

# MONROE COUNTY BOARD OF ZONING APPEALS



**Wednesday, April 6, 2022  
5:30 p.m.**

## **Hybrid Meeting**

### **In-person**

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

### **Virtual**

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

If calling into the Zoom meeting, dial: 312-626-6799.  
When prompted, enter the Meeting ID #: 849 9241 2568  
Password: 373168

**AGENDA**  
**MONROE COUNTY BOARD OF ZONING APPEALS (BZA)**

**HYBRID MEETING**

**When:** April 6, 2022 at 5:30 PM

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

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

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

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

Password: 373168

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**CALL TO ORDER**

**ROLL CALL**

**INTRODUCTION OF EVIDENCE**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES: October 6, 2021, November 3, 2021, December 1, 2021**

**ADMINISTRATIVE BUSINESS:**

**1. ADR-21-3 Findings of Fact for ADR-21-3 at 5100 S Victor Pike PAGE 4**

**OLD BUSINESS:**

**1. CDU-21-6 Goodroad General Contractor (Rural) Condition Use PAGE 9**

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)

**NEW BUSINESS:**

**1. VAR-22-5 Smith ECO Area 2 Variance to Chapter 825 PAGE 26**

One (1) 5.50 +/- acre parcel in Clear Creek Township, Section 11 at 3197 E Will Sowders RD.

Owner: Smith Family Revocable Trust

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

**2. VAR-22-6 Hutcherson DADU Condition #55 Variance to Chapter 802 PAGE 32**

One (1) 22.29 +/- acre parcel in Richland Township, Section 21 at 3223 N Thomas RD, parcel #53-04-21-400-016.000-011.

Owner: Hutcherson, Lisa & Shawn

**Zoned AG/RR.** 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 April 6, 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**

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**FINDINGS OF FACT, CONCLUSIONS AND DECISION  
ON DOCKET ITEM ADR-21-3**

Docket Item ADR-21-3 is before the Monroe County Board of Zoning Appeals (“Board”) by request of the Petitioner, P & G Associates LLC (“Petitioner”), for review of a Use Determination issued by the Monroe County Planning Director (“Director”), and the Board, having heard and reviewed this matter on December 1, 2021, now enters the following findings of fact, conclusions and decision:

**Findings of Fact**

Based upon the matters submitted, the Board finds the following facts:

1. On September 23, 2005, Petitioner became the owner of property located at 5100 S. Victor Pike, Bloomington, Indiana (“Property”).
2. When Petitioner acquired ownership of the Property, Petitioner continued the previous owner’s use of the Property as a fuel station that included, among other activities, overnight truck parking.
3. On August 10, 2021, Petitioner submitted a Use Determination Form, requesting a determination whether overnight truck parking, among other specified activities, may be lawfully conducted on the Property under the Monroe County Zoning Ordinance.
4. On September 15, 2021, the Director issued a Use Determination concluding that overnight truck parking is not a permitted use of the Property under the applicable version of the Monroe County Zoning Ordinance (adopted by Ordinance 1986-19, effective August 29, 1986).
5. On October 6, 2021, Petitioner filed an Appeal of Administrative Determination, requesting that the Board reverse the Director’s Use Determination for the Property.



6. The Zoning Ordinance (1986) stated, in pertinent part, as follows:

Except as provided, no building or premises shall be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished so that the yards or open spaces are smaller than prescribed.

7. Before a commercial building was constructed on the Property, the Property was zoned Limited Business (LB) under the Zoning Ordinance (1986).

8. Under the Zoning Ordinance (1986), districts “[d]esignated ‘LB’ (limited business) are to provide areas for business uses that are compatible with nearby residential areas.”

9. The pertinent business uses of the Property permitted by the Zoning Ordinance (1986) in the LB District were gasoline service station and public parking area.

10. Truck freight terminal was a business use permitted by the Zoning Ordinance (1986) in the LB District only upon special exception approval.

11. The Board has never approved a special exception for use of the Property as a truck freight terminal.

12. The Zoning Ordinance (1986) defined “Gasoline Service Station” as follows:

A retail business providing automotive fuels and lubricants directly to customer vehicles. Incidental repair, replacement and servicing of customer vehicles shall be considered as an accessory use. Removal and repair of major automotive components, the repair and painting of body parts and the machining of automotive parts shall not be considered as an accessory use.

13. The Zoning Ordinance (1986) defined “Vehicle” as “[a]ny motor vehicle, automobile, motorcycle, truck, trailer, semi-trailer truck, tractor, bus, school bus, mobile home or motor bicycle.”

14. The Zoning Ordinance (1986) defined “Parking Area, Public” as follows:

An area, other than a street, used for the temporary parking of more than four (4)

automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

15. The definition of “Parking Area, Public” was amended by passage of Ordinance 1996-36 to state:

A public parking area is an open, hard-surfaced area, other than a public way or street, intended to be used for the temporary, daily, or off-street parking of passenger automobiles and commercial vehicles under one and one-half (1-1/2) tons rated capacity, and available to the public, whether for compensation, free, or as an accommodation to clients or customers.

16. In 1996, the zoning map was amended to change the LB District where the Property is located to Pre-Existing Business (PB).

17. The Zoning Ordinance defines the PB District as follows:

The Pre-Existing Business (PB) District is defined as that which is primarily intended to accommodate commercial and business service uses that were in operation prior to the adoption of this zoning ordinance. The intent of the PB District is to identify locations of commercial activity that are not supported by the Comprehensive Land Use Plan, but where commercial and service operations continue to exist. This District is identified for the purposes of maintaining commercial activities with business zoning, while at the same time not allowing for the expansion of new business activity proximate to the location of the PB District. Expansion of the business is permitted within the lot of record. The type of business may change to one of equal or lower intensity as identified on Table 2-1 *Permitted Land Uses*.

18. When the Property was re-zoned from LB to PB, a truck stop/travel plaza was not a permitted use in any Zoning District.

19. Truck stop/travel plaza was permitted as a conditional use in the Heavy Industrial (HI) District upon passage of Ordinance 2014-24.

20. The Zoning Ordinance defines “Truck Stop/Travel Plaza” as follows:

A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers. They may also be utilized by non-truck traffic and the interstate traveler. Business activities which are customarily accessory and clearly incidental and subordinate to the truck stop or travel plaza, may include but not be limited to: scales, truck wash, tire repair and

sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access etc.), motel/hotel, laundry, chain rental, vehicle fuel and consumer propane bottle dispensing. The facility may allow for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are enroute to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term “truck” shall mean a commercial vehicle driven by a ‘truck driver’ who is required to have a Class “A” CDL (Commercial Driver’s License) license or equivalent.

### **Conclusions**

Based upon the foregoing findings of fact, the Board concludes as follows:

1. Gasoline service station and a public parking lot were permitted business uses on the Property when it was zoned LB and could continue when it was re-zoned PB.
2. Before Ordinance 1996-36 was passed, only automobiles were permitted to temporarily park as an accommodation for customers in the public parking area of the Property.
3. Ordinance 1996-36 expressly excluded commercial vehicles over one and one-half (1½) tons from parking in the public parking area of the Property.
4. The business use of the Property as a gasoline service station and public parking lot could be changed to another type of business of equal or lower intensity in the PB District; however, it could not be changed to a “Truck Freight Terminal,” which was a use permitted in the LB District only upon special exception approval.
5. Overnight truck parking is not a permitted use of the Property.

### **Decision**

Based upon the foregoing findings of fact and conclusions, the Board now **AFFIRMS** the Director’s Use Determination for the Property.

**“YES”**

\_\_\_\_\_  
MARY BETH KACZMARCZYK  
Chairman

\_\_\_\_\_  
MARGARET CLEMENTS  
Vice Chairman

\_\_\_\_\_  
VICKY SORENSEN

\_\_\_\_\_  
SKIP DALEY

\_\_\_\_\_  
BERNIE GUERRETTAZ

ATTEST:

\_\_\_\_\_  
JACKIE NESTER JELEN  
Secretary

**“NO”**

\_\_\_\_\_  
MARY BETH KACZMARCZYK  
Chairman

\_\_\_\_\_  
MARGARET CLEMENTS  
Vice Chairman

\_\_\_\_\_  
VICKY SORENSEN

\_\_\_\_\_  
SKIP DALEY

\_\_\_\_\_  
BERNIE GUERRETTAZ

**MONROE COUNTY BOARD OF ZONING APPEALS****April 6, 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 3 and narrative - updated
3. 2018 Use Determination 1810-USE-45
4. 2018 Email regarding 1810-USE-45
5. Site Photos from June 2021
6. Petitioner's Outdoor Vehicle Storage List
7. Petitioner's Statement of Development Standards

**RECOMMENDED MOTION**

Staff recommends **Approval** of the conditional use petition for General Contractor (Rural) of Chapter 802 and 813 with the following conditions to be met by October 6, 2022:

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) and 813-10 (C)(17)(B).
2. Record affidavit stating they will reside on the property full-time per 813-10 (C)(17)(B)
3. Complete requirements per RW-22-65
4. Petitioner meet all site plan requirements as shown in Exhibit 2

**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 a 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.

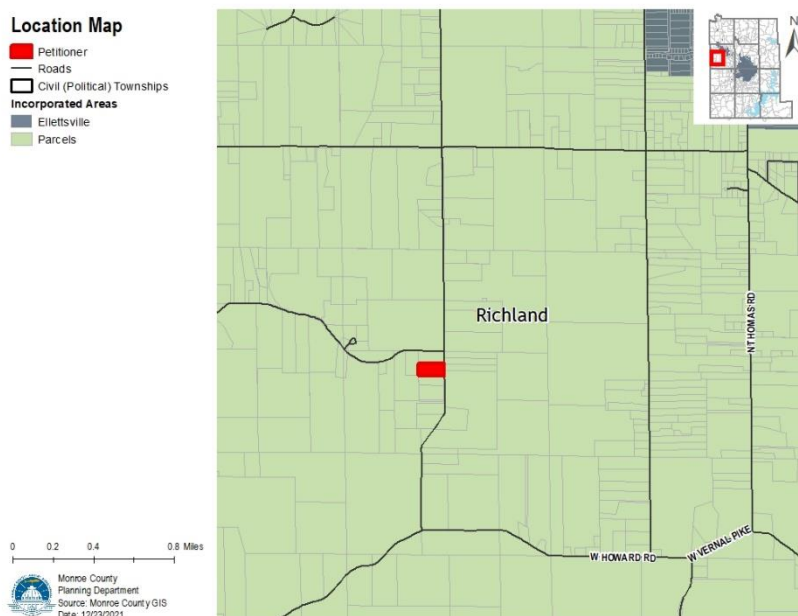
- A. the requested conditional use is one of the conditional uses listed in Chapter 813-8 (for the traditional County planning jurisdiction) or Table 33-3 (for the former Fringe) for the zoning district in which the subject property is located. In addition to the other relevant standards imposed by or 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;
- 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,
- 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 and #2.](#)
- 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 2.](#)
  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.'  
[Meets requirement per Exhibit 6.](#)
  3. No outdoor storage area may exceed 100' x 100' and must be located within buildable area per Chapter 804.  
[Meets requirement per Exhibit 2.](#)
  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. Should the owner meet the definition of a "Greenfill", the Planning Department will proceed with enforcement under the Zoning Ordinance.](#)

## 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







March 18, 2022

Monroe County Zoning Board,

We have reviewed our previous site plans and spent time meeting with Anne Crecelius from the Monroe County Planning Department. Please see our revised site plan that includes the following changes to be compliant with the requirements set out in the Contractor Use Variance that we are requesting for our property located at 3350 North Starnes Road in Bloomington, Indiana, under case CDU-21-6.

G&G Lawn Care, LLC will work to condense the outdoor storage area to 100X100. To complete this requirement, we will be covering the storage bins to keep them in their current location. We will be moving all necessary items to include materials, equipment, etc. underneath the lean-to space beside the pole barn. The remaining materials and equipment will be contained to a 100X100 space near the pole barn and the items will be rotated out due to seasonal needs and changes. If additional space is needed for storage, G&G Lawn Care will make an addition to the current pole barn to stay in compliance with outdoor storage limitations. These changes can be seen on the updated site plan attached.

To follow the site plan attached, please note these changes and the timeline in which G&G Lawn Care, LLC proposes for completion. All these changes and updates are to ensure compliance with the requirements set forth in the Rural Contractor Use Variance.

1. G&G Lawn Care, LLC will concrete 25 feet off center on the approach to the current driveway. This update is proposed to be completed 1 year from the date of variance approval.
2. G&G Lawn Care, LLC will cover the current storage bin space to convert that outdoor storage to indoor storage. This update is proposed to be completed 1 year from the date of variance approval.
3. G&G Lawn Care, LLC will install 6-foot fencing around the outdoor storage areas where needed and required. This update is proposed to be completed 1 year from the date of variance approval.
4. G&G Lawn Care, LLC will request an addition to their current garage space and complete the addition if additional storage is deemed necessary. This update is proposed to be completed 1 year from the date of variance approval, if needed.

G&G Lawn Care requests the support of the planning department and the zoning board to see this request through to approval. We thank you for your time and attention to this matter.

Thank you.

Glenn and Ashley Goodroad  
G&G Lawn Care, LLC  
3350 North Starnes Road, Bloomington, IN 47404  
[agoodroa@iu.edu/gandglawncarellc123@gmail.com](mailto:agoodroa@iu.edu/gandglawncarellc123@gmail.com)  
812.272.5011/812.320.6598

### Exhibit 3: 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: Blgtn, 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 Blgtn, 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 permitted use or structure 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 utilize a shared driveway with principal dwelling unit. Before final occupancy of the ADU or DADU, the property owner must record an affidavit and commitment stating that the property owner will reside on the property in either the principal dwelling unit or ADU or DADU. Once recorded, the affidavit and commitment (requiring owner occupancy) may not be removed or modified without Plan Commission approval. Only one accessory dwelling unit per lot of record is permitted.

The following design criteria also apply to accessory dwelling units:

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 4: 2018 Email Regarding 1810-USE-45

---

**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

---

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



## **Exhibit 6: Petitioner's Outdoor Vehicle Storage List**



CDU-21-6

Glenn and Ashley Goodroad

### **Outdoor Storage Vehicle List:**

1. 2007 GMC 2500
2. 2008 GMC 2500

**\*\*The vehicles that will be stored outdoors may vary when vehicles are rotated in and/out of use, sold, and additional vehicles purchased. The vehicles stored outdoors will not exceed 5 vehicles and will be under the weight limitations.**

Glenn and Ashley Goodroad  
G&G Lawn Care, LLC  
3350 North Starnes Road, Bloomington, IN 47404  
[agoodroa@iu.edu/gandglawncarellc123@gmail.com](mailto:agoodroa@iu.edu/gandglawncarellc123@gmail.com)  
812.272.5011/812.320.6598



## Exhibit 7: Petitioner's Statement of Development Standards



March 25, 2022

Monroe County Zoning Board,

(17) General Contractor (Rural)

Development and Operational Standards. The following development and operational standards shall apply to a general contractor in the AG/RR, FR, or CR Zones:

### Requirements:

1. Site must have a minimum lot size of 5 acres	This requirement is met.
2. 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.	This requirement is met. See attached affidavit.
3. 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.	This requirement is met.
4. No retail is permitted at the residential site.	This requirement is met.
5. Any building used in connection with the general contractor use shall be located at least 35' from rear and side property lines.	This requirement is met.
6. No permanent advertising signs are permitted at the residential property.	This requirement is met.
7. Hours of operation shall be between 7 AM and 7 PM	This requirement is met.
8. 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: a. A minimum of 6-foot opaque fence or landscaping that meets the interior tree requirement must immediately surround 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. b. Outdoor storage of vehicles must be limited to 5 of 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.	a. The requirement can and will be met once the fence is put up on the property. This was mentioned in the site plan narrative and will be completed within 1 year from the date of the variance approval. b. A list of vehicles to be stored outdoors is attached. This requirement is met.

<p>c. No outdoor storage area may exceed 100X100 and must be located within buildable area per Chapter 804.</p> <p>d. Outdoor storage may not include green fill waste.</p>	<p>c. Outdoor storage will be within the 100X100 limitations. This will be achieved by covering the storage bins, moving materials indoors and under the lean-to, and making an addition to the garage if additional space is needed to satisfy this requirement. This requirement can and will be met.</p> <p>d. This requirement is met.</p>
---	--

Glenn and Ashley Goodroad  
G&G Lawn Care, LLC  
3350 North Starnes Road, Bloomington, IN 47404  
[agoodroa@iu.edu/gandglawncarellc123@gmail.com](mailto:agoodroa@iu.edu/gandglawncarellc123@gmail.com)  
812.272.5011/812.320.6598



# **MONROE COUNTY BOARD OF ZONING APPEALS**

**Public Meeting Date:**

**April 6, 2022**

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-5	ECO Area 5 (15% Slope) from Ch. 825	Approval

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

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

Approve the design standards variance to Chapter 825 for ECO 2 slope restrictions. The driveway cannot be redesigned to avoid the 15 percent restricted slopes. Utilization of existing driveways from adjacent properties is not a practical request.

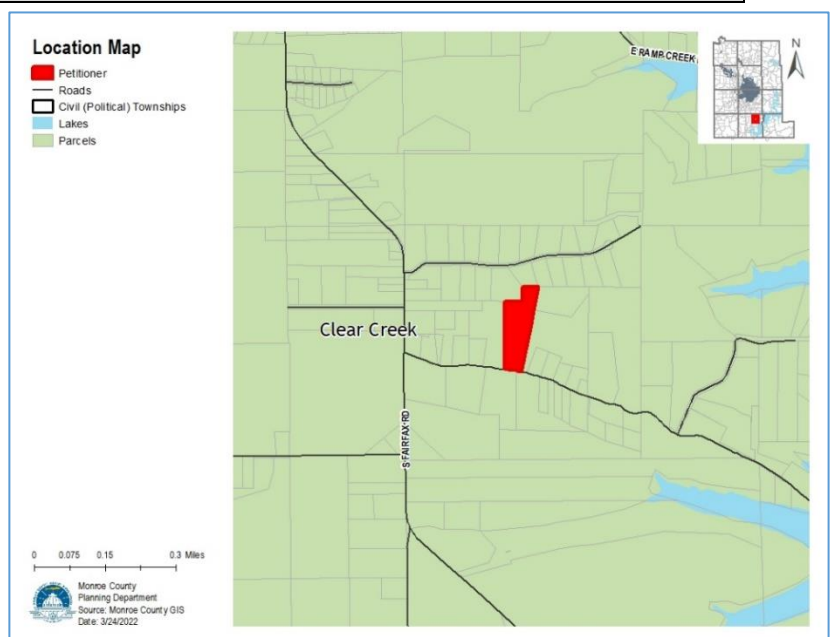
**Variance Type:**    ☒ Design ☐ Use  
                              ☒ Residential ☐ Commercial

**Planner:** Tammy Behrman

<b>PETITIONER</b>	Beth Smith Owner: Smith Family Revocable Trust	
<b>ADDRESS</b>	3197 E Will Sowders RD, 53-11-11-200-012.000-006	
<b>TOWNSHIP + SECTION</b>	Clear Creek, 11	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	5.5	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/ECO2	AG/RR & SR, ECO2
<b>CDO ZONE</b>	Rural Residential	Rural Residential
<b>USE</b>	Current vacant / Proposed SFR	SFR

## **SUMMARY**

The petitioner is requesting a variance from the ECO Area 2 15% Slope restrictions from Chapter 825. The petitioner has on file building permit application R-21-1167 to build a 1904 sf home. Septic permit WW-21-289 and driveway permit RW-21-400 have been approved for the project. The issue is accessing the buildable area on the 5.5 acre lot. The driveway would have to disturb slopes greater than 15 percent adjacent to the road for approximately 30 linear feet. There are no other locations along the road frontage that would reduce the amount of disturbance.





## EXHIBITS - Immediately following report

1. Site Condition Maps
2. Pictometry Photo & Site Photos
3. Petitioner Letter
4. Petitioner Site Plan

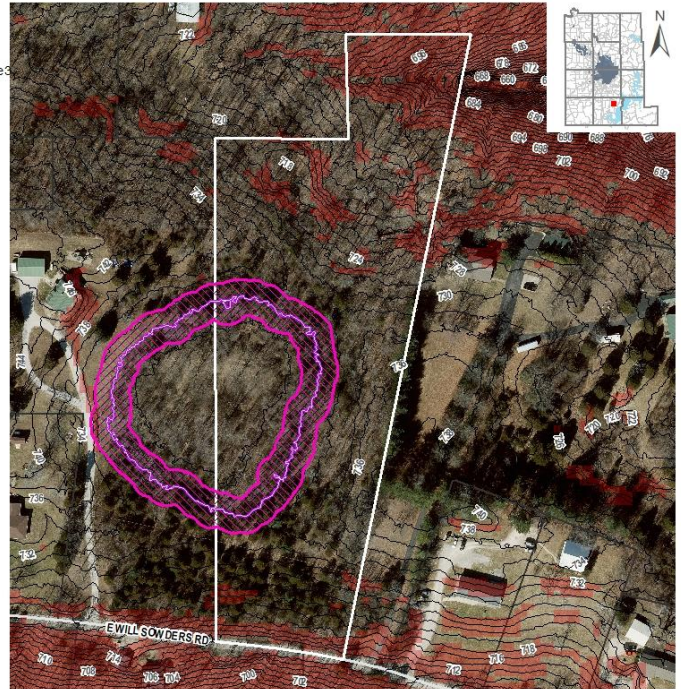
### Site Conditions Map

- 2-Foot Contours selection
- MoCo\_2FT\_Contours\_2010\_Buffer
- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)
- 0 - 15
- > 15
- Local Roads [50']
- Parcels
- 2019 Aerial Imagery
- RGB
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

0 40 80 160 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 3/24/2022



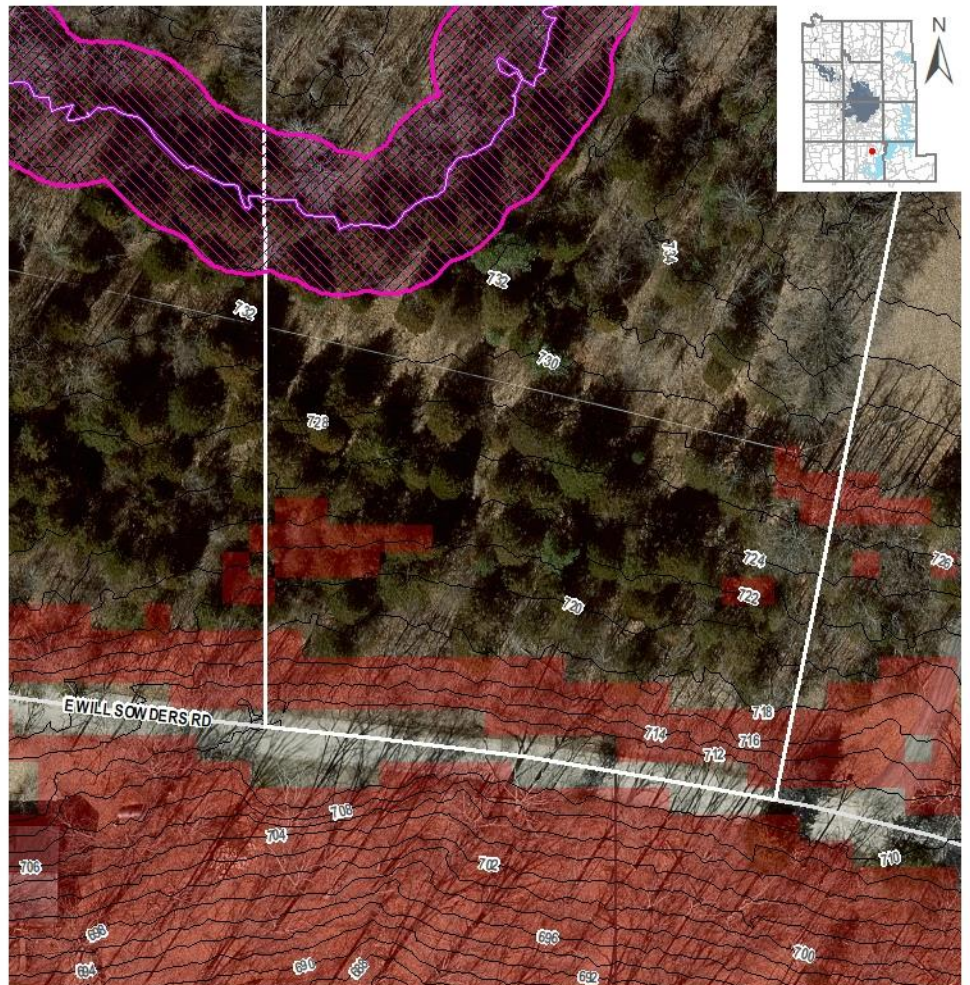
### Site Conditions Map

- Largest Closed Contour
- SCA
- Petitioner
- 2-Foot Contours
- 15% Slope (County/ECO2)
- 0 - 15
- > 15
- Local Roads [50']
- Parcels
- 2019 Aerial Imagery
- RGB
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

0 15 30 60 Feet



Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 3/24/2022







(Oblique) ▾ Mar 2021 - Mar 2021 ▾ < image 1 of 4 > 03/04/2021







Notered flag depicting center of the propsed driveway as marked by the Highway Department.







2/11/2022

To: Board of Zoning Appeals Monroe County, Indiana

From: Marc and Beth Smith, petitioners

We are submitting a request for a variance of the 15% grade restriction at the entrance to our property at **3197 E. Will Sowders Road** for the purpose of accessing a proposed new single family residential building with detached garage at that location.

Will Sowders Road presents a 15% grade to the property along the entire southern frontage. A location with the gentlest slope has been identified and approved by the Monroe County Highway Department for a driveway. According to our surveyor the 15% grade affects about twenty feet of this proposed driveway. Erosion measures will include larger aggregate on this portion of the driveway along with appropriate silt fence placement as indicated on the site plan.

Public utilities anticipated to be utilized are Duke Energy for electrical power, Southern Monroe Water Corporation for water and Smithville Telephone for cable.

Respectfully submitted,

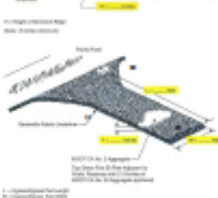
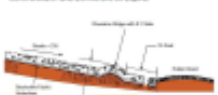
Marc S. and Beth A. Smith, owners.

Signed:

Marc S. Smith *Marc S. Smith* Date: 2/11/2022

Beth A. Smith *Beth A. Smith* Date: 2/11/2022

4. CONCRETE WALKOUT (REFER TO DETAIL 4). ALTERNATIVELY, PROVIDE A WALKOUT LINED WITH 30 MIL VINYLIDENE FLUORIDE SHEETING OR EQUIVALENT FOR CONTAMINANT AND ENVIROMENT ON EQUAL.

[illegible]

STUDENT RESULTS WILL BE USED FOR PURPOSES OF YOUR PERFORMANCE EVALUATION AND RECORD.	
<b>PERSONAL INFORMATION</b>	
Full Name (Print Name)	DATE
Telephone or Mailed to	
Home Telephone	
Classroom Telephone	Signature/Date
Cellular Telephone	Signature/Date
Signature/Parent/Teacher	Signature/Teacher
Mail to: Home Mail	Signature/Teacher
USE REWARD ANGLES	DATE

6. TURNED IMPROPER TO GUARANTEE THE FENCE WORKS AND AFTER EACH REPAIR EVENT.
7. IF THE FENCE BEING TORN, CANNOT BE DISMANTLED, OR IN ANY WAY DAMAGED IMPROPERLY, REPLACE THE AFFECTED SECTION.
8. REMOVE DEFECTIVE SEGMENT WHEN IT REACHES OR NEAR THE HEIGHT OF THE FENCE AT ITS LOWEST POINT AND IS CAUSING THE PUBLIC TO SLIDE.
9. TAKE CARE TO AVOID UNDERMINING THE FENCE DURING COLLAPSE.
10. AFTER THE DEFECTIVE SEGMENT HAS BEEN REMOVED, REPAIR THE FENCE AND REINFORCE DEFECTS, USING THE DISTANCE AND AREA TO REPAIR AND REPAIR.

Year	2000-2001			
	1st	2nd	3rd	4th
2000	100	100	100	100
2001	100	100	100	100
2002	100	100	100	100
2003	100	100	100	100
2004	100	100	100	100
2005	100	100	100	100
2006	100	100	100	100
2007	100	100	100	100
2008	100	100	100	100
2009	100	100	100	100
2010	100	100	100	100
2011	100	100	100	100
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2074	100	100	100	100
2075	100	100		



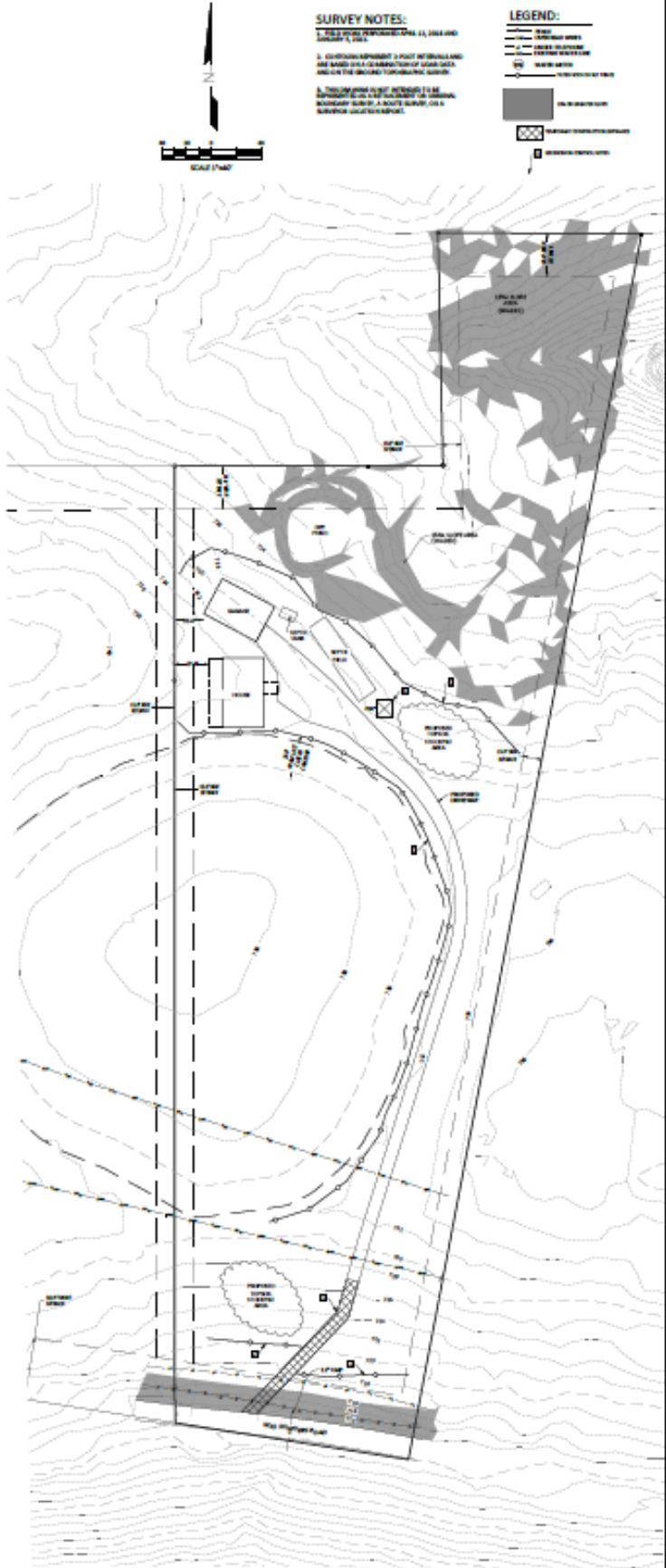
Figure 1 consists of three schematic diagrams labeled (a), (b), and (c). Diagram (a) is a top view of the microfluidic chip, showing a central square region with four smaller square regions at the corners. The central region is labeled 'Mixing region' and the corner regions are labeled 'Inlet' and 'Outlet'. The chip is divided into four quadrants by a central vertical line and a central horizontal line. The top and bottom quadrants are labeled 'Inlet' and the left and right quadrants are labeled 'Outlet'. The chip is shown with a central square region and four smaller square regions at the corners. The central region is labeled 'Mixing region' and the corner regions are labeled 'Inlet' and 'Outlet'. The chip is divided into four quadrants by a central vertical line and a central horizontal line. The top and bottom quadrants are labeled 'Inlet' and the left and right quadrants are labeled 'Outlet'. Diagram (b) is a cross-sectional view of the chip, showing the inlet, outlet, and mixing regions. The inlet is on the left, the outlet is on the right, and the mixing region is in the center. The chip is shown with a central square region and four smaller square regions at the corners. The central region is labeled 'Mixing region' and the corner regions are labeled 'Inlet' and 'Outlet'. The chip is divided into four quadrants by a central vertical line and a central horizontal line. The top and bottom quadrants are labeled 'Inlet' and the left and right quadrants are labeled 'Outlet'. Diagram (c) is a cross-sectional view of the chip, showing the inlet, outlet, and mixing regions. The inlet is on the left, the outlet is on the right, and the mixing region is in the center. The chip is shown with a central square region and four smaller square regions at the corners. The central region is labeled 'Mixing region' and the corner regions are labeled 'Inlet' and 'Outlet'. The chip is divided into four quadrants by a central vertical line and a central horizontal line. The top and bottom quadrants are labeled 'Inlet' and the left and right quadrants are labeled 'Outlet'.

3197 E WILL SOWDERS RD  
MONROE COUNTY, INDIANA 47356  
FOR  
MARC & BETH SMITH

1. Field work performed April 22, 1968 and January 5, 1969.
2. Continuous deposit of fuel between an old and a new combination of localities and on the second topographic survey.
3. This was done just before the deposit of fuel on a second survey, on a separate location report.

Diagram illustrating the 1D lattice structure and associated wavefunctions:

- Top sites (left to right):**
  - Site 1:  $\psi_{1,0}$
  - Site 2:  $\psi_{1,1}$
  - Site 3:  $\psi_{1,2}$
  - Site 4:  $\psi_{1,3}$
  - Site 5:  $\psi_{1,4}$
  - Site 6:  $\psi_{1,5}$
  - Site 7:  $\psi_{1,6}$
  - Site 8:  $\psi_{1,7}$
  - Site 9:  $\psi_{1,8}$
  - Site 10:  $\psi_{1,9}$
  - Site 11:  $\psi_{1,10}$
  - Site 12:  $\psi_{1,11}$
  - Site 13:  $\psi_{1,12}$
  - Site 14:  $\psi_{1,13}$
  - Site 15:  $\psi_{1,14}$
  - Site 16:  $\psi_{1,15}$
  - Site 17:  $\psi_{1,16}$
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  - Site 22:  $\psi_{1,21}$
  - Site 23:  $\psi_{1,22}$
  - Site 24:  $\psi_{1,23}$
  - Site 25:  $\psi_{1,24}$
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  - Site 67:  $\psi_{1,66}$
  - Site 68:  $\psi_{1,67}$
  - Site 69:  $\psi_{1,68}$
  - Site 70:  $\psi_{1,69}$
  - Site 71:  $\psi_{1,70}$
  - Site 72:  $\psi_{1,71}$
  - Site 73:  $\psi_{1,72}$
  - Site 74:  $\psi_{1,73}$
  - Site 75:  $\psi_{1,74}$
  - Site 76:  $\psi_{1,75}$
  - Site 77:  $\psi_{1,76}$
  - Site 78:  $\psi_{1,77}$
  - Site 79:  $\psi_{1,78}$
  - Site 80:  $\psi_{1,79}$
  - Site 81:  $\psi_{1,80}$
  - Site 82:  $\psi_{1,81}$
  - Site 83:  $\psi_{1,82}$
  - Site 84:  $\psi_{1,83}$
  - Site 85:  $\psi_{1,84}$
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  - Site 87:  $\psi_{1,86}$
  - Site 88:  $\psi_{1,87}$
  - Site 89:  $\psi_{1,88}$
  - Site 90:  $\psi_{1,89}$
  - Site 91:  $\psi_{1,90}$
  - Site 92:  $\psi_{1,91}$
  - Site 93:  $\psi_{1,92}$
  - Site 94:  $\psi_{1,93}$
  - Site 95:  $\psi_{1,94}$
  - Site 96:  $\psi_{1,95}$
  - Site 97:  $\psi_{1,96}$
  - Site 98:  $\psi_{1,97}$
  - Site 99:  $\psi_{1,98}$
  - Site 100:  $\psi_{1,99}$
- Bottom sites (left to right):**
  - Site 1:  $\psi_{2,0}$
  - Site 2:  $\psi_{2,1}$
  - Site 3:  $\psi_{2,2}$
  - Site 4:  $\psi_{2,3}$
  - Site 5:  $\psi_{2,4}$
  - Site 6:  $\psi_{2,5}$
  - Site 7:  $\psi_{2,6}$
  - Site 8:  $\psi_{2,7}$
  - Site 9:  $\psi_{2,8}$
  - Site 10:  $\psi_{2,9}$
  - Site 11:  $\psi_{2,10}$
  - Site 12:  $\psi_{2,11}$
  - Site 13:  $\psi_{2,12}$
  - Site 14:  $\psi_{2,13}$
  - Site 15:  $\psi_{2,14}$
  - Site 16:  $\psi_{2,15}$
  - Site 17:  $\psi_{2,16}$
  - Site 18:  $\psi_{2,17}$
  - Site 19:  $\psi_{2,18}$
  - Site 20:  $\psi_{2,19}$
  - Site 21:  $\psi_{2,20}$
  - Site 22:  $\psi_{2,21}$
  - Site 23:  $\psi_{2,22}$
  - Site 24:  $\psi_{2,23}$
  - Site 25:  $\psi_{2,24}$
  - Site 26:  $\psi_{2,25}$
  - Site 27:  $\psi_{2,26}$
  - Site 28:  $\psi_{2,27}$
  - Site 29:  $\psi_{2,28}$
  - Site 30:  $\psi_{2,29}$
  - Site 31:  $\psi_{2,30}$
  - Site 32:  $\psi_{2,31}$
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  - Site 34:  $\psi_{2,33}$
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  - Site 47:  $\psi_{2,46}$
  - Site 48:  $\psi_{2,47}$
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  - Site 51:  $\psi_{2,50}$
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  - Site 76:  $\psi_{2,75}$
  - Site 77:  $\psi_{2,76}$
  - Site 78:  $\psi_{2,77}$
  - Site 79:  $\psi_{2,78}$
  - Site 80:  $\psi_{2,79}$
  - Site 81:  $\psi_{2,80}$
  - Site 82:  $\psi_{2,81}$
  - Site 83:  $\psi_{2,82}$
  - Site 84:  $\psi_{2,83}$





# **MONROE COUNTY BOARD OF ZONING APPEALS**

**Public Meeting Date:** April 6, 2022

CASE NUMBER	DETAIL	RECOMMENDED MOTION
VAR-22-6	DADU Condition #55 (1,000 sq. ft.)	Denial

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

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

Self-created practical difficulties.

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

<b>PETITIONER</b>	Lisa & Shawn Hutcherson	
<b>ADDRESS</b>	3223 N Thomas RD, 53-04-21-400-016.000-011	
<b>TOWNSHIP + SECTION</b>	Richland; 21	
<b>PLATS</b>	<input checked="" type="checkbox"/> Unplatted <input type="checkbox"/> Platted:	
<b>ACREAGE +/-</b>	22.29 acres	
	<b>PETITION SITE</b>	<b>ADJACENT</b>
<b>ZONING</b>	AG/RR, FEMA Zone A	AG/RR
<b>COMP. PLAN</b>	Rural Residential	Rural Residential, Farm and Forest
<b>USE</b>	Residential	Residential

**SUMMARY**

This variance request has been triggered by permit application (R-22-135) for a second residential dwelling. The petition site is developed with a Single Family Residence that was built in the 1950's. The proposed second dwelling could be permitted as a Detached Accessory Dwelling Unit (DADU) under Chapter 802. The proposed second dwelling unit meets all of the criteria for a DADU except for the condition 55 #1 which limits a DADU to a 1,000 square feet of residential space. The petitioner has proposed 1,560sq. ft. of livable space – in order to permit this an approved variance request is required.

The existing residence was originally pursued as the DADU because it meets all but (2) of condition #55 criteria which states that the “DADU must meet current standards of the residential, building, mechanical, electrical, energy, and environmentally critical areas codes.” Due the homes age there isn't a route to prove that the home is built to building code.

The petitioner had previously pursued a 3-lot Sliding Scale Subdivision but withdrew the petition and related permit applications (septic and RoW x3). If the platting had continued, this variance would not be required because additional buildable lots would have been created.

**EXHIBITS - Immediately following report**

1. Location Map
2. Site Photos
3. Petition Letter
4. Petitioner Site Plan
5. Petitioner Construction Floor Plan
6. Withdrawn Subdivision petition plat

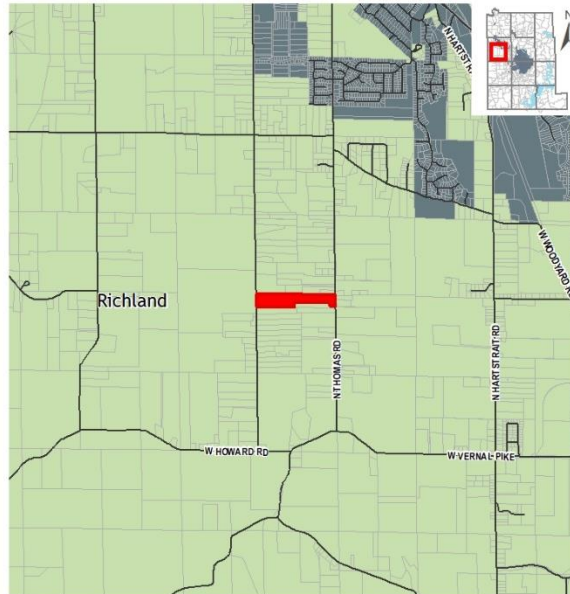


### Location Map

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

0 0.25 0.5 1 Miles

Monroe County  
Planning Department  
Source: Monroe County GIS  
Date: 2/28/2022















To Whom it may concern,

My name is Lisa Hutcherson and I own property at 3223 N Thomas Rd Bloomington In 47404 (parcel 53-04-21-400-016.000-011). Our property has an existing home and we would like to appeal to the zoning board to build another home on the same lot (as a detached accessory dwelling unit), however the new home would be slightly over the 1000 sq ft maximum at approximately 1300 sq ft of habitable space.

We have obtained our septic permits, right of way permit and if approved we anticipate that our building permit will be approved as well.

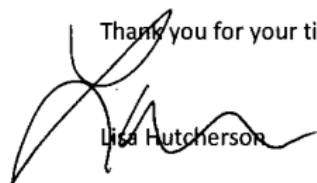
There are several reasons why we are petitioning to have a variance approved to build this home. My mother lives in the existing home and building our new home on our property would enable me to care for her as her needs increase.

This property is very important to me and my family as my Great Grandfather purchased it over 60 years ago. It is more than a financially valuable property it has a priceless sentimental value with deep roots.

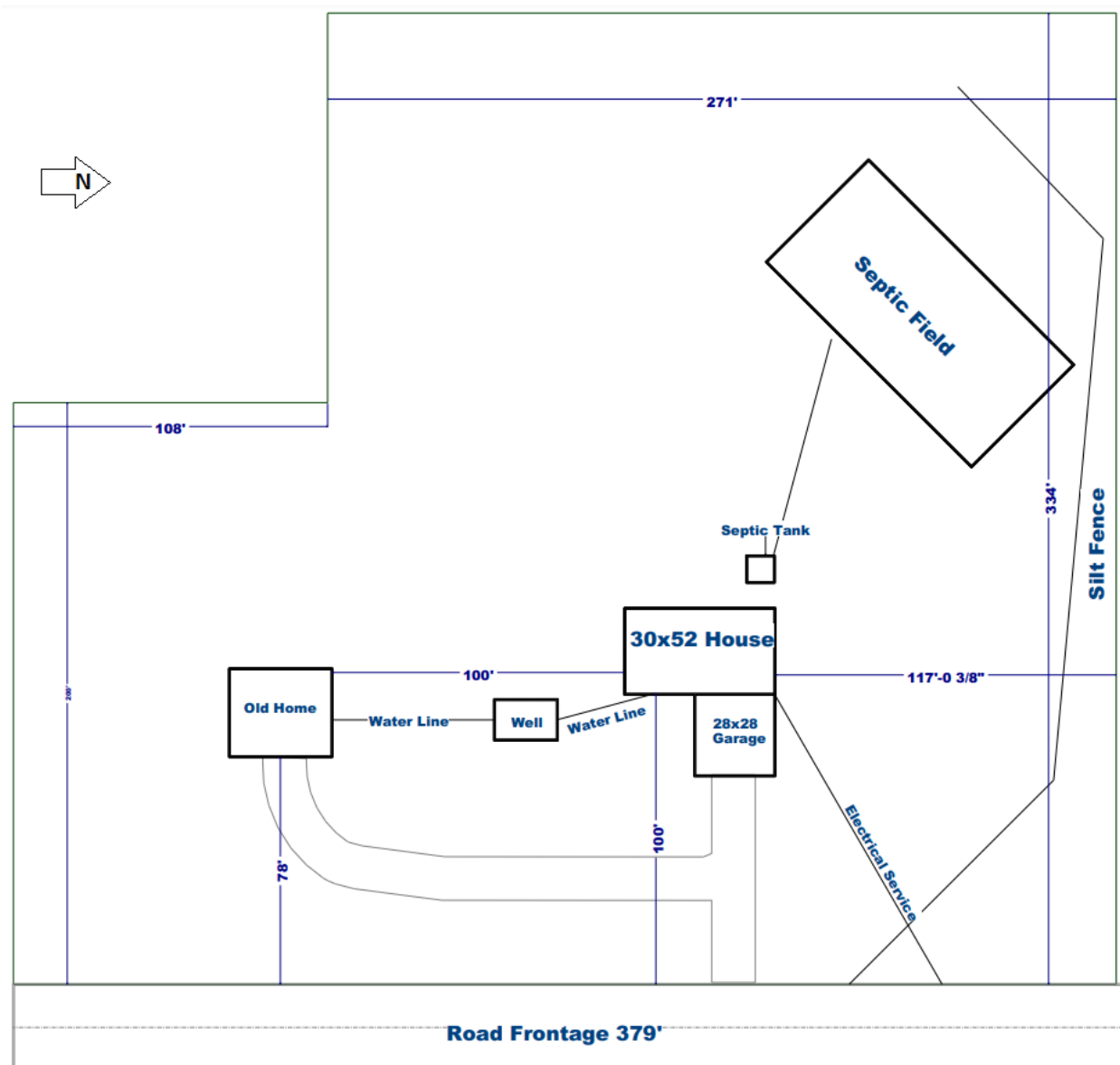
Our intention is to live there as our forever home and add value to our neighborhood and community.

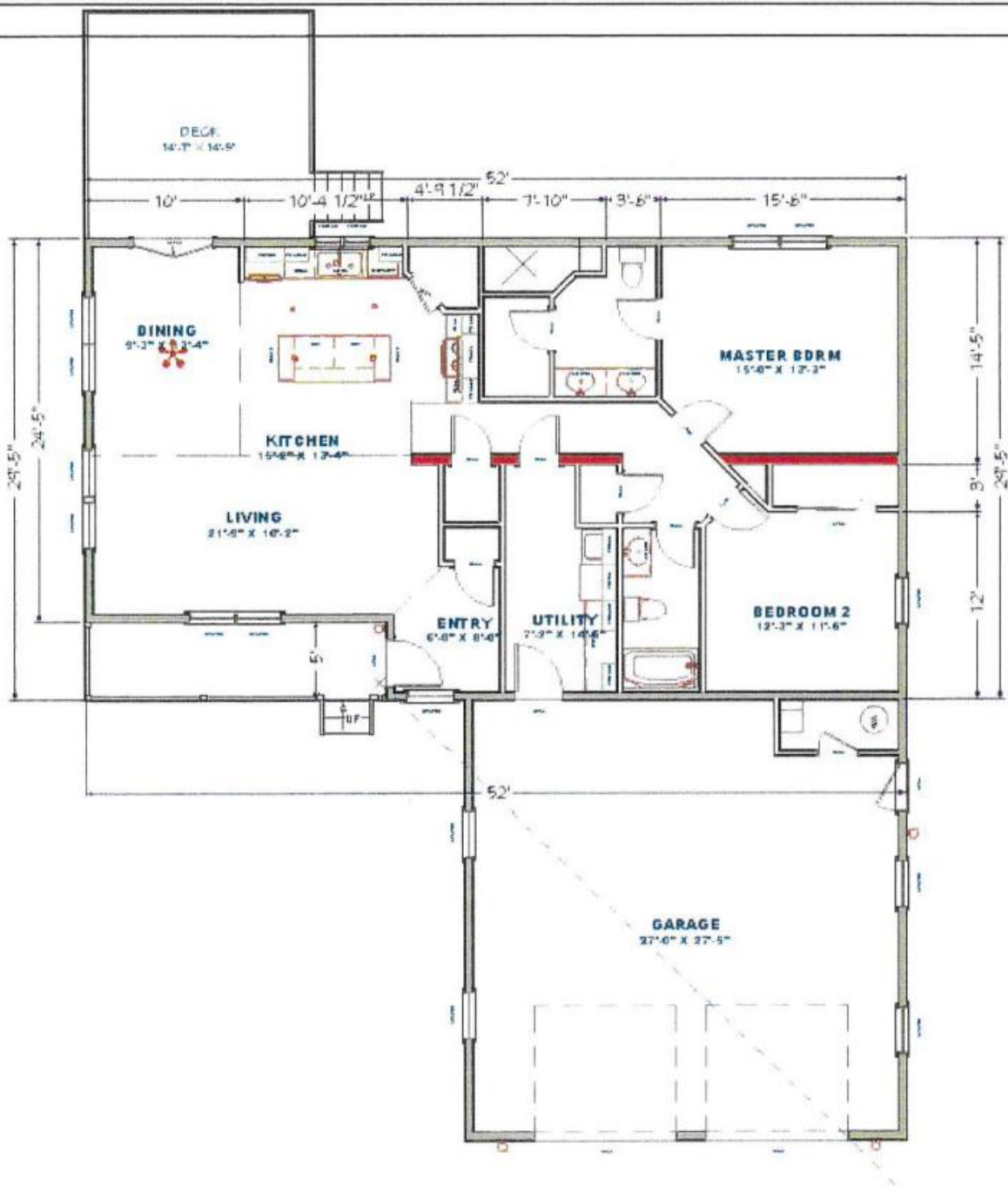
I sincerely hope you consider and approve our request.

Thank you for your time,

  
Lisa Hutcherson







AREA FOR COUNTY  
RECORDER

RICHLAND TWP.  
TOWNSHIP 9 N  
RANGE 2 W  
SECTION 21

DEVELOPER, AFFILIANT & OWNER  
SHAWN & LISA HUTCHERSON  
INSTRUMENT NUMBER 2020015490  
220 W. MARKET STREET  
SPRINGTOWN, IN 47660

# HUTCHERSON SLIDING SCALE SUBDIVISION - PRELIMINARY PLAT A PART OF THE SOUTHEAST QUARTER OF SECTION 21, TOWNSHIP 9 NORTH, RANGE 2 WEST MONROE COUNTY, INDIANA

## SETBACK TABLE

Front - 60' from R/W or 50' if no direct frontage  
Side - 15' for Residential & Accessory Structures / 50' for others  
Rear - 35' for Residential & Accessory Structures / 50' for others  
These lots are for "Single Family" use.

ZONE AGRICULTURE/RURAL RESERVE

## SINKHOLE CONSERVANCY AREA 1 & 2

S.C.A. FROM	BEARING	DISTANCE	RADIUS	BEGINNING
(1)	N 89°00'25" E	33.30	(11.5)	SAD RUN
(2)	S 89°00'25" E	33.30	(11.5)	SAD RUN

## SINKHOLE CONSERVANCY AREA 3 & 4

S.C.A. FROM	BEARING	DISTANCE	RADIUS	BEGINNING
(1)	N 89°00'25" E	33.30	(11.5)	SAD RUN
(2)	S 89°00'25" E	33.30	(11.5)	SAD RUN

## S.C.A. LINE TABLE

LINE	BEARING	DISTANCE
1	S 23°20'31" E	100.77
2	S 13°15'32" E	126.95
3	S 71°14'55" W	186.95
4	S 89°02'44" W	42.17
5	N 48°28'10" W	62.58
6	N 33°12'42" W	116.48
7	N 00°52'35" E	142.27
8	S 85°00'25" E	230.25
9	S 51°04'54" E	192.24
10	S 42°19'51" W	77.37
11	N 65°46'08" W	188.28
12	N 26°46'37" E	116.23
13	S 89°00'25" E	11.45