

MONROE COUNTY BOARD OF ZONING APPEALS



**January 6, 2021
5:30 p.m.**

Held Via Zoom:

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

**IF CALLING INTO THE ZOOM MEETING,
DIAL: 312-626-6799.**

**WHEN PROMPTED, ENTER THE MEETING ID #: 849 9241 2568.
PASSWORD: 373168**

AGENDA

MONROE COUNTY BOARD OF ZONING APPEALS (BZA)

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

January 6, 2021

5:30 p.m.

REGULAR MEETING

CALL TO ORDER

ROLL CALL

INTRODUCTION OF EVIDENCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES – October 20, 2020

OLD BUSINESS:

1. 2009-VAR-61

Neal Residential Storage Structure Variance from Chapter 802

One (1) 2.7 +/- acre parcel in Bean Blossom Township, Section 22 at 8458 N Jenner DR.

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

*****CONTINUED BY PETITIONER*****

NEW BUSINESS:

1. 2011-VAR-90

Deckard Hardin Ridge Minimum Lot Size Variance to Chapter 804

PAGE 4

2. 2011-VAR-91

Deckard Hardin Ridge Residential Storage Structure Variance to Chapter 802.

One (1) 1.38 +/- acre parcel in Clear Creek Township, Section 24 on E Hardin Ridge. Parcel # 53-11-24-400-001.000-006.

Zoned FR/ECO1. Contact dmyers@co.monroe.in.us

3. 2011-VAR-92

Dickerson 125' Lake Setback Variance to Chapter 825

PAGE 29

4. 2011-VAR-93

Dickerson ECO Area 1 Variance to Chapter 825

5. 2011-VAR-94

Dickerson Buildable Area Variance to Chapter 804

One (1) 1.38 +/- acre parcel in Clear Creek Township, Section 24 at 8041 E Hardin Ridge RD.

Zoned FR/ECO1. Contact tbehrman@co.monroe.in.us

6. 2011-VAR-95

Bancel Front Yard Setback Variance to Chapter 804

PAGE 56

One (1) 0.90 +/- acre parcel in Benton North Township, Section 35 at 9308 N Gray Ave.

Zoned SR. Contact acrecelius@co.monroe.in.us

7. 2012-CDU-06

Monroe Fire Protection District Conditional Use to Chapter 813

PAGE 66

One (1) 0.914 acre parcel in Perry Township, Section 16 at 285 E Rhorer RD.

Zoned RM15. Contact tbehrman@co.monroe.in.us

8. 2012-CDU-07

Rumpke Conditional Use for Central Garbage/Rubbish Collection Facility to Chapter 813

PAGE 84

One (1) 16.77 acre parcel in Perry Township, Section 29 at 5220 S Production DR.

Zoned HI. Contact dmyers@co.monroe.in.us

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

Written comments regarding agenda items may only be submitted by email until normal public meetings resume. Please submit correspondence to the Board of Zoning Appeals at: PlanningOffice@co.monroe.in.us no later than January 6, 2021 at 4:00 PM.

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

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

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

The meeting will be open to the public via ZOOM.

MONROE COUNTY BOARD OF ZONING APPEALS**January 6, 2020**

CASE NUMBER	2011-VAR-90 and 2011-VAR-91
PLANNER	Drew Myers
PETITIONER	Tim Deckard c/o Todd Borgman, Smith Design Group, Inc.
REQUEST	Design Standards Variance: Minimum Lot Size Ch. 804 Design Standards Variance: Residential Storage Structure Ch. 802
ADDRESS	E Hardin Ridge RD, 53-11-24-400-001.000-006
ACRES	1.38 +/-
ZONE	Forest Reserve (FR); ECO Area 1
TOWNSHIP	Clear Creek
SECTION	24
PLATS	N/A
COMP PLAN	
DESIGNATION	Managed Lands

EXHIBITS:

- 1) Petitioner Letter & Consent Letter
- 2) Site Plan
- 3) Package Plant Evidence

RECOMMENDED MOTION:

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

Deny the Residential Storage Structure Variance to Chapter 802 of the Monroe County Zoning Ordinance based on the findings of fact specifically Finding C.

SUMMARY

The petitioner requests a Design Standard Variance from the Minimum Lot Size Requirement of Chapter 804 and from the Residential Storage Structure requirement of Chapter 802.

The petition site is one 1.38 +/- acre parcel that is zoned Forest Reserve (FR), and is currently vacant. The petitioner is requesting two design standards variances in order to construct a 4,000 square foot residential accessory structure on the site. The property does not meet the minimum lot size requirement of 5.0 acres for the Forest Reserve zone, and the proposed structure exceeds the 1,750 square foot size restriction of Chapter 802 of the Monroe County Zoning Ordinance. Property within the Forest Reserve zone is required to have a primary use in order to have a Residential Storage Structure that exceeds 1,750 square feet.

802-5 (D) (2)

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

Approval of this variance would allow the petitioner to permit the construction of a 4,000 square foot residential accessory structure, that must meet all other design standards (height, bulk, area, and density), setbacks, and slope restrictions for the Forest Reserve zoning district and Area 1 of the Environmental Constraints Overlay. According to the submitted site plan (Exhibit 2), the petitioner also intends to construct a residence on the property at some point in the future. If the residence were to be constructed simultaneously, there would be no need for the variance. Additionally, staff could confirm that both the

home and the accessory structure meet all design standards without further need for variances at that time. If they are approved for a 4,000 sf pole barn structure ahead of building a residence, the risk is that the property owner will take up needed buildable area to properly plan for a residence and require future variances. If a primary structure exists on the property, the maximum lot coverage requirement (15,000 sf) would supersede the Residential Storage Structure size limit requirement.

LOCATION MAP

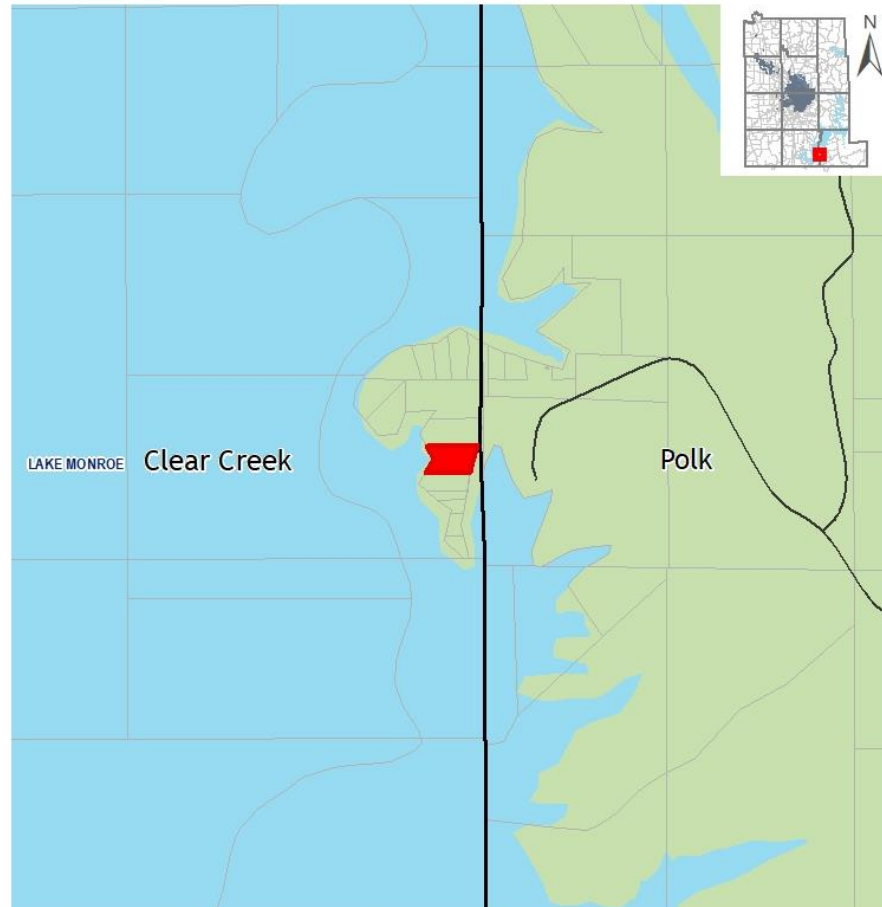
The parcel is located in Clear Creek Township, Section 24, and parcel number: 53-11-24-400-001.000-006. The property does not have a current address at this time.

Location Map

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

0 0.075 0.15 0.3 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/25/2020

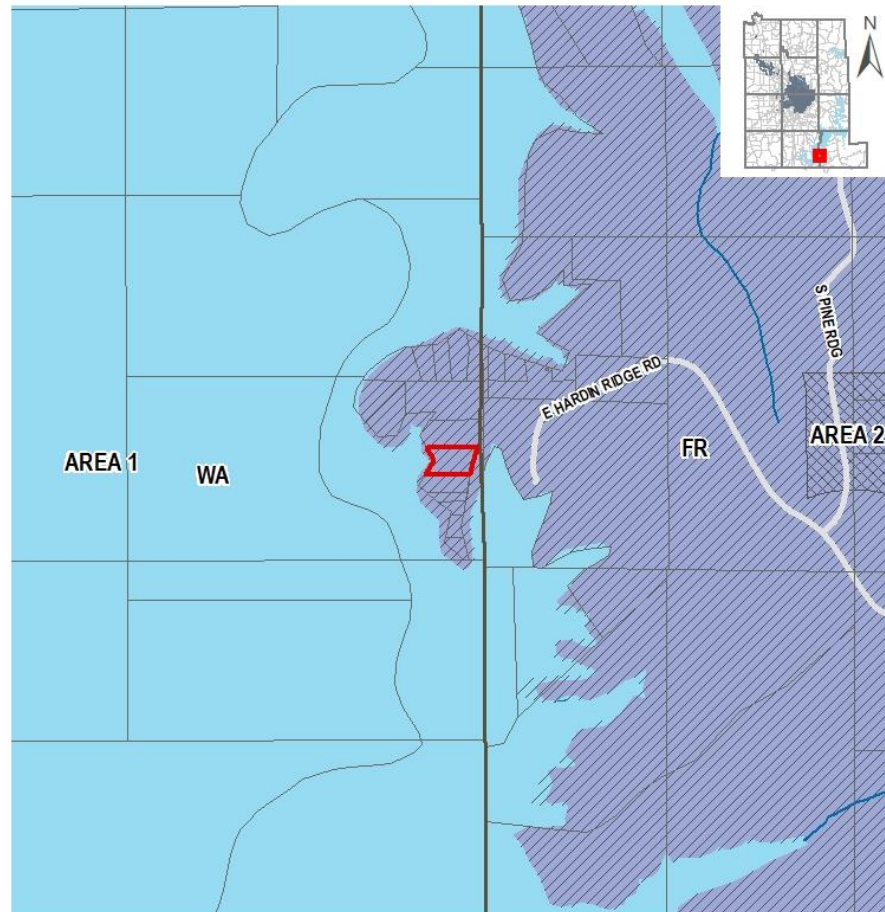


ZONING AND LAND USE

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

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: 11/25/2020

SITE CONDITIONS & SLOPE

The petition site previously contained an old garage structure that was recently demolished without a demolition permit by the petitioner. The site is now considered vacant. The petition site has access to water and is serviced by an off-site package plant for sewage treatment permitted by IDEM (Exhibit 3). The property is accessed from a private driveway off of E Hardin Ridge RD, a designated Local Road. There are no known karst features on the property. There is no FEMA floodplain. The petition site exhibits some area of slopes greater than 12% and 15%. Drainage on the site runs west into Lake Monroe.

Site Conditions Map

-  Petitioner
-  2-Foot Contours
-  FEMA Floodplain
-  Lakes
-  Parcels

0.00226045 0.009 0.0135 0.018 Miles









Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/25/2020



Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours
-  FEMA Floodplain
-  Lakes

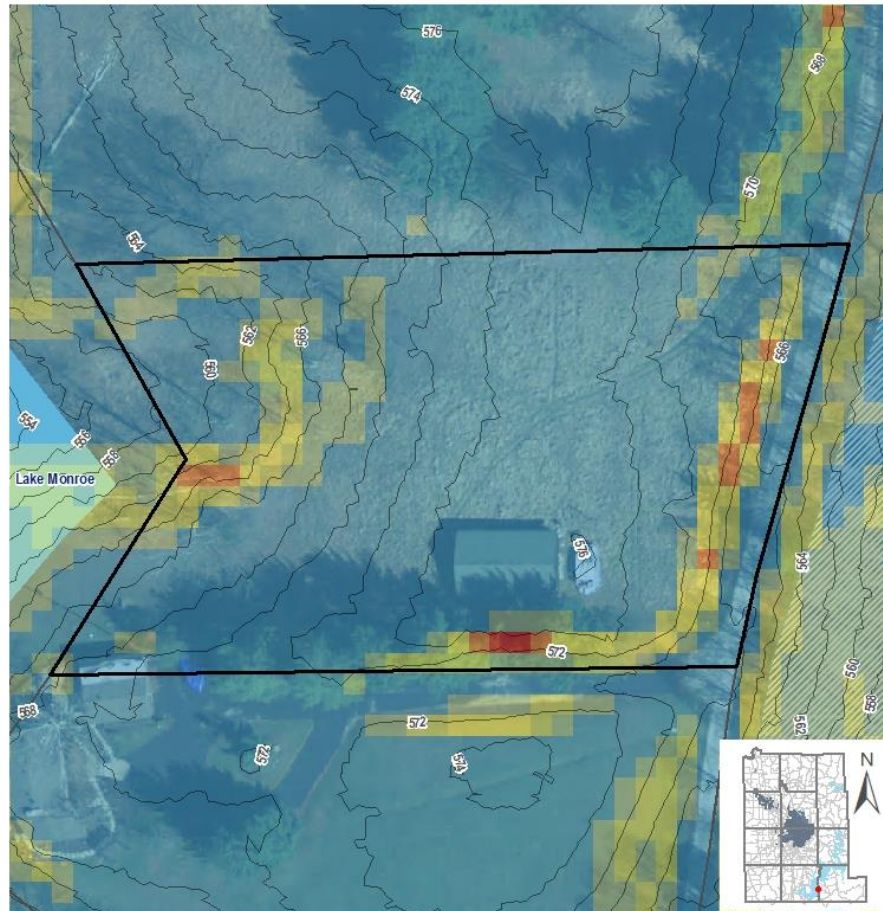
All Slope - Percent (2010)

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

0 15 30 60 90 Ft

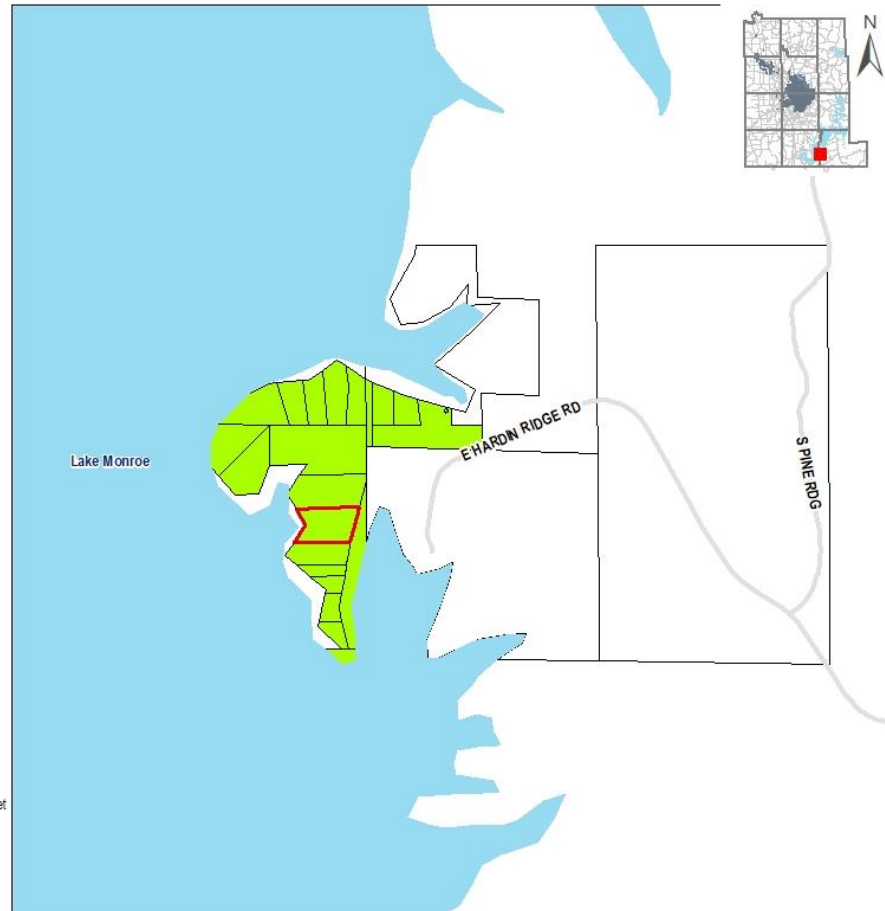
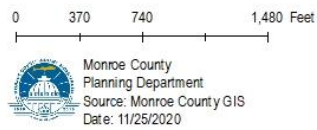


Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/25/2020



Parcel Size Map

- Petitioner
 - Roads
 - Lakes
- Parcel Size (Acres)**
- 0.000000 - 5.000000
 - 5.000001 - 620.760000



SITE PICTURES

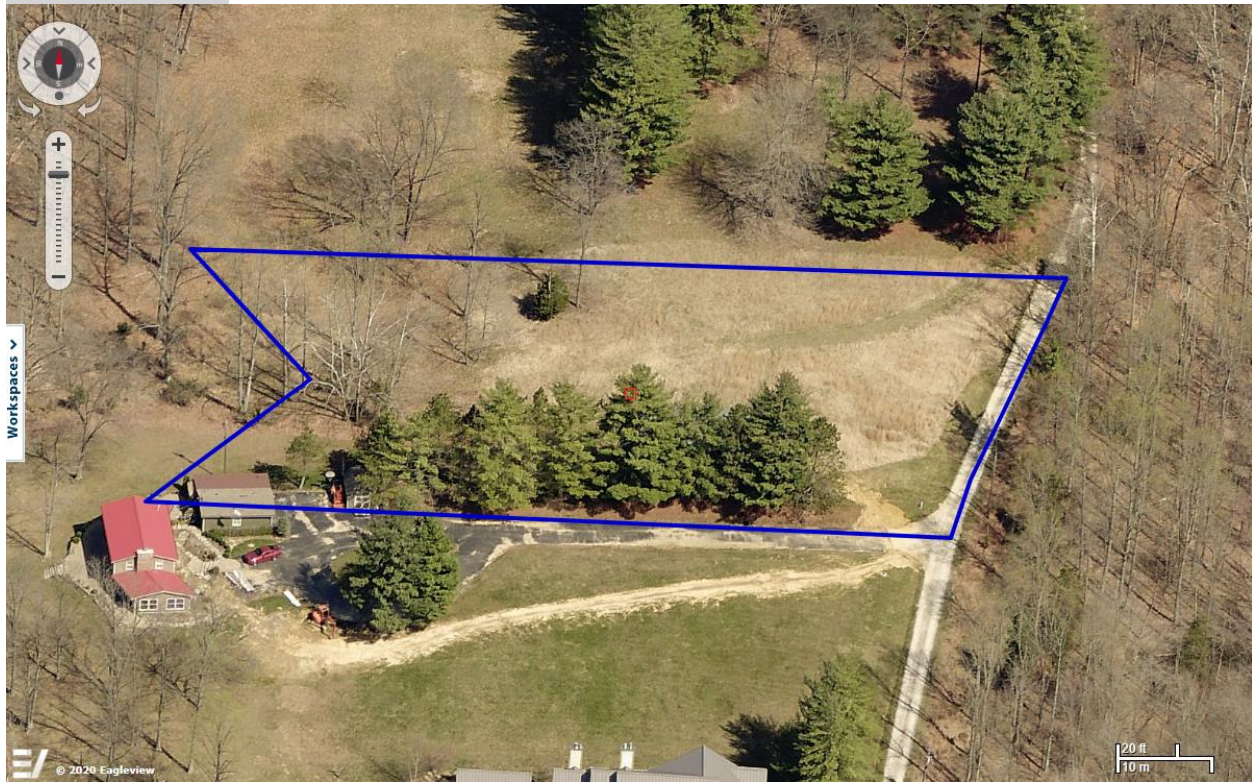


Photo 1: Aerial pictometry from the South



Photo 2: Aerial pictometry from the North



Photo 3: Aerial pictometry from the East



Photo 4: Aerial pictometry from the West



Photo 5: Facing south



Photo 6: Facing north



Photo 7: Facing west



Photo 8: Facing southwest



Photo 9: Facing west



Photo 10: Facing west



Photo 11: Facing southeast



Photo 12: Facing east

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 trust.

Comprehensive Plan

-  Petitioner
-  Townships
-  Parcels
-  Roads

Comp. Plan Land Use (Updated 2015)

-  Managed Lands
-  Water

0 0.075 0.15 0.3 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 11/25/2020



FINDINGS OF FACT: Minimum Lot Size Standard

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

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

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

Findings:

- Approval of the variance would allow the petitioner to further develop a 1.38 +/- acre parcel to construct a residential accessory structure, and potentially a residence in the future;
- The 1.38-acre lot is currently vacant;
- The petition site is not in a platted subdivision;
- The petition site is adjacent to Lake Monroe;
- There are no designated scenic areas adjacent to the petition site;
- The petition site is located in Area 1 of the Environmental Constraints Overlay;
- There are no known karst features on the petition site;
- There is no FEMA Floodplain on the petition site;
- There is no evidence that the proposed residential accessory structure would obstruct a natural or scenic view;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- The property has access from E Hardin Ridge RD, a designated local road, via a private driveway;
- The proposed development will not interfere with water lines or package plant system;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

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

Findings:

- See findings under A(1) and A(2);
- The proposal would meet all other design standards;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district.

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

Findings:

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

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

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

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

Findings:

- See findings under A (1);
- The petition site and adjacent properties are zoned Forest Reserve (FR) with a minimum lot size requirement of 5.0 acres;
- The petition site and adjacent properties are a mix of residential or federally managed land;
- There are approximately 16 parcels within a half-mile radius that do not meet the FR minimum lot size requirement;
- Conclusion: The specific purposes of the design standard sought to be varied would be satisfied.

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

Findings:

- See findings under A (1);
- The petition site is located in Area 1 of the Environmental Constraints Overlay;
- There are no known karst features on the petition site;
- There is no FEMA Floodplain on the petition site;
- Drainage on the petition site runs west towards Lake Monroe;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area.

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

Findings:

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

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

Findings:

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

FINDINGS OF FACT: Residential Storage Structure Exceeding 1750 square feet

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 apply for a building permit to construct a 4,000 sf residential storage structure;
- The 1.38-acre lot is currently vacant;
- The petition site is not in a platted subdivision;
- The petition site is adjacent to Lake Monroe;
- The petition site is located in Area 1 of the Environmental Constraints Overlay;
- There are no known karst features on the petition site;
- There is no FEMA Floodplain on the petition site;
- There is no evidence that the proposed residential accessory structure would obstruct a natural or scenic view;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- The property has access from E Hardin Ridge RD, a designated local road, via a private driveway;
- The proposed development will not interfere with water lines or package plant system;
- Conclusion: It would not interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

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

Findings:

- See findings under A(1) and A(2);
- The maximum allowable square footage of the pole barn is 1750 sf since there is not an existing primary structure on the property. The petitioner would be over the maximum amount by 2,250 sf;
- Once a primary structure is established on the property, the owner would be permitted up to 15,000 sf of maximum building coverage;
- The petitioner has identified an intention to construct a residence on the petition site sometime in the future (Exhibit 2);
- The proposal would meet all other design standards;
- Conclusion: The character of the property included in the variance would not be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained within the relevant zoning district.

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

Findings:

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

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

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

Findings:

- See findings under A (1), A(2), 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);
- The petition site is located in Area 1 of the Environmental Constraints Overlay;
- There are no known karst features on the petition site;
- There is no FEMA Floodplain on the petition site;
- Drainage on the petition site runs west towards Lake Monroe;
- Conclusion: It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area.

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

Findings:

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

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

Findings:

- The practical difficulty was self-created as the petitioner intends to construct a residence in the future, which would permit a residential accessory structure of the proposed size without the need for a variance because a primary use would now be established on the property;
- Conclusion: There are **no** 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 ONE: Petitioner Letter & Consent Letter



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

"Celebrating 40 years of professional design, surveying and land planning"

November 4, 2020

To: Board of Zonings Appeals

This letter is to serve as a request for 2 variances for a property located on E Hardin Ridge Road, Heltonville, Indiana (property currently has no address). The property is Zoned FR and has a minimum lot size of 5 acres and has a maximum square footage of 1,750 sf for a residential accessory structure. We are requesting variances for both these standards. The property is a lot of record at 1.38 acres and the owner is planning a 3,000 sf residential accessory structure.

We appreciate your consideration for these variances.

On behalf of Tim Deckard,

Todd M. Borgman, PS

THE
FUNERAL
CHAPEL

Powell • Deckard

Fax Cover Sheet

Date: 11/4/20

TO: Todd Borgmann

COMPANY: Smith Design Group

FAX NUMBER: 812 614 5058

FROM: Tim L. Deckard

NO. OF PAGES (including cover):

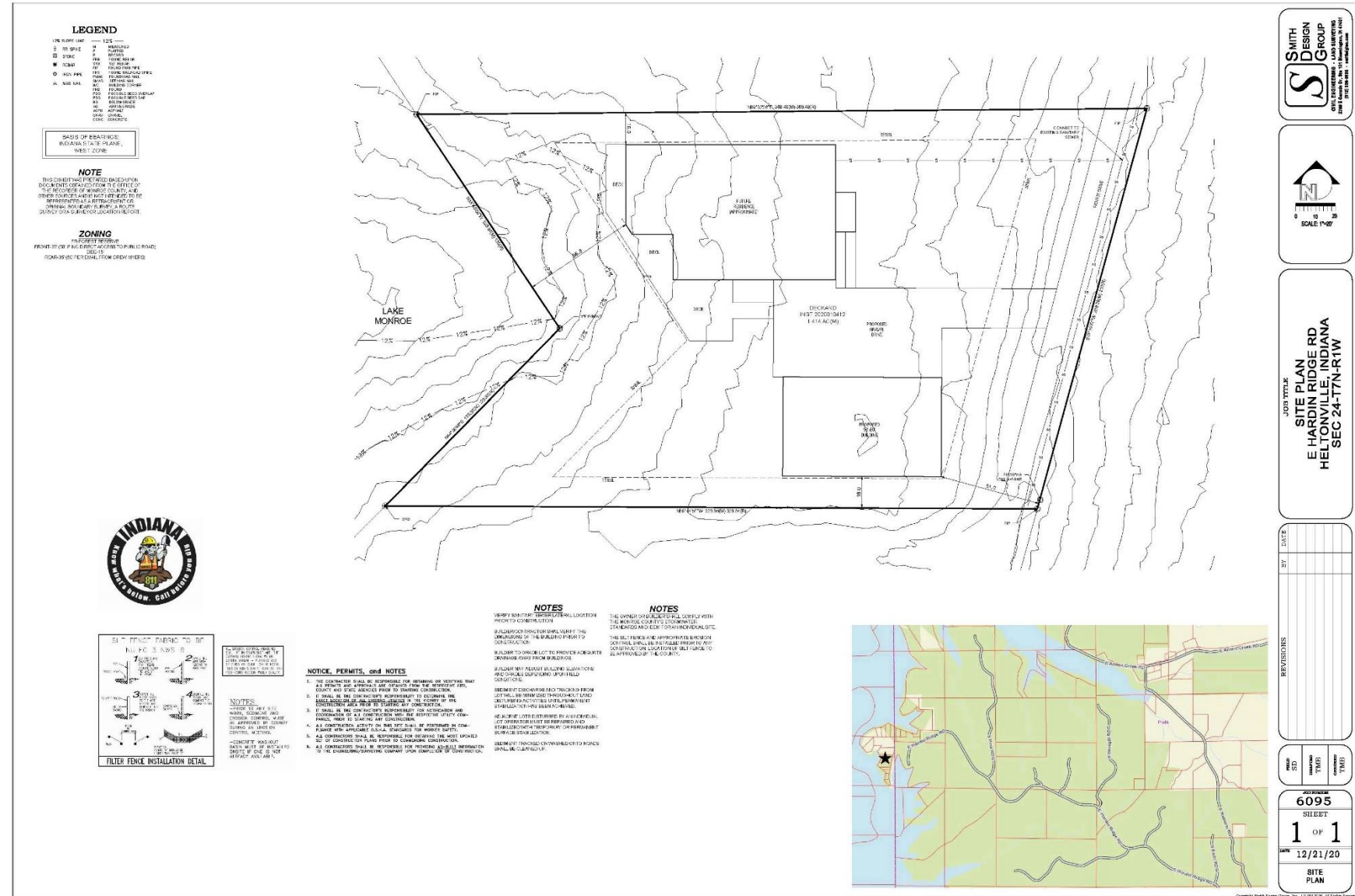
MESSAGE:

I Tim Deckard
here by authorize
Todd Borgmann to
apply & do legal
work for a VARIANCE
for me at
8049 Garden Ridge Rd.
Huttonville, IN 47436

Tim L. Deckard

3000 E. Third St., Bloomington, IN 4740
Office: 812.333.440
Fax: 812.333.444

EXHIBIT TWO: Site Plan



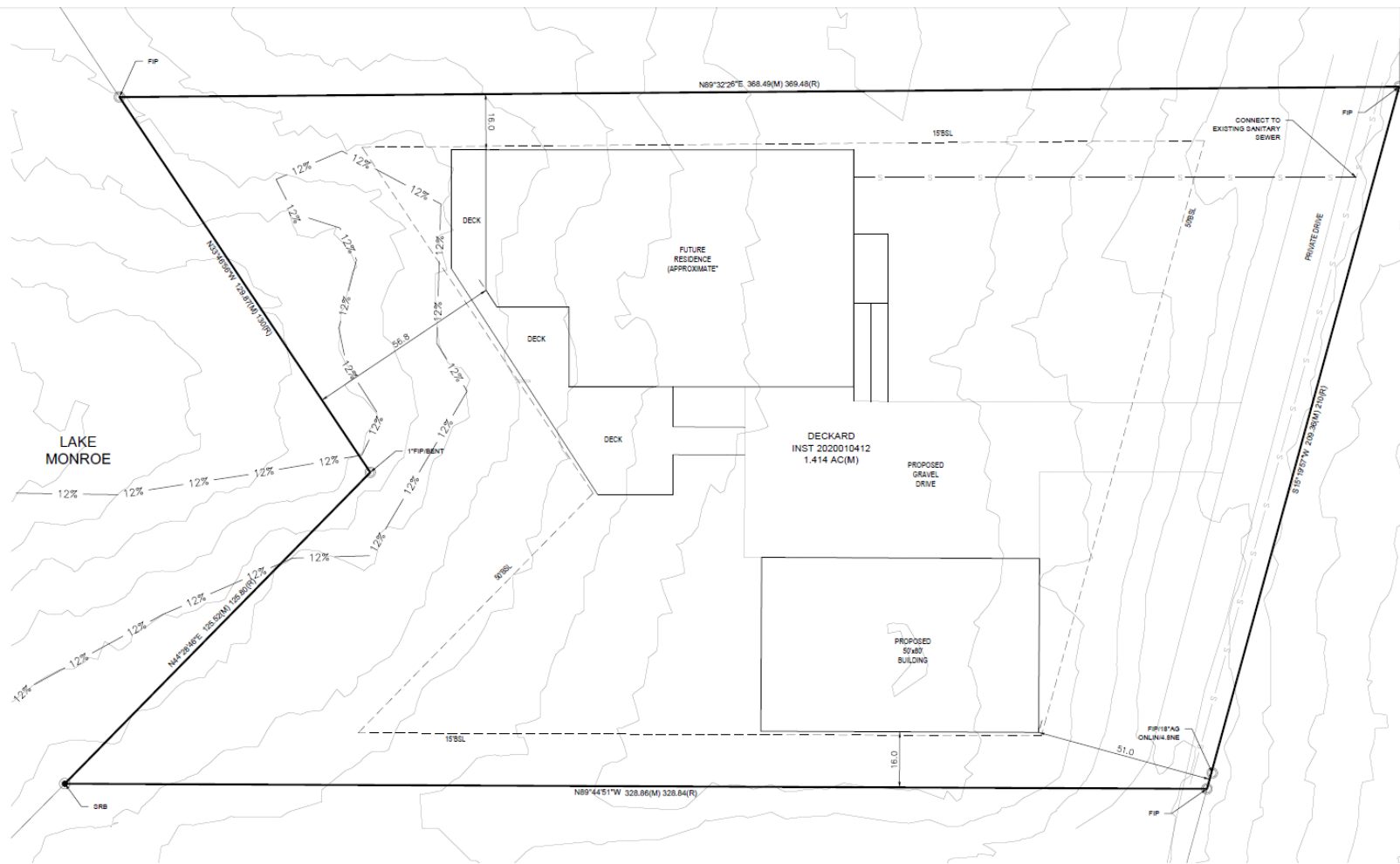


EXHIBIT THREE: Package Plant Evidence

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)



MONROE COUNTY BOARD OF ZONING APPEALS**January 6, 2021**

CASE NUMBER: 2011-VAR-92, 2011-VAR-93, 2011-VAR-94
PLANNER: Tammy Behrman
PETITIONER(S): Keith Dickerson, Dickerson, Julie, Dickerson, Kyle, Dickerson, Andrew, Dickerson, Taylor
REQUEST: Design Standards Variance: Chapter 825 Lake Setback 125'
Design Standards Variance: Chapter 825 ECO Area 1
Design Standards Variance: Chapter 804 Buildable Area, Slopes
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) Pool Plan
- 4) Nearby Parcel Size Map
- 5) Package Plant evidence

RECOMMENDED MOTION:

Deny the 125' Lake Setback Design Standards Variance in Chapter 825-3(A) of the Monroe County Zoning Ordinance based on the findings of fact specifically Finding C.

Deny the Design Standards Variance to Chapter 804-4(E) of the Monroe County Zoning Ordinance based on the findings of fact specifically Finding C.

Deny the Design Standards Variance to Chapter 825-4(A) of the Monroe County Zoning Ordinance based on the findings of fact specifically Finding C.

SUMMARY

The petitioner requests three design standards variances for the purposes of placing a 25'x55' in-ground swimming pool with concrete patio on the property (1,375 sf). This accessory structure as proposed is within the 125' lake setback design standard of Chapter 825. Previous grading and the proposed pool location also encroach in restricted twelve percent slopes of ECO Area 1 under Chapter 825 as well as fifteen percent slopes for structures under Chapter 804 buildable area requirements.

BACKGROUND

The Board of Zoning Appeals approved two design standards variances for this lot on November 7, 2018 ([minutes](#), [staff packet](#)). These variances were for the minimum lot area requirement in Forest Reserve (FR) to allow development on a 1.38 +/- acre lot size when 5.0 acres is normally required. The variance approval allowed for the petitioner to expand the current residence by 1,100 square feet toward the southern property line and add a 495 sf covered patio. 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 home addition and patio were not within the lake setback but it was expanding a non-conforming structure. These two variances were granted with two 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.

Staff reviewed grading permit 19-IG-31 submitted by the petitioner's contractor demonstrating compliance with the two conditions above on the application. However, staff performed a review of the site on May 19, 2020 using the April 2, 2020 aerials. The aerials showed disturbance and grading occurred on these slopes and without any evident erosion control measures in place such as silt fence as depicted in Figures 7 & 8. This was a direct violation of the issued permit. Staff notified the petitioner of the issue. Silt fencing was installed by the December 9, 2020 staff visit.

One item to note in the original 2018 staff report is the following language:

“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.”

After reviewing the 2020 aerials and proposed development staff determined slope variances were required though grades may have changes during the recent construction activity.

Specific Ordinance Language for each variance is as follows:

Chapter 825-3(A)(1)

825-3.	<u>Specific Restrictions for Sensitive Lands</u>
(A)	Setback Distance from Lake Bodies: the minimum setback, measured horizontally, from the normal pool elevation shall be 125 feet. The following restrictions shall pertain to this designated area:
(1)	There shall be no land disturbance of any kind within this setback, including construction, removal of vegetation, agricultural activity, logging operation, or construction of infrastructure.

Chapter 825-4(A)(1)

825-4.	<u>Overlay Area Regulations</u>
	In addition to the applicable regulations set forth in the Monroe County Zoning Ordinance, the following regulations shall apply to land use within the ECO Zone.
(A)	<u>Area 1 Regulations</u>
(1)	The maximum land slope upon which any land disturbance involved in construction of buildings, driveways, roads, parking lots, and utilities can occur shall be twelve (12) percent. The percent slope shall be measured as a six (6) foot fall in any fifty (50) foot distance. The design should be suited to the lot to minimize the amount of cut and fill.

Chapter 804-4(E)

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

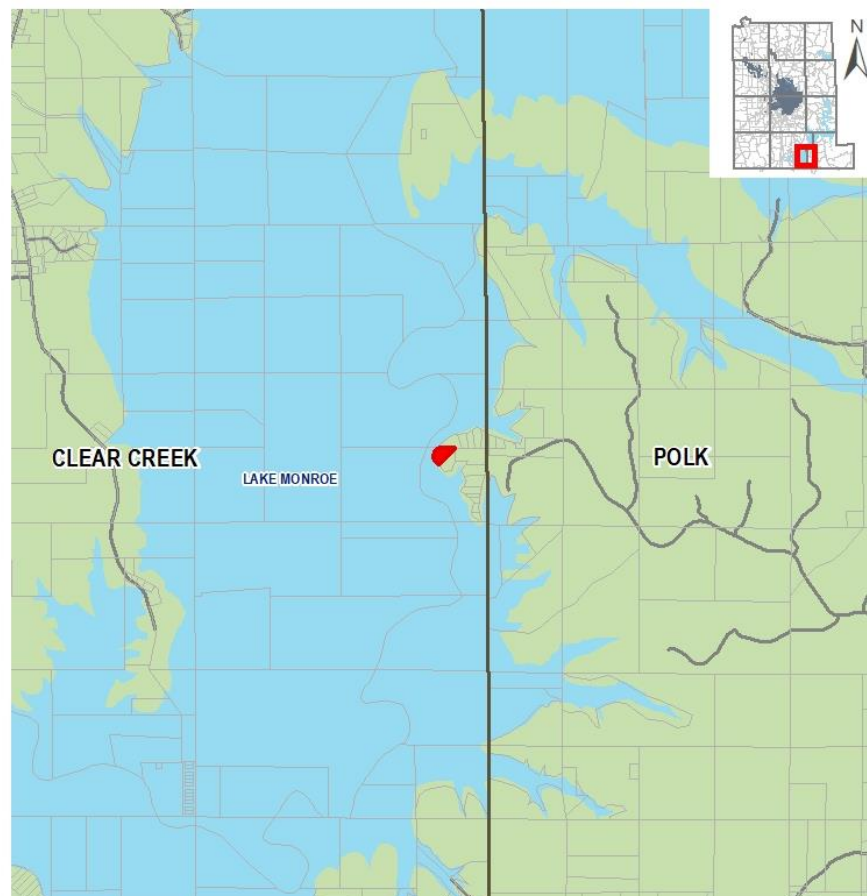
- Special Flood Hazard Area as specified in Chapter 808;
- Wetlands as specified in Chapter 801;
- Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations;
- Sinkhole Conservancy Areas as specified in Chapter 829;
- Drainage Easements as specified in Chapter 856;
- Riparian Conservancy Areas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

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



0 0.2 0.4 0.8 Miles



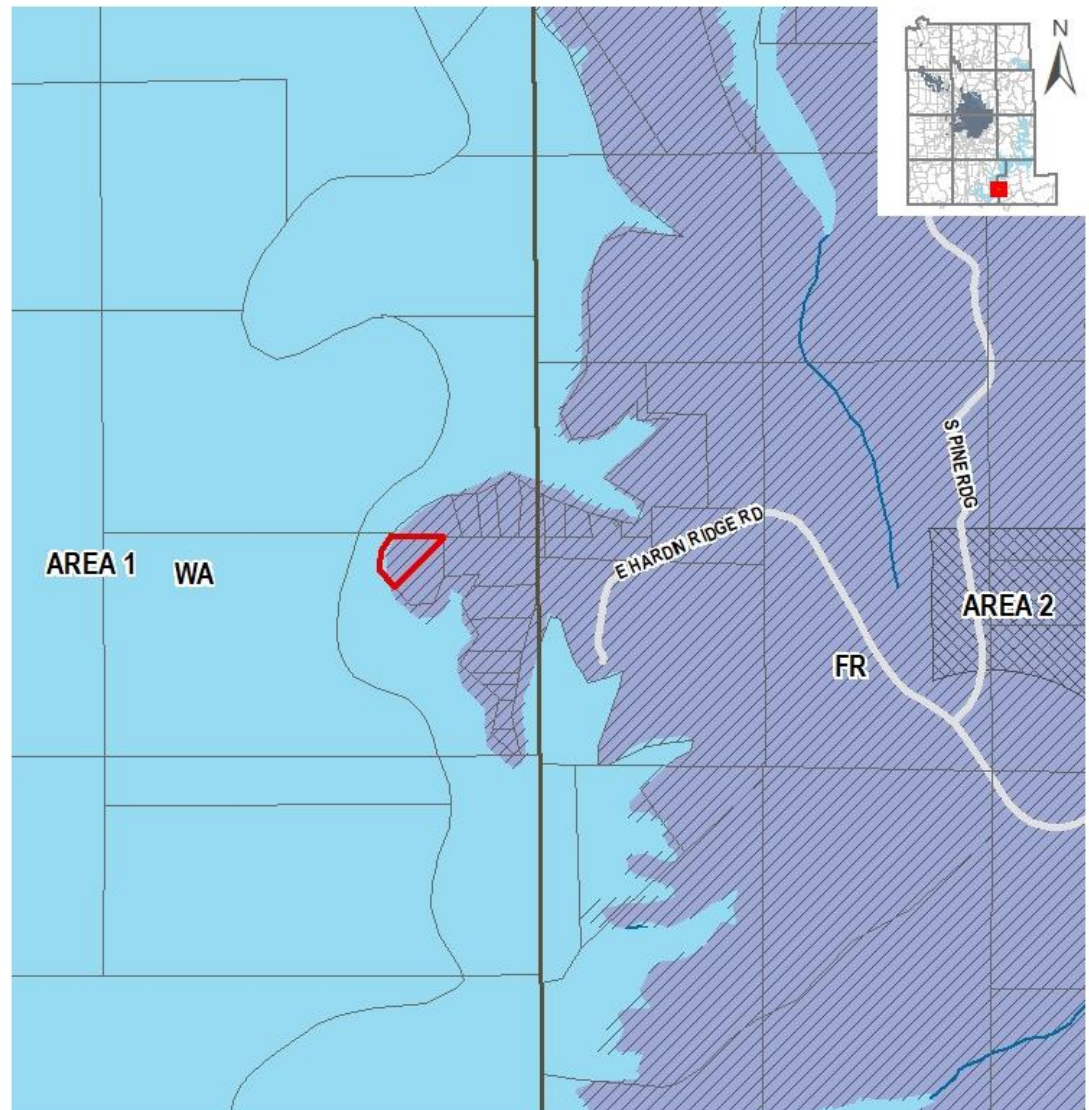
Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/11/2018

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. The surrounding uses are residential and recreational. Minimum Lot Size is 5 acres. The petitioner received a minimum lot variance to allow development on a 1.38 acre lot.

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

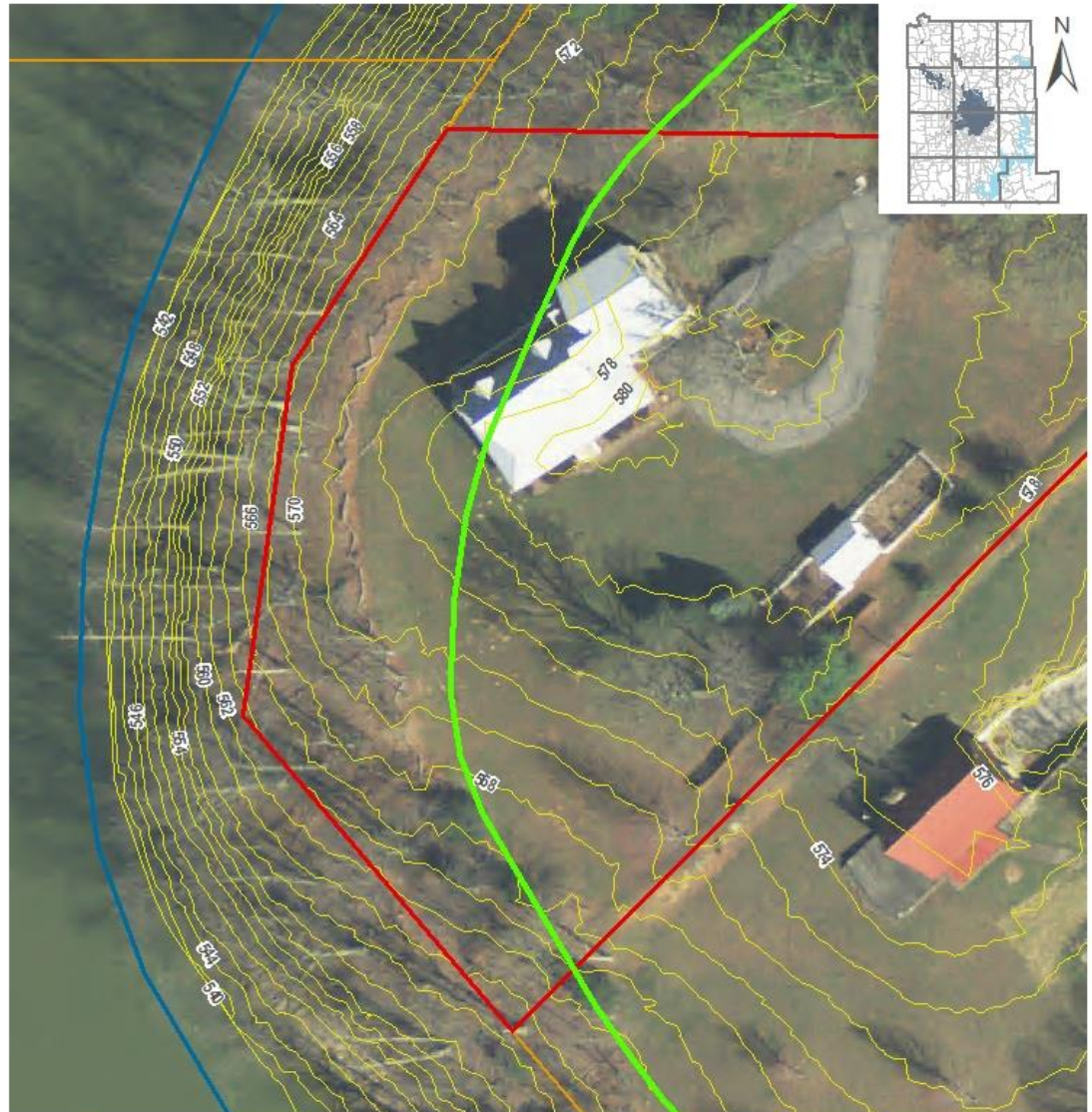
 Monroe County
Planning Department
Source: Monroe County GIS
Date: 10/11/2018

SITE CONDITIONS

The site currently has a personal residence built in 1994 with an attached garage added in 2006. The 1,100 sf addition and 495 sf patio permitted in 2019 is nearly complete but does not have a Certificate of Occupancy yet. The building lot width and side setbacks are met 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% and 15% on the site 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 after staff analysis. The site is served by an off site package plant for sewage treatment permitted by IDEM (Exhibit 2 & 4).

Site Conditions Map

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









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

Slope Map

-  Petitioner
-  Parcels
-  2-Foot Contours

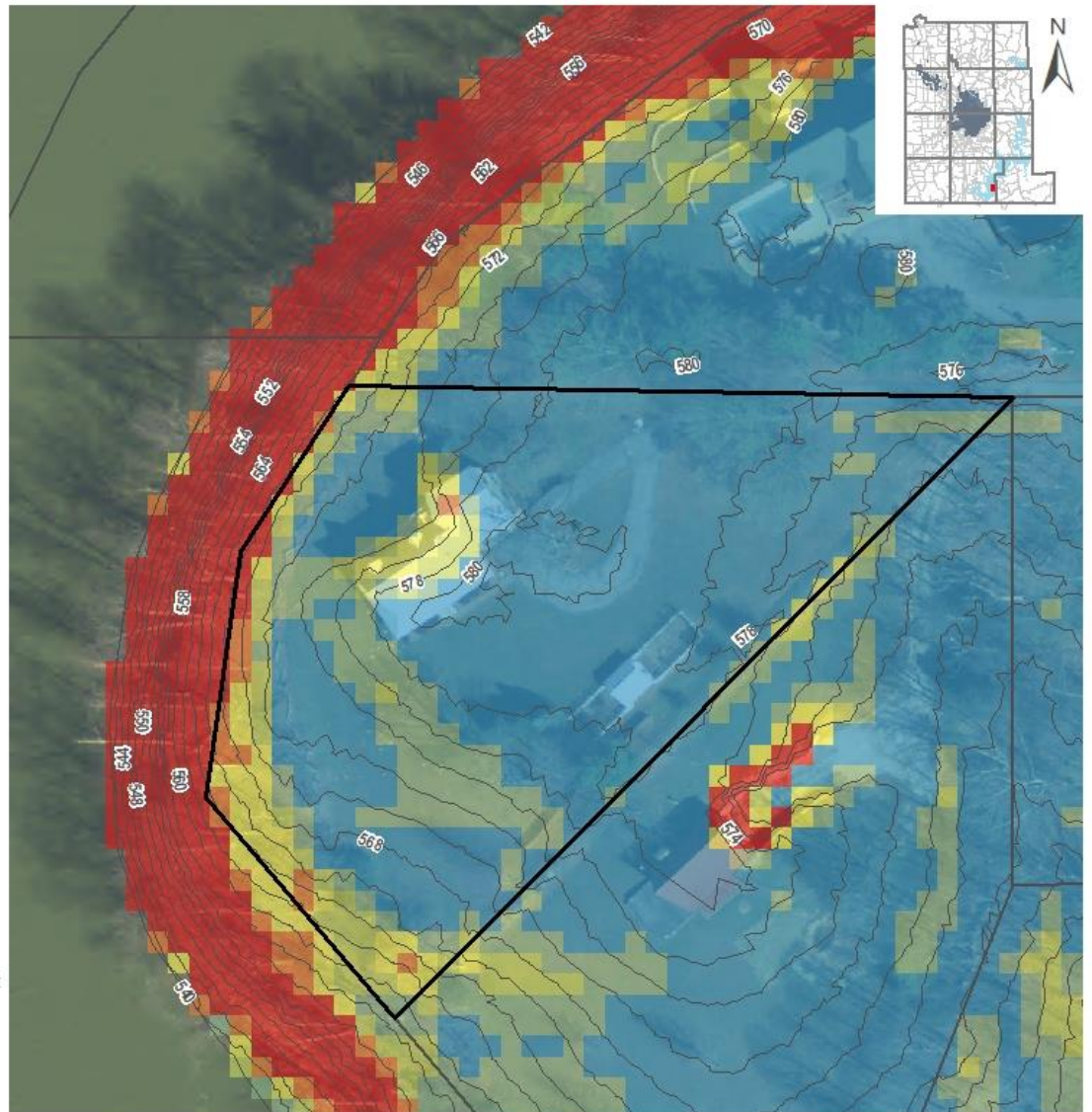
Percent Slope (2010)

-  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 northwest: view of the existing home and attached garage. The new 1,100 sf addition is also visible on the left as well as a shed.



Figure 2. Facing north, view of the new addition (left) and existing home and attached garage on the right.



Figure 3. Facing north: previous view (2018) of the area for the porch and home addition prior to permitting. Red arrow is for marking a similar view point to photo below.



Figure 4. New 495 sf porch and 1,100 sf addition (2020). Silt fence was added after a majority of the project was completed.



Figure 5. Facing east: view of the addition permitted in 2019.



Figure 6. Facing northeast: view of the addition and attached garage and buildable area.



Figure 7. Aerial facing east from April 2, 2020 showing construction of the addition but not yet the porch.



map: Auto (Oblique) ▾ Mar 2020 - Apr 2020 ▾ < image 1 of 15 > 04/02/2020

Figure 8. North aerial from April 2020, 495 sf patio has not been added.

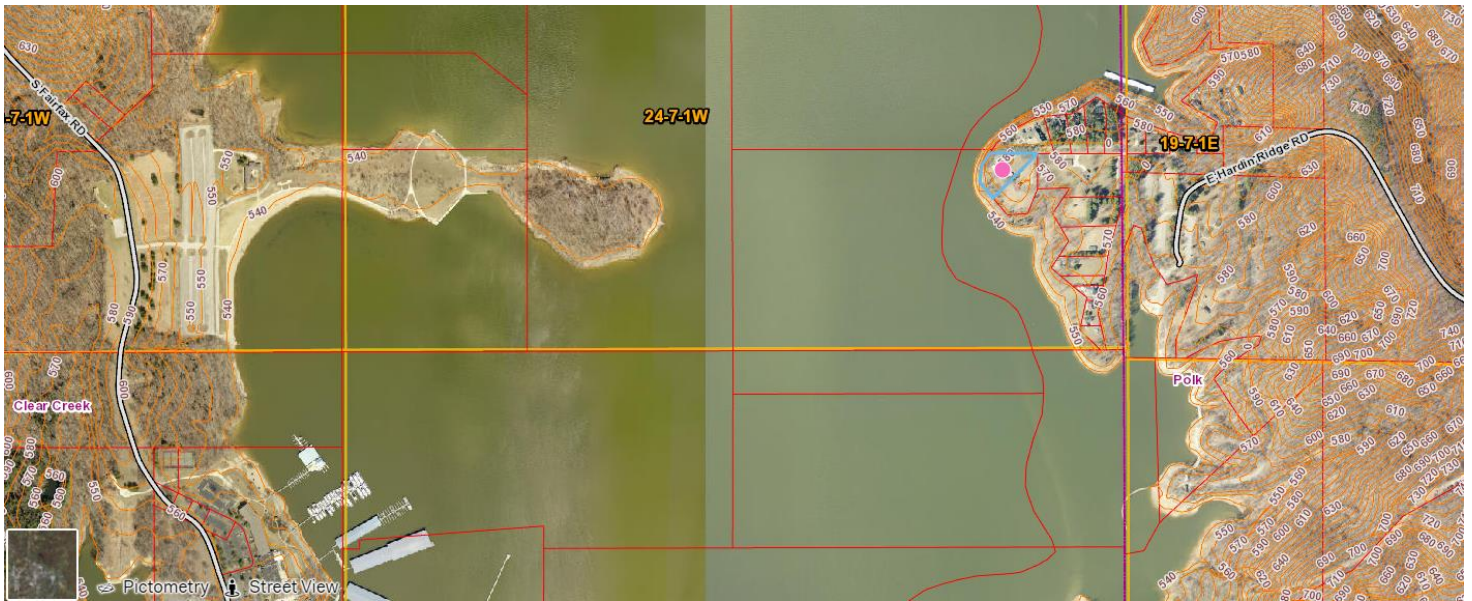


Figure 8. Aerial view depicting proximity to Lake Monroe public uses.

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.

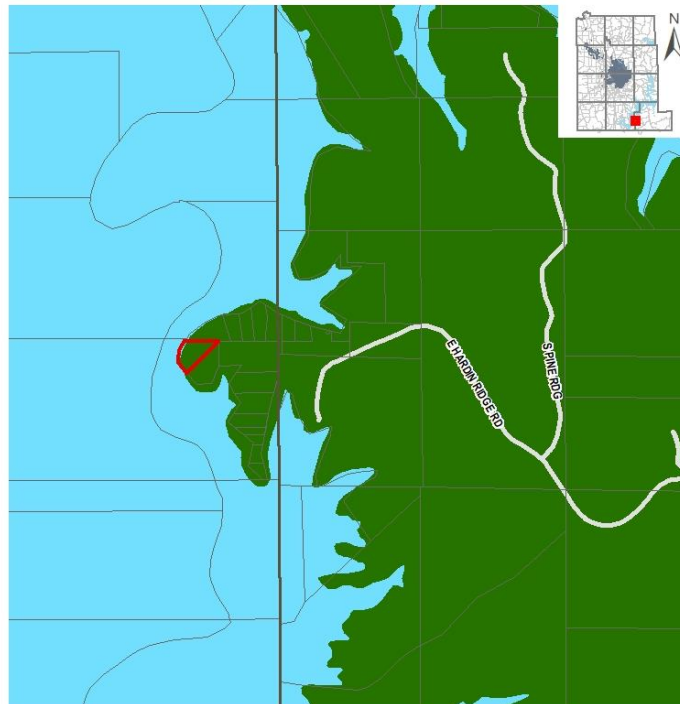
The result has been that large portions of Monroe County are privately held but undeveloped. They form the “rural” Monroe County. Our reservoir and lake watersheds are comprised of this land and provide high quality runoff collected in the water reservoirs, with benefit to all residents. The expanse 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 trust

Comprehensive Plan

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



0 0.075 0.15 0.3 Miles



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

FINDINGS OF FACT: 125' Lake Setback Chapter 825-3(A)

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 add a 25'x55' in-ground pool with concrete patio that is within the 125' lake setback;
- The parcel has an existing home, attached garage and with recently permitted 1,100 sf addition with 495sf porch;
- Proposed development requires two additional variances from slope and is taking advantage of a minimum lot size variance granted in 2018;
- The lake setback is 125' from the normal pool elevation of 538';
- A portion of the proposed in-ground pool will be within the 125' lake setback;
- The petition site is zoned Forest Reserve (FR) with ECO Area 1;
- The petitioner received a variance for minimum lot size in 2018 for an 1,100 sf addition and 495 sf porch on a 1.38 acre lot in the FR zone which normally requires 5 acres;
- The petitioner received a variance to expand a pre-existing non-conforming structure that was already in the 125' lake setback;
- There is no known karst on the property;
- The lot is bordered by the Army Corps of Engineers property that encompasses Lake Monroe;
- Lake Monroe may be considered by some to be a natural or scenic area;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- Approval of the variance allows an in-ground pool;
- 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 2018 variances allowed for an addition of approximately 1,100 square feet residential addition and a 495 square foot porch to an existing 2,762 square foot structure (4,357 sf total);
- The property is zone Environmental Constraint Overlay Area 1 (ECO1);
- Under Chapter 825-1 the purpose of the Environmental Constraints Overlay Zone is
 - (A) Protect and enhance the public health, safety and welfare by
 - (1) Preserving and enhancing the quality of the water supply for residential, industrial and public use;
 - (2) Recommending appropriate regulations for building sites, structures and land uses in the Monroe and Griffey Reservoir watersheds;
 - (3) Improving stormwater management in the watersheds;
 - (4) Preventing pollution, erosion, siltation and the loss of topsoil;
 - (5) Protecting the tax base from impairment due to unwise use of land; and
 - (6) Encouraging watershed mitigation areas.
 - (B) Protect and enhance resources as recreational and tourist attractions by
 - (1) Protecting water quality for fish and other aquatic life;
 - (2) Preserving shore cover and the natural beauty of the lakes and streams; and
 - (3) Enhancing and protecting forests, wildlife areas, wetlands, parks and recreational facilities for beneficial water management.
- Under 825-3(A)(1) There shall be no land disturbance of any kind within this [125'] setback, including construction;
- Two variances have been granted to this property and three additional variances are being requested;
- 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 site utilizes a packaging plant service for the sewage disposal system that is monitored by IDEM;
- Lake Monroe is used by numerous people for recreation including but not limited to boating, fishing, and observing nature;
- Lake Monroe is the primary water source for most citizens in Monroe County;
- 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);
- A pool is a residential accessory structure and not essential to a property;
- The pool and concrete patio footprint is 25'x55' but the construction limits of disturbance were not included;
- There are numerous other location on the petitioner's site the pool could be located that would not require three variances;
- The petitioner designed the 1,100 sf addition in 2018 and could have designed the addition to accommodate the pool's location at that time that would not require three additional variances;
- Any inconvenience accessing the pool in a different location is self-created by the manner in which they chose to remodel;
- If the variance is not granted, there are other locations on the property the pool could be located;
- Two additional variances for slope are needed to approve the proposed pool location;
- This is a self-created issue and there are not practical difficulties;

FINDINGS OF FACT: ECO Area 1 Slope Disturbance Chapter 825-4(A)(1)

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 add a 25'x55' in-ground pool with concrete patio in slopes greater than twelve percent;
- The parcel has an existing home, attached garage and with recently permitted 1,100 sf addition with 495sf porch;
- Proposed development requires two additional variances from Buildable Area and 125' lake setback and is taking advantage of a minimum lot size variance granted in 2018;
- The petition site is in the Environmental Constraints Overlay Area 1 with restriction from earth disturbance on slopes greater than twelve percent;
- A portion of the proposed in-ground pool will be on restricted slopes;
- It is likely that these slopes were previously disturbed without a variance for the purposes of constructing an addition and porch in 2019;
- The petition site is zoned Forest Reserve (FR) with ECO Area 1;
- The petitioner received a variance for minimum lot size in 2018 for an 1,100 sf addition and 495 sf porch on a 1.38 acre lot in the FR zone which normally requires 5 acres;
- The petitioner received a variance to expand a pre-existing non-conforming structure that was already in the 125' lake setback;
- There is no known karst on the property;
- The lot is bordered by the Army Corps of Engineers property that encompasses Lake Monroe;
- Lake Monroe may be considered by some to be a natural or scenic area;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- Approval of the variance allows an in-ground pool with concrete patio;
- 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 2018 variances allowed for an addition of approximately 1,100 square feet residential addition and a 495 square foot porch to an existing 2,762 square foot structure (4,357 sf total);
- The property is zone Environmental Constraint Overlay Area 1 (ECO1);
- Under Chapter 825-1 the purpose of the Environmental Constraints Overlay Zone is
(A) Protect and enhance the public health, safety and welfare by

- (1) Preserving and enhancing the quality of the water supply for residential, industrial and public use;
- (2) Recommending appropriate regulations for building sites, structures and land uses in the Monroe and Griffey Reservoir watersheds;
- (3) Improving stormwater management in the watersheds;
- (4) Preventing pollution, erosion, siltation and the loss of topsoil;
- (5) Protecting the tax base from impairment due to unwise use of land; and
- (6) Encouraging watershed mitigation areas.
- (B) Protect and enhance resources as recreational and tourist attractions by
 - (1) Protecting water quality for fish and other aquatic life;
 - (2) Preserving shore cover and the natural beauty of the lakes and streams; and
 - (3) Enhancing and protecting forests, wildlife areas, wetlands, parks and recreational facilities for beneficial water management.
- Under 825-4(A)(1) The maximum land slope upon which any land disturbance involved in construction of buildings, driveways, roads, parking lots, and utilities can occur shall be twelve (12) percent. The percent slope shall be measured as a six (6) foot fall in any fifty (50) foot distance. The design should be suited to the lot to minimize the amount of cut and fill.;
- Two variances have been granted to this property and three additional variances are being requested;
- 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 site utilizes a packaging plant service for the sewage disposal system that is monitored by IDEM;
- Lake Monroe is used by numerous people for recreation including but not limited to boating, fishing, and observing nature;
- Lake Monroe is the primary water source for most citizens in Monroe County;
- 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);
- A pool is a residential accessory structure and not essential to a property;
- The pool and concrete patio footprint is 25'x55' but the construction limits of disturbance were not included;
- There are numerous other location on the petitioner's site the pool could be located that would not require three variances;
- The petitioner designed the 1,100 sf addition in 2018 and could have designed the addition to accommodate the pool's location at that time that would not require three additional variances;
- Any inconvenience accessing the pool in a different location is self-created by the manner in which they chose to remodel.
- If the variance is not granted, there are other locations on the property the pool could be located;
- Two additional variances for slope are needed to approve the proposed pool location;
- This is a self-created issue and practical difficulties have not been demonstrated because the petitioner can reasonably address the slope issue by redesign or relocation of the proposed pool and patio.

FINDINGS OF FACT: Buildable Area Slope Chapter 804-4(E)

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 add a 25'x55' in-ground pool with concrete patio in slopes greater than fifteen percent;
- The parcel has an existing home, attached garage and with recently permitted 1,100 sf addition

with 495sf porch;

- Proposed development requires two additional variances from ECO Area 1 12% slope restrictions and 125' lake setback and is taking advantage of a minimum lot size variance granted in 2018;
- The petition site is in the Environmental Constraints Overlay Area 1 with restriction from earth disturbance on slopes greater than twelve percent;
- A portion of the proposed in-ground pool will be on restricted slopes;
- It is likely that these slopes were previously disturbed without a variance for the purposes of constructing an addition and porch in 2019;
- The petition site is zoned Forest Reserve (FR) with ECO Area 1;
- The petitioner received a variance for minimum lot size in 2018 for an 1,100 sf addition and 495 sf porch on a 1.38 acre lot in the FR zone which normally requires 5 acres;
- The petitioner received a variance to expand a pre-existing non-conforming structure that was already in the 125' lake setback;
- There is no known karst on the property;
- The lot is bordered by the Army Corps of Engineers property that encompasses Lake Monroe;
- Lake Monroe may be considered by some to be a natural or scenic area;
- Conclusion: It would not impair the stability of a natural or scenic area.

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

Findings:

- See findings under A (1);
- Approval of the variance allows an in-ground pool with concrete patio;
- 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 2018 variances allowed for an addition of approximately 1,100 square feet residential addition and a 495 square foot porch to an existing 2,762 square foot structure (4,357 sf total);
- Two variances have been granted to this property and three additional variances are being requested;
- Chapter 804 states, "Any building or structure constructed after October 2, 2015 must be located within a buildable area. The following shall not be included in the buildable area: Slopes 15% or greater as specified in Chapter 825 Area 2 Regulations";
- 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 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);
- A pool is a residential accessory structure and not essential to a property;

- The pool and concrete patio footprint is 25'x55' but the construction limits of disturbance were not included in the site plan;
- There are numerous other location on the petitioner's site the pool could be located that would not require three variances;
- The petitioner designed the 1,100 sf addition in 2018 and could have designed the addition to accommodate the pool's location at that time that would not require three additional variances;
- If the variance is not granted, there are other locations on the property the pool could be located;
- Any inconvenience accessing the pool in a different location is self-created by the manner in which they chose to remodel.
- Two additional variances for slope are needed to approve the proposed pool location;
- This is a self-created issue and practical difficulties have not been demonstrated because the petitioner can reasonably address the slope issue by redesign or relocation of the proposed pool and patio.

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

November 6, 2020

Dear Board of Zoning Appeals,

We purchased a house on Monroe Reservoir at 8041 Hardin Ridge Road in 2018. Last year we added an addition onto the existing house at the only location that was feasible. This addition was not in the 125 foot lake setback, but the existing house had a small portion in the setback, so a variance was obtained for the addition. Due to the location of the house and outside seating area, the most desirable location for a pool would be almost entirely in the 125 foot setback. We have attempted to move the proposed pool location as far south as possible to make it visible from outside seating locations for the safety of the children and to reduce the encroachment into the 125 foot setback. By doing this there is only a small corner of the proposed pool location inside the 125 foot lake setback. Also, while the existing LIDAR map shows a slope in this area of the property of at least 12 degrees, we have measured the existing slope (Per the Zoning Ordinance General Provisions) and do not believe the slope is 12 degrees and would be mitigated by the steps coming down from the existing patio anyway. While we do not believe the existing slope is greater than 12 degrees we are applying for the slope variances to ensure compliance. No trees will be disturbed and the portion in the 125 foot lake setback is less than 200 square foot, which is less than 15% of the proposed pool. As stated before if the pool is moved any more to the south it will make it more difficult to monitor children in the pool and it will not line up with the patio that currently exists. We appreciate your time and consideration in this matter.


Keith Dickerson


Julie Dickerson


Kyle Dickerson


Andrew Dickerson


Taylor Dickerson

EXHIBIT TWO: Site Plan

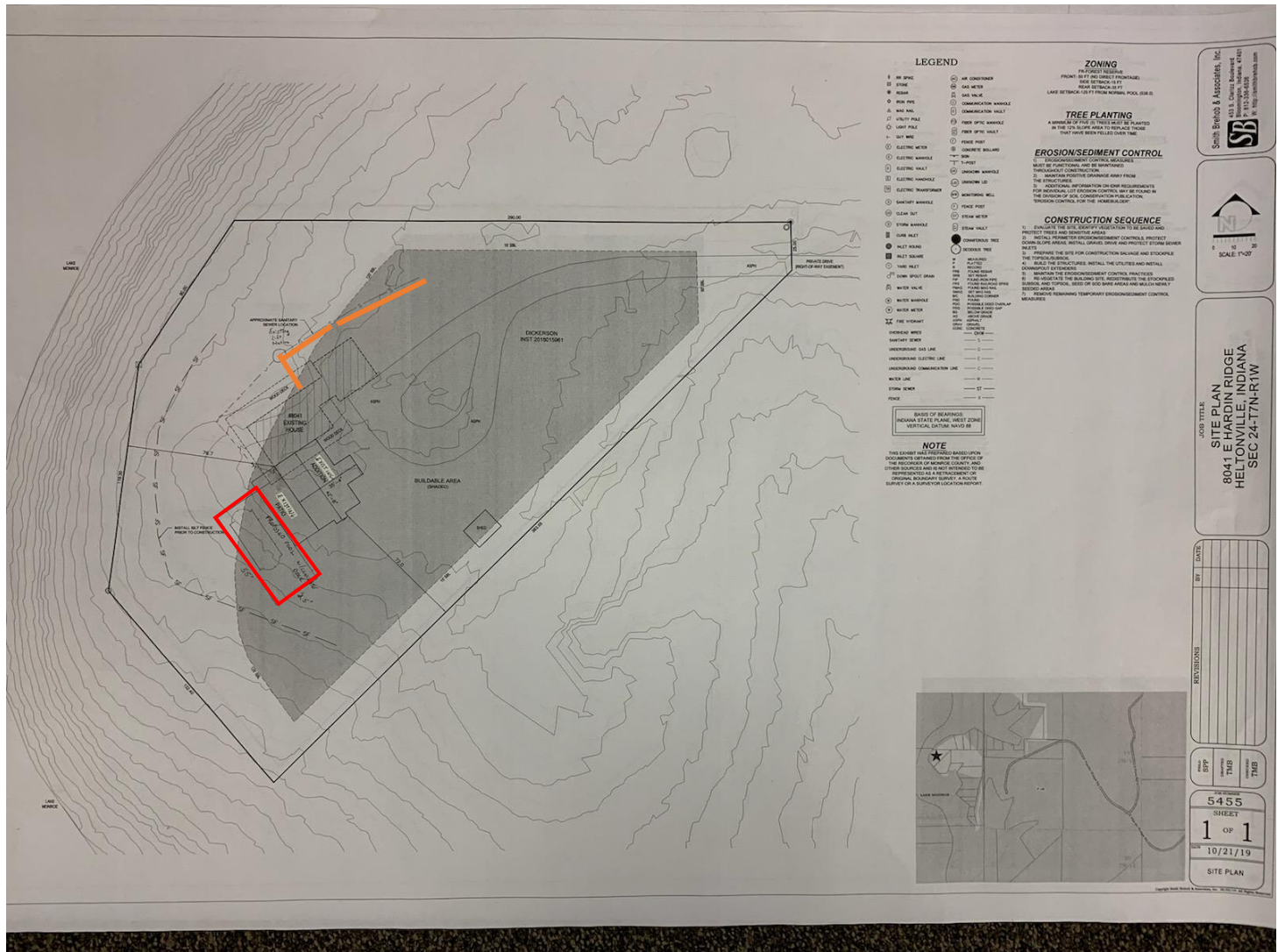


EXHIBIT THREE: Pool Plan additional concrete patio not shown

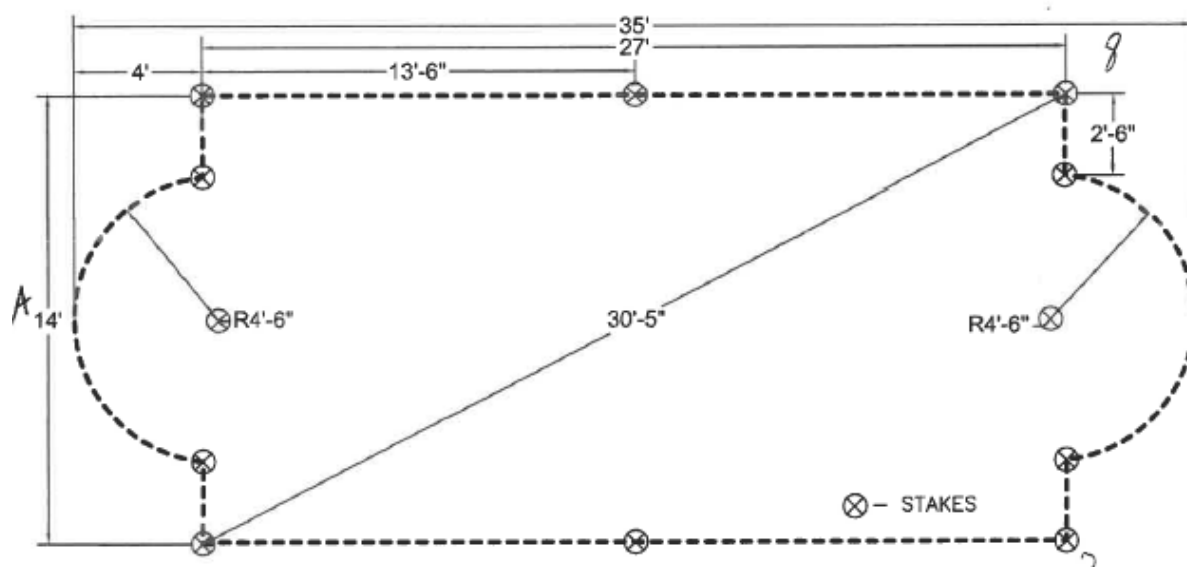
Step 2. POOL LAYOUT

When laying out the pool, note that the dimensions are to the outside edge of the pool beam. Most permit plans are measured to the water's edge. The coping of a Latham fiberglass pool is approximately 4" to 6" on all sides. There is generally a difference of 8" to 12" between the length and width dimensions in the installation guide and those of the permit plans in most cases (see the Latham fiberglass pool specification document for exact inside and outside dimensions for each model). Overall length and width measurements may vary up to 3%. Depending on the customer and the local building inspector, this fact can be a critical consideration. Distances between the water's edge to most property lines, electrical lines, and other structures such as houses, garages, sheds and patios must be exact to plan specifications.

Start by laying out the pool template or with a 14' wide by 27' long rectangle with diagonal measurements of 30'-5". Next, lay-out the center point, making sure the center lines are at 90 degrees. Stake each point around the perimeter of the pool as shown in Figure 1. Connect each stake with string. Denote the location of the skimmer with a 2'x2' box outside of the pool layout. Use spray paint to follow the contour of the string. The outline will be the shape of the outside dimensions of the pool shell. Remove the string and stakes, leaving only the outline of the pool. Be sure to mark tanning ledge location, if any.

NOTE: Latham Pool Products offers yard templates for each pool model offered. The yard templates are reusable and are the dimensions of the shell. If using a yard template, simply lay the template out in the yard where the pool is to be set and paint a line on the edge of the template.

Figure 1 - Excavation Dimensions



Step 3. ELEVATION

Elevation and grade of the pool area are two of the most often overlooked or miscalculated variables in the installation process. While considering all the variables concerning elevation and grade, always remember that you want water to run away from the pool. Before excavation, use the provided Form 1 – INSTALLATION PLANNING GUIDE to calculate all critical measurements.

Check the four corners of the pool layout with the aid of a transit level or a sight level to determine the highest corner. This corner will be used in planning the elevation of the pool. In a typical installation, the elevation of the pool should be 4-6 inches above the highest point of the existing grade around the pool. However, careful consideration should be given to pool type, size and drainage of the future pool deck, as well as the elevation of the surrounding landscape and existing structures, patios and sidewalks.

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	2011-VAR-95
PLANNER	Anne Crecelius
PETITIONER	Doug Bancel
REQUEST	Design Standards Variance: Chapter 804 Front Yard Setback
ADDRESS	9308 N Gray Ave
ACRES	0.9 +/-
ZONE	SR
TOWNSHIP	Benton North
SECTION	35
PLATS	Wolff's First Addition Subdivision Final Plat Amd. 1, Lots 34 & 35
COMP PLAN	Rural Residential
DESIGNATION	

EXHIBITS:

- 1) Petitioner Letter
- 2) Site Plan

RECOMMENDED MOTION:

Deny the design standard variance from the Front Yard Setback requirement of Chapter 804 of the Monroe County Zoning Ordinance based on the findings of fact specifically findings (C).

SUMMARY

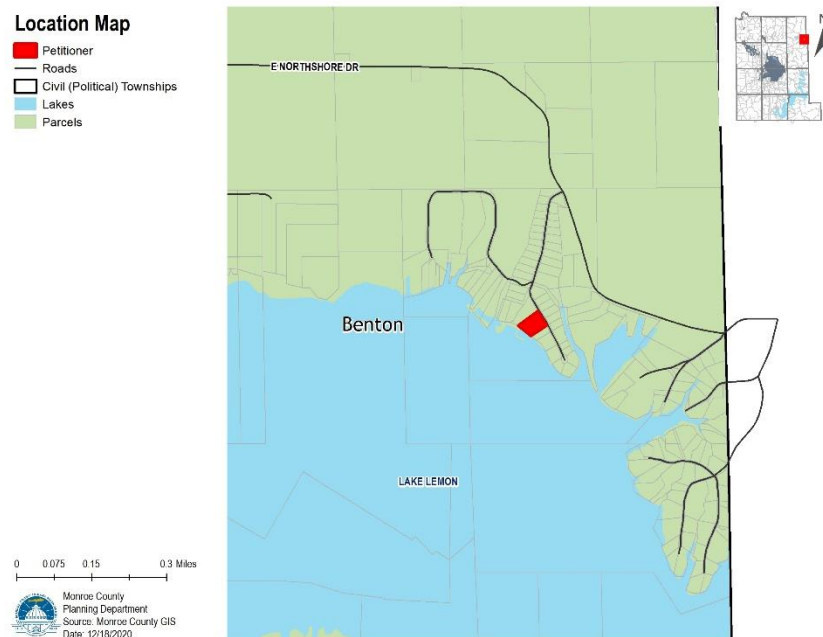
The petition site is a 0.90 +/- acre lot located in Benton North Township, at 9308 N Gray Avenue. The petitioner is requesting a design standard variances from the Front Yard Setback requirement of Chapter 804 of the Monroe County Zoning Ordinance. The variance requested are for the purpose of issuing an after-the-fact Improvement Location Permit (ILP) for a Residential Accessory Structure that was constructed without a permit that's encroaching approximately 20' into the front yard setback.

BACKGROUND

The petitioner has been working with the Zoning Inspector to apply for an after-the-fact permit for a 196 sf shed. The new structure was built without an approved building permit. Exhibit 2 shows the site plan. The structure is located approximately 20' from the edge of pavement of N Gray Ave. front property boundary. The petition site is platted as Wolff's First Addition Subdivision with N Gray Ave having dedicated right-of-way of 30'. The structure setback for this area would be 40' from centerline (15' RoW plus 25' front yard setback). This is an approximate encroachment of 20'. If approved this variance will allow the structure to remain in its location. If denied, the petitioner will be required to comply with the 25' front yard setback from the Right of Way.

LOCATION MAP

The parcel is located in Benton North Township, Section 35, addressed as 9308 N Gray Ave (parcel number: 53-01-35-101-047.000-003).



ZONING AND LAND USE

The property is zoned Suburban Residential (SR). Adjacent properties are zoned SR. The petition site is a residential use. Surrounding properties are also a residential use.



SITE CONDITIONS & SLOPE

The petition site contains a 2,184 sf home built in 1960 per the property tax report. The property is accessed from a driveway off North Chapel Hill Road, a designated Local Road. The proposed DADU has an approved septic location permit on file in addition to an approved driveway permit. There are no known karst features or FEMA floodplain. The petition site consists of mainly slopes less than 15%. Drainage from the proposed DADU is not expected to affect this pattern.

Site Conditions Map

- Petitioner
- 2-Foot Contours
- Local Roads [50']
- FEMA Floodplain
- Lakes
- Hydrologic Features
- Parcels

0.00 0.0035 0.007 0.0105 0.014 Miles

Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/18/2020

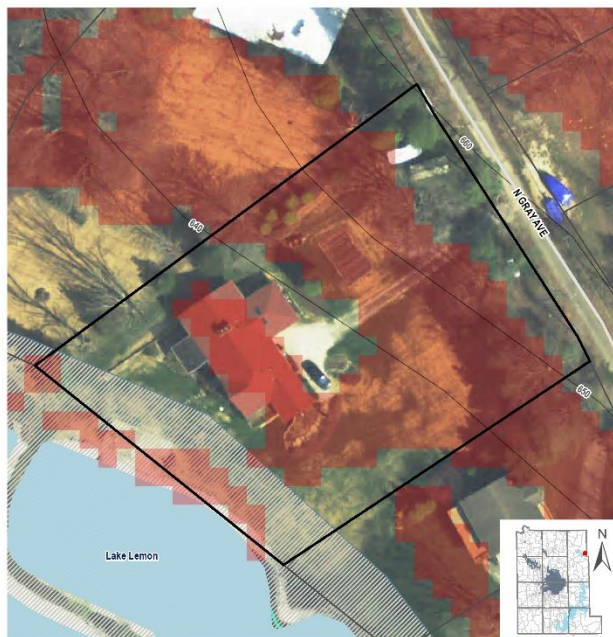


Slope Map

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

0 12.5 25 50 75 Ft

Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/18/2020



SITE PICTURES



Photo 1: Pictometry photo looking north.



Photo 2: Pictometry photo looking south.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the “Rural Residential” zoning district of the Monroe County Comprehensive Development Plan.



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

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

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

FINDINGS OF FACT: Front Yard Setback

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

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

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

Findings:

- The site is 0.9 +/- acres and is Suburban Residential (SR);
- Lake Lemon borders the property;
- Lake Lemon is a scenic area;
- There are no visible karst features on the site;
- The petition contains FEMA floodplain because of proximity to Lake Lemon on the southwestern edge;
- The site contains a Single Family Residential structure constructed in 1950 and multiple pre-existing non-conforming Residential Accessory Structures;
- The new structure was built without an approved building permit;
- The SR zone requires a 25' front yard setback;
- The petition site is platted within the Wolff's First Addition Subdivision with a 15' dedicated Right of Way on each side of the road (30' total);
- The structure is located approximately 20' from the centerline of N Gray Ave;
- Approval of this variance would allow the structure to remain in its current location;
- **Conclusion:** The approval could impair the stability of a natural or scenic area.

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

Findings:

- See findings under A(1);
- The site is accessed off of N Gray Ave, a Local road which is County-maintained;
- The site has access to water and a septic system;
- Encroachment into the front yard setback could impair the ability to maintain utilities or road maintenance;
- **Conclusion:** It could interfere with or make more dangerous, difficult, or costly, the use, installation, or maintenance of existing or planned transportation and utility facilities.

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

Findings:

- See findings under A(1) and A(2);
- The use of the petition site and adjacent properties is residential;
- The Comprehensive Plan designates this area as Rural Residential;
- The character of the surrounding properties consists of single family residential development along the Lake Lemon waterfront;

- Other development in this area along N Gray Avenue is generally built close to the right-of-way due to the nature of the buildable/more level terrain being adjacent to the road and the proximity to the lake;
- Front yard encroachments, while present in the area, are not the intention of the district, which was platted with setback requirements;
- **Conclusion:** The character of the property included in the variance would be altered in a manner that substantially departs from the characteristics sought to be achieved and maintained with the relevant zoning district.

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

Findings:

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

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

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

Findings:

- See findings under A(1), A(2), and A(3);
- The petitioner is applying for a front yard setback variance;
- **Conclusion:** Approval of the variance would satisfy the design standard sought to be varied.

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

Findings:

- See findings under A(1) and A(2);
- The structure is located 2' from the property boundary, an encroachment of 20' into the 25' front yard setback;
- Approval of this variance would allow the structure to remain in its current location;
- **Conclusion:** It would not promote conditions (on-site or off-site) detrimental to the use and enjoyment of other properties in the area (e.g., the ponding of water, the interference with a sewage disposal system, easement, storm water facility, or natural watercourse, etc.).

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

Findings:

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

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

Findings:

- See findings under A(1);
- The petitioner was aware of the requirement for a building permit having been in contact with the Monroe County Zoning Inspector before constructing the building;
- The petitioner constructed the building without approved building permits therefore practical difficulties do not exist;
- **Conclusion:** There are **not practical difficulties** in the use of the property as defined in Chapter 801;

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

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

9308 GRAY AVE, UNIONVILLE

Request for Setback Variance

November 18, 2020

Board of Zoning Appeals
Monroe County, Indiana

Re: Setback Variance for Garden Shed

Address: 9308 Gray Ave, Unionville, IN 47468

Parcel # 53-01-35-101-047.000-003

Legal Desc: 003-00720-00 Wolffs 1st Lots 34 & 35

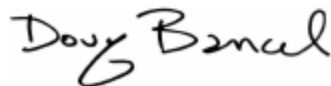
Owners: Doug and Diane Bancel

This is a request for a front setback variance of 20 feet from the edge of Gray Ave for my 12'x14' garden shed. This is 25 feet from the road centerline and 5 feet beyond the 15 foot right-of-way.

This location in the top, north corner of the property, nearest the road, is by far the most desirable and logical location for the garden shed. The top 40 to 50 feet off the property is relatively flat while the middle section averages 15% slope. The foot of the property nearest the lake is flat again, but is undesirable and could flood.

Gray Avenue is a private road that runs along the top of a ridge south from North Shore Drive to a dead end at the last property on a peninsula on Lake Lemon. Due to the shape of the ridge, 7 of the 9 of the existing houses along this peninsular section of Gray Ave are constructed within 20 feet the edge of the road. Because of this precedent, and the obvious practicality of the proposed location, none the neighbors object. Please approve this variance.

Thank you,

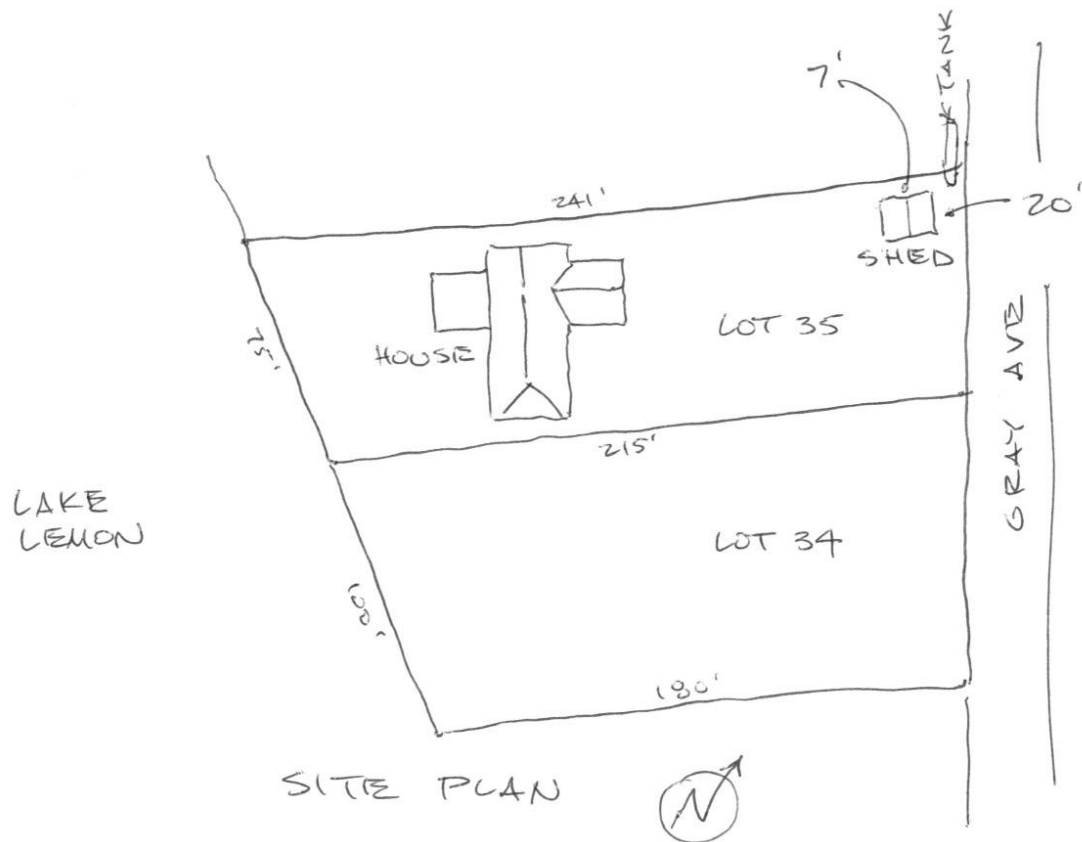


Doug Bancel

EXHIBIT TWO: Site Plan

7/20/20

DOUBLE GARDEN SHED
9308 GRAY AVE, UNIONVILLE, IN
DOUG BANCEL 312-515-0077



MONROE COUNTY BOARD OF ZONING APPEALS**January 6, 2021**

CASE NUMBER: 2012-CDU-06
PLANNER: Tammy Behrman
PETITIONER(S): Monroe Fire Protection District c/o Ferguson Law.
REQUEST: Conditional Use, Chapter 813
Fire Station
ADDRESS: 285 E Rhorer Road
ZONING: Multi-family Residential 15 (RM 15)
ACRES: 0.94 acres +/-
TOWNSHIP: Perry
SECTION(S): 16
PLAT(S): n/a
COMPREHENSIVE PLAN DESIGNATION: MCUA Mixed Residential

EXHIBITS:

1. Petitioner Letter
2. Petitioner Conditional Use Findings
3. Site Plan

RECOMMENDED MOTIONS:

Approve the conditional use request for Fire Station based on the findings of fact.

SUMMARY

The petition site is a 0.94 +/- acre parcel located in Perry Township and maintains frontage along E Rhorer Road and S Kennedy Drive. The road classification of E Rhorer Road is Minor Arterial and N Kennedy Drive is Local. The property currently contains an existing 2300 sf residence with attached garage. The Fire Station 22 is located directly to the north and adjacent to the petitioner site.

The owner of the property is Monroe Fire Protection District, which has owned the property since 2010. This property will not undergo any exterior changes as part of this request. The property will be used to house the battalion chief(s). The former residence will undergo minor interior remodeling and, as required through a change of use site plan, landscaping will be added to the property. Planning staff has preliminarily approved the site plan (2012-SIT-37) barring any conditions required by the Board of Zoning Appeals.

LOCATION MAP

The parcel is located at 285 E Rhorer RD Perry Township Section 16.

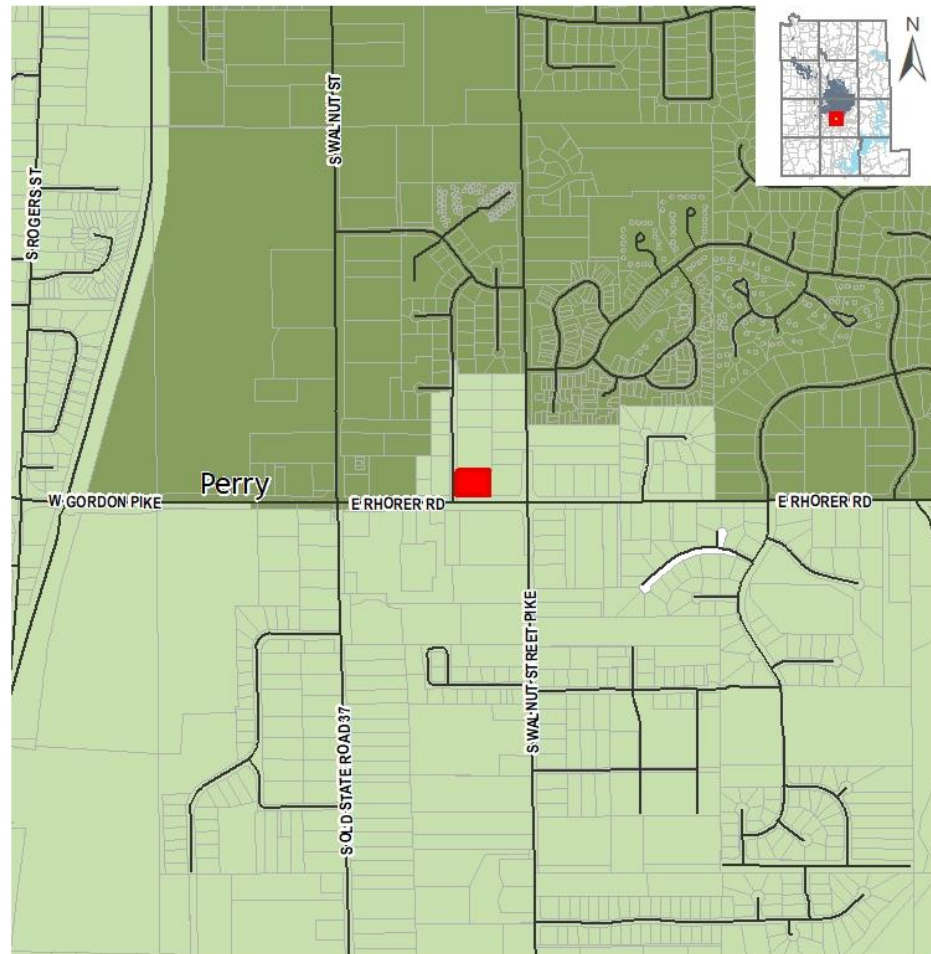
Location Map

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

0 0.075 0.15 0.3 Miles

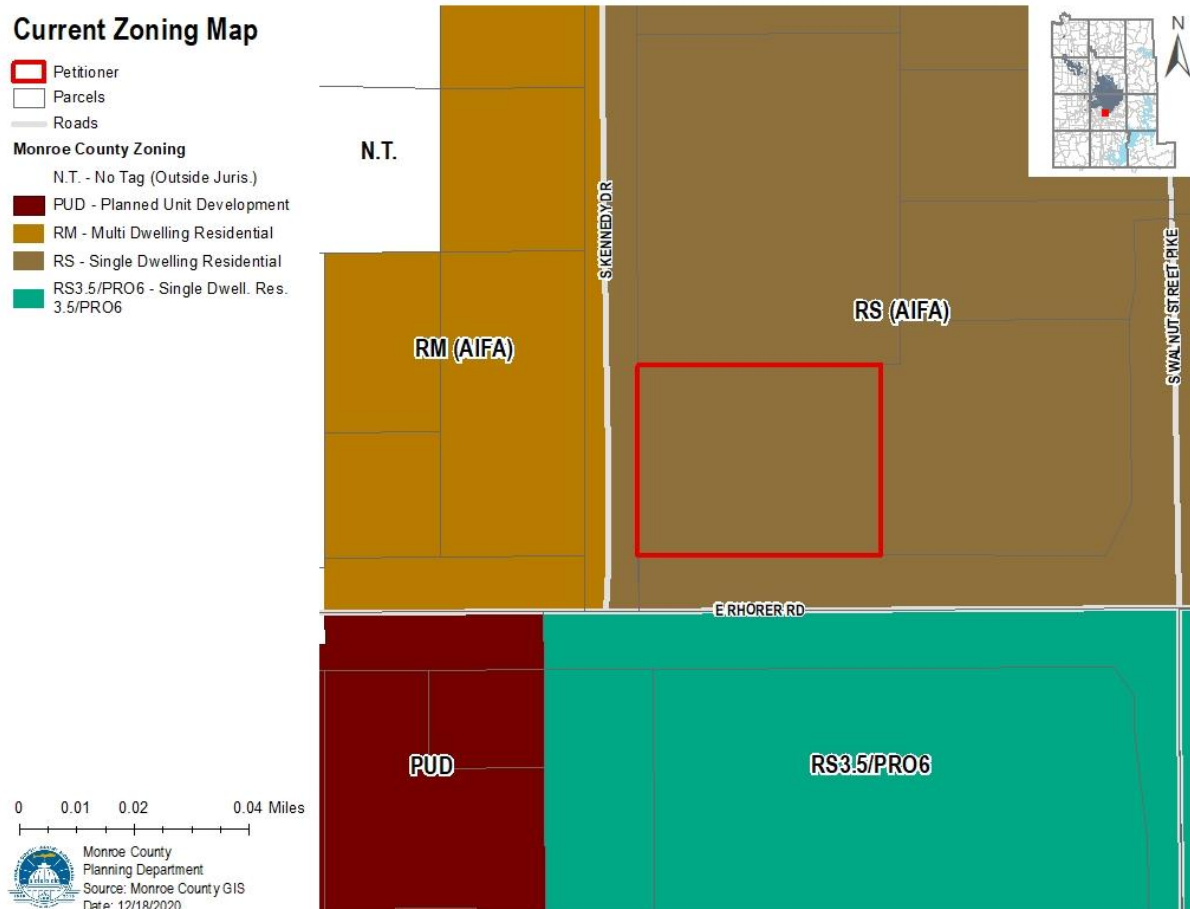


Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/18/2020



ZONING AND LAND USE

The site is zoned Multi-Dwelling Residential 15 (RM15) after a recent determination about former AIFA zones. Surrounding uses are North: Fire station; East: Childcare Facility, South & West: Residential. Kroger shopping area is located southwest of the site in the PUD.



SITE CONDITIONS:

The site currently has vacant residence of 2,300 sf built in 1960. The site is serviced by a recently upgraded driveway to E Rhorer RD. There is a side path along E Rhorer Road and recently relocated overhead powerlines. The site is serviced by City of Bloomington Utilities for water and sewer. There is no floodplain and there are no known karst features on the site.

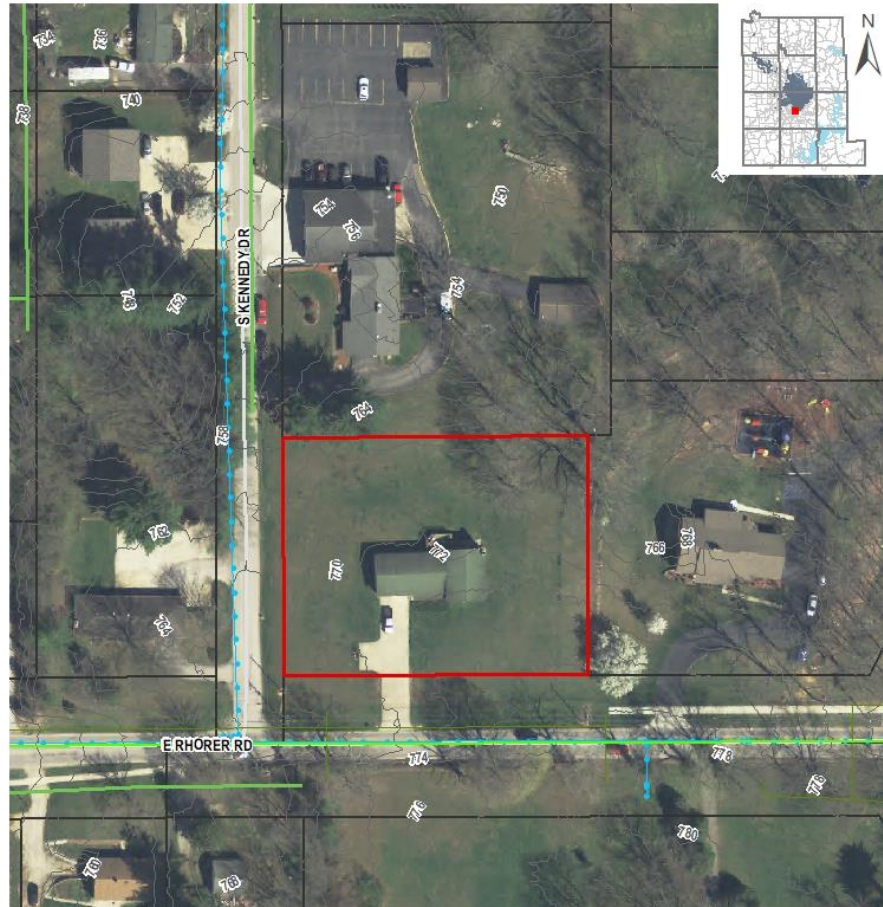
Site Conditions Map

- Minor Arterial [100]
- Petitioner
- Sanitary Pipe
- Water Pipe
- Storm Water
- 2-Foot Contours
- Local Roads [50']
- Parcels

0.00325065 0.013 0.0195 0.026 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/18/2020



SITE PHOTOS



Figure 1. Facing east along E Rhorer RD. Updated utilities and side path shown.



Figure 2. Facing south: view of active fire station to the north along S Kennedy DR.



Figure 3. Facing west along E Rhorer RD. Southside Kroger on the left.



Figure 4. Facing northwest: view of the existing residence and fire station in the background.

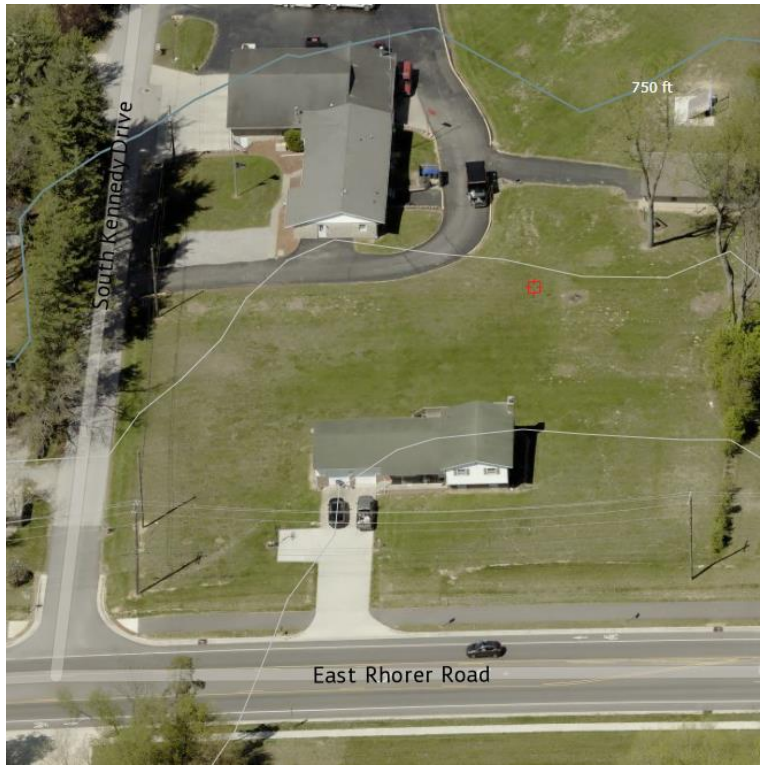


Figure 5. Aerial view of the petition site from April 2020.



Page 1 of 15 > 04/20/2020

Figure 6. Aerial view of petition site and surrounding area. April 2020

COMPREHENSIVE PLAN DISCUSSION

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

5.1.1 Mixed Residential

Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity.

These neighborhoods are intended to serve growing market demand for new housing choices among the full spectrum of demographic groups. Residential buildings should be compatible in height and overall scale, but with varied architectural character. These neighborhoods are often located immediately adjacent to mixed-Use districts, providing a residential base to support nearby commercial activity within a walkable or transit-accessible distance.

A. Transportation

Streets

Streets in mixed residential neighborhoods should be designed at a pedestrian scale. Like mixed-Use districts, the street system should be interconnected to form a block pattern, although it is not necessary to be an exact grid. An emphasis on multiple interconnected streets which also includes alley access for services and parking, will minimize the need for collector streets, which are common in more conventional Suburban residential neighborhoods. Cul-de-sacs and dead-ends are not appropriate for this development type. Unlike typical Suburban residential subdivisions, mixed residential development is intended to be designed as walkable neighborhoods. Most residents will likely own cars, but neighborhood design should de-emphasize the automobile.

Bike, pedestrian, and Transit modes

Streets should have sidewalks on both sides, with tree lawns of sufficient width to support large shade trees. Arterial streets leading to or through these neighborhoods may be lined with multi-use paths. Neighborhood streets should be designed in a manner that allows for safe and comfortable bicycle travel without the need for separate on-street bicycle facilities such as bike lanes. As with mixed-Use districts, primary streets in mixed residential neighborhoods should be designed to accommodate transit.

B. Utilities

Sewer and water

The majority of mixed residential areas designated in the land Use Plan are located within existing sewer service areas. Preliminary analysis indicates that most of these areas have sufficient capacity for additional development. Detailed capacity analyses will be necessary with individual development proposals to ensure existing infrastructure can accommodate new residential units and that agreements for extension for residential growth are in place.

Power

Overhead utility lines should be buried to eliminate visual clutter of public streetscapes and to minimize system disturbance from major storm events.

Communications

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

C. Open space

Park Types

Pocket parks, greens, squares, commons, neighborhood parks and greenways are all appropriate for mixed residential neighborhoods. Parks should be provided within a walkable distance (one-eighth to one-quarter mile) of all residential units, and should serve as an organizing element around which the neighborhood is designed.

Urban Agriculture

Community gardens should be encouraged within mixed residential neighborhoods. These may be designed as significant focal points and gathering spaces within larger neighborhood parks, or as dedicated plots of land solely used for community food production.

D. Public Realm Enhancements

Lighting

Lighting needs will vary by street type and width but safety, visibility and security are important. Lighting for neighborhood streets should be of a pedestrian scale (16 to 18 feet in height).

Street/Site furnishings

Public benches and seating areas are most appropriately located within neighborhood parks and open spaces, but may be also be located along sidewalks. Bicycle parking racks may be provided within the tree lawn/ landscape zone at periodic intervals.

E. Development Guidelines

Open Space

Approximately 200 square feet of publicly accessible open space per dwelling unit. Emphasis should be placed on creating well-designed and appropriately proportioned open spaces that encourage regular use and activity by area residents.

Parking Ratios

Single-family lots will typically provide 1 to 2 spaces in a garage and/or driveway. Parking for multi-family buildings should be provided generally at 1 to 1.75 spaces per unit, depending on unit type/number of beds. On-street parking should be permitted to contribute to required parking minimums as a means to reduce surface parking and calm traffic on residential streets.

Site design

Front setbacks should range from 10 to 20 feet, with porches, lawns or landscape gardens between the sidewalk and building face. Buildings should frame the street, with modest side setbacks (5 to 8 feet), creating a relatively continuous building edge. Garages and parking areas should be located to the rear of buildings, accessed from a rear lane or alley. If garages are front-loaded, they should be set back from the building face. Neighborhoods should be designed with compatible mixtures of buildings and unit types, rather than individual subareas catering to individual market segments.

Building form

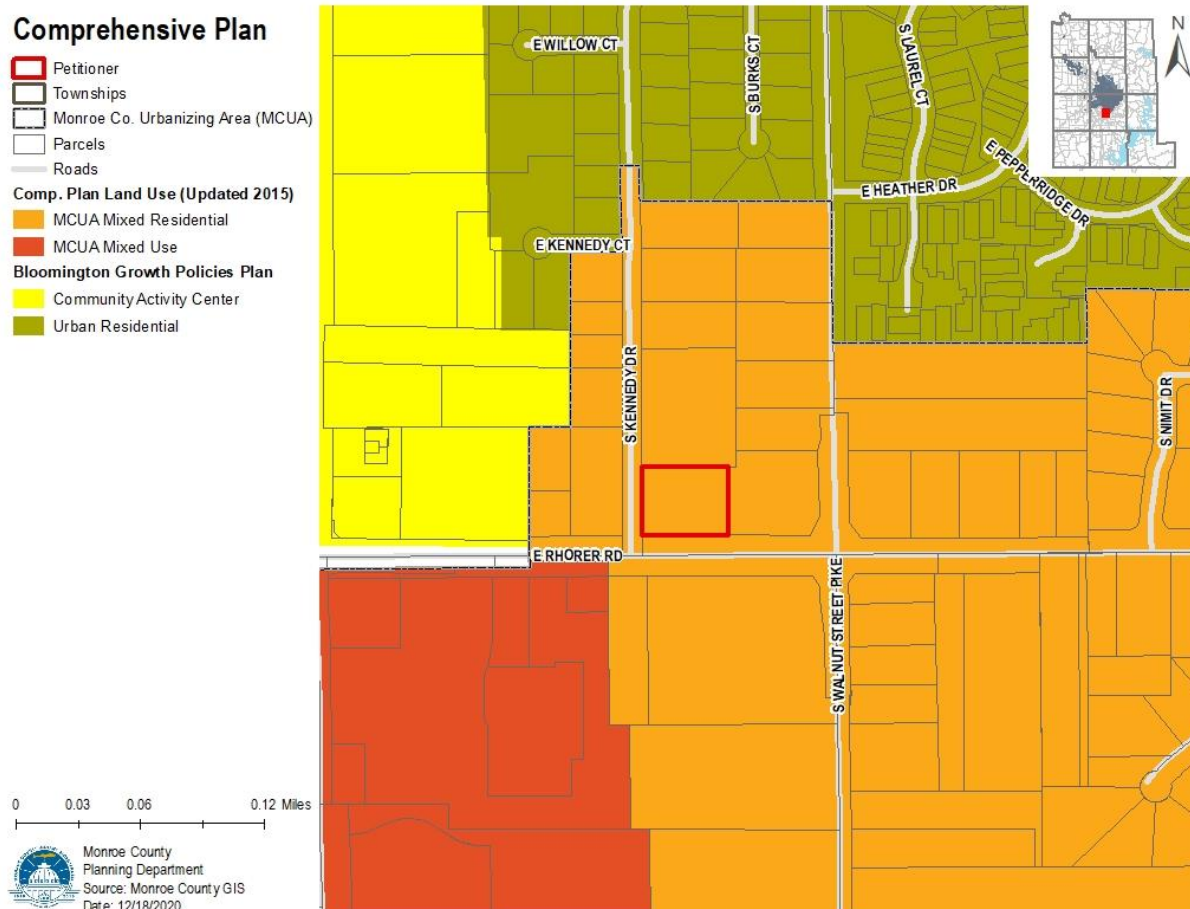
Neighborhoods should be designed with architectural diversity in terms of building scale, form, and style. Particular architectural themes or vernaculars may be appropriate, but themes should not be overly emphasized to the point of creating monotonous or contrived streetscapes. Well-designed neighborhoods should feel as though they have evolved organically over time.

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

Mixed residential neighborhoods should not feel like a typical tract subdivision. It may be appropriate for neighborhoods to include gateway features and signs, but these should be used sparingly and in strategic locations, rather than for individually platted subareas.



FINDINGS OF FACT:

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 “Fire Station” in the Use Table in Chapter 833-3 of the Monroe County Zoning Ordinance;
- Criteria for the Fire Station Conditional Use are listed in Chapter 813 are addressed separately in findings below;
- The petition property is zoned Multi-family Residential 15 (RM15) and the fire station use is conditional;

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

Findings:

- The petitioner has requested the use of Fire Station within the 2300 sf building existing on site;
- Planning staff has preliminarily approved a Change of Use site plan barring any conditions at the BZA hearing that may be imposed;
- Any further development will require Building Department and Planning Review;

- (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 Fire Station as a conditional use in the RM15 zone;
- The Comprehensive Plan designates the site as MCUA Mixed Residential;
- MCUA Mixed Residential designation encourages residential uses;
- The Comprehensive Plan states: “Mixed residential neighborhoods accommodate a wide array of both single-family and attached housing types, integrated into a cohesive neighborhood. They may also include neighborhood commercial uses as a local amenity;”
- RM15 zoning minimum lot size requirement is 0.115 acres;
- The petition site is 0.94 +/- acres;
- The petitioner’s finding states, “*granting the conditional use will not conflict with the general purposes of the Zoning Ordinance or with the goals and objectives of the comprehensive plan. The District is expanding January 1, 2021, to include the unincorporated areas of Van Buren and Bloomington Townships. At that time, the District will need more officers on duty. The Property will be used as an additional building for Fire Station 11, which is located directly to the north of the Property. Battalion Chiefs will spend their shifts at the Property and respond to emergency runs from the Property. One or two personnel will be at the Property at a time--either Battalion Chiefs or the Chief. The use of this Property as a fire station will “promote the public health, safety, morals, comfort, convenience and general welfare of the County.” (800-2(B)) The Property’s location next to existing Fire Station 11 makes it an ideal location, as it will allow the Battalion Chiefs to easily coordinate with the firefighters in Fire Station 11. The Property can be utilized for the District’s proposed purpose with minimal changes to the Property. If the District had to secure other property or add additions or improvements to its properties for this purpose, it would incur a significant cost to do so.*”

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

Findings:

- See Findings (B);
- The conditional use property can be served with adequate facilities;
- The Drainage Engineer has approved the site plan;
- The Highway Engineer has approved the site plan;

(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;
- There is a working fire station located in the adjacent northern property owned by the petitioner;
- The petitioner's finding states, *"We do not believe the use involves any element or will cause any condition that may be dangerous, injurious or noxious to any other property or persons. The fire station use of the Property will promote the public health, safety, and general welfare of the County. Otherwise, the District shall comply with performance standards delineated in this ordinance;"*

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

Findings:

- Approval of the conditional use will not produce a discordant relationship between the petition site and its surrounding area;
- A site plan has been approved that meets landscaping requirements including street scape and buffering to the east;
- The petitioner will be using the existing structure with on exterior changes;
- The petitioner's finding states, *"The Property will continue to produce a harmonious relationship of building and grounds with the adjacent structure. The District is making no changes to the exterior of the Property, other than the landscaping as indicated on the Site Plan, so the Property will retain its residential appearance, keeping it harmonious with the properties to the east and west. Moreover, Fire Station 11 is situated directly north of the Property, so the Property's use as a fire station will be harmonious with the existing Fire Station to the north;"*

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

Findings:

- The surrounding uses in the area are fire station to the north and residential with commercial to the east and southwest;
- The petitioner's findings state, *"As stated in above (F), we believe the Property will fit in with the adjacent structures and properties. Moreover, the District will implement the landscaping plan as indicated in the submitted Site Plan;"*

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

Findings:

- The petition site contains on driveway with two indoor parking spaces and two outdoor spaces and additional parking located north with the working fire station;
- Planning has approved the parking plan;
- The Highway Department requires the turnaround to not be used for parking so as to not have vehicles back out onto the street;

- There is a note on the plat for the turnaround to not be used for parking;
- The petitioner's finding states, *"The Property has parking, as indicated on the Site Plan. The District only intends on typically using one or two spaces for the Battalion Chiefs at a time. It is anticipated that they will need to respond five times or less within a 24 hour period. There will otherwise be minimal traffic to the Property. This amount of traffic will likely be less than or equal to its current residential use. For example, the most-recent tenants of the Property had five vehicles parked at the Property that were used regularly. If additional parking is advisable or required, the Property can utilize the existing parking lot at Fire Station 11;"*

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

Findings:

- Any further development will require Building Department and Planning Department review;
- The petitioner's finding states, *"We do not believe any additional permits are required. The Monroe County Highway Department has been consulted and the Department does not believe a driveway permit is required. No construction, additions, or improvements are being done to the Property other than painting and improving the floor coverings. The District does not believe a building permit is required. If any additional permits are required, the District will make all necessary efforts to obtain those permits;"*

All conditional uses are subject to the criteria established in Section 813-10(B)(10). Additional criteria as specified in this section must be met by the following categories of conditional use.

Fire and Police Stations

(a) Shall have adequate access to collector or arterial streets; and

Findings:

- The petitioner has requested the use of Fire Station per submitted site plan, and if approval is granted the standards within this section apply to the requested conditional use;
- E Rhorer Road is a Minor Arterial in the Thoroughfare Plan and the site derives access from E Rhorer Rd;
- The Highway Department has approved the site plan and the driveway;
- The petitioner's finding states, *"We believe the Property has adequate access to collector or arterial streets. The access to Rhorer Road will be sufficient for the District's purpose. There will only be one or two Battalion Chiefs or the Chief responding from the Property at a time. The Battalion Chiefs will each have an SUV vehicle that they may use to respond to emergencies. All fire engines and all equipment will continue to respond from Fire Station 11 and not the Property;"*

(b) Design of the structure and the site shall be compatible with the surrounding area.

Findings:

- The proposed fire station will be an extension of the fire station located directly to the north;
- The petitioner's finding states, *"We believe the design of the structure and the site will be compatible with the surrounding area. The District is making no changes to the exterior of the Property, other than the landscaping as indicated on the Site Plan, so the Property will retain its residential appearance, keeping it compatible with the properties to the east and west. Moreover, Fire Station 11 is situated directly north of the Property, so the Property's use as a fire station will be compatible with the existing Fire Station to the north."*



Monroe Fire Protection District



November 25, 2020

Monroe County Planning & Zoning
501 N Morton St
Suite 224
Bloomington, IN 47401

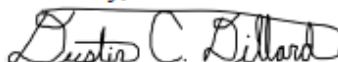
Greeting MoCo Planning & Zoning,

The Monroe Fire Protection District is seeking conditional use approval for the property located at 285 E. Rhorer Road (the "Property") to be used as a fire station. The Monroe Fire Protection District (MFPD), formerly called the Perry-Clear Creek Fire Protection District, purchased the Property in 2010. The Property is a 4 bedroom, 2 bathroom single-family residence. The Property was most recently used as a residential home until September 2020. MFPD wishes to use the Property as an annex building for the Kennedy Drive fire station ("Station 22"), which is located on the adjacent property to the north.

The Property will be used to house the Battalion Chiefs when they are on duty. The Battalion Chiefs will respond to emergency calls from the Property. However, none of the large fire trucks will be parked at the Property; those will remain at Station 22. In addition to housing the Battalion Chiefs, the Property will also be used for additional MFPD office space.

MFPD is painting the walls and putting in new floor coverings, but otherwise is not making any improvements or alterations to the Property.

Sincerely,


Fire Chief

HEADQUARTERS
STATION 22
3953 S KENNEDY DRIVE
BLOOMINGTON IN
812-331-1906
812-336-1166 (FAX)

LAKEVIEW
STATION 21
9094 S STRAIN RIDGE RD
BLOOMINGTON IN
812-824-6077

KIRKSVILLE
STATION 23
8019 S ROCKPORT RD
BLOOMINGTON IN
812-824-6202



Monroe Fire Protection District



DECEMBER 18, 2020

Tammy Behrman
Senior Planner
Monroe County Planning Department
tbehman@co.monroe.in.us

Ms. Behrman,

We believe that the Monroe Fire Protection District (the "District") and the property located at 285 E. Rhorer Road, Bloomington, IN (the "Property") meets the conditional use requirements under [Chapter](#) 813-5 and 813-10(B), as demonstrated by the submitted Site Plan and the information below:

813-5. Standards for Approval In order for a conditional use to be approved, 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;

We believe that the use of the Property as a fire station is a conditional use listed in Table 33-3. Upon information and belief, the Property is zoned RM15. Pursuant to Table 33-3, fire station is a conditional use in zone RM15.

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

We believe that all conditions, regulations and development standards will be satisfied. The District will complete all work presented on the Site Plan, including all landscaping identified on the Site Plan.

(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;

We do not believe that granting the conditional use will conflict with the general purposes of the Zoning Ordinance or with the goals and objectives of the comprehensive plan. The District is expanding January 1, 2021, to include the unincorporated areas of Van Buren and Bloomington

HEADQUARTERS
STATION 22
3953 S KENNEDY DRIVE
BLOOMINGTON IN
812-331-1906
812-336-1166 (FAX)

LAKEVIEW
STATION 21
9094 S STRAIN RIDGE RD
BLOOMINGTON IN
812-824-6077

KIRKSVILLE
STATION 23
8019 S ROCKPORT RD
BLOOMINGTON IN
812-824-6202

Behrman, Tammy
12/18/2020
Page 2

Townships. At that time, the District will need more officers on duty. The Property will be used as an additional building for Fire Station 11, which is located directly to the north of the Property. Battalion Chiefs will spend their shifts at the Property and respond to emergency runs from the Property. One or two personnel will be at the Property at a time--either Battalion Chiefs or the Chief. The use of this Property as a fire station will "promote the public health, safety, morals, comfort, convenience and general welfare of the County." (800-2(B)) The Property's location next to existing Fire Station 11 makes it an ideal location, as it will allow the Battalion Chiefs to easily coordinate with the firefighters in Fire Station 11. The Property can be utilized for the District's proposed purpose with minimal changes to the Property. If the District had to secure other property or add additions or improvements to its properties for this purpose, it would incur a significant cost to do so.

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

Pursuant to the letter issued by the City of Bloomington Utilities, the Property will be served by CBU. We believe the utility use will be no more than the previous residential use of the Property. We believe the Property has adequate drainage and other necessary facilities.

The access to Rhorer Road will be sufficient for the District's purpose. There will only be one or two Battalion Chiefs responding from the Property at a time. The Battalion Chiefs will each have an SUV vehicle that they may use to respond to emergencies.

(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;

We do not believe the use involves any element or will cause any condition that may be dangerous, injurious or noxious to any other property or persons. The fire station use of the Property will promote the public health, safety, and general welfare of the County. Otherwise, the District shall comply with performance standards delineated in this ordinance.

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

The Property will continue to produce a harmonious relationship of building and grounds with the adjacent structure. The District is making no changes to the exterior of the Property, other than the landscaping as indicated on the Site Plan, so the Property will retain its residential appearance, keeping it harmonious with the properties to the east and west. Moreover, Fire Station 11 is situated directly north of the Property, so the Property's use as a fire station will be harmonious with the existing Fire Station to the north.

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

Behrman, Tammy
12/18/2020
Page 3

As stated in above (F), we believe the Property will fit in with the adjacent structures and properties. Moreover, the District will implement the landscaping plan as indicated in the submitted Site Plan.

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

The Property has parking, as indicated on the Site Plan. The District only intends on typically using one or two spaces for the Battalion Chiefs at a time. It is anticipated that they will need to respond five times or less within a 24 hour period. There will otherwise be minimal traffic to the Property. This amount of traffic will likely be less than or equal to its current residential use. For example, the most-recent tenants of the Property had five vehicles parked at the Property that were used regularly. If additional parking is advisable or required, the Property can utilize the existing parking lot at Fire Station 11.

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

We do not believe any additional permits are required. The Monroe County Highway Department has been consulted and the Department does not believe a driveway permit is required. No construction, additions, or improvements are being done to the Property other than painting and improving the floor coverings. The District does not believe a building permit is required. If any additional permits are required, the District will make all necessary efforts to obtain those permits.

813-10(B)(10) Fire and Police Stations

(a) Shall have adequate access to collector or arterial streets; and

We believe the Property has adequate access to collector or arterial streets. The access to Rhorer Road will be sufficient for the District's purpose. There will only be one or two Battalion Chiefs or the Chief responding from the Property at a time. The Battalion Chiefs will each have an SUV vehicle that they may use to respond to emergencies. All fire engines and all equipment will continue to respond from Fire Station 11 and not the Property.

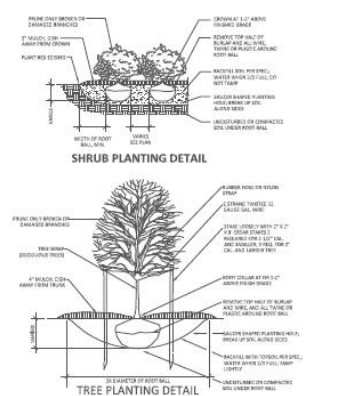
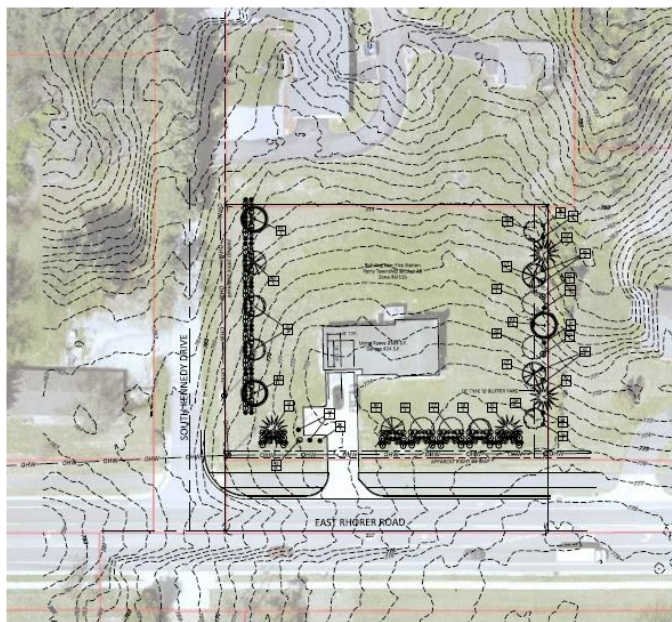
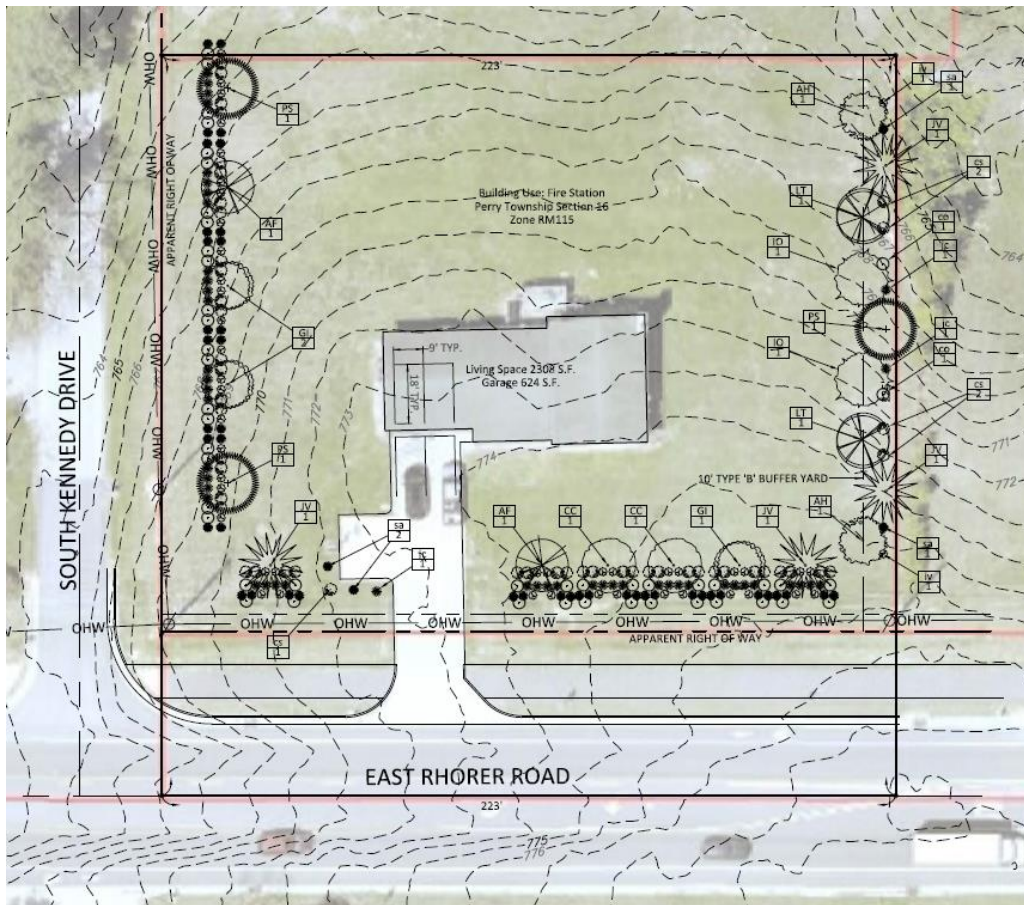
(b) Design of the structure and the site shall be compatible with the surrounding area.

We believe the design of the structure and the site will be compatible with the surrounding area. The District is making no changes to the exterior of the Property, other than the landscaping as indicated on the Site Plan, so the Property will retain its residential appearance, keeping it compatible with the properties to the east and west. Moreover, Fire Station 11 is situated directly north of the Property, so the Property's use as a fire station will be compatible with the existing Fire Station to the north.

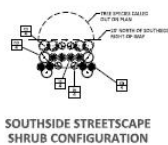
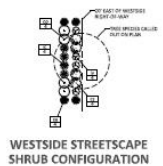
Sincerely,

Dustin C. Dillard
Fire Chief

EXHIBIT TWO: Site Plan



EAST BUFFER YARD & DRIVE PLANTING SCHEDULE						
ITEM	QUANTITY	COMMON NAME	COMMON SIZE	TYPE	CONTRACTOR COST	DATE
1	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
2	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
3	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
4	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
5	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
6	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
7	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
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9	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
10	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
11	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
12	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
13	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
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50	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
51	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
52	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
53	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10
54	1	Aspen	12" caliper	Caliper	\$1,200	10/10/10

[illegible]

STATEMENT OF COMPLIANCE
PERFORMANCE STANDARDS:
BEING A LICENSED LAND SURVEYING AND CIVIL ENGINEERING FIRM, WE CERTIFY THAT THE ACTIVITY PROPOSED BY THE INCLUDED PLAN SET WILL SATISFY THE PERFORMANCE STANDARDS OF CHAPTER 860-6 OF THE MONROE COUNTY INDIANA ZONING ORDINANCE.

GENERAL NOTES

- [illegible]

LANDSCAPE NOTES

LANDSCAPE AREA CALCULATIONS

```

QUATERNARY (TYPE G, 10' WIDE) EASTERN PROPERTY LINE
175 + 230740 = 807.5 = 80-D VALUE TOTAL
9 x 35 = 315 = 9 TREES
12 x 8 = 96 = 12 SHRUBS
PROVIDE D-VALUE = 411

SCREENING FOR DRAINAGE
+ 240000
PROVIDE E-VALUE = 32

TOTAL SCAPERS

```

SOUTHWEST: $22' \times 22'$ DRIVE = $202' / 35' = 5.77$ SAY 6 TREES
THEREFORE, WE WOULD NEED TO PROVIDE 126 SHRUBS

WESTSIDE: $175' / 35' = 5$ TREES
THEREFORE, WE WOULD NEED TO PROVIDE 100 SHRUBS

PARKING REQUIREMENTS

1. PER AUTOWIDE COUNTY ZONING ORDINANCE CHAPTER 806.1.2 SPACES FOR 2000 SQ. FT. 6 SPACES REQUIRED.
2. TWO (2) PARKING SPACES WILL BE LOCATED AT THE SOUTHWEST CORNER OF THE SITE.
3. WITHIN 40 FEET OF ANY DRIVEWAY OR DRIVEWAY THRU ROAD USE SHALL NOT BE USED FOR PARKING.



Monroe Fire Protection District

285 E. RHORER ROAD
BLOOMINGTON, IN 47401
BRG Project No: 10610

SITE LAYOUT & LANDSCAPE PLAN



Date:	Issue:
12-18-2020	FOR COUNTY REVIEW

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Revisions Schedule	
Rev. #	Rev. Description

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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Drawn By: 2834

Designed By: GMM
Checked By: WSR

100

C2

CASE NUMBER: 2012-CDU-07
PLANNER: Drew Myers
PETITIONER(S): Rumpke Waste & Recycling (Site Engineer: Amanda Jefferson)
C/o Daniel Butler, Bynum Fanyo & Associates
REQUEST: Conditional Use for Central Garbage/Rubbish Collection Facility
ADDRESS: 5220 S Production Drive (parcel no. 53-01-40-191-000.000-008)
ZONING: Heavy Industrial (HI)
ACRES: 16.77 +/- acres
TOWNSHIP: Perry
SECTION(S): 29
PLAT(S): Robinson Industrial Park Major Subdivision Final Plat, Amendment 3: Lot 25
COMPREHENSIVE PLAN DESIGNATION: MCUA Employment

EXHIBITS

1. Petitioner Cover Letter
2. Petitioner Site Plan
3. Robinson Industrial Park Major Subdivision Final Plat
4. Resolution 2020-52 – A determination to allow Rumpke to Submit an Application

RECOMMENDED MOTION

Approve the conditional use for Central Garbage/Rubbish Collection Facility of Chapter 802 and 813, based on the findings of fact, subject to the Monroe County Highway and Drainage engineer reports with the following conditions:

1. The petitioner work with a historic preservation professional to produce a preservation plan for the dry-stack limestone wall located on the petition site. The preservation plan must include a field and condition survey as well as a long-term maintenance commitment.
2. MS4 Coordinator must approve the run-off collection system in the Roll-off Container Storage Area, including any required collection and treatment system.

HISTORIC PRESERVATION BOARD – December 21, 2020

The Historic Preservation Board voted 5-0 to request that the petitioner produce a detailed preservation plan with the help of a historic preservation professional for the dry-stack limestone wall that is present on the petition site as a condition of approval.

SUMMARY

The petitioner is seeking conditional use approval for a central garbage/rubbish collection facility located in a Heavy Industrial (HI) zoning district. Chapter 802 and 813 of the Zoning Ordinance state that a central garbage/rubbish collection facility is not permitted in the Heavy Industrial zone unless approved as a conditional use (Ch. 802 Use Table, page 31; Ch. 813-10).

BACKGROUND

The petition site is 16.77 +/- acres in Perry Township, Section 29 and is currently vacant. The petitioner is proposing to conduct the Central Garbage/Rubbish Collection Facility use and develop a recycling/waste transfer campus to enhance recycling capabilities in Monroe County. Chapter 802 defines “Central Garbage/Rubbish Collection Facility” as the following:

“Public or private establishments contracted to remove solid waste from residential or commercial uses

and transport such wastes to a locally operated public or private landfill or other waste collection facility, designated for consolidation of garbage and recycled matter” (Ch. 802, page 13).

In addition to the Conditional Use approval from the Board of Zoning Appeals, special condition #33 applies to Central Garbage/Rubbish Collection Facility use.

- (33) Central garbage and rubbish collection facilities, including recycling centers, shall be permitted subject to the following conditions:
- A. Unloading areas for materials must be not less than fifty (50) feet from any adjoining property, unless unloading is conducted entirely within a building. **Will be required to be met at the site plan review stage. Preliminary site plan complies with this requirement.**
 - B. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a non-glare finish not less than eight (8) feet in height. **Will be required to be met at the site plan review stage.**
 - C. Loading and unloading areas must be paved. **Will be required to be met at the site plan review stage. Preliminary site plan complies with this requirement.**
 - D. The site must be kept clear of litter, scrap paper, or other refuse matter. **Will be required to be met at the site plan review stage. Preliminary site plan complies with this requirement.**
 - E. Chemical or heating processes shall not be used on materials. **Will be required to be met at the site plan review stage. Preliminary site plan complies with this requirement.**
 - F. Prior to application for Conditional Use permit, facility must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code. **See Exhibit 4.**
 - G. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management (IDEM) must be issued prior to filing an application for an Improvement Location Permit. **Will be required to be met at the site plan review stage.**

The petitioner is required to submit an official commercial site plan to the Planning Department per the requirements of Chapter 815 should the conditional use receive approval. The petitioner submitted a draft site plan (Exhibit 2) and a traffic impact study to accompany the conditional use petition. The draft site plan outlines site development details including a 23,677 sq. ft. waste and recycling building, an 11,243 sq. ft. office and maintenance building, a proposed paved parking area for collection trucks and employees, and a gravel area designated for the storage of empty roll-off containers. All commercial site plan details and requirements will be evaluated administratively by Planning Staff during the site plan review stage.

INFRASTRUCTURE AND ACCESS

The petition site is served by existing City of Bloomington Utilities infrastructure including water and sanitary sewer. The petition site is accessed via South Production Drive, which is designated a local road according to the Monroe County Thoroughfare Plan and has 50' of dedicated right-of-way. South Production Drive measures 31' wide and is paved with concrete. The petition site's point of access stems from the existing cul-de-sac at the south end of South Production Drive. The petitioner submitted a traffic impact study per the request of the Monroe County Highway Department with the following conclusions and recommendations.

SR 37 & SOUTH VICTOR PIKE

Capacity analyses for all traffic scenarios have shown that this intersection currently operates and will continue to operate at acceptable levels of service during AM, Midday and PM peak hour. Therefore, no improvements are recommended at this location.

SOUTH VICTOR PIKE & SOUTH PRODUCTION ROAD

Capacity analyses for all traffic scenarios have shown that all approaches to this intersection currently operates and will continue to operate at acceptable levels of service during AM, Midday and PM peak

hours. Therefore, no improvements are recommended at this location.

Based on the analyses and the resulting conclusions of this study, no improvements are recommended at the study locations since the proposed development has been found not to result in any significant roadway deficiencies within the study area.

The Monroe County Highway Engineer reviewed the traffic study and provided the following comments:

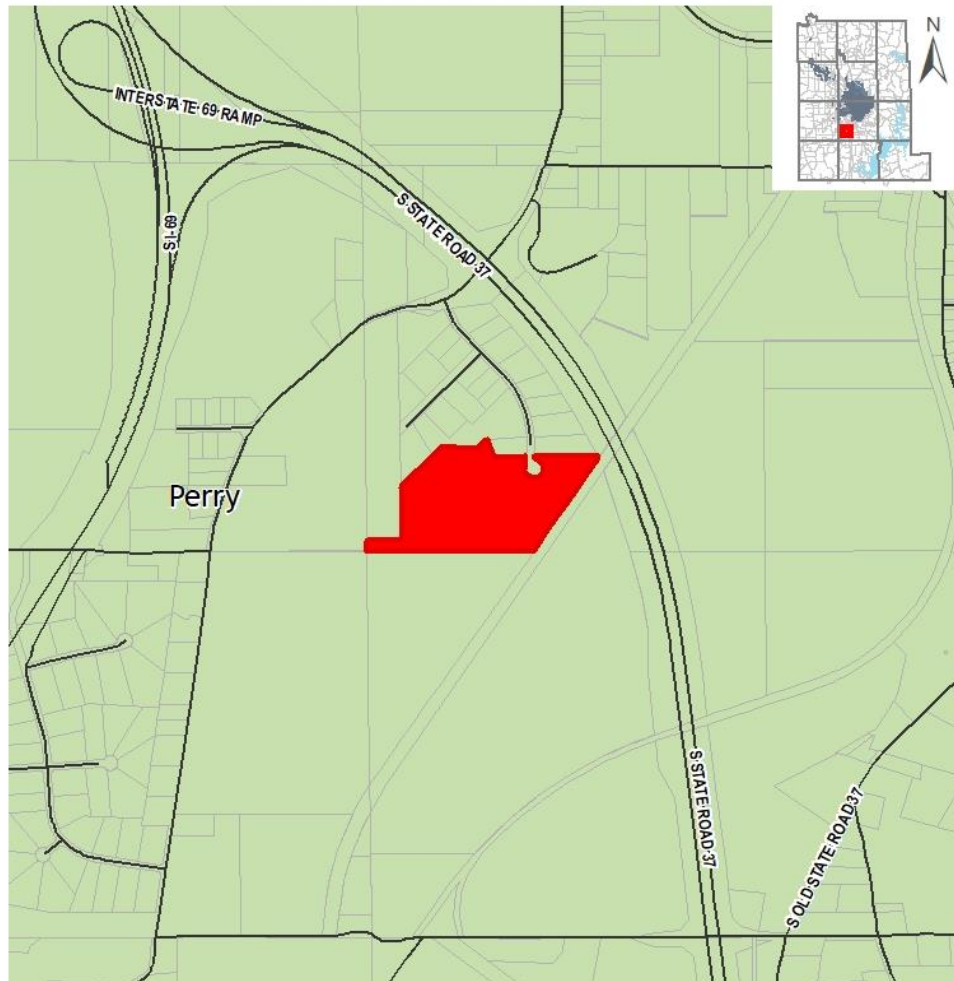
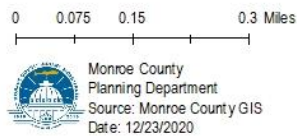
1. What is the crash history at the intersection of SR 37 and Victor Pike? Would the addition of Victor Pike left turn lanes improve the safety and capacity (level of service) at the intersection? Would a left turn lane reduce the queue length for the northbound Victor Pike traffic?
2. Based on the left turning traffic and estimated left turn queue length on Victor Pike at the Production Drive intersection, a passing blister is recommended for the southbound Victor Pike traffic.
3. What is the destination of the Rumpke semi-truck traffic?
4. Requested pavement cores of the existing pavement and an analysis to determine if the existing pavement is adequate to handle existing traffic as well as the proposed Rumpke traffic.

LOCATION MAP

The property is located at 1833 S Production DR in Perry Township, Section 29 at parcel no. 53-01-40-191-000.000-008.

Location Map

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

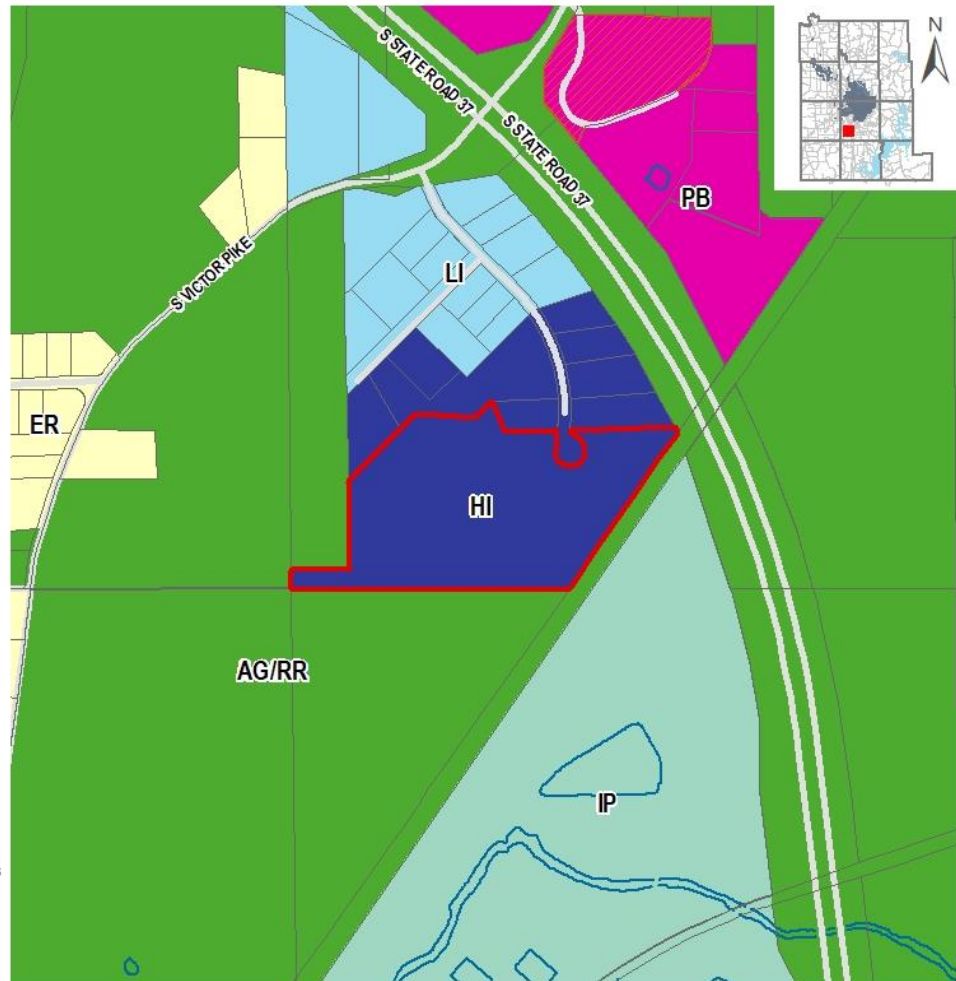
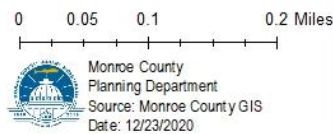


ZONING AND LAND USE

The petition site is zoned Heavy Industrial (HI). Properties adjacent to the North are also zoned HI. Properties adjacent to the East – across S State Road 37 – are zoned either Pre-existing Business (PB) or Agriculture/Rural Reserve (AG/RR). Properties adjacent to the South are zoned either AG/RR or Institutional/Public (IP) (i.e. Dillman Wastewater Treatment Plant). Properties adjacent to the West are zoned AG/RR. Much of the area is a mix of industrial and commercial type land uses with a few residential properties in the surrounding area.

Current Zoning Map

- Petitioner
- Parcels
- Roads
- Hydrologic Features
- Historic Preservation Overlay
- Monroe County Zoning**
- AG/RR - Agriculture/Rural Reserve
- ER - Estate Residential
- HI - Heavy Industrial
- IP - Institutional/Public
- LI - Light Industrial
- PB - Pre-Existing Business



SITE CONDITIONS

The petition site is currently a vacant former fill site. The site receives access from S Production DR (a local road), which intersects with S Victor PIKE to the north. Sidewalks were installed in the area as part of the Robinson Industrial Park Major Subdivision process and will be required for the petition site unless a waiver is submitted and approved. There are no known karst features or floodplain areas on the petition site.

Dry-Stack Limestone Wall

The petition site contains a dry-stack limestone wall in the southwest corner of the site along the southern property line. The petitioner has the location of the dry-stack wall identified on the site plan (Exhibit 2) with the following language: “to remain undisturbed”. At the December 21, 2020 meeting of the Historic Preservation Board, the petitioner confirmed their amenability to provide a more detailed preservation plan for the dry-stack wall.

Site Conditions Map

- Freeway
- Petitioner
- 2-Foot Contours
- Local Roads [50']
- Parcels













0 0.01 0.02 0.04 0.06 0.08 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/23/2020



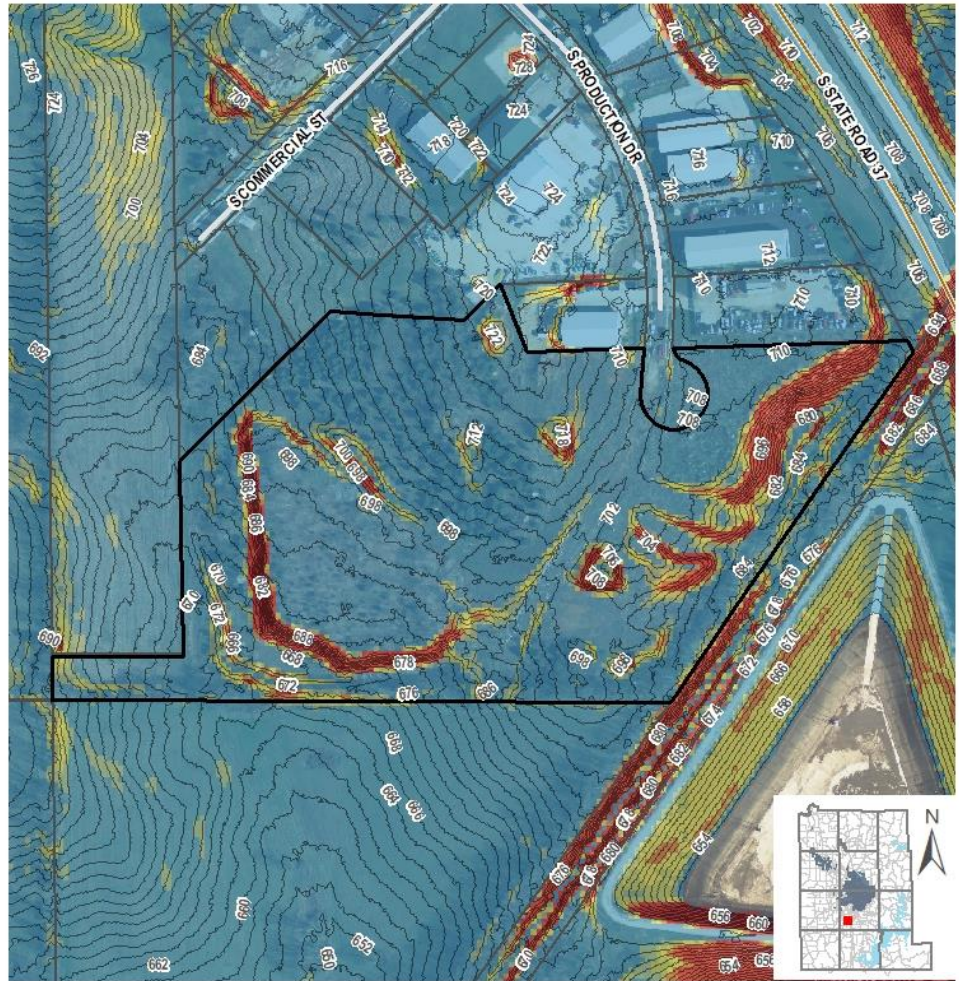
Slope Map

-  Freeway
-  Local Roads [50']
-  Petitioner
-  Parcels
-  2-Foot Contours
-  FEMA Floodplain
- All Slope - Percent (2010)**
-  0 - 12
-  13 - 15
-  16 - 18
-  19 - 21
-  22 - 24
-  > 25

0 75 150 300 450 Ft



Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/23/2020



SITE PHOTOS



Image 1. Aerial pictometry from the South.

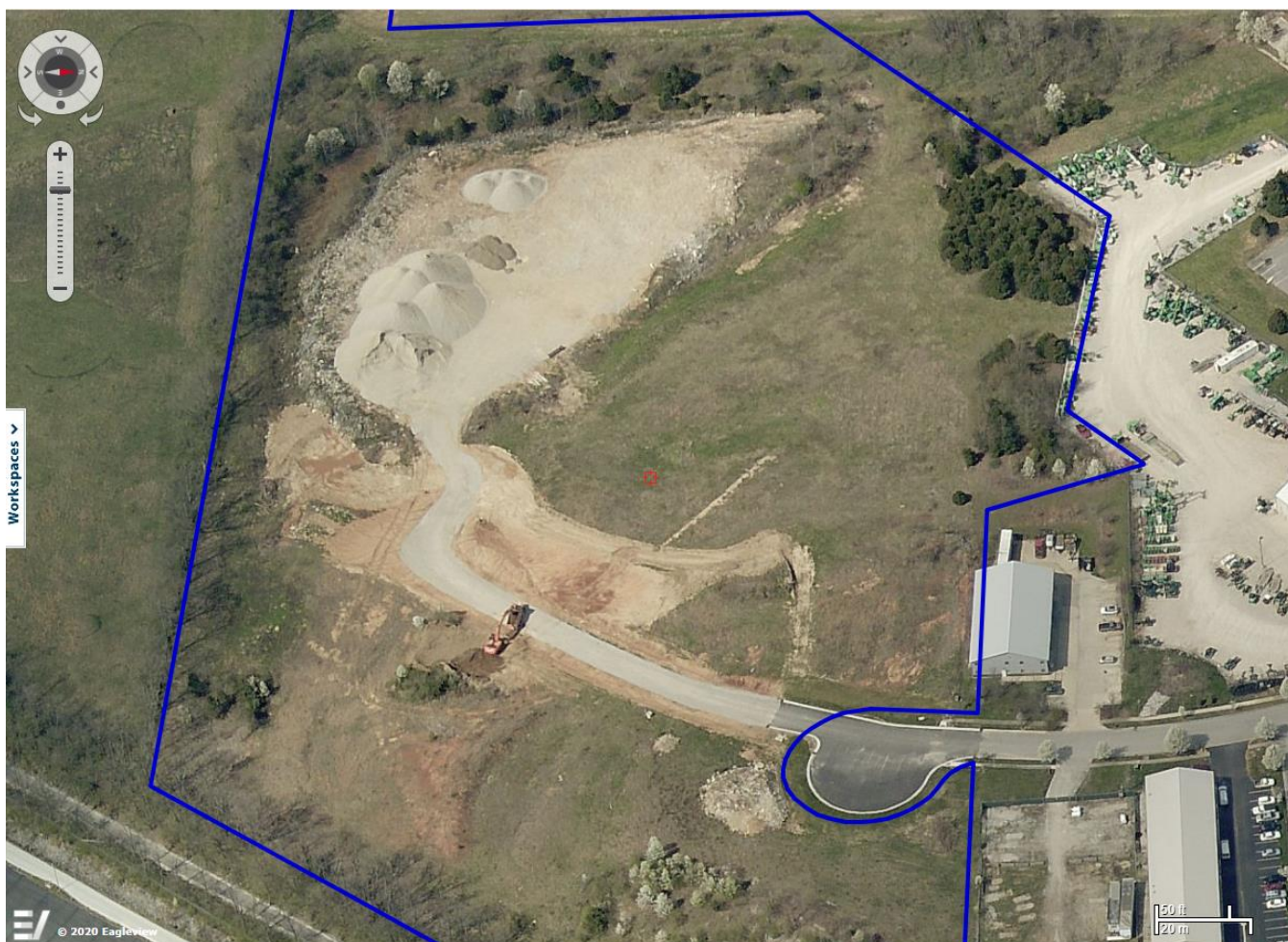


Image 2. Aerial pictometry from the East.



Image 3. Aerial pictometry from the North.



Image 4. Aerial pictometry from the West.

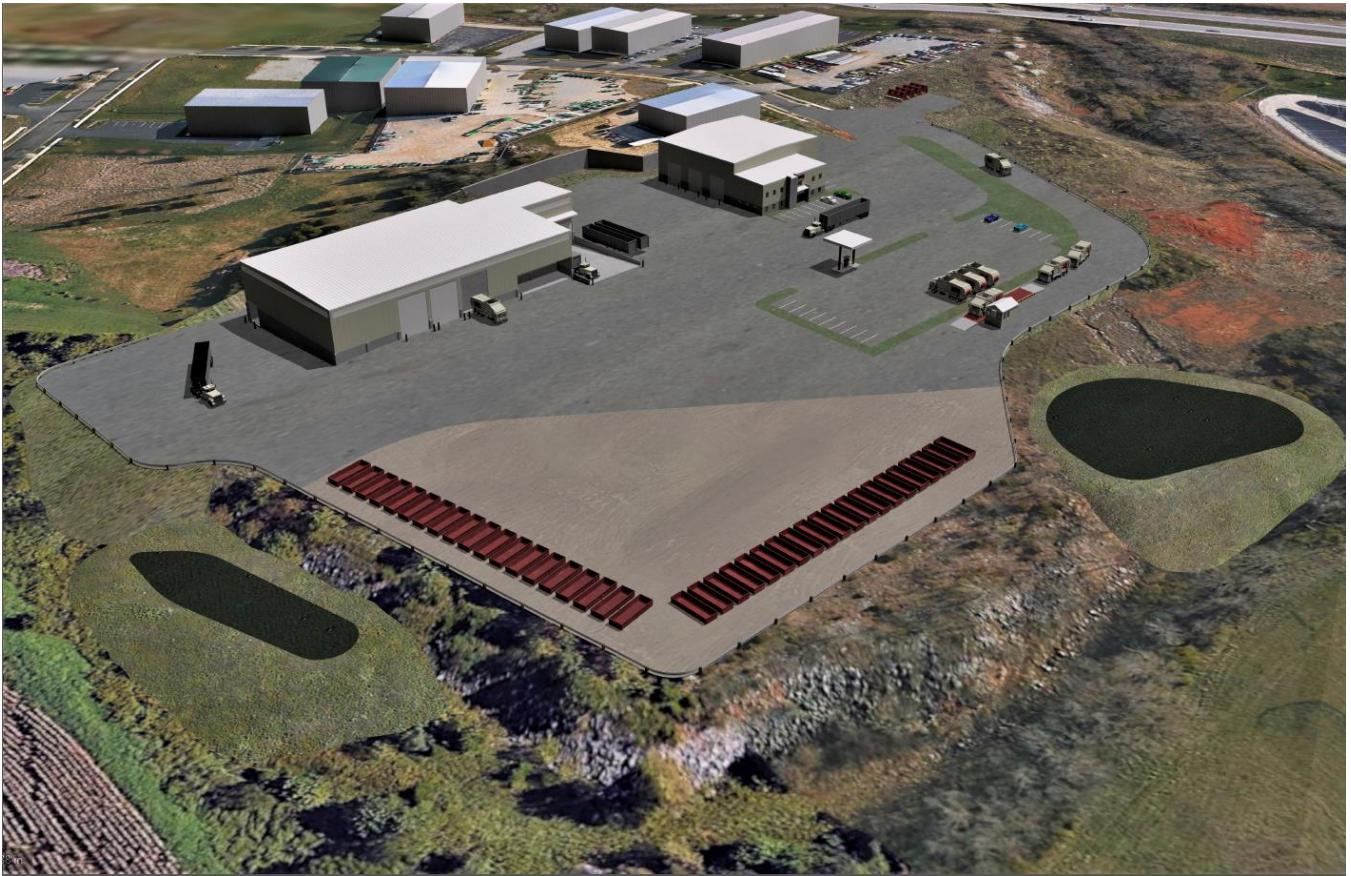


Image 5. Proposed facility overview.

COMPREHENSIVE PLAN DISCUSSION

The petition site is located within the Employment Comprehensive 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.

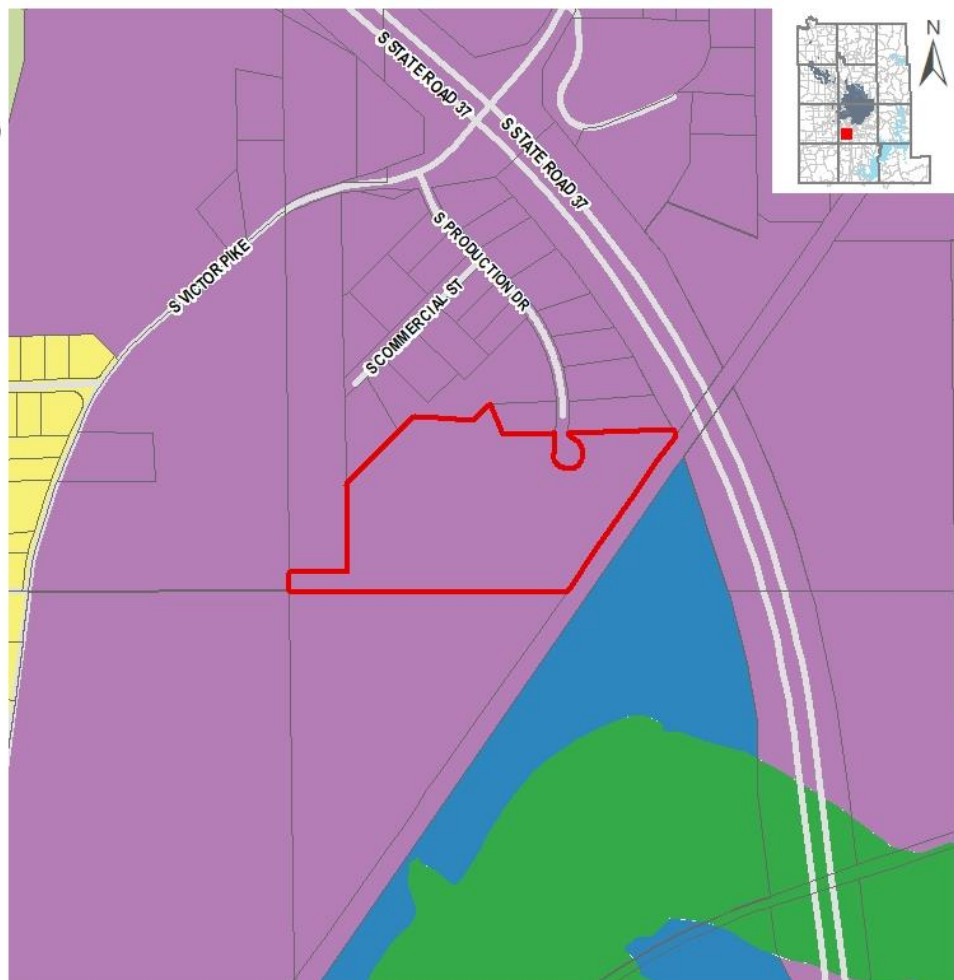
Comprehensive Plan

-  Petitioner
-  Townships
-  Monroe Co. Urbanizing Area (MCUA)
-  Parcels
-  Roads
- Comp. Plan Land Use (Updated 2015)**
 -  MCUA Employment
 -  MCUA Institutional
 -  MCUA Open Space
 -  MCUA Rural Transition
 -  MCUA Suburban Residential

0 0.05 0.1 0.2 Miles



Monroe County
Planning Department
Source: Monroe County GIS
Date: 12/23/2020



FINDINGS OF FACT FOR CONDITIONAL USE: Central Garbage/Rubbish Collection Facility

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, Central Garbage/Rubbish Collection Facility, is permitted only through the approval of a Conditional Use Permit, per Chapter 802 and Chapter 813;

- B. all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;**

Findings:

- The petitioner will be required to comply with the Performance Standards set forth in Chapter 802-4 of the Monroe County Zoning Ordinance as a condition of Site Plan approval;
- The petitioner will be required to submit a site plan meeting all applicable standards for parking, landscaping, signage, etc. prior to receipt of a Land Use Certificate;
- The petitioner will be required to comply with Condition no. 33 set forth in the Chapter 802 Use Table.

- 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:

- Central Garbage/Rubbish Collection Facility is a permitted conditional use within the Heavy Industrial (HI) designation and does not appear to conflict with the general purposes of the Zoning Ordinance;
- The Monroe County Urbanizing Area is designated as Employment, which encourages employment-generating uses;

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

Findings:

- The site appears to have adequate parking capability and is accessible by South Production Drive, a local road;
- The site is served by the City of Bloomington Utilities;
- The site not only proposes to modify an existing detention pond as required to provide adequate detention and water quality, but also proposes a separate location to serve as a detention pond if needed;
- The petitioner submitted a traffic impact study at the request of the Monroe County Highway Department;

- 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 petitioner will be required to comply with the Performance Standards set forth in Chapter 802-4 of the Monroe County Zoning Ordinance as a condition of Site Plan approval.

- 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:

- The petitioner shall comply with the performance standards delineated in the ordinance, specifically, but not limited to Chapters 802, 804, 813, 815, and 830;
- The draft site plan outlines the following: a 23,677 sq. ft. waste and recycling building, an 11,243 sq. ft. office and maintenance building, a proposed paved parking area for collection trucks and employees, and a gravel area designated for the storage of empty roll-off containers;
- The proposed site plan may require improvements which could positively impact the visual impression and existing environment;

- G. the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;**

Findings:

- The petitioner shall comply with the performance standards delineated in the ordinance, specifically, but not limited to Chapters 802, 804, 813, 815, and 830;
- The proposed site plan may require improvements which should positively impact the visual impression and existing environment;
- The petition site is within an industrial park;

- H. the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,**

Findings:

- The petitioner must comply with the standards set forth in Chapter 806 (Parking);
- The overall petition site has one point of access at the end of the cul-de-sac on S Production DR (a local road);

- I. All permits required by other Federal, State and local agencies have been obtained.**

Findings:

- Driveway Permits will be required for the ingress/egress as part of the site plan review;
- Building permits will be required for new proposed structures.

Central Garbage/Rubbish Removal Requirements in Chapter 802 Condition #33

33. Central garbage and rubbish collection facilities, including recycling centers, shall be permitted subject to the following conditions:

- A. Unloading areas for materials must be not less than fifty (50) feet from any adjoining property, unless unloading is conducted entirely within a building.**

Findings:

- This requirement will be met at the site plan review stage. The preliminary site plan complies with this requirement.

- B. Portions of a site used for truck maneuvering or the storage, bailing, processing, or other handling of materials must be enclosed by an opaque fence or wall with a non-glare finish not less than eight (8) feet in height.**

Findings

- This requirement will be met at the site plan review stage;

- C. Loading and unloading areas must be paved.**

Findings

- This requirement will be met at the site plan review stage. The preliminary site plan complies with this requirement.

- D. The site must be kept clear of litter, scrap paper, or other refuse matter.**

Findings

- This requirement will be met at the site plan review stage. The preliminary site plan complies with this requirement.

- E. Chemical or heating processes shall not be used on materials.**

Findings

- This requirement will be met at the site plan review stage. The preliminary site plan complies with this requirement.

- F. Prior to application for Conditional Use permit, facility must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.**

Findings

- Exhibit 4 – Resolution 2020-52 – shows proof that the petitioner complied with Ordinance 2007-18.

- G. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management (IDEM) must be issued prior to filing an application for an Improvement Location Permit.**

Findings

- This requirement will be met at the site plan review stage.
- The MS4 Assistant will also be looking for Rule 5 information as this will disturb over 1 acre of soil.

EXHIBIT 1: PETITIONER COVER LETTER



Waste & Recycling Services

3990 Generation Drive, Cincinnati, OH 45251
Phone: 1-800-828-8171 Fax: 513-851-2057



December 1, 2020

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

**RE: Rumpke Property at:
5220 S. Production Drive
Bloomington, IN
Conditional Use Letter**

Board of Zoning Appeals or To Whom It May Concern:

Rumpke Waste & Recycling (Rumpke) is proposing to develop the Rumpke Monroe County Resource Recovery Facility (RRF or Facility), a recycling and waste transfer campus designed to enhance recycling capabilities in Monroe County and provide efficient transportation of recycling and waste materials to end markets. The RRF is well-located and will be designed and operated to meet or exceed all local and state requirements to be protective of public health and the environment. Rumpke would like to request a conditional use for the subject property located at 5220 S. Production Drive, south of Bloomington along State Road 37 in Monroe County, Indiana. The conditional use request is to allow a 'Central Garbage/Rubbish' (use in an HI zone) use in this property. This property currently contains approximately 18 acres on two largely undeveloped lots in Robinson Industrial Park.

The conditional use request requires the property to comply with all conditions for the 'Central Garbage/Rubbish' use. The property owner and subsequent owners of the property shall comply with these conditions as follows:

- A. Unloading areas for materials must be not less than fifty (50) feet from any adjoining property, unless unloading is conducted entirely within a building.
- B. Portions of a site used for truck maneuvering or the storage, baling, processing, or other handling of materials must be enclosed by an opaque fence or wall with a nonglare finish not less than eight (8) feet in height.
- C. Loading and unloading areas must be paved.
- D. The site must be kept clear of litter, scrap paper, or other refuse matter.
- E. Chemical or heating processes shall not be used on materials.
- F. Prior to application for Conditional Use permit, facility must be shown to have fully complied with the provisions of Monroe County Ordinance 2007-18 and Chapter 360 of the Monroe County Code.

www.rumpke.com

G. If the Conditional Use is approved, all required permits from the Indiana Department of Environmental Management must be issued prior to filing an application for an Improvement Location Permit.

Thank you and should you have any preliminary questions or concerns with granting this conditional use for this parcel of land, please email to amanda.jefferson@rumpke.com or phone us as 513-851-0122 ext. 7020.

Sincerely,

RUMPKE OF INDIANA, INC.

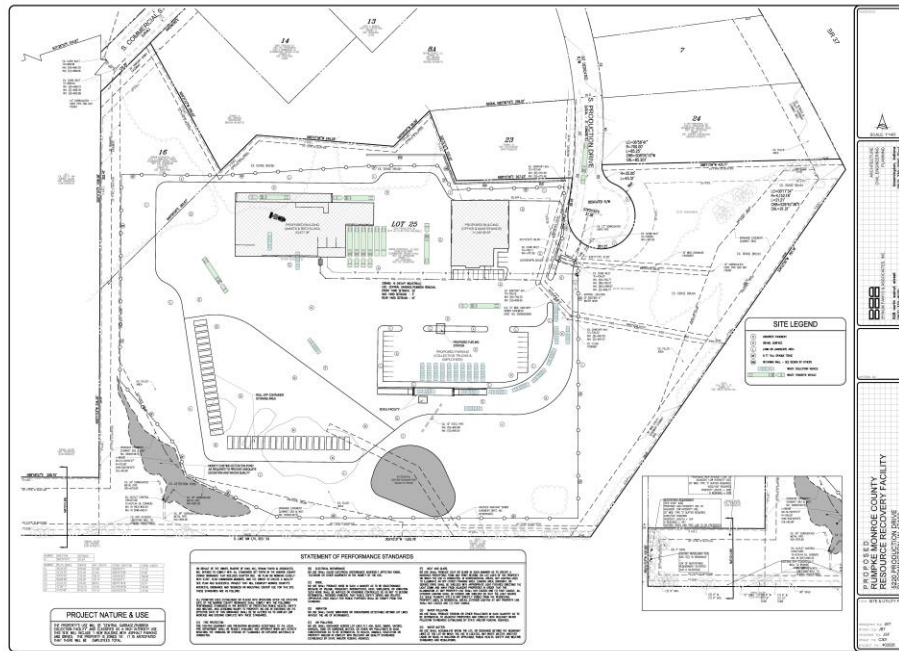


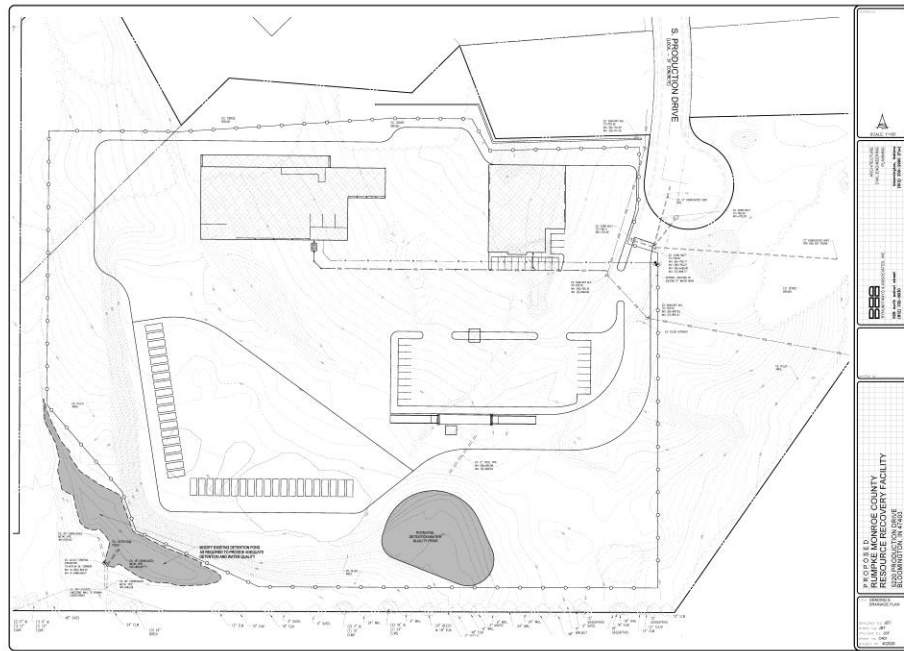
Jeff Rumpke
West Area President

Enclosures

cc: Eric Curtis, Louisville Region Vice President
Ted Neura, Director of Business Development
Steve Sergeant, Director of Recycling
Molly Yeager, Communications Manager
Chris Jaquet, Director of Engineering and Landfill Operations
John Butler, West Side Area Engineer
Amanda Jefferson, West Side Sr. Engineer

EXHIBIT 2: Site Plan (DRAFT)





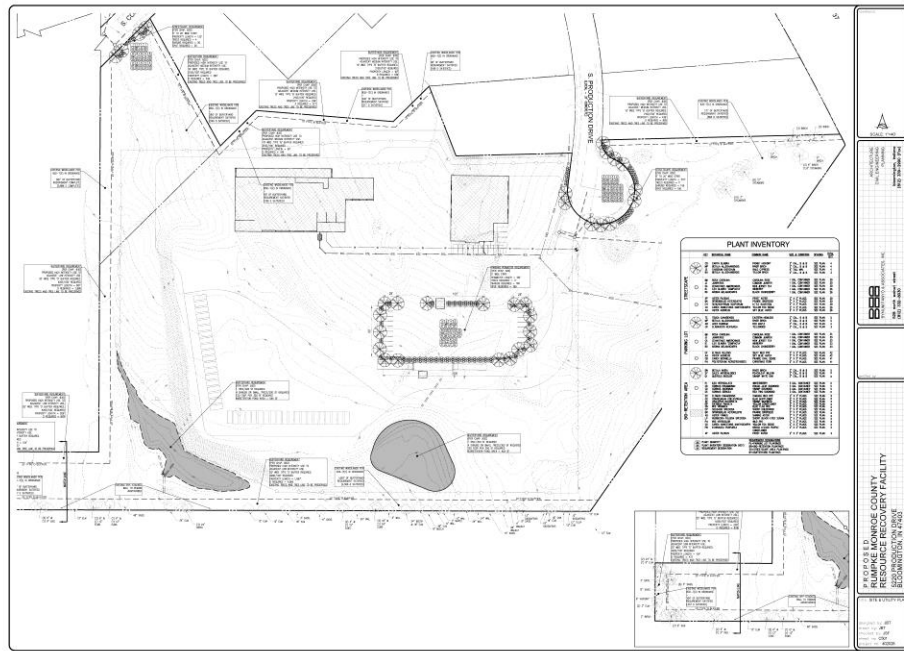


EXHIBIT 3: Robinson Industrial Park Major Subdivision

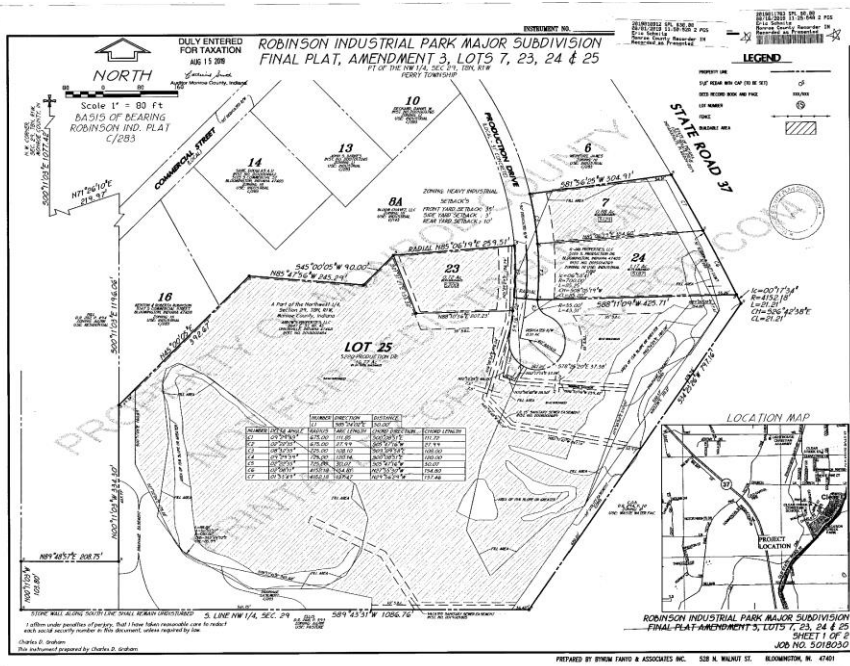


EXHIBIT 4: Resolution 2020-52

Resolution 2020-52 A Determination to Allow Rumpke to Submit Application

Come now the Monroe County Board of Commissioners ("Commissioners"), after reviewing the request of Rumpke Waste and Recycling's proposal for the Rumpke Monroe County Waste and Recovery Facility, to be located at 5220 South Production Drive, the Solid Waste Management Districts findings, and conducting a public hearing, makes a determination regarding the Rumpke request, and state the following:

WHEREAS, Ordinance 2007-18 outlines a process that requires County Commissioners' approval before the submission of a permit to the State of Indiana for any proposed solid waste management facility; and,

WHEREAS, on September 23, 2020, the Monroe County Solid Waste Management District certified that the proposed facility is needed, and consistent with the district solid waste management plan; and,

WHEREAS, Monroe County Commissioners noticed a public hearing for November 18, 2020, to allow public review and comment regarding the District's certification; and,

WHEREAS, Ordinance 2007-18 requires the Board of Commissioners to "determine if the facility shall be allowed to submit the application for a state permit or registration, based upon the findings of the Monroe County Solid Waste Management District and the Monroe County Board of Commissioners' determination of whether the proposed facility will promote the public health, safety and general welfare of the citizens of Monroe County."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF MONROE COUNTY, INDIANA, AS FOLLOWS:

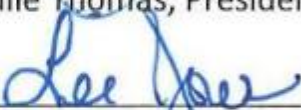
The Monroe County Board of Commissioners determine that based upon the findings of the Monroe County Solid Waste Management District and the Monroe County Board of Commissioners' determination that the proposed facility will promote the public health, safety and general welfare of the citizens of Monroe County, Rumpke Waste and Recycling may submit an application for state permit or registration for the Rumpke Monroe County Waste and Recovery Facility, to be located at 5220 South Production Drive, Bloomington, IN.

Approved this 18 day of November, 2020, by the Board of Commissioners of Monroe County, Indiana.

"AYES"



Julie Thomas, President



Lee Jones, Vice President



Penny Githens, Member

"NAYS"

Julie Thomas, President

Lee Jones, Vice President

Penny Githens, Member

ATTEST: Catherine Smith, Catherine Smith, Auditor