

# **MONROE COUNTY BOARD OF ZONING APPEALS**



**February 2, 2022**

**5:30 p.m.**

## **Teleconference Information**

[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=Vm5yMnNRem01bmIwVnRjQ0xIME9qUT09>

February 2, 2022

5:30 p.m.

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**REGULAR MEETING**

**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES: None.**

**ADMINISTRATIVE BUSINESS:**

1. Assign Chair and Vice Chair

**OLD BUSINESS:**

1. VAR-21-61a

**Dietz Front Yard Setback to Chapter 804**

2. VAR-21-61b

**Dietz Buildable Area (15% slope) Variance to Chapter 804**

One (1) 0.55 +/- acre parcel in Benton North Township, Section 35 at 8536 N Blue Heron DR, parcel no. 53-01-35-401-024.000-003.

Owner: Paul C and Shelly L Dietz

**Zoned SR.** Contact: [tbehrman@co.monroe.in.us](mailto:tbehrman@co.monroe.in.us)

**\*\*\*WITHDRAWN\*\*\***

**NEW BUSINESS:**

1. CDU-21-6

**Goodroad General Contractor (Rural) Condition Use** **PAGE 4**

One (1) 5.05 +/- acre parcel in Richland Township, Section 20 at 3350 N Starnes RD.

Owner: Goodroad, Glenn & Ashley

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

2. VAR-21-71

**Griggs Floodplain Compensatory Storage Variance to Chapter 808**

One (1) 0.46 +/- acre parcel in Van Buren Township, Section 12 at 4102 W Glen Oaks DR.

Owner: Griggs, Denise Lynn & Adams, Gregory Elisha II

**PAGE 19**

**Zoned RS3.5.** Contact: [tbehrman@co.monroe.in.us](mailto:tbehrman@co.monroe.in.us)

2. VAR-22-1a

**BB Profile Landscaping Variance to Chapter 830**

**PAGE 33**

3. VAR-22-1b

**BB Profile Surfacing Requirement to Chapter 806**

One (1) 9.07 +/- acre parcel in Richland Township, Section 36 at 3432 W Profile Parkway, parcel #53-04-36-100-054.005-011.

Owner: BB Profile LLC

**Zoned IG.** Contact: [acrecelius@co.monroe.in.us](mailto:acrecelius@co.monroe.in.us)

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

meeting.

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

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

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

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

The meeting will be open to the public via ZOOM.

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

<b>CASE NUMBER</b>	CDU-21-6
<b>PLANNER</b>	Anne Crecelius
<b>PETITIONER</b>	Goodroad, Glenn & Ashley
<b>REQUEST</b>	Ch. 813 Conditional Use for General Contractor
<b>ADDRESS</b>	3350 N Starnes RD, 53-04-20-300-012.000-011
<b>ACRES</b>	5.05 +/-
<b>ZONE</b>	AG/RR
<b>TOWNSHIP</b>	Richland Township
<b>SECTION</b>	20
<b>PLATS</b>	
<b>COMP PLAN DESIGNATION</b>	Farm and Forest

**EXHIBITS**

1. Petitioner Letter
2. Petitioner's Site Plan, version 1
3. Petitioner's Site Plan, version 2
4. 2018 Use Determination 1810-USE-45
5. 2018 Email regarding 1810-USE-45
6. Site Photos from June 2021

**RECOMMENDED MOTION**

Staff recommends **Denying** the conditional use petition for General Contractor (Rural) of Chapter 802 and 813 because the petition as currently proposed does not meet the conditional use requirements, specifically 813 10 (C)(17)(H) 1-4, that requires limiting storage area to 100'x100'

If approval is considered, Staff recommends that the following conditions to petition:

1. Combine lots 53-04-20-300-002.000-011 and 53-04-20-300-012.000-011 for Planning and Zoning purposes per Chapter 804-2 (B)(4).
2. Apply for a Right of Way Activity Permit through the Highway Department.

**SUMMARY**

The petition site is 5.05 +/- acres in Richland Township, Section 20 and is currently an illegal commercial business use. The petitioner owns the adjacent 3.8 +/- acre parcel that is a residential use. The petitioner is seeking conditional use approval for a General Contractor (Rural) use located in the Agricultural/Rural Reserve (AG/RR) zoning district. Chapter 802 and 813 of the Zoning Ordinance state that a General Contractor (Rural) is a conditional use in the AG/RR zone (Ch. 802 Use Table, page 31; Ch. 813-10).

**BACKGROUND**

The petitioner requests for a conditional use for a General Contractor, which according to Chapter 802, is defined as the following:

**General Contractor.** *An individual who contracts to perform building/structure construction related work or to provide supplies on a large scale, or an individual who contracts to erect buildings and/or other structures. Construction related work may include, but are not limited to, plumbing, landscaping, electrical, framing, concrete, masonry, roofing, etc.*

*15. The Plan Commission may attach additional conditions to its approval in order to prevent injurious or obnoxious dust, fumes, gases, noises, odors, refuse matter, smoke, vibrations, water-carried waste or other objectionable conditions and to protect and preserve the character of the surrounding neighborhood.*



The petitioner operates an lawncare company known as, “G & G Lawncare LLC”, which has been in operation since 2010. The illegal use has been under zoning enforcement since 2018. The petitioner was directed to submit a Use Determination Form to Planning Staff for further review. Planning staff determined the use described within the form was a “Nursery/Greenhouse” use but that research into the company indicated a General Contractor use, see Exhibit 3 and 4. At that time, the General Contractor use was only permitted in General Business (GB), Light Industrial (LI), and Heavy Industrial (HI) zoning districts.

In October 2021, the Monroe County Board of Commissioners approved an Ordinance Text Amendment to Chapter 802 (Ordinance 2021-37) that added “General Contractor (Rural)” as a conditional use in the AG/RR, FR, and CR zoning districts. As such, the property/business owners are eligible to apply for the Conditional Use Variance in an attempt to receive Planning Department approval for their previously unpermitted business activity at this location.

Generally, all conditional uses must follow the following standards.

- 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;
- B. all conditions, regulations and development standards required in the Zoning Ordinance shall be satisfied;
- 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;
- D. the conditional use property can be served with adequate utilities, access streets, drainage and other necessary facilities;  
**Submit Right of Way Activity permit application**
- 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;
- 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;
- G. the conditional use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;
- H. the conditional use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood; and,  
**Highway Project Engineer has requested the petitioner apply for a Right of Way Activity Permit – no application has been submitted as of 12/23/21 1/26/2022.**
- I. All permits required by other Federal, State and local agencies have been obtained.

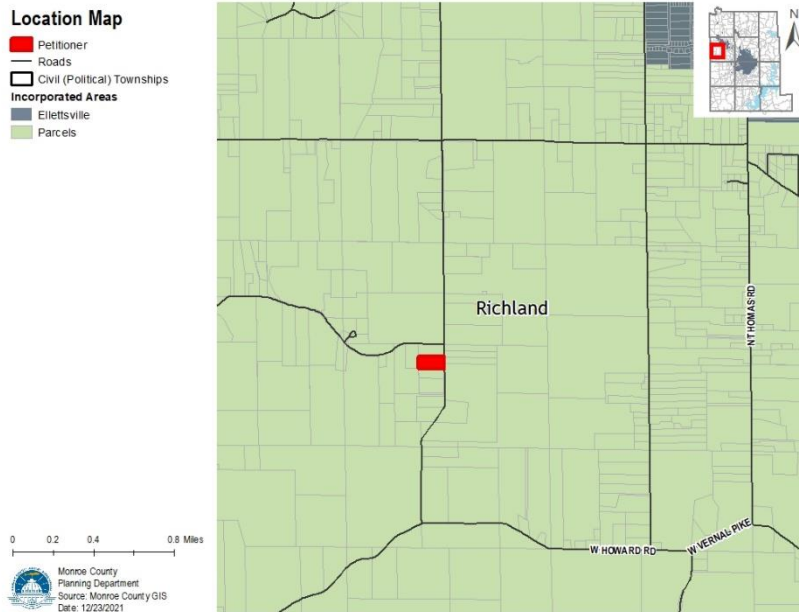
Conditional Uses Chapter 813 10 (C)(17) states that the “General Contractor (Rural)” development and operational standards requires compliance with the following:

- A. Site must have a minimum lot size of 5 acres.  
**Meets the requirement: the petition parcel is 5.05 acres.**
- B. Presence of a primary residence on the property is required. Business owner/operator must record an affidavit and commitment stating they will reside on the property full-time.  
**Requirement could be met through condition of approval #1 – combine properties 53-04-20-300-**

002.000-011 and 53-04-20-300-012.000-011 per chapter 804-2 (B)(4).

- C. Employees of the business living off-site may park at the residential location provided there is sufficient off-street parking to fully accommodate the employees and that they meet a parking setback of 50 feet. The number of employees who live off-site is limited to 5 total;  
**Requirement could be met through the condition of approval #1.**
- D. No retail is permitted at the residential site;  
**Meets the requirement.**
- E. Any building used in connection with the general contractor use shall be located at least 35' from rear and side property lines.  
**Currently meets the requirement.**
- F. No permanent advertising signs are permitted at the residential property;  
**Currently meets the requirement.**
- G. Hours of operation shall be between 7 AM and 7 PM.  
**Meets the requirement.**
- H. Any storage of vehicles or materials used for the general contracting business must be stored indoors, or screened on all sides by an appropriate fence or appropriate plantings. If screened, the following standards must be followed:
1. A minimum of 6 foot opaque fence or landscaping that meets the interior tree requirement must immediately surround around the entire storage area meeting the 'Type D' bufferyard type in Chapter 830. The screening must capture the entirety of items stored and staff has the final determination as to whether fencing or landscaping is more appropriate depending on items stored.  
**Petitioner shows that they will install fencing and landscaping shown on the site plan, Exhibit 3.**
  2. Outdoor storage of vehicles must be limited to 5 or less. The types of vehicles must be included on the application and not exceed the County's definition of 'heavy equipment', which is defined as 'Motorized equipment having a gross weight of more than six tons.'
  3. No outdoor storage area may exceed 100' x 100' and must be located within buildable area per Chapter 804.  
**The petitioner has not shown how the current general contractor use could be contained within the 100x100 area. The current barn and storage of equipment and supplies exceeds the area requirement.**
  4. Outdoor storage may not include greenfill waste.  
**Greenfill that was original shown on the site was not a by-product of the business but sourced for residential heating.**

## **LOCATION MAP**



## **ZONING AND LAND USE**

The petition site and adjacent properties are zoned AG/RR. All surrounding properties appear to be of a residential use.

## **SITE PHOTOS**



**Figure 1: January 2022**



**Figure 2: 2017 Pictometry**

## **COMPREHENSIVE PLAN DISCUSSION**

The petition site is located within the Monroe County Comprehensive Plan “Farm and Forest” zone designation.

Residential uses are divided between rural property and urban property categories. Residential uses on rural property in Monroe County are designated either Farm and Forest or Rural Residential. Urban property categories are found in the Designated Communities. The urban residential use designations are Conservation Residential, Estate Residential, and Urban Residential. In some Designated Communities, limited commercial opportunities may be permitted in order to promote form-based mixed uses which serve that particular area. These designations provide a broad range of residential opportunity both in terms of residential density and economic value for Monroe County property owners.

### **Farm and Forest Residential**

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

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

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

offer unique and sustainable residential opportunities that cannot be replaced.

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

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

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

#### **EXHIBIT 1: Petition Letter**



November 25, 2021

Monroe County Zoning Board,

This letter is to request a conditional use variance of our property located at 3350 North Starnes Road in Bloomington, Indiana, located in Richland Township. We own and operate a lawn care and landscaping business that is titled G&G Lawn Care, LLC and request to operate our business from this address.

We do not receive customers at our address for this business. We travel out to our customers to complete our bids and work. Our on-site employees consist of myself as the business owner, as well as 3 other employees that are full time staff. We do have other staff at times that are seasonal and they usually travel to and from the job sites.

I have attached all of the required documentations and I appreciate your time and consideration in this matter.

Thank you.

A handwritten signature in black ink that reads 'Glenn R. Goodroad III'. The signature is written in a cursive style with a large 'G' and 'R'.

Glenn Richard Goodroad III



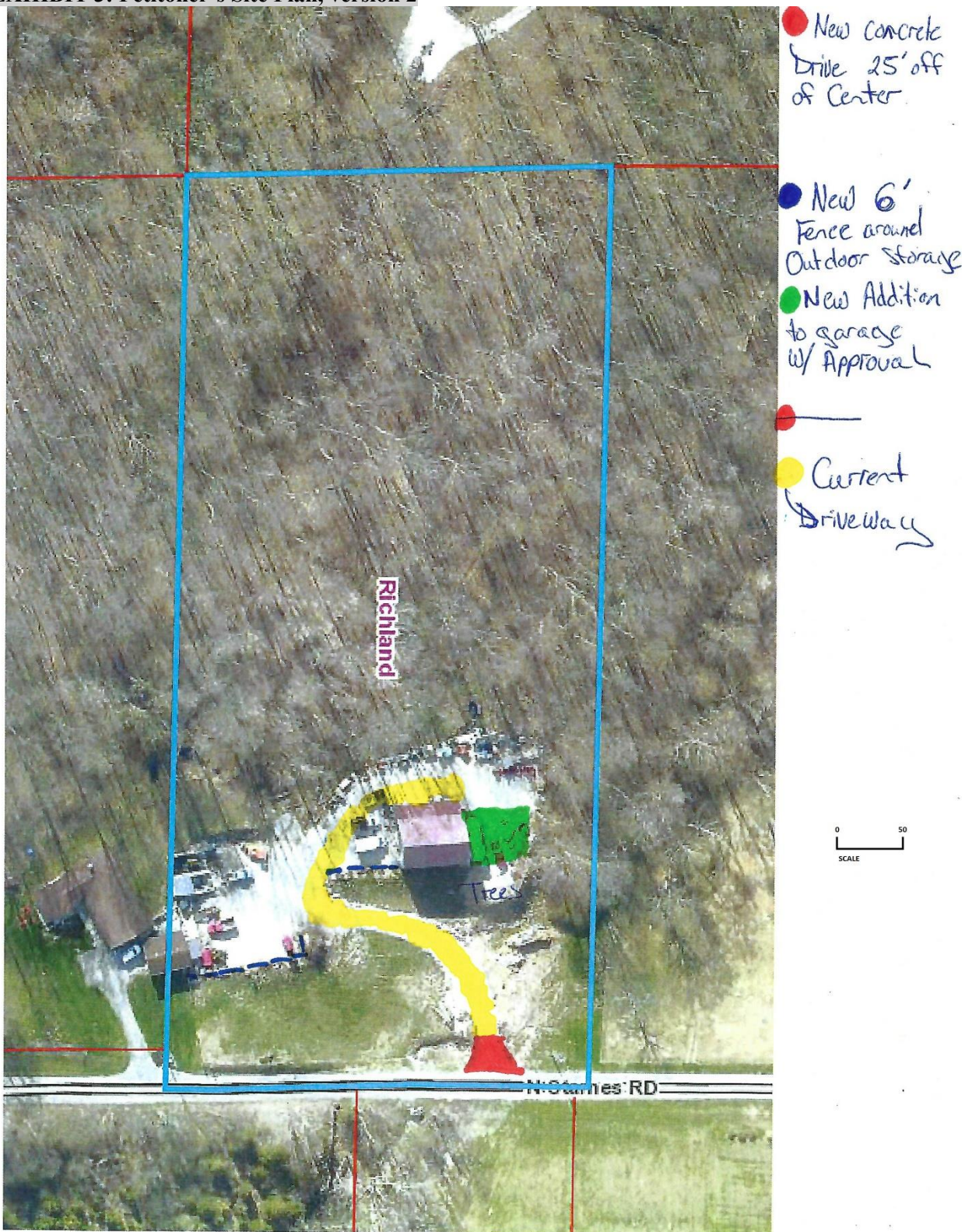
## Monroe County, IN

N Starnes RD, Bloomington, IN 47404  
53-04-20-300-012.000-011





EXHIBIT 3: Petitioner's Site Plan, version 2





## Exhibit 4: 2018 Use Determination 1810-USE-45



**MONROE COUNTY PLANNING DEPARTMENT**  
Monroe County Government Center, 501 N. Morton St., Suite 224  
Bloomington, IN 47404  
Telephone: (812) 349-2560 / Fax: (812) 349-2967

### Use Determination Form

In the case where a land use is not clearly listed in Chapter 802 or Chapter 833 of the Monroe County Zoning Ordinance, the Monroe County Planning Department may issue a formal determination based on the information provided herein. This determination allows the applicant to know if a land use is permitted use or conditional use, or not permitted.

#### PROPERTY OWNER CONTACT INFORMATION

Name: Glenn Goodroad  
Address: 3350 N. Starnes Rd.  
City, ZIP: Bgtn, IN 47404  
Phone: 812-320-6598  
Email: gandglawn@care llc 123@gmail.com

#### REPRESENTATIVE CONTACT INFORMATION - if applicable

Name: Same

Address:

City, ZIP:

Phone:

Review of a Use Determination will begin only after this form is submitted to the Planning Department by the applicant.

Upon receipt of all required information, the Planning Department will review the materials and notify the applicant of the outcome by email or mail, as indicated below.

#### Required property information:

Date: 10/15/18

#### Notification Preference:

☒ Email

☐ Mail

Address for Land Use: 3350 N. Starnes Road Bgtn, IN 47404

Parcel Number or Tax ID: 53-04-20-300-012-000-011

Total acreage: 5.05 Township & Section #: Richland

#### Required land use information:

Business title or Owner name: G & G Lann Care, LLC

Size of operation in total square feet or acres: 2 acres

Number of Employees (On-site, both full-time & part-time): 8

Number of Vehicles (used in operation of industry): 4

Hours of Operation: By Appointment only (at first)

Use, manufacture, or generation of any hazardous materials and/or waste:

none (possibly chemical treatments of plants in nursery in greenhouse)

(Continued on other side)

Required: Detailed description of the land use(s):

Note: The more complete this information, the more accurate the determination. It may also be necessary to request additional information.

In accordance with Monroe County Chapter 802  
Zoning ordinance: Zones and Permitted Uses.

802-5 (D1) The Use of land zoned agricultural  
for the growth, display and/or sale of plants,  
shrubs, trees, and materials used in indoor or outdoor  
planting conducted with or without an enclosed building.

We would like to use land at parcel and address  
listed above for a greenhouse/nursery to begin with  
planting of trees and plants to be repurposed for  
landscaping needs.

RECEIVED

Useful Code References:

Monroe County Zoning Ordinance: Chapters 802 & 833

OCT 18 2018

Office Use Only

MONROE COUNTY PLANNING

Date issued: 10/30/2018	Additional Documents Attached: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No CHAPTER 802; SITE PLAN REVIEW
Zoning of Property: (AG/RR)	Staff name: JORDAN YANKE/LARRY WILSON
Current use:	Is this a Change of Use, as defined in Chapter 801? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Use Determination for Land Use: NURSERY/GREENHOUSE	Chapter for Zoning and Use Table: <input checked="" type="checkbox"/> 802 <input type="checkbox"/> 833 <input type="checkbox"/> Bloomington UDO (2012)
Notes: PROPOSED USE OF NURSERY/GREENHOUSE PERMITTED IN (AG/RR) ZONING DISTRICT, PER CHAPTER 802 AND SUBJECT TO CONDITION 53. SITE PLAN REVIEW/APPROVAL REQUIRED.  NOTE EMAIL SENT WITH THIS FORM. [1810-USE-45]	

NOTE: ANY EXPANSION OR CHANGE FROM THE DESCRIPTION ABOVE MAY CHANGE THE USE DETERMINATION.

**Agritourism /Agritainment.** Farming-related activities offered on a working farm or other agricultural setting for entertainment or educational purposes.

**Aquaculture.** The commercial cultivation and processing of aquatic life, including fish, shellfish and seaweed.

**Christmas Tree Farm.** An agricultural use involving the raising or harvesting of Christmas trees for sale on-site or transport to market.

**Commercial Facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies.** Establishments selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

**Commercial Non-Farm Animals.** Animal production for human use, not including animals for agricultural use as listed above, but including animals for commercial production, such as bees and apiary products, fur animals, and exotic animals.

**Composting Operation.** An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines, and trees. However, property on which the principal use is residential and on which composting of such materials, accumulated exclusively on-site, is conducted, shall not be considered a composting operation.

**Confined Feeding Operations.** The confined feeding of 150 or more cattle, 300 or more of swine and sheep, or 10,000 or more fowl, per facility.

**Equestrian center.** Commercial horse, donkey, and mule facilities including: horse ranches, boarding stables, riding schools and academies, horse exhibition facilities, pack stations. This land use includes barns, stables, corrals, and paddocks accessory and incidental to the above uses.

**Equine Services.** Operations involved in the shelter and care of horses, as well as breeding, training, and for giving lessons, including stables, stud farms, and other related uses.

**Feed Lot.** An area restricted by fencing or other structure in which animals are fed, watered, and otherwise maintained for the purpose of growing for market.

**Feed Mill.** A facility where various feed stuffs are inventoried and processed for the purpose of providing complete or partial animal rations. This facility sells its product either directly to the user or may provide the service of delivery to the user. Sale of other agricultural items may be included and shall be an incidental accessory use. Limited, portable operation of feed mills as non-commercial uses on farms is allowed as an accessory use.

**Horse farm.** A building or structure and/or land whose operator keeps equines primarily for breeding.

**Kennels, including commercial animal breeding operations.** The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

**Nursery/greenhouse.** An establishment for the growth, display, and/or sale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or without an enclosed building.

53. Only permitted on lots 5 acres or greater in the AG/RR, CR, and FR zoning districts.

54. The temporary / seasonal activity must be subordinate to or incidental to the principal use existing on the property, and compatible with the intent of the district.

55. The principal dwelling unit or accessory dwelling unit (ADU) or Detached Accessory Dwelling Unit (DADU) must be occupied by the owner of the lot, the minimum lot size must be 5 acres, and must be used in conjunction with principal dwelling unit. Before final occupancy of the ADU or DADU, the property owner must execute an affidavit and commitment stating that the property owner will reside on the principal dwelling unit or ADU or DADU. Once recorded, the affidavit and commitment must not be removed or modified without Plan Commission approval. Only one accessory dwelling unit record is permitted.

The following design criteria also apply to accessory dwelling units:

Chapter 802/Page 46

AGRICULTURAL USES	i	AG	FR	CR	ER	LR	SR	MR	HR	UR	LB	GB	LI	HI	IP	ME	REC	Condition
Accessory Use		P	P	P									P	P		P		53
Accessory Structures for Agricultural Use	L	P	P	P														
Agriculture	H	P	P	P														53
Agricultural Event Center, Small	H	C																
Agricultural Event Center, Intermediate	H	C																
Agricultural Event Center, Large	H	C																
Agricultural-Related Industry	H	P	C	P														53
Agricultural Uses-Land Animal	H	P	P	P									P	P		P		22; 53
Agricultural Uses-Non Animal	H	P	P	P									P	P		P		22; 53
Agritourism / Agritainment (i.e. corn mazes, petting zoos, hay tunnels)	H	P	P	P														53
Aquaculture	M	P	P	P														22; 53
Christmas Tree Farm	H	P	C	P														53
Commercial facilities for the sale, repair, and service of agricultural equipment, vehicles, feed, or supplies	H	C	C	C														53
Commercial Non-Farm Animals	M	P	P	P														53
Confined Feeding Operations	H	C																24; 44
Equestrian Center	H	C	C	C														53
Equine Services	L	P																
Feed Lot	H	P																24
Feed Mill	L	P											P					6; 25
Historic Adaptive Reuse	L	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	15; 44
Horse Farm	L	P	P	P														53
Nursery/greenhouse	H	P	P	P														53
Orchard	H	P	P	P														53
Pick-your-own operation	H	P	C	P														53
Roadside farm stand, Permanent	M	P	P	P														52
Roadside farm stand, Temporary	L	P	P	P														51
Stockyard	H	P											P					24
Winery	H	P	P	P														53
RESIDENTIAL USES																		
Accessory Apartments	L	P	P	P	P	P	P	P	P									26
Accessory Dwelling Units	L	P	P	P														53; 55
Accessory Livestock	L	P	P	P	P	P	P											43
Accessory Use		P	P	P	P	P	P	P	P	P								5
Boarding House	L										P	P						
Elderly Housing	L																	

## Exhibit 5: 2018 Email Regarding 1810-USE-45

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**From:** Jordan Yanke <jyanke@co.monroe.in.us>  
**Sent:** Tuesday, October 30, 2018 4:11 PM  
**To:** Glenn Goodroad <gandglawncarellc123@gmail.com>  
**Cc:** Larry Wilson <lwilson@co.monroe.in.us>; Jason Eakin <jeakin@co.monroe.in.us>; Connie Griffin <cgriffin2@co.monroe.in.us>  
**Subject:** Use Determination 1810-USE-45 (N Starnes RD - Parcel No. 53-04-20-300-012.000-011)

Hi Glenn,

Find attached Use Determination 1810-USE-45 completed by the Planning Department. Also note the following correspondence:

**Nursery/Greenhouse** is a permitted use in the Agriculture/Rural Reserve (AG/RR) Zoning District, subject to the following condition:

*53. Only permitted on lots 5 acres or greater in the AG/RR, CR, and FR Zoning Districts.*

**Please be advised:** The following services are described on the G & G Lawncare, LLC Website:

- |  |   |
|--|---|
| <ul style="list-style-type: none"><li>• Hardscapes</li><li>• Fertilizing</li><li>• Hedge Trimming</li><li>• Landscaping</li><li>• Mulching</li><li>• New Lawns</li></ul> | <ul style="list-style-type: none"><li>• Aerating</li><li>• Patios</li><li>• Tree Removal</li><li>• Snow Removal</li><li>• Salting</li></ul> |
|--|---|

A company using a site for storage of equipment and materials in order to perform these services would be a "General Contractor" use under our definition below:

**General Contractor.** *An individual who contracts to perform work or to provide supplies on a large scale, or an individual who contracts to erect buildings.*

**The "General Contractor" use is not permitted in the Agriculture/Rural Reserve (AG/RR) Zone District.**

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Please confirm receipt of this message and attachments. Let me know if you have any questions. Thanks.

Jordan Yanke  
Planner/GIS Specialist  
Monroe County Planning Dept.  
501 N. Morton St., Suite 224  
[jyanke@co.monroe.in.us](mailto:jyanke@co.monroe.in.us)  
812-349-2560

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**From:** Glenn Goodroad [<mailto:gandglawncarellc123@gmail.com>]  
**Sent:** Thursday, October 18, 2018 1:43 PM  
**To:** Jordan Yanke <[jyanke@co.monroe.in.us](mailto:jyanke@co.monroe.in.us)>; Jason Eakin <[jeakin@co.monroe.in.us](mailto:jeakin@co.monroe.in.us)>  
**Subject:** 3350 North Starnes Road (18-AC-35)

Jordan and Jason,  
Attached, please find the completed Use Determination Form for the property at 3350 North Starnes Road. Please contact me if you have any questions or need further information.

Thank you.

Glenn Goodroad  
G&G Lawn Care, LLC  
(812) 320-6598  
[gandglawncarellc123@gmail.com](mailto:gandglawncarellc123@gmail.com)



**Exhibit 6: Site Photos from June 2021 – AC-21-18 (formally 18-AC-35)**





## MONROE COUNTY BOARD OF ZONING APPEALS

Public Meeting Date: **February 2, 2022**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-21-71	Floodplain Compensatory Storage Chapter 808	Approval

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

***Recommended Motion Conditions or Reasoning:***

Approve the Floodplain Variance There are practical difficulties associated with the project in that the home design necessitates the driveway redesign and there is support from DNR Indiana Engineering to support this project without compensatory storage design. The proposed grading project will result in less chance of the residence flooding in future storm events.

**Variance Type:**    ☒ Design ☐ Use  
                              ☒ Residential ☐ Commercial

**Planner:** Tammy Behrman

<b>PETITIONER</b>	Denise L. Griggs & Gregory E. Adams (owners)	
<b>ADDRESS</b>	4102 W Glen Oaks DR; 53-09-12-201-020.000-015	
<b>TOWNSHIP + SECTION</b>	Van Buren; 12	
<b>PLATS</b>	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Lot 30, Westwood Subdivision	
<b>ACREAGE +/-</b>	0.46+/-	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	RS3.5	RS3.5
<b>COMP PLAN</b>	MCUA Mixed Use	MCUA Mixed Use
<b>USE</b>	Residential	Residential

### SUMMARY

The petitioner is proposing to add fill to their driveway and grade it in such a way that it will no longer be a part of the Special Flood Hazard Area. An inspection was performed by staff on June 25, 2021 to assess properties impacted by the June 18, 2021 flood event. Staff noticed work being performed on the driveway and sent a Notice of Determination letter to have all work cease and desist until all permits could be issued. Staff was made aware that a State Certificate of Approval (Exhibit 5) was issued for the work but that no local Floodplain Development Permits were applied for by the contractor. Local flood regulations are more strict than the state regulations and it was determined that the requirement for compensatory storage would require a variance. In the meantime, the project objectives changed and the petitioners were also able to obtain an Indiana Engineering “No-Rise” Certificate (Exhibit 6) demonstrating that the fill site would be small enough to be considered to cause no-rise in the regulation flood stage if completed. Many of the adjacent homeowners were impacted by the June 18<sup>th</sup>, 2021 flooding event and also sustained damage to their homes so the DNR Certificate is important for this project.

### LOCAL PERMITS

Driveway Permit – RW-21-244 (in process, pending variance)

Grading Permit – IG-21-21 (in process, pending variance)

Floodplain Development Permit – FP-22-1 (in process, pending variance)

## DISCUSSION

Monroe County adopted the state required Flood Damage Prevention [Chapter 808](#); Ordinance 2017-25 on July 25, 2017. The County also chose to adopt all of the optional restrictions that DNR offered as a suggestion. One of the optional design standards deals with compensatory storage. This regulation describes that if fill is added to the floodplain then an equal amount of fill must be removed from the floodplain on the same property specifically stated as:

### Chapter 808-5(A)(11)

*Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.*

*a. The excavation shall take place in the floodplain and in the same property in which the authorized fill or structure is located.*

The petitioner's project encompasses their driveway area of 82' x 25'. The 0.46 acre lot only has mapped floodplain in their 82' x 25' driveway. In order to comply with the compensatory storage requirement a large excavated area in the driveway would be required to allow the project to proceed. With the support of DNR Indiana Engineering document demonstrating the "No-Rise" for the added fill between 6" and 3' on their driveway, the petitioner does have a case for asking for the design standards variance from locally optional compensatory storage requirement.

## EXHIBITS - Immediately following report

1. County Slope Map 15%
2. Staff Site visit photos / aerials
3. Petition Letter
4. Petitioner Site Plan
5. DNR Certificate of Approval
6. DNR 'No-Rise' Certificate

**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: 1/21/2022





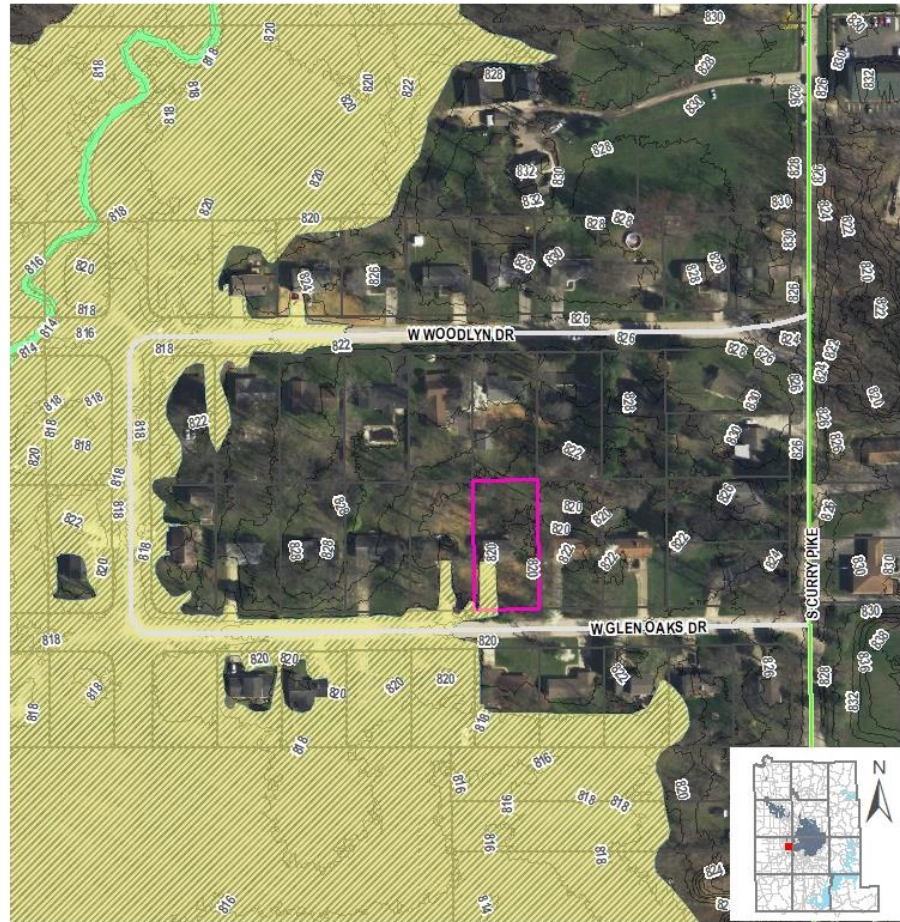
# Slope Map

- Minor Arterial [100']
- Local Roads [50']
- DNR BAFL FLOOD ZONE**
- AE
- Petitioner
- Parcels
- 2-Foot Contours
- Hydrologic Features
- FEMA Floodplain

0 60 120 240 360 Ft



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 1/21/2022



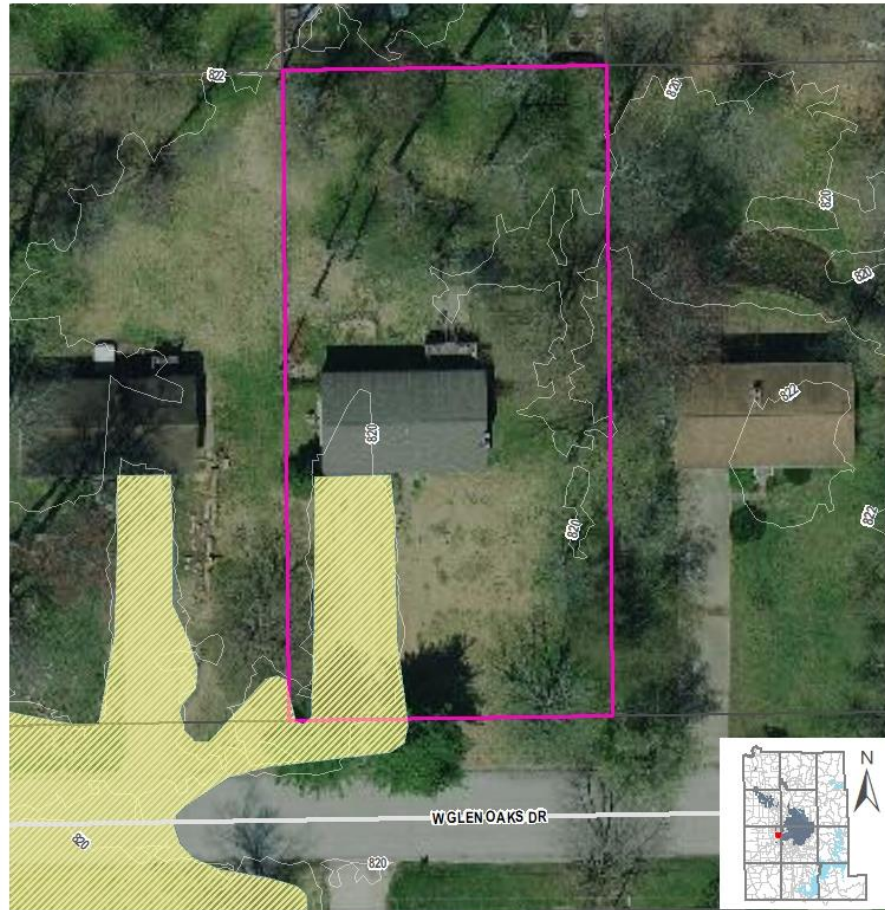
# Slope Map

- Local Roads [50']
- DNR BAFL FLOOD ZONE**
- AE
- Petitioner
- Parcels
- 2-Foot Contours
- FEMA Floodplain

0 10 20 40 60 Ft



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 1/21/2022







**Photo 1: Looking north. Pictometry view April 2020.**





**Photo 2: Looking north. Pictometry view April 2020.**



**Photo 3. Facing northwest. View of home and attached driveway.**





**Photo 4. Facing west on W Glen Oaks Dr.**



**Photo 5. Facing northeast: view of the home and the driveway project.**





**Photo 7. Driveway for residence.**

**Photo 8. View of the eastern property line.**



December 16, 2021

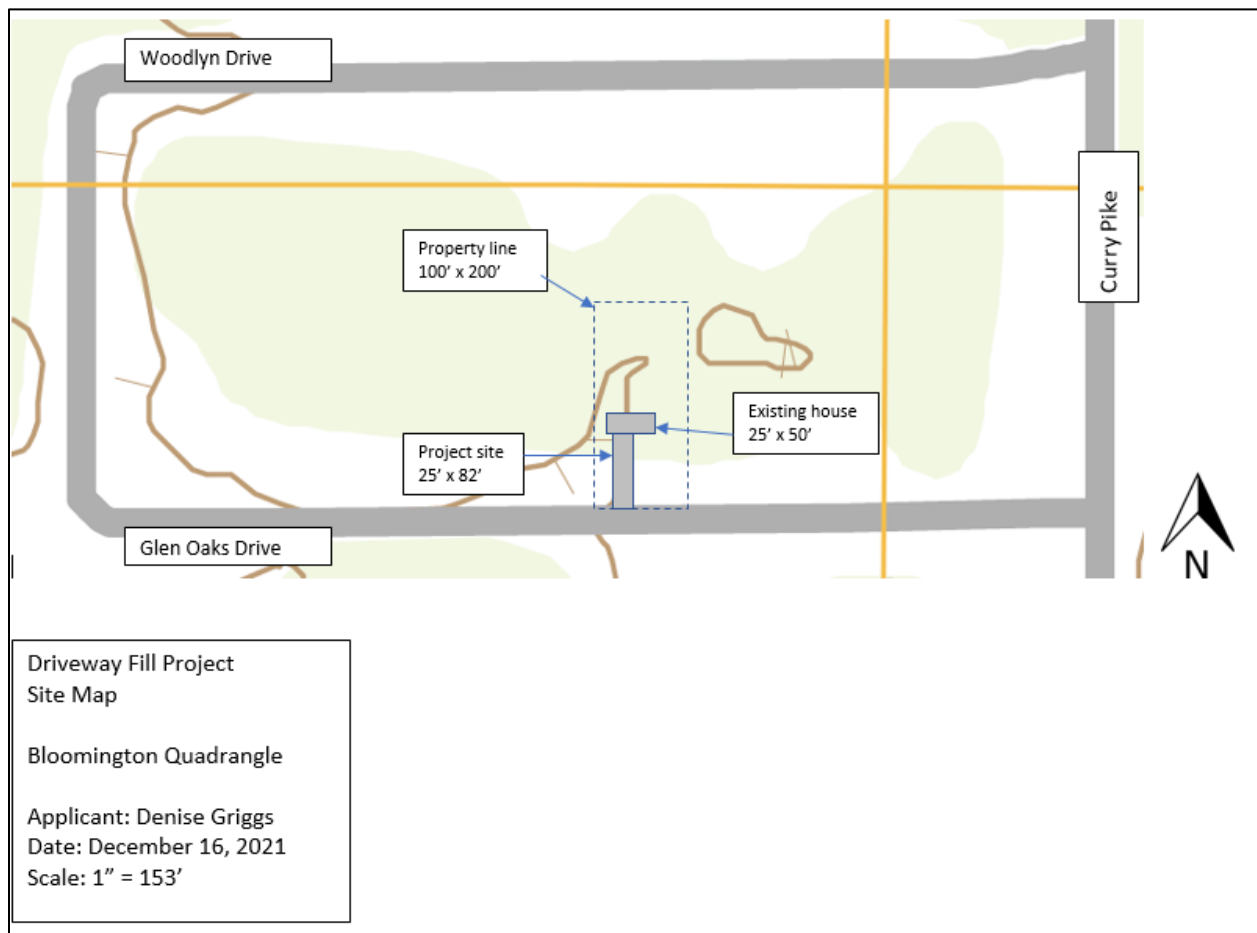
To the board of zoning appeals:

We are asking for a variance from our local standard to Chapter 808-5(A)(11) *Whenever any portion of the SFHA is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the BFE shall be compensated for and balanced by an equivalent volume of excavation taken below the BFE. The excavation volume shall be at least equal to the volume of storage lost (replacement ratio of 1 to 1) due to the fill or structure.*

During any rainfall, water flows down our street and into our driveway. During heavy rainfall, it flows into our garage and floods our lower level. This has happened a number of times since we bought the house in 2013, usually between 1-4 inches, but in the February 2019 flood we had 22 inches and in this last summer's flood, 25 inches. We are desperate to be able to complete this project to preserve both our property and our sanity.

Because this is just a .46 acre residential lot, we do not want to have to excavate an equal amount of soil from elsewhere on the property. The driveway is the only part of the property considered to be in a floodplain, and the only reason the driveway is below BFE is because the original builder excavated the dirt out—that is, it's not truly part of a floodplain. We have also received a No Rise Certificate from DNR stating that our project will cause no rise in the regulatory flood stage.

Sincerely,  
Denise Griggs







State of Indiana  
Department of Natural Resources



**CERTIFICATE OF APPROVAL**

**Application #: FW-29977-0**

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

**Approval Issued To:** Denise Griggs, 4102 West Glen Oaks Drive, Bloomington, IN 47403

**Approval Issued By:**

*George C. Bowman*

**Mail Date:** 3/23/2020

George C. Bowman, PE, Division of Water

**Permit Effective Date:** 04/10/2020

**Permit Expiration Date:** 03/23/2022

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

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

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**PROJECT INFORMATION:**

Waterbody: Sinking Creek

County: Monroe

Project Description Narrative: An 82' x 25' area will be filled to raise a residential driveway above the base flood elevation. The fill will vary in depth from 6" near the street to 3' at the garage.

Project Location: 4102 West Glen Oaks Drive Bloomington

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**PERMIT CONDITIONS:**

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

**DNR PROJECT SPECIFIC PERMIT CONDITIONS**

- 1) Revegetate all bare and disturbed areas with a mixture of grasses and legumes, and native hardwood tree species if any trees are removed, as soon as possible upon completion.
- 2) Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized.

- 3) Any erosion control blankets used shall be heavy-duty, biodegradable, and net free or that use loose-woven / Leno-woven netting to minimize the entrapment and snaring of small-bodied wildlife; seed and apply mulch on all other disturbed areas.
- 4) Except for the material used as backfill as shown on the plans submitted for the permit application, place all excavated material landward of the floodway\*.
- 5) Do not leave felled trees, brush, or other debris in the floodway\*.
- 6) Upon completion of the project, remove all construction debris from the floodway\*.

#### DNR PROJECT GENERAL PERMIT CONDITIONS

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

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#### RIGHT TO ADMINISTRATIVE REVIEW:

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

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

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#### SERVICE LIST:

##### Applicant(s):

Denise Griggs, 4102 West Glen Oaks Drive, Bloomington, IN 47403

##### Adjacent Landowners and Interested Parties:

Ruth Clemons, 4101 West Woodlyn Drive, Bloomington, IN 47403  
Steven and Amysue Denney, 4031 West Glen Oaks Drive, Bloomington, IN 47403  
Jeremy and Kelly Carter, 4101 West Glen Oaks Drive, Bloomington, IN 47403  
Dale and Patricia Martin, 4112 West Glen Oaks Drive, Bloomington, IN 47403  
Lee and Kristi Carlson, 4031 west Woodlyn Drive, Bloomington, IN 47403  
Yan Hua Liu, 3616 West 3rd Street, Bloomington, IN 47403  
Richard Morley, 4111 West Woodlyn Drive, Bloomington, IN 47403  
Oliver Feschyn, 4032 West Glen Oaks Drive, Bloomington, IN 47403

Courtesy Notification:

US Army Corps of Engineers, Louisville District PO Box 59, Louisville, KY 40201

Monroe County SWCD, Martha Miller, 1931 South Liberty Drive, Bloomington, IN 47403

Monroe County Planning Department, Larry J Wilson, 501 North Morton Street, Suite 224, Bloomington, IN 47404

Monroe County Drainage Board, County Surveyor, Health Services Building, 2nd Floor 119 West 7th Street,  
Bloomington, IN 47404

Indiana Department of Natural Resources, Division of Law Enforcement District 6 Headquarters 11 Durbin Street, Camp  
Atterbury, Edinburgh, IN 46124

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**ADDITIONAL PERMITTING AGENCIES:**

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

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



INDIANA ENGINEERING "NO-RISE" CERTIFICATION  
State Form 57165 (8-21)



Application Number FW-29977

\*This form must be filled out by an Engineer licensed to practice in the State of Indiana

Community Monroe County, Indiana (Unincorporated Areas)

County Monroe County

Applicant (Property Owner)	
Name	Firm
Denise Griggs	
Address (number and street, city, state, and ZIP code)	
4102 West Glen Oaks Drive, Bloomington, IN 47403	
Telephone number	E-mail address
(812)-391-9147	denise.griggs@gmail.com

Engineer	
Name	Firm
David Knipe	Indiana Department of Natural Resources
Address (number and street, city, state, and ZIP code)	
402 W. Washington Street, Room W264, Indianapolis, IN 46204	
Telephone number	E-mail address
(317) 232-4173	dknipe@dnr.in.gov

Site Data	
Address (number and street, city, state, and ZIP code)	
4102 West Glen Oaks Drive, Bloomington, IN 47403	
Location (Section, Range, Township)	
Section 12, Range 2 West, Township 8 North (2nd Meridian)	
Flooding Source	Effective NFIP map date (month, day, year)
Cave Creek	17-Dec-10
Panel Nos. of NFIP map(s) affected	
18105C0139D	
Type of development	
(5) mining, dredging, filling, grading, excavation, or drilling operations	
Description of Development	
fill for a residential driveway	

Comments
The floodway for Cave Creek is based on a storage floodway above the entrance to a Karst feature. Analysis for approval of application FW-29,977 under the Indiana Flood Control Act (IC 14-28-1) was completed by the Department of Natural Resources due to the unique nature of this floodplain area. The increase in the 1% annual chance flood stage was small enough (less than .01 feet) to be considered as causing no rise in the regulatory flood stage.

This is to certify that I am a duly qualified engineer licensed to practice in the State of Indiana. It is to further certify that the attached technical data supports the fact that the proposed development described above will not create any increase to the 100-year elevation on Cave Creek at published cross sections in the Flood Insurance Study for Monroe County County, Indiana and Incorporated Areas, specifically Monroe County, Indiana (Unincorporated Areas), Indiana dated December 17, 2010 and will not create any increase to the 100-year flood elevations at unpublished cross sections in the vicinity of the proposed development.

David Knipe

Name

Signature

Engineering Section Manager

Title

10/21/2021

Date

PE19600539

Licence Number







## MONROE COUNTY BOARD OF ZONING APPEALS

**Public Meeting Date:**

**February 2, 2022**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-1a	Landscaping to Ch. 830	Denial
VAR-21-1bb	Surfacing to Chapter 806	Denial

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

**Recommended Motion Conditions or Reasoning:** Staff recommends denial due to the lack of practical difficulties, specifically:

1. *Landscaping: Screening is required of outdoor storage per Chapter 833, which can include fencing or perimeter landscaping.*
2. *Surfacing: in addition to the storage of utility poles, the site is also being used for large equipment and employee vehicle parking which negates the petitioner's reasoning.*

<b>Variance Type:</b>	<input checked="" type="checkbox"/> Design <input type="checkbox"/> Use <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Commercial	<b>Planner:</b> Anne Crecelius
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<b>PETITIONER</b>	BB Profile LLC c/o Warren Cutshall	
<b>ADDRESS</b>	3232 W Profile Parkway, 53-04-36-100-054.005-011	
<b>TOWNSHIP + SECTION</b>	Richland, 36	
<b>PLATS</b>	<input type="checkbox"/> Unplatted <input checked="" type="checkbox"/> Platted: Pinnacle Business Park Major Subdivision Lot 5	
<b>ACREAGE +/-</b>	3.7	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	IG	IG, E&N Mobile Manor PUD, and N.T.
<b>CDO ZONE</b>	MCUA Mixed-Use	MCUA Mixed-Use, MCUA Employment
<b>USE</b>	Commercial	Commercial & Residential

### DISCUSSION

The petitioner has applied for a Commercial Site Plan for the petition site located at 3232 W Profile Parkway. The proposed use was determined to be "Warehousing and Storage" under Chapter 833. The petitioner is requesting two (2) commercial design standard variances from the Landscaping and Surfacing requirements of Chapters 830 and 806. The petitioner's purpose and staff recommendation reasoning is listed below:

- Landscaping (Bufferyard, Interior, Perimeter) to Ch. 830
  - The site would be required to install bufferyard and parking perimeter landscaping, and install screening for off-street parking.
- Parking Surfacing Requirement to Chapter 806-4 (D) (1)
  - Off-street parking areas (including parking spaces, aisles and driveways) shall be constructed using plant mix asphalt, concrete, porous asphalt, porous concrete or permeable paver systems.
- An approved commercial site plan filing with Monroe County is required before occupying the site.



**EXHIBITS - *Immediately following report***

1. Staff Site visit photos
2. Petitioner Letter
3. Pinnacle Business Park Major Subdivision Final Plat
4. Commercial Site Plan Filing – DRAFT
5. Use Determination













January 5<sup>th</sup>, 2022

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

To: Board of Zoning Appeals

RE: Pinnacle Business Park Lot #5, Site Plan Approval, Variance Request

This application is being submitted for Lot #5 of the Pinnacle Business Park to be permitted for a utility "lay down yard". BB Profile LLC is leasing the site to Duke Energy under a Material Storage Lease and they are using it for outdoor storage of power poles, material, and equipment storage.

This site was recently purchased by BB Profile LLC from ABB Inc. The property is adjacent to the newly constructed Profile Parkway. The former single parcel was recently platted into smaller, more manageable lots for the Pinnacle Business Park subdivision. The intention of both the Profile Parkway project and the platting process was to spur re-use of this overall site. Our intention is to pursue more permanent development of this site, but in the interim there is a need for this laydown area. The land is zoned (IG) and within the Table 33-1 Land uses, outdoor Warehousing and Storage is a permitted use with conditions that are being complied with. Access to the lot will be by way of an existing drive off of Profile Parkway- through an existing curb cut (See RW-21-413) which will be improved to the Right of Way limit. The longer-term plan for this portion of the site is to build a warehouse for distribution.

Our specific request is to obtain a variance from 806-4 (D) (1) Surfacing, and 806-4 (D) (2) Curbs, and any Landscaping requirements under Section 830.

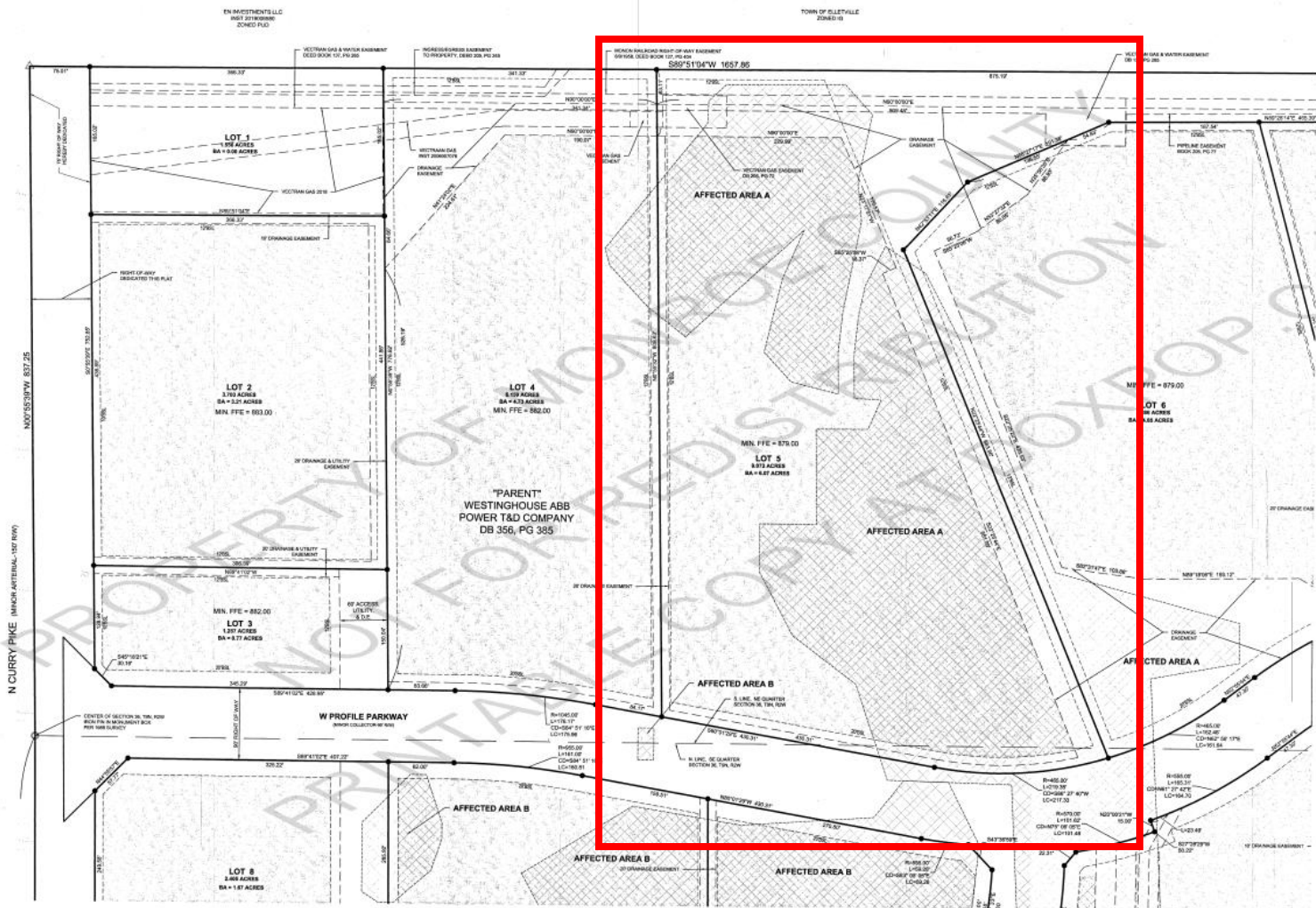
These issues are mitigated by the fact that the gravel lot will be maintained and any tracking or dust will be controlled, it has a 1" berm of stone surrounding the lot, and the lot is screened with an opaque screen on all visible sides.

Please review this variance application and let me know if there are any questions or other information I can provide. Thank you for your consideration.

BB Profile LLC



By: Warren Cutshall, Manager



SCALE: 1"=60'

### LEGEND

- STONE MONUMENT  
STONE WITH X  
CONCRETE MONUMENT  
5/8" REBAR W/PLASTIC CAP SET  
REBAR CAP FOUND  
IRON ROD FOUND  
FENCE POST FOUND  
RAILROAD SPIKE FOUND  
NAIL NAIL FOUND  
NAIL NAIL SET  
HIGHWAY BOB  
EASEMENT LINE  
SETBACK LINE  
CENTERLINE OF ROAD  
GRADING SETBACK LINE  
UTILITY EASEMENT  
DRAINAGE EASEMENT  
BUILDABLE AREA  
EPA EASEMENT AREA

**PINNACLE BUSINESS PARK  
MAJOR SUBDIVISION FINAL PLAT**

SMITH BREHOB & ASSOCIATES, INC., 453 S. CLARIZZ BLVD., BLOOMINGTON, INDIANA 47401  
T: 812.336.6536 W: [www.smithbrehob.com](http://www.smithbrehob.com)

PLAT DATED: NOVEMBER 27, 2019











Monroe County Plan Commission and office of the Monroe County Board of Zoning Appeals  
 Monroe County Government Center  
 501 N. Morton St., Suite 224  
 Bloomington, IN 47404  
 Telephone: (812) 349-2560 / Fax: (812) 349-2967  
<https://www.co.monroe.in.us/departments/structureid=13>

## USE DETERMINATION

NOTE: Any expansion or change from the description provided to staff using this form may change the use determination

**\*\*\*THIS IS NOT A PERMIT\*\*\***

<b>Use Determination:</b>	Warehousing and storage (PERMITTED REQUIRES SITE PLAN APPROVAL FIRST)
<b>Zoning of the Property:</b>	IG
<b>Current Use of the Property:</b>	Vacant
<b>Owner Name:</b>	BB Profile LLC
<b>Considered a Change of Use:</b>	Yes
<b>Ordinance Reference:</b>	833
<b>Township and Section:</b>	Richland // 20A
<b>Zoning/ Floodplain:</b>	IG / No Floodway
<b>ECO:</b>	N/A
<b>Property Setbacks:</b>	Front Parking from Profile = 65' from centerline or 10' from R/W, whichever is greater; Front structures= 55' from centerline or 10' from R/W whichever is greater; Side parking= 6'; Side building= 12' or 0' along railroad; Rear parking= 10'; Rear building = 20' or 0' if along railroad
<b>Address / Parcel #:</b>	300 N Curry PIKE Bloomington IN 47404 / 53-04-36-100-054.000-011
<b>Constraints/Notes:</b>	<p><b>USE-21-87</b></p> <p><b>Owner Name: BB Profile LLC</b></p> <p><b>Owner Address: 2593 W Fountain Dr Bloomington, In 47404</b></p> <p><b>Parcel Number: 53-04-36-100-054.000-011</b></p> <p><b>Address: 300 N Curry PIKE, Bloomington, IN 47404</b></p> <p><b>Applicant: Warren Cutshall</b></p> <p><b>Email Address: wwcutshall@yahoo.com</b></p> <p><b>Phone Number: 812-219-7610</b></p> <p><b>Address: 2593 W. Fountain Drive Su #2, Bloomington, INDIANA (IN) 47404</b></p> <p><b>Described Use:</b></p> <p><b>Business title or Owner Name</b></p> <p><b>BB Profile LLC</b></p> <p><b>Size of operation in total square feet or acres *</b></p> <p><b>Approximately 2 acres</b></p> <p><b>Number of Employees (on-site, both full and part-time) *</b></p> <p><b>0</b></p> <p><b>Number of Vehicles (used in operation of business) *</b></p> <p><b>2</b></p> <p><b>Hours of Operation *</b></p>



9-5

Use, Manufacture, or generation of any hazardous materials and/or waste: \*

no

Detailed description of land use(s) \*

Utility sub station- a temporary laydown yard for power poles. Duke Energy is connecting a substation at 11th and Rogers to the large station on Rogers south of Patterson. They need a temporary laydown yard from December 10th 2021 through January of 2023. They are committing to add 6-12" of gravel in this area, which would be conducive to this part of the property- which will enhance capping-stabilization control for the current swale project. This area will likely not be developed with occupied buildings in the future but could be a good area for outdoor storage or parking. It is a temporary use as we plan a more permanent plan for Lots #2, #3, #4, #5 in a comprehensive development. That project is still in the planning phases.

Is the property/properties on sewer? \*

Yes

Zoning: General Industrial (IG) -- Chapter 833

Uses	IL	IG	BP	I	AP	Q	Cond.
Warehousing and storage		P					13

Condition:

(13) Outdoor storage yards shall be screened so as to mitigate the appearance and impact of the proposed storage use, and its level of activity, in a manner consistent with the purposes of the IG district.

Chapter 833, Page 11

Use determination:

Warehousing and storage, including an outdoor storage yard, is a permitted use in the General Industrial (IG) Zoning District. Next Step is to apply for a commercial site plan:

<https://monroecountyin.viewpointcloud.com/categories/1085/recording-types/6614>

Site plan showing compliance with all development standards, including screening condition, required unless specific variances are granted.

Need to apply for a permanent driveway permit. Currently RW-21-348 is a temp driveway permit.

Drainage issues exist. Rule 5 compliance required.

Reviewed by:

Jackie Nester Jelen/Larry Wilson

Any determination is subject to an  
appeal per Chapter 821:

[https://www.co.monroe.in.us/egov/documents/59990883\\_fa90\\_b436\\_69cd\\_a52adf7a9902.pdf](https://www.co.monroe.in.us/egov/documents/59990883_fa90_b436_69cd_a52adf7a9902.pdf)

**USE-21-87**

This is an e-permit. To learn more, scan this barcode or visit [monroecounty.in.viewpointcloud.com/records/6652](https://monroecounty.in.viewpointcloud.com/records/6652)