre minimum lot area requirement;
- Two variances are needed to approve the proposed addition.

FINDINGS OF FACT: 125' Lake Setback

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

Findings:

- Approval of the variance would allow the petitioner to further develop a pre-existing nonconforming structure that is within the 125' lake setback;
- The parcel has an existing home with attached garage and accessory structure;
- Proposed development is required to meet all other design standards other than the minimum lot size;
- The lake setback is 125' from the normal pool elevation of 538';
- The proposed addition will not be within the 125' lake setback;
- The petition site is zoned Forest Reserve (FR) with ECO Area 1;
- A design standards variance is being requested for minimum lot size as a part of this petition;
- The parcel is not platted;
- It was determined by staff that the proposed building site is not located on slopes greater than 12 percent;
- There is no known karst on the property;
- The lot is bordered by the Army Corps of Engineers property that encompasses Lake Monroe;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- Approval of the variance allows an expansion to the existing home;
- The petition property is served by a private, gated drive and is addressed off of E Hardin Ridge Road;

- E Hardin Ridge Road is classified as a local road;
- The site utilizes a packaging plant service for the sewage disposal system that is monitored by IDEM;
- Electric and other utilities are underground;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

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

Findings:

- See findings under A(1) and A(2);
- The proposed addition is approximately 1100 square feet residential addition and a 495 square foot porch to an existing 2,762 square foot structure;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district.

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

Findings:

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

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

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

Findings:

- See findings under A (1);
- Adjoining uses are residential in nature;
- Surrounding uses are public/recreational;
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied.

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

Findings:

- See findings under A (1);
- There is FEMA floodplain mapped on site but does not impact the existing or proposed structures;
- The gutters from the existing home drain under the yard toward the lake into the steep sloped areas;

- One gutter outlet needs additional stabilization to prevent further erosion into Lake Monroe;
- Staff is recommending approval under the condition that drainage plan be reviewed the County Drainage engineer;
- The site utilizes a packaging plant service for the sewage disposal system that is monitored by IDEM;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area.

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

Findings:

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

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

Findings:

- See findings under (A)(1);
- The property currently has an existing residence built 1994 with attached garage and an accessory structure that is within the 125' lake setback;
- If the variance is not granted, the proposed addition to the non-conforming home cannot be built;
- Two variances are needed to approve the proposed addition.

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

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

EXHIBIT ONE: Petitioner Letter

September 25, 2018

Monroe County Planning Department
Attn: Tammy Behrman
Monroe County Government Center
501 N. Morton Street, Suite 224
Bloomington, IN - 47404

Re: Property Address – 8041 E. Hardin Ridge Road – Tax parcel 53-11-24-400-009.000-006

Request for Development Standards Variance

Dear Sir/Madam:

As the prospective purchaser of the above addressed property, and with the consent of the current property owner, I am proposing an addition (and also the construction of patios/decks related thereto) for the existing residence on the lot. In order to construct the proposed addition and related amenities, I first need approval of the Department for two variances of the development standards contained in Chapter 804 which are applicable to this FR/ECO1 zoned property, each of which are described as follows:

1. I hereby request a variance of the five acre lot size minimum to permit the construction of the proposed addition and related patio(s) and recreational amenities as shown on the site plan, for a pre-existing lot which contains only 1.38 acres approximately.
2. I hereby request a variance of the 125' minimum setback from the 538' Normal Pool Elevation of Lake Monroe Reservoir (the "Lake Setback") in order to construct the proposed addition and associated patio(s) and recreational amenities as shown on the site plan, to the extent the proposed new construction and/or the existing residence may encroach into the Lake Setback.

Please let me know if you need further information in order to schedule these requests for hearing. Also, to the extent I am responsible for complying with the legal notice requirements for said hearing, please let me know what I need to do.

Respectfully submitted,

Keith Dickerson

Keith Dickerson
317-902-7336
Keijuldi@aol.com

RECEIVED

SEP 28 2018

MONROE COUNTY PLANNING

EXHIBIT TWO: Site Plan



1-House addition 40' x 25' (Note: would remove 25' x 7' of covered porch)

2-House entry 10' x 10'

3-Patio 33'x15'

4-Sidewalk 12'x 5'

5-Fireplace 10' x 3'

RECEIVED

SEP 28 2018

MONROE COUNTY PLANNING

EXHIBIT THREE: Nearby Parcel Size Map

Parcel Size Map

-  Petitioner
-  Roads
-  Lakes
- Parcel Size (Acres)**
-  0 - 4.99
-  > 5

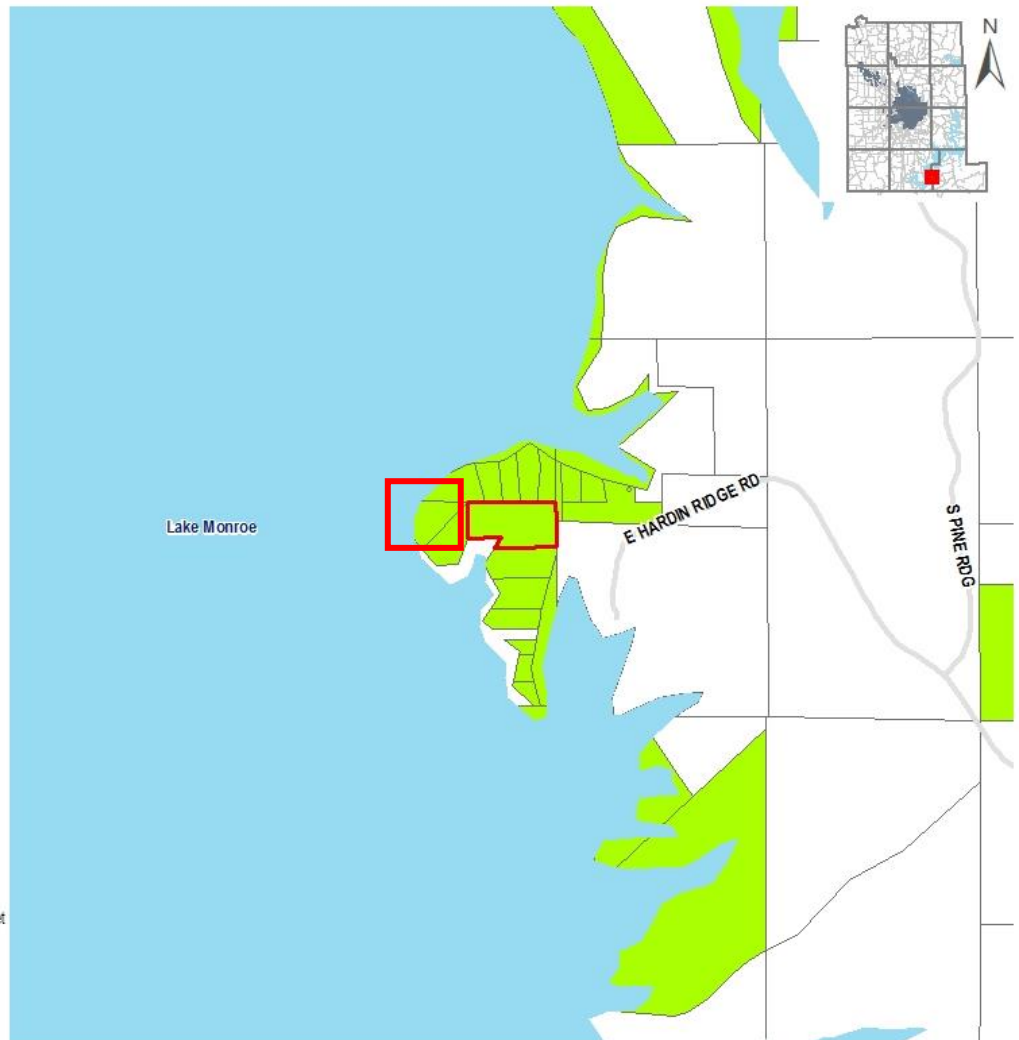
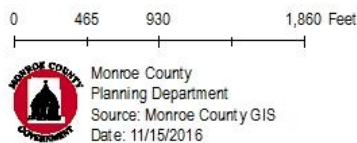


EXHIBIT FOUR: Package Plant evidence

From: Randy Raines
Sent: Tuesday, October 16, 2018 7:09 AM
To: Tammy Behrman
Subject: RE: 8041 E Hardin Ridge Road permit

Everything on Hardin Ridge is being serviced by its own 'package plant', which is overlooked by IDEM. There is no septic on this site.

Randy



Randy Raines | *Lead Wastewater Sanitarian*
Monroe County Health Department
119 West 7th Street | Bloomington, IN 47404
Phone: [812-349-2834](tel:812-349-2834) | Fax: [812-339-6481](tel:812-339-6481)



CASE NUMBER: 1809-VAR-33
PLANNER: Tammy Behrman
PETITIONER(S): Eric Deckard **OWNERS:** John and Eleanor Mann
REQUEST: Design Standards Variances, Chapter 804 Buildable Area (15% Slope)
ADDRESS: 9450+/- S State Road 446; Parcel # 53-12-27-300-019.000-010
ZONING: Forest Reserve (FR)
ACRES: 8.01 acres +/-
TOWNSHIP: Polk
SECTION(S): 27
PLAT(S): -
COMPREHENSIVE PLAN DESIGNATION: Farm and Forest

EXHIBITS:

1. Petitioner's Letter
2. Site Plan
3. Site Plan - enlarged

RECOMMENDED MOTIONS:

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

SUMMARY

The petitioner/owner intend to perform a lot line shift through a Type E subdivision on the petition site in the near future and prior to the proposed development of the site. This new description of the lot will remove the current status the lot has of 'pre-existing nonconforming' making the lot ineligible for any administrative waivers for developing on slopes greater than 15% as stated below in 804-2(E). The proposed development would currently meet the criteria for a buildable area waiver for slope development however the timeline of events does not have the lot ready for building permits. If the buildable area design standards variance is approved the current owner can assure the petitioner that the lot will have a suitable building site prior to selling the lot. Only a portion of the proposed home site encroaches into steep slopes, Exhibit 2 & 3.

804-2(E) Administrative Waiver of 15% slope provision

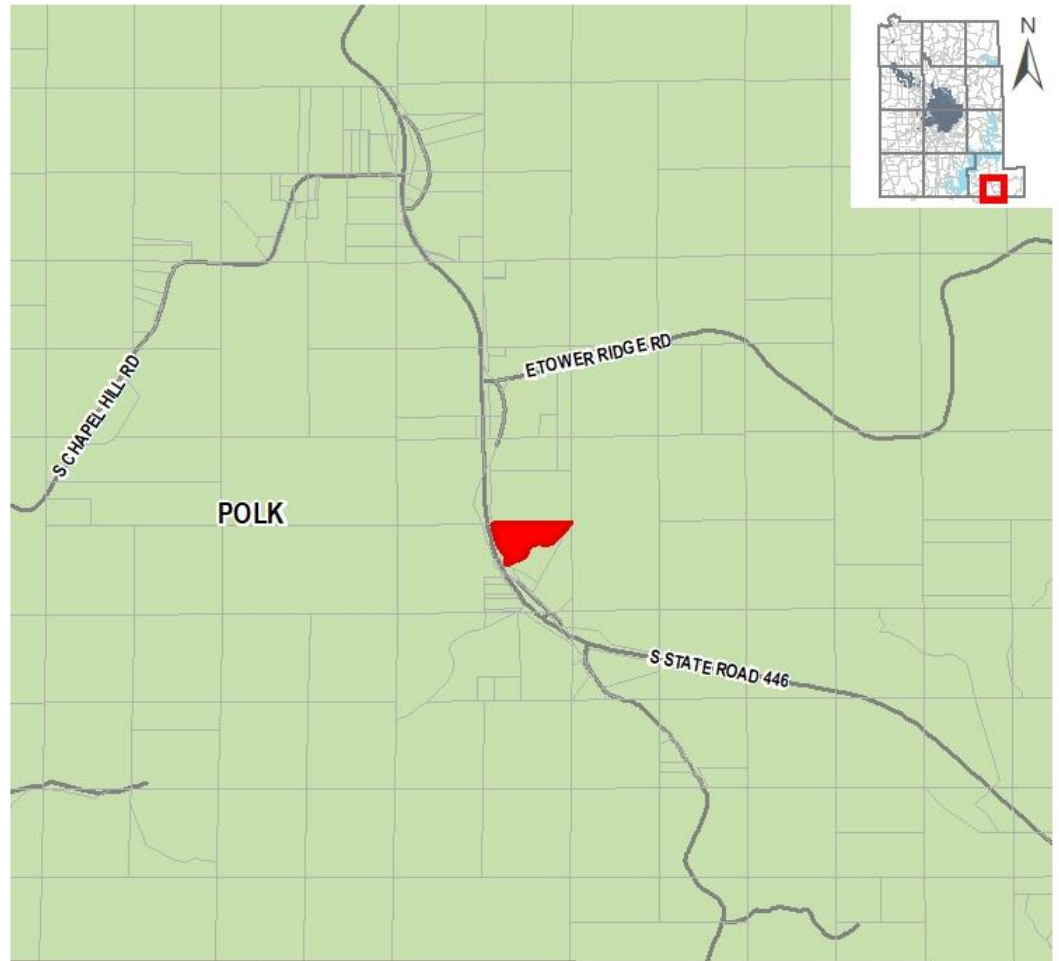
(1) For legal, pre-existing lots of record which cannot be reasonably utilized for its zoned use as a result of the buildable area requirement regarding slopes of fifteen (15%) percent or greater, an administrative waiver may be granted for the construction of a single family residential unit. The waiver shall be only granted to the extent necessary to construct the same.

LOCATION MAP

The 8.01 acre site is located at the 9450+/- block of S State Road 446 in Polk Township, sections 27; parcel number: 53-01-28-100-012.000-003.

Location Map

-  Petitioner
-  Townships
-  Roads
-  Parcels



0 0.2 0.4 0.8 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/12/2018

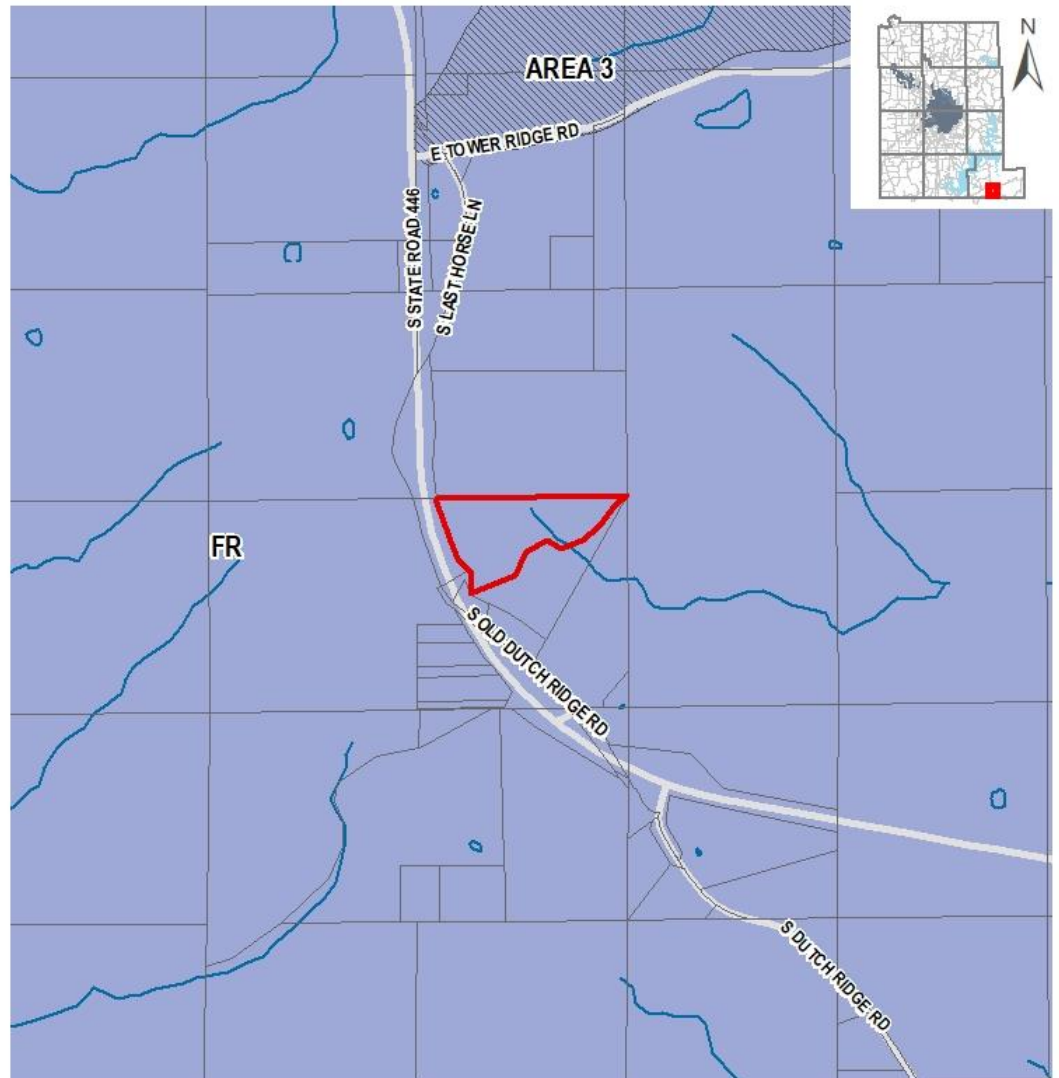
ZONING AND LAND USE

The lot is zoned Forest Reserve (FR). The adjoining parcels are also Forest Reserve (FR).

The current use is vacant, forested land. The surrounding uses in the area are Single-Family Residential or vacant, forested land.

Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Hydrologic Features
- ECO Areas**
 -  Area 3
- Monroe County Zoning**
 -  FR - Forest Reserve



0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/12/2018

SITE CONDITIONS:

The property at S State Road 446 is currently owned by John and Eleanor Mann. It is vacant and forested. It has frontage along S State Road 446, a major collector. There are no karst features or FEMA floodplain on the lot. There are two distinct areas less than 15% slopes that make up Buildable Area. The southern ridgetop has approximately 0.65 acres of slopes less than 15% but a large stretch of road frontage. The northern ridgetop has approximately 0.74 acres of slopes less than 15% and has less frontage along the highway but also has the 15' setback to reduce the buildable area. There is a septic permit locating the septic along the northwest corner of the lot.

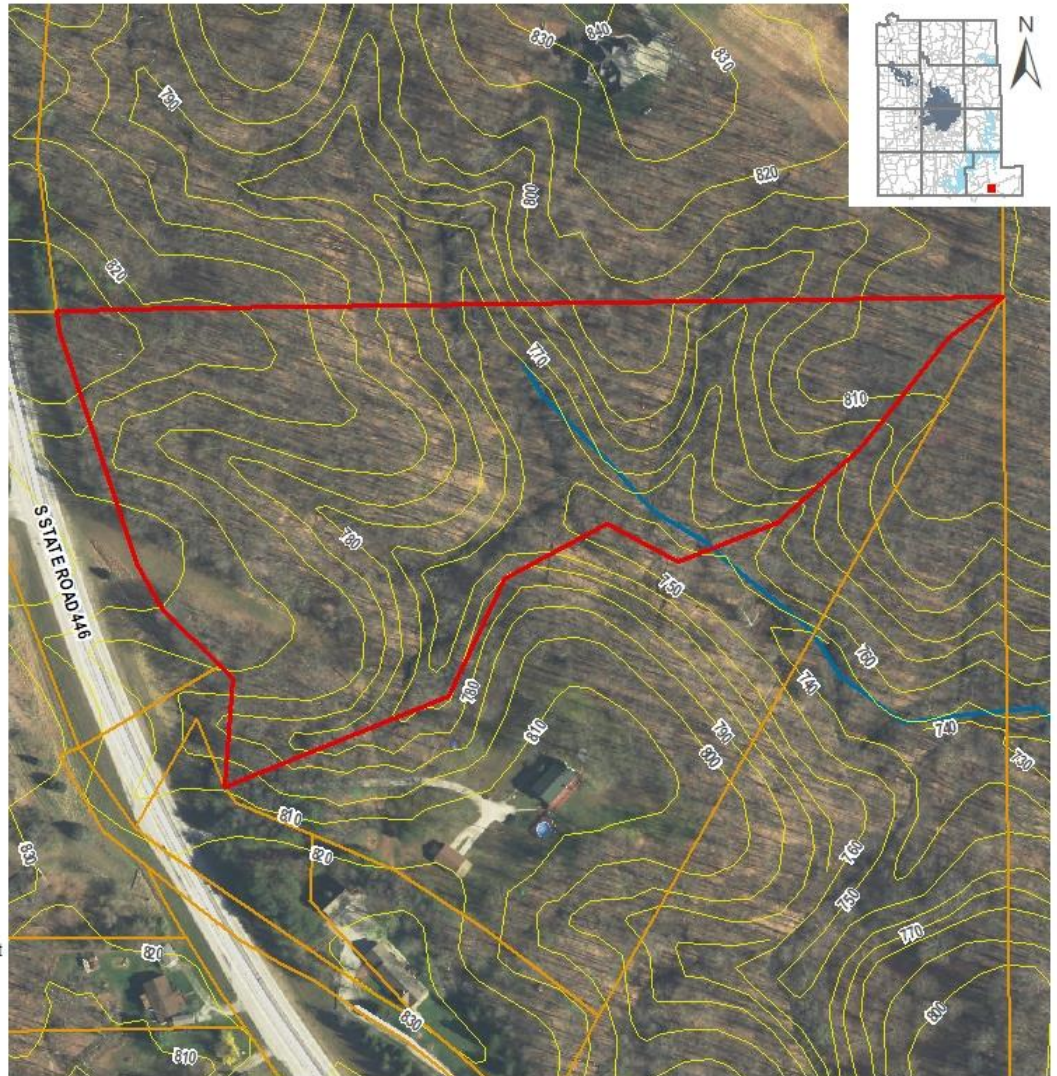
Site Conditions Map

- ▬ Petitioner
- ▬ Parcels
- ▬ 10-Foot Contours
- ▬ Roads
- ▬ Hydrologic Features

0 95 190 380 Feet



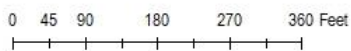
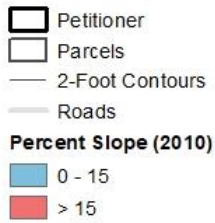
Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/12/2018



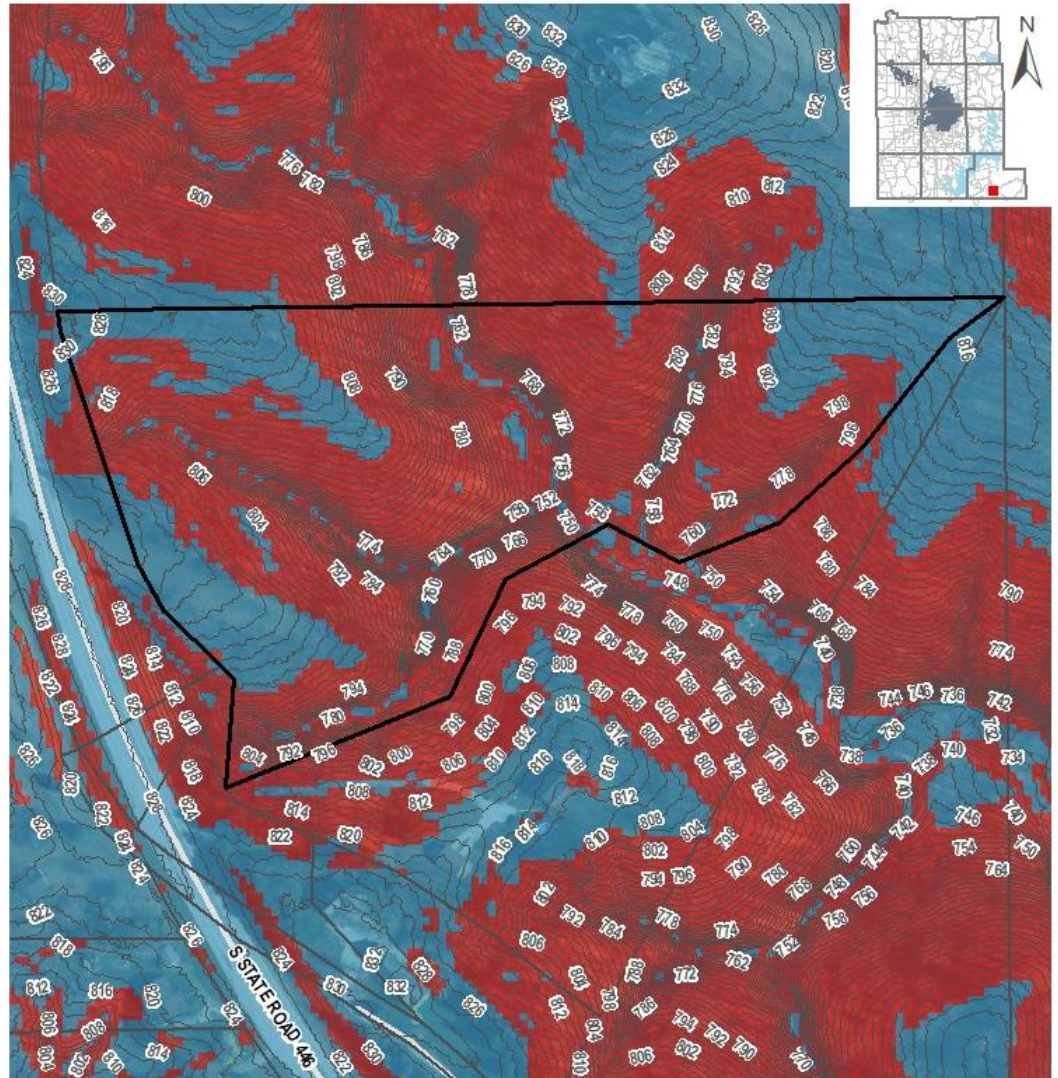
SLOPE CONDITIONS:

There are two distinct areas less than 15% slopes that make up Buildable Area. The southern ridgetop has approximately 0.65 acres of slopes less than 15% but a large stretch of road frontage. The northern ridgetop has approximately 0.74 acres of slopes less than 15% and has less frontage along the highway but also has the 15' setback to reduce the buildable area. There is a septic permit locating the septic along the northwest corner of the lot.

Slope Map



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/12/2018



SITE PHOTOS



Image 1: Facing north: view of the proposed petition site (right) along S State Road 446.



Image 2: Facing south: view of the proposed entrance to the northern ridge along S State Road 446.



Image 3: Facing west: view of the proposed access drive. The septic is proposed to be located to the right along the northern property line.



Image 4: Facing east: view of the proposed building site of the home and attached garage; visible is one of the pink flags locating the septic location;



Image 5: Facing west: view of the southern ridgetop with approximately 0.65 acres of slopes less than 15%. State Road 446 is in the background.



Image 6: Birdseye view, facing N.

GROWTH POLICIES PLAN

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

Farm and Forest Residential

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

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

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

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



- Public services or improvements are not expected for these areas within the horizon of this Plan because those improvements require significant investment in roadways, sanitary sewer, private utilities, and public services for which County financial resources do not exist.
- New residential density places additional stress on nearby vulnerable natural features that cannot be mitigated by sustainable practices without additional public expense.
- Low density residential opportunities and their associated lifestyle are scarce resources that are sustained only by our willingness to protect that quality of life opportunity for residents who have previously made that lifestyle choice and for future residents seeking that lifestyle.

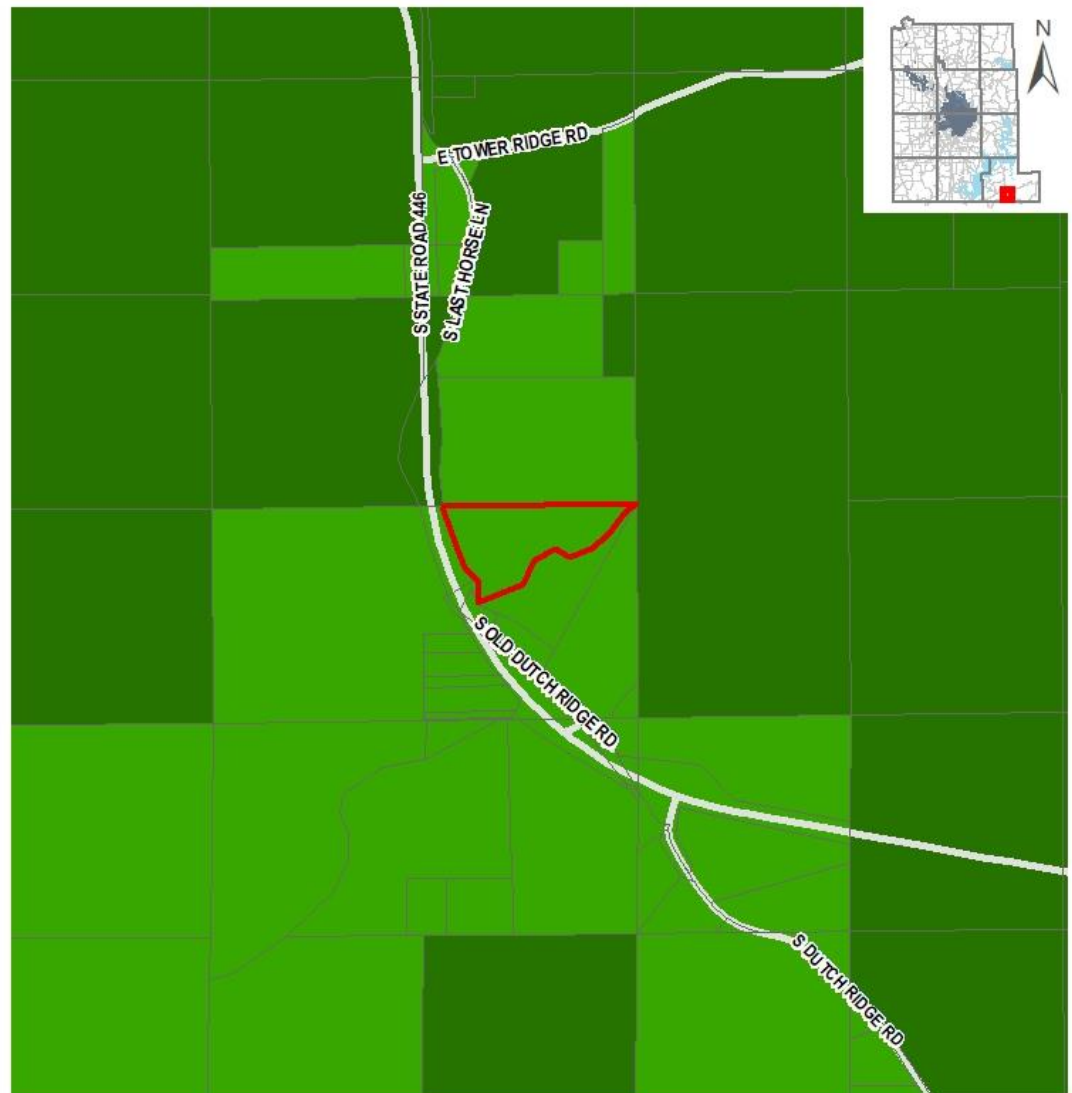
To maintain Farm and Forest property use opportunities an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. The grouping of more than four residential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

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads

Comp. Plan Land Use (Updated 2015)

-  Farm and Forest
-  Managed Lands



0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/12/2018

FINDINGS OF FACT: Buildable Area

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

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

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

Findings:

- Approval of the variance would allow the petitioner to develop a ~3600 sf home site including an attached garage in which a portion would encroach into non-buildable area, in an area with slope 15% or greater (as defined in Chapter 825 Area 2 Regulations);
- The size of the buildable area is 0.74 acres;
- The site is adjacent to single family residential uses or vacant, wooded lots;
- The site would gain access from INDOT regulated S State Road 446;
- The site is currently vacant and wooded with one cleared pasture area of approximately 0.65 acres;
- The site has no FEMA floodplain on the lot;
- The lot is adjacent to Hoosier National Forest land;
- Conclusion: It would not impair the stability of a natural or scenic area;

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

Findings:

- See Findings under Section A(1);
- The site gains access via S State Road 446, a major collector;
- The estimated right of way varies but one measurement estimated by staff was 140' wide;
- The property report card states that water and electric are available for the site;
- There is a septic permit (# 21755) on file with the Health Department that allows a 3 bedroom residence to be located along the northern lot line;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

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

Findings:

- See Findings under Section A(1);
- The site is zoned Forest Reserve (FR);
- Surrounding properties are zoned Forest Reserve (FR);
- The proposed location for the residential accessory structures meet all other Buildable Area requirements from Chapter 804-4(E), excluding the 15% slope requirement;
- The future Type E Subdivision will not result in less buildable area on the petition lot;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district;

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

Findings:

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

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

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

Findings:

- See Findings under Section A(1);
- The proposed site plan will require a driveway permit prior to building permits being issued;
- The home site will be located over 350' from S State Road 446;
- The current lot size is 8.01 acres and the proposed lot size for the Type E will reduce it 0.53 acres allowing the lot to still meet the density requirement for the FR zone;
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied;

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

Findings:

- See Findings under Section A(1&2) and B(1);
- Water drains to the east and south;
- Conclusion: It would not promote conditions detrimental to the use and enjoyment of other properties in the area

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

Findings:

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

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

Findings:

- Practical difficulties exist in that once the proposed Type E subdivision is completed the lot's status of 'pre-existing nonconforming' will be lost and will be ineligible for an Administrative Waiver despite the fact that the amount of buildable area on the lot will not change during the lot re-description process;

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

EXHIBIT ONE: Petitioner's Letter



Eric L. Deckard, LS

1604 S. Henderson St.
Bloomington, IN 47401
Ph. 812.961-0235
Fax 812.323-7536

September 28th, 2018

Members of the BZA:

RE: 9601 S. State Road 446, being a part of Section 27, Township 7 North, Range 1 East.

I have been asked to perform a site plan on the property known as 9601 S. State Road 446. We have concluded after completing the site of the subject property for Tract 1 a variance to the buildable area is needed once a Type E Administrative is performed.

This is a request for a variance in zoning to allow for the proposed structure to be re placed within a small area that lies outside of the buildable area . The reason for this request is to allow for addition compaction of the soil to create a suitable building site. The near location of the septic site along the north line of the property has proven to be an obstacle to stay within the confines of the small building space.

If there are any questions, please contact this office at (812)961-0235

Sincerely,

Eric L. Deckard L.S.

A handwritten signature in black ink, appearing to be "E. Deckard", written over a horizontal line.

RECEIVED

SEP 28 2018

MONROE COUNTY CLERK

EXHIBIT TWO: Petitioner Site Plan

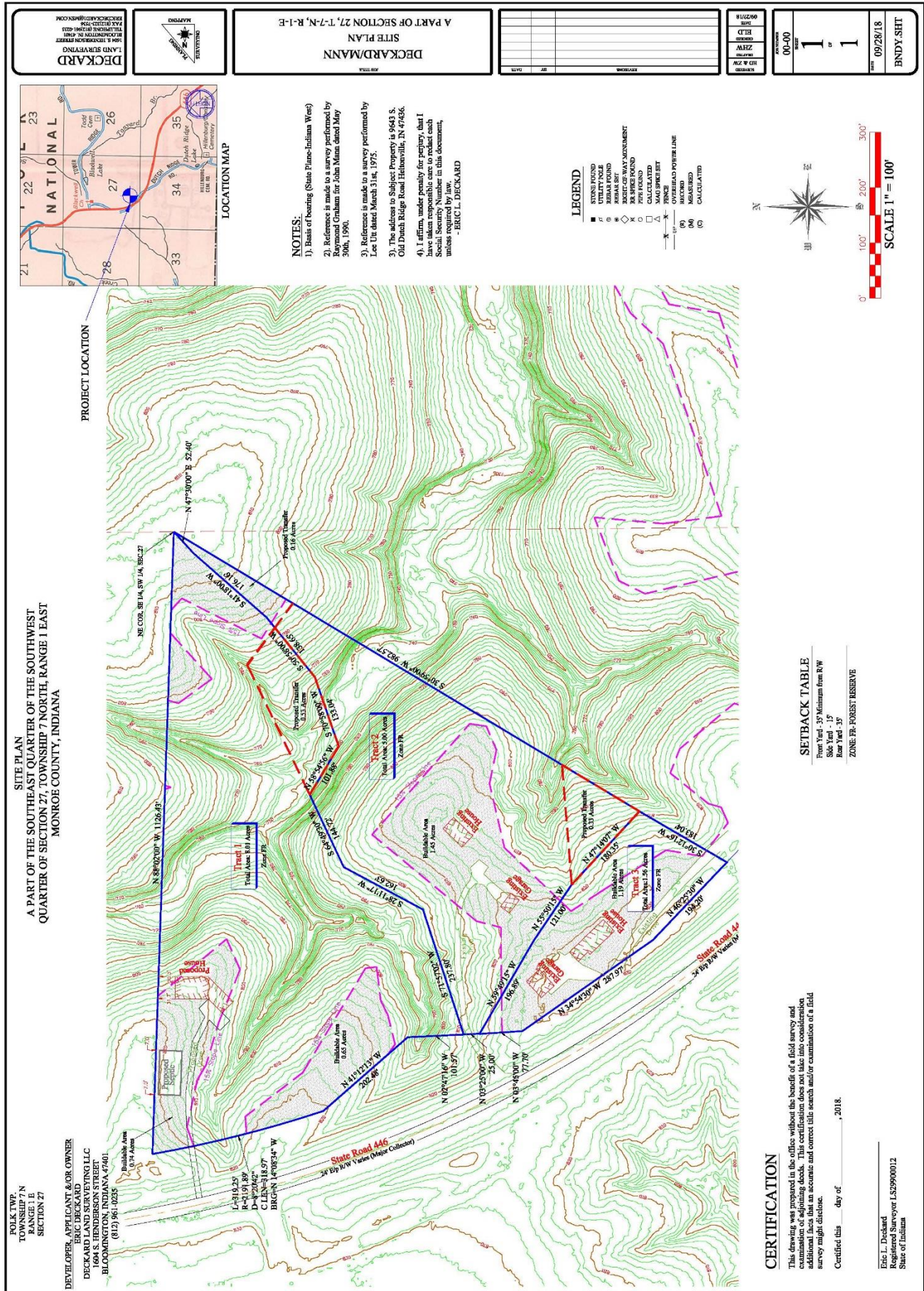
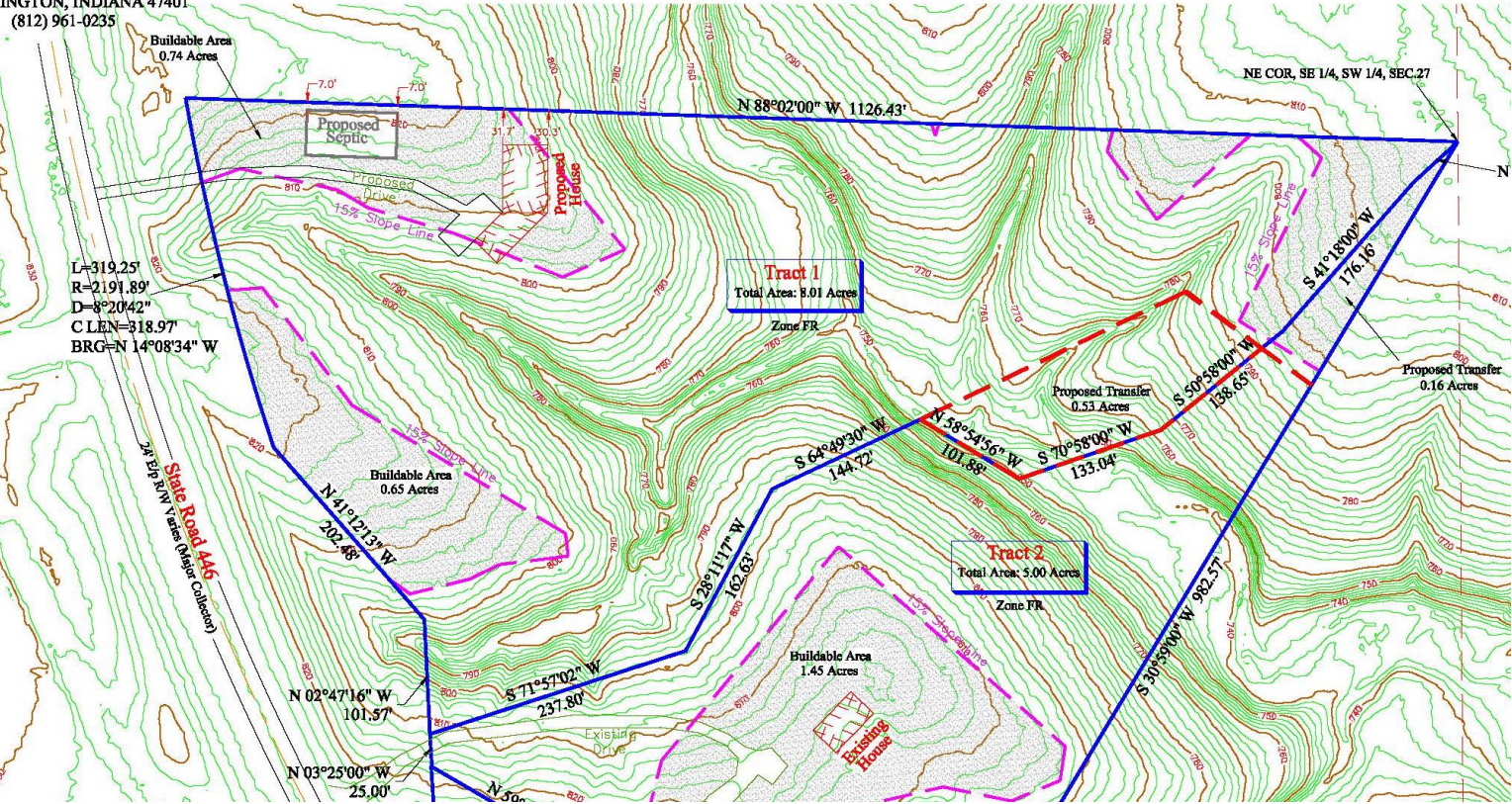


EXHIBIT THREE: Petitioner Site Plan -enlarged

ERIC DECKARD
D LAND SURVEYING LLC
. HENDERSON STREET
INGTON, INDIANA 47401
(812) 961-0235



MONROE COUNTY BOARD OF ZONING APPEALS**November 7, 2018**

CASE NUMBER: 1810-VAR-34
PLANNER: Jordan Yanke
PETITIONER(S): Nicholas Panozzo
REQUEST: Design Standards Variance: Chapter 804 Minimum Lot Size Standard
ADDRESS: E Pine Grove Road (Parcel No. 53-07-21-400-019.000-014)
ZONING: Conservation Residential (CR);
Environmental Constraints Overlay Area 1 (ECO1)
ACRES: 0.93 +/- acres
TOWNSHIP: Salt Creek
SECTION(S): 21
PLAT(S): N/A
COMP. PLAN
DESIGNATION: Rural Residential

EXHIBITS:

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

RECOMMENDED MOTION:

Approve the Design Standards Variance to the Minimum Lot Size standard in Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact.

SUMMARY/BACKGROUND

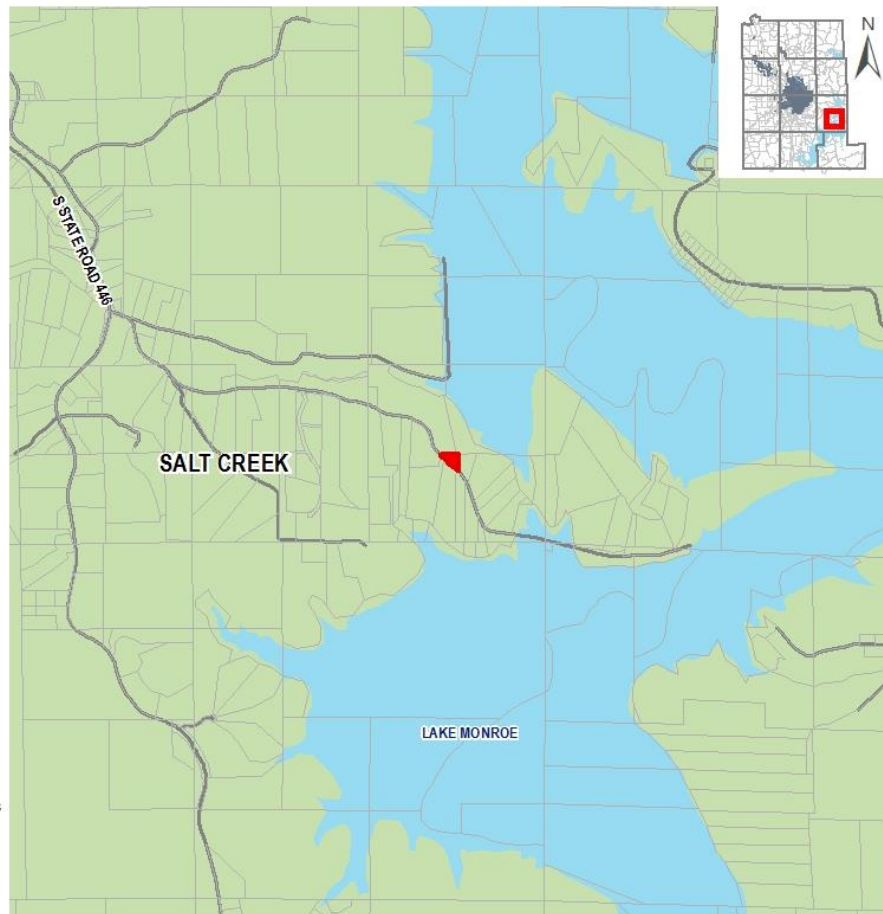
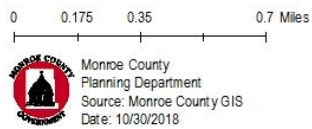
The petitioner requests a design standards variance from the minimum lot size standard of the Conservation Residential (CR) Zoning District, listed in Chapter 804 of the Monroe County Zoning Ordinance. The minimum lot size in Conservation Residential (CR) is 2.50 acres. The petition parcel meets all other design standards except for the minimum lot size requirement. The petition site is 0.93 +/- acres. Variance approval would allow the petitioner to construct a single family dwelling (40' x 30' – 1,200 Square Feet) and storage structure (16' x 14' – 224 Square Feet). Please see Exhibit 2 for reference. The variance is the minimum variance needed to further develop the petition site.

LOCATION MAP

The parcel is located in Salt Creek Township, Section 21 and is located off of E Pine Grove Road.

Location Map














- Petitioner
- Townships
- Roads
- Parcels
- Lakes



ZONING AND LAND USE

The property is zoned Conservation Residential (CR). The surrounding zones are Conservation Residential (CR) and Forest Reserve (FR), while the surrounding parcels are also located within the Environmental Constraints Overlay Area 1 (ECO1).

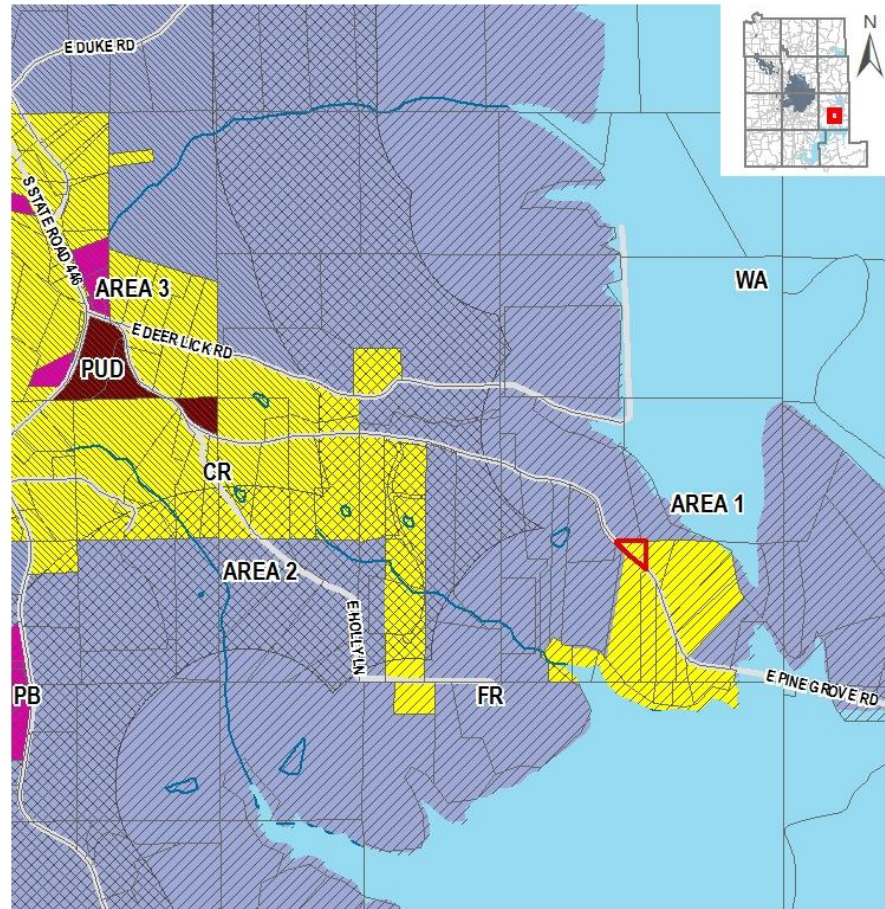
Current Zoning Map

-  Petitioner
-  Parcels
-  Roads
-  Lakes
-  Hydrologic Features
- ECO Areas**
 -  Area 1
 -  Area 2
 -  Area 3
- Monroe County Zoning**
 -  CR - Conservation Residential
 -  FR - Forest Reserve
 -  PB - Pre-Existing Business
 -  PUD - Planned Unit Development
 -  WA - Water

0 0.1 0.2 0.4 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018

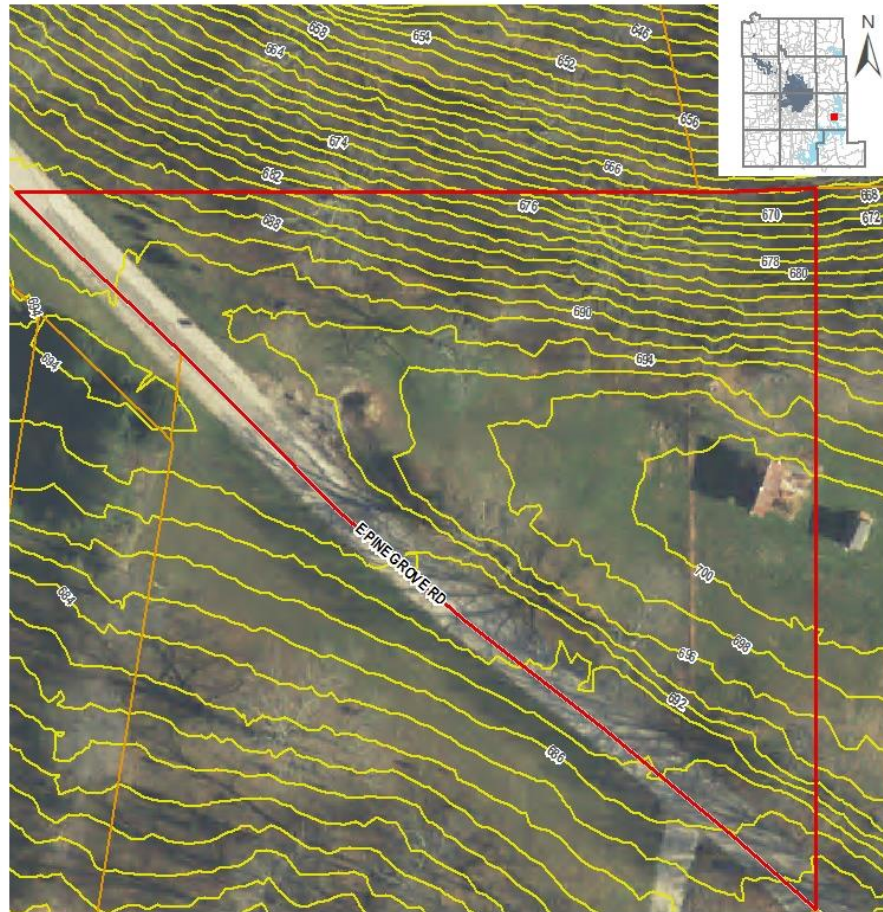


SITE CONDITIONS

The site conditions include areas of steep slope, although the proposed development is meeting the slope threshold standard of 12 percent (see Exhibit 2).

Site Conditions Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  Roads



0 20 40 80 Feet









Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018

Slope Map

-  Petitioner
-  Parcels
-  10-Foot Contours
-  Roads

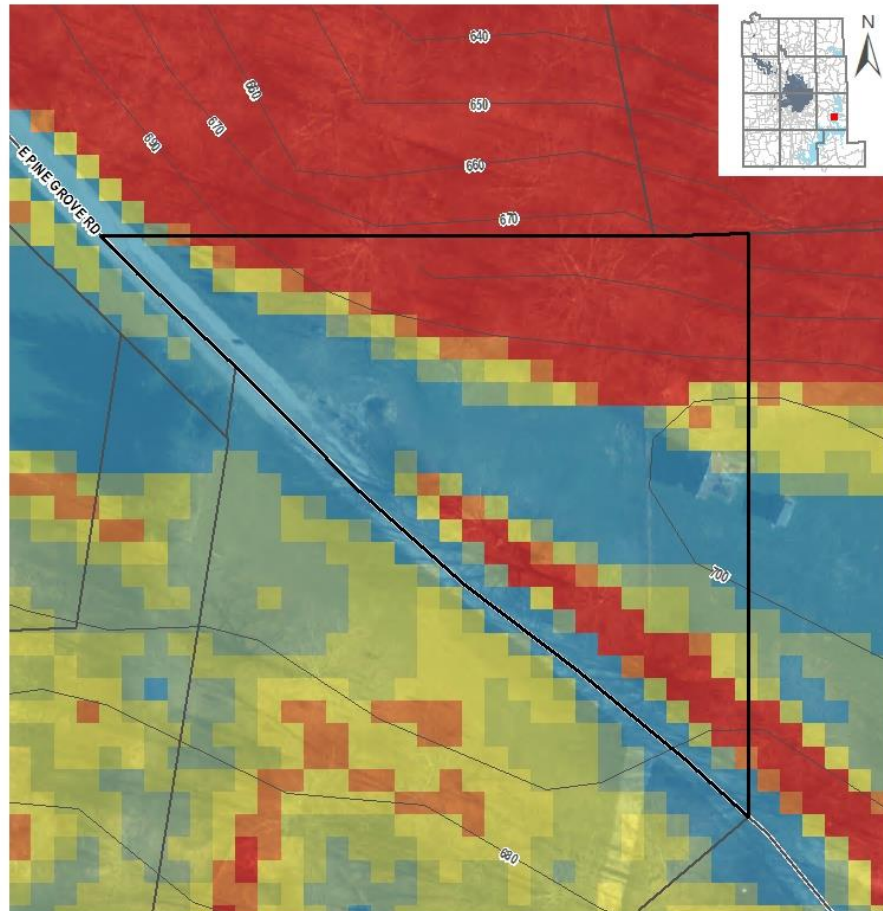
Percent Slope (2010)

-  0 - 12
-  13 - 15
-  16 - 18
-  19 - 21
-  22 - 24
-  > 25

0 25 50 100 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



SITE PICTURES



Figure 1: View of petition site's frontage along E Pine Grove Road, facing southeast.



Figure 2: View of petition site's frontage along E Pine Grove Road, facing northwest.



Figure 3: View of petition site's existing driveway entrance off of E Pine Grove Road, facing east.



Figure 4: View of petition site's "Buildable Area" in the foreground, facing east.



Figure 5: Aerial view of petition site.

COMPREHENSIVE PLAN DISCUSSION

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

Rural Residential

The Rural Residential use category includes rural property, environmentally sensitive areas, and areas adjacent to quarry operations where low densities are appropriate and desirable; however, the sparse population character of the Farm and Forest category is no longer applicable. Generally, these areas are characterized by active or potential mineral extraction operations nearby, steep slopes, and the remaining forest and/or agricultural land where roadways and other public services are minimal or not available. The Rural Residential use category includes all property in Monroe County that is not within the Farm and Forest Residential area, Bloomington Urbanizing Area or a Designated Community, or an incorporated town or city. Approximately 52,000 acres of rural property in Indian Creek, Clear Creek, Van Buren, Bloomington, Richland, Bean Blossom, Washington, and Benton Townships are designated Rural Residential. Most often this category adjoins or is very close to the Farm and Forest Residential areas. Current Rural Residential densities are usually greater than 64 homes per section and some portions of the Rural Residential area have already been subdivided or developed at urban densities.

To maintain Rural Residential property use opportunities, an average residential density per survey section shall be established by ordinance. This average density shall preserve the rural lifestyle opportunity of this area and help protect nearby Vulnerable Lands. Where appropriate infrastructure is available, home clustering with open space dedications may be an option in this residential category. Open space can serve a variety of uses including recreational opportunities for local residents, limited accessory agricultural uses, or buffering of an adjoining use. Contiguous Resilient Land shall be available for each dwelling adequate to support either two independent conventional septic fields or one replaceable mound system. Sufficient space for buildings traditionally associated for this type of use must also be provided. In addition, public roadways shall not experience less than the Monroe County Level of Service standard existing at the time this Plan is adopted. New subdivision road traffic lanes that access County roadways shall not exceed the capacity of traffic lanes for adjoining public roadways. State highways, major collectors, or arterial roads are exempt from this requirement.

Comprehensive Plan

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

0 0.125 0.25 0.5 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018



FINDINGS OF FACT: Minimum Lot Size Standard

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

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

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

Findings:

- Approval of the variance would allow the petitioner to construct a single family dwelling (40' x 30' – 1,200 Square Feet) and storage structure (16' x 14' – 224 Square Feet);
- The parcel is currently vacant;
- The petition site is zoned Conservation Residential (CR) and located within the Environmental Constraints Overlay Area 1 (ECO1).
- The parcel is 0.93 +/- acres;
- The minimum lot size in Conservation Residential (CR) is 2.50 acres;
- There is no evidence that the building site is located on sensitive lands;
- There is no known karst on the property;
- There is no evidence that the building would obstruct a natural or scenic view;
- There are other parcels nearby that are under 2.50 acres in size;
- Conclusion: It would not impair the stability of a natural or scenic area;

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

Findings:

- See findings under A(1);
- The parcel is located off of E Pine Grove Road, a Local Road;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities;

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

Findings:

- See findings under A(1) and A(2);
- The proposed structures would meet all design standards for the Conservation Residential (CR) Zoning District with exception to the minimum lot size standard;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district;

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

Findings:

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

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

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

Findings:

- See findings under A(1), A(2), and A(3);
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied;

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

Findings:

- See findings under A(1);
- There is no floodplain on site;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area;

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

Findings:

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

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

Findings:

- See findings under (A)(1);
- Conclusion: The approval, including any conditions or commitments deemed appropriate, is the minimum variance necessary to eliminate practical difficulties in the use of the property;

All variance approvals shall be considered to be conditional approvals. The Board shall have the authority to impose specific conditions as part of its approval in order to protect the public health, and for reasons of safety, comfort and convenience (e.g., to insure compatibility with surroundings). Variance approval applies to the subject property and may be transferred with ownership of the subject property subject to the provisions and conditions prescribed by or made pursuant to the Zoning Ordinance.

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

EXHIBIT 1: Petitioner Letter

Nick Panozzo
3301 N. Kingsley Drive
Bloomington, IN 47404

September 24, 2018

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

RECEIVED
OCT 03 2018
MONROE COUNTY PLANNING

To Whom It May Concern:

This proposal letter is to request and substantiate the granting of a minimum lot size variance for a residential structure and residential storage structure for the property located at E. Pine Grove Rd. (53-07-21-400-019.000-014). The variances requested are relatively straightforward and meet other building restrictions as shown in the enclosed site plan.

Residential Structure

The property mentioned above is protected under the Monroe County Conservation Residential District and does not meet the current minimum residential development standards. The enclosed site plan proposes a workable site plan that includes the existing public water, existing electric, and an approved septic permit. I am requesting a variance from the requisite 2.5 acres for the development of such structure.

Residential Storage Structure

I would also like to request a residential storage structure permit as defined in Chapter 802 Zoning Ordinance: *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.* This structure is also depicted on the enclosed proposed site plan.

With this letter I am including the completed variance checklist form, current deed, the names and addresses of adjacent property owners, the current plat, the septic permit and the proposed site plan. If you have further questions or need additional information, please don't hesitate to contact me.

Sincerely,

Nick Panozzo
npazozzo@gmail.com
812-327-1696

EXHIBIT 2: Site Plan

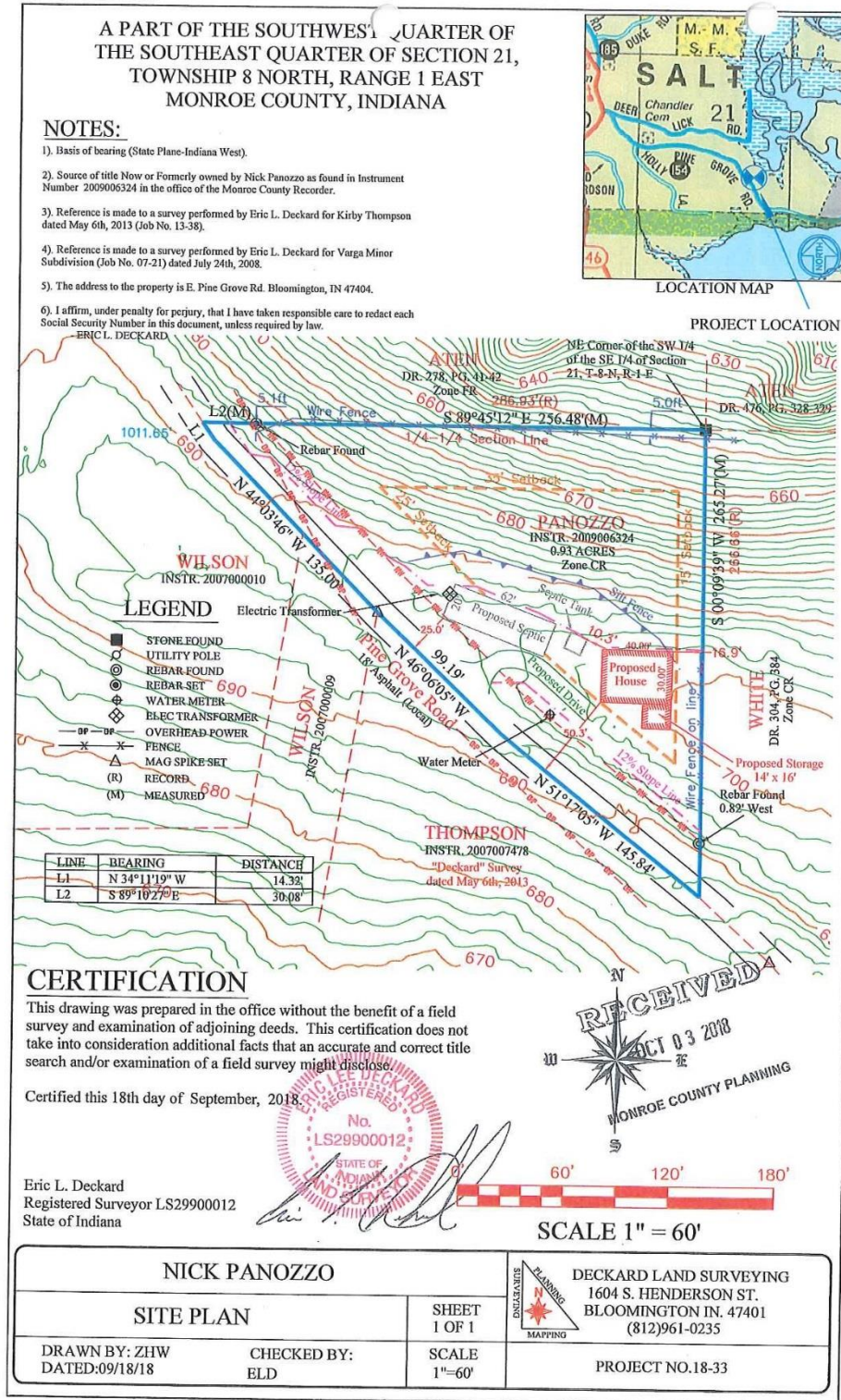


EXHIBIT 3: Parcel Size Map

Parcel Size Map


 Petitioner

 Roads

 Lakes

Parcel Size (Acres)

 0 - 2.5

 > 2.5

0 700 1,400 2,800 Feet



Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/30/2018

