CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

April 24, 2025 @ 5:30 p.m.
City Hall, 401 N. Morton Street
Common Council Chambers, Room #115

https://bloomington.zoom.us/j/82448983657?pwd=enJxcnArK1pLVDlnWGROTU43dEpXdz09

Meeting ID: 824 4898 3657
Passcode: 319455

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS (Hybrid Meeting)
April 24, 2025 at 5:30 p.m.

City Hall, 401 N. Morton Street
Common Council Chambers, Room #115 and via Zoom

❖**Virtual Meeting: https://bton.in/Zoom**

Meeting ID: 824 4898 3657 **Passcode: 319455**

Petition Map: https://bton.in/G6BiA

ROLL CALL

APPROVAL OF MINUTES: March 27, 2025

PETITIONS CONTINUED TO: May 22, 2025

AA-17-22	**Joe Kemp Construction, LLC & Blackwell Construction, Inc.** Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr. Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009… Request: Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022. *Case Manager: Jackie Scanlan*
CU-33-24/ USE2024-11-0068	**Hat Rentals, LLC** 202 N. Walnut Street Parcel: 53-05-33-310-028.000-005 Request: Request for conditional use approval of "student housing or dormitory" to allow one four-bedroom unit in the Mixed-Use Downtown (MD) zoning district. *Case Manager: Jackie Scanlan*
V-14-25/ VAR2025-03-0067	**Don & Lisa Weiler** 934 W. 2nd Street Parcel: 53-08-05-111-009.000-009 Request: Variance from maximum accessory structure size and maximum size of an Accessory Dwelling Unit to allow for the construction of an Accessory Dwelling Unit in the Residential Urban (R4) zoning district. *Case Manager: Eric Greulich*

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail human.rights@bloomingto.in.gov.

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa Hirtzel at hirtzelm@bloomington.in.gov **and provide your name, contact information, and a link to or description of the document or web page you are having problems with.**

WITHDRAWN:

AA-07-25/ APPL2025-02-0004

Eli Brown
909 S. Eastside Drive
Parcel: 53-08-03-302-002.000-009
Request: Administrative Appeal of the issuance of an NOV for over-occupancy.
Case Manager: Joy Brown

PETITIONS:

AA-06-25/ APPL2025-02-0003

Porter Lan
1704 E. Maxwell Lane
Parcel: 53-08-03-302-008.000-009
Request: Administrative Appeal of the issuance of an NOV for over-occupancy.
Case Manager: Joy Brown

CU-08-25/ USE2025-02-0073

Qamar Zaidi
1432 S. Winfield Road
Parcel: 53-08-03-410-020.000-009
Request: Conditional Use approval to allow for a duplex in the Residential Medium Lot (R2) zoning district.
Case Manager: David Brantez

V-10-25 / VAR2025-03-0064

Tabor Bruce Architecture & Design
228 W Kirkwood Avenue
Parcel: 53-05-33-310-258.000-005
Request: Variance from architectural requirements, minimum 50% required ground floor nonresidential uses, parking standards to allow back-out parking on a public street, minimum 20' setback for parking within a building, maximum building height, and from requirement to access an improved alley for parking to allow for the construction of a "dwelling, multifamily" use in the Mixed-Use Downtown (MD) within the Courthouse Square Overlay (CSO) district.
Case Manager: Eric Greulich

V-11-25/ VAR2025-03-0065

Smith and Hays Properties, LLC
300 W. 6th Street
Parcel: 53-05-33-310-263.000-005
Request: Variance from use specific standards to allow ground floor dwelling units within 20' of the first floor façade within the Mixed-Use Downtown in the Downtown Core Overlay (MD-DCO).
Case Manager: Eric Greulich

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail human.rights@bloomingto.in.gov.

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa Hirtzel at hirtzelm@bloomington.in.gov **and provide your name, contact information, and a link to or description of the document or web page you are having problems with.**

V-12-25/ VAR2025-03-0066

Don Cowden Foundation, Inc. (Chick-fil-A)
2500 W. 3rd Street
Parcel: 53-05-31-301-019.000-005
Request: Variance from parking maximums, parking setback to allow parking between the building and the street, entrance and drive standards to allow a drive aisle between a building and the street, accessory structure setbacks, minimum landscape area, and Loading, Service, and Refuse standards to allow a refuse area to be located in the front to allow for a new "Restaurant" use in the Mixed-Use Corridor (MC) zoning district.
Case Manager: Eric Greulich

V-13-25/ VAR2025-03-0063

Carolina Lopes
4216 E. Penn Court
Parcel: 53-05-36-302-045.000-005
Request: Variance from Fence Height standards to allow a six-foot tall fence along the front east side of the property located in the Residential Medium Lot (R2) zoning district. *Case Manager: Joe Patterson*

Auxiliary aids for people with disabilities are available upon request with adequate notice. Please call 812-349-3429 or E-mail human.rights@bloomingto.in.gov.

The City is committed to providing equal access to information. However, despite our efforts, at times, portions of our board and commission packets are not accessible for some individuals. If you encounter difficulties accessing material in this packet, please contact Melissa Hirtzel at hirtzelm@bloomington.in.gov **and provide your name, contact information, and a link to or description of the document or web page you are having problems with.**

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: AA-06-25 /**
STAFF REPORT **APPL2025-02-0003**
Location: 1704 E Maxwell Ln **DATE: April 24, 2025**

PETITIONER: Porter Lan
1704 E Maxwell Ln, Bloomington, IN

REQUEST: The petitioner is requesting an administrative appeal of the issuance of a Notice of Violation Warning for Over-Occupancy.

REPORT: This appeal request is the result of a Notice of Violation Warning letter issued for over-occupancy at 1704 E Maxwell Lane. The Planning and Transportation Department received a report from an inspector from the Housing and Neighborhood Development Department that a cycle inspection done at the property on October 8, 2024 had revealed 6 bedrooms at the property. In a December 2024 email, the inspector indicated that he believed 5 people were occupying the house, though his report indicates 6 bedrooms found. An October 2024 uReport was received by HAND requesting an occupancy inspection of this property (wrong address, but correct owners listed) because of excessive cars in the block associated with this property. The property is in the Residential Medium Lot (R2) zoning district, which allows up to 3 unrelated adults with their dependent children per the definition of 'family' in 20.07 of the Unified Development Ordinance (UDO), Title 20 of the Bloomington Municipal Code.

Definition of 'family' in 20.07 (Bold added):
An individual or group of persons that meets at least one of the following definitions.

1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
4) In the R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit.
5) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.
6) A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility.

The following items are attached for the record:

1. Planning and Transportation Notice of Violation Warning sent on January 7, 2025, containing
    a. HAND Inspection Report from October 8, 2024 inspection

2. December 2, 2024 email from HAND inspector confirming what was found during the inspection.
3. Lease Agreement submitted as part of requirements set out in NOV Warning from January 7, 2025. Lease shows 3 landlords and 1 tenant. Document 2, listed above, indicates that Mr. Lan, one of the listed landlords, lives at the property.
4. Affidavit of understanding of occupancy as part of requirements set out in NOV Warning from January 7, 2025.
5. October 29, 2024 uReport requesting occupancy inspection at this address because of excessive cars associated with the property.

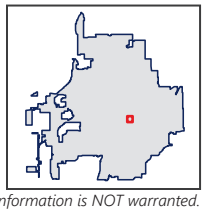
RECOMMENDATION: In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

City of Bloomington

Planning and Transportation Department

Map Legend

- Parcels
- Bloomington Municipal Boundary

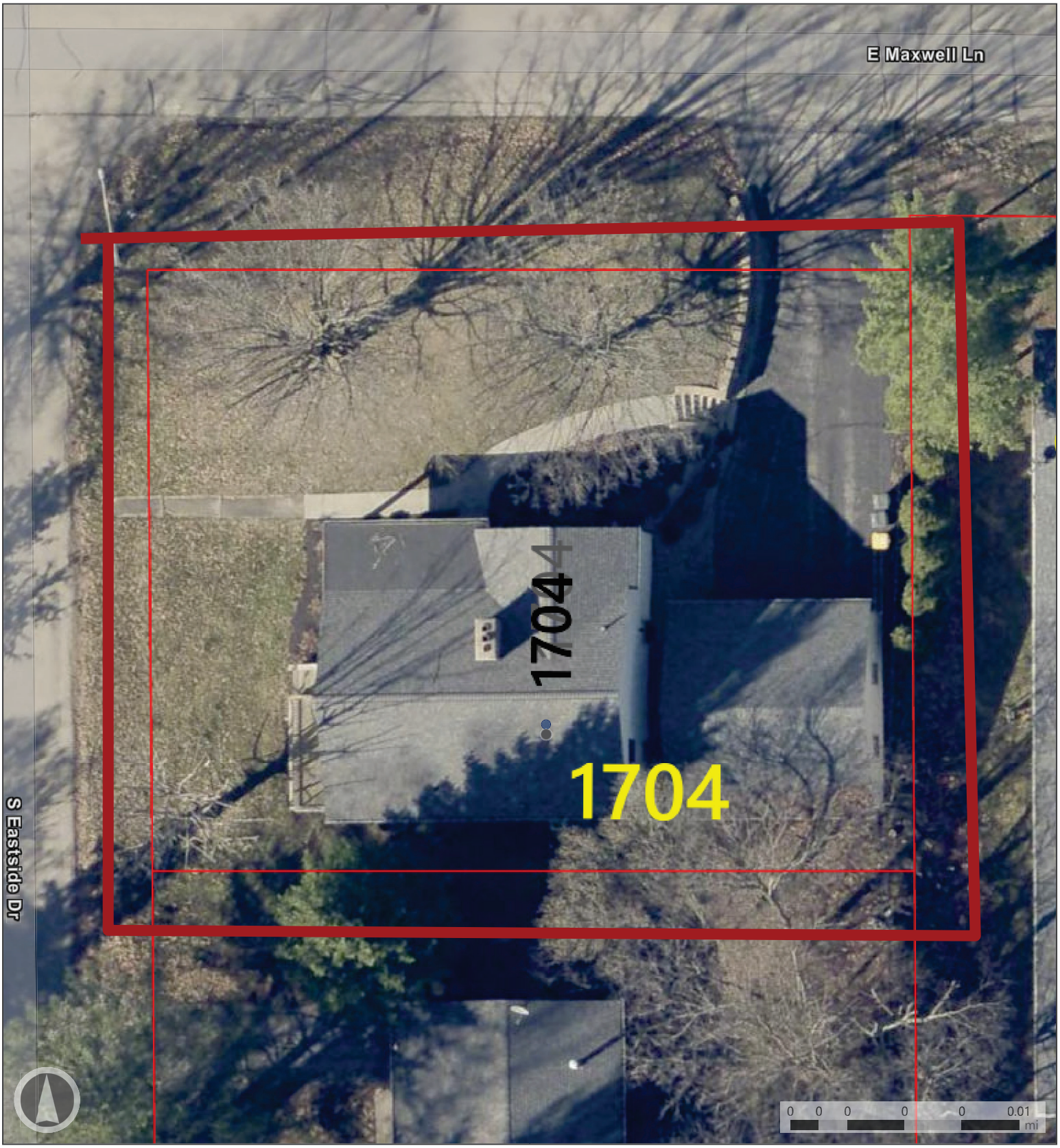


Created: 4/17/2025 *Map By:*

For use as map information only, information is NOT warranted.

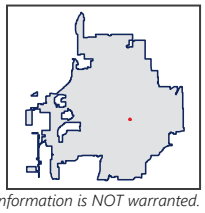
City of Bloomington

Planning and Transportation Department



Map Legend

- Addresses
- Parcels
- Bloomington Municipal Boundary



Created: 4/17/2025 *Map By:*

For use as map information only, information is NOT warranted.

1. Notice of Violation

City of Bloomington
Planning and Transportation Department

January 7, 2025

Porter Lan; Zhen Li; Brian M. Everall
1704 East Maxwell Lane
Bloomington, IN 47401

Occupant(s)
1704 East Maxwell Lane
Bloomington, IN 47401

Re: **Notice of Violation (warning)**
Use Specific Standards: Residential Uses
Over-Occupancy

Dear Sir or Madam:

This Notice of Violation (NOV) serves as a formal warning of non-compliance with Unified Development Ordinance (UDO) **Section 20.03.030(b) [Use-Specific Standards; Residential Uses]** at 1704 E Maxwell Lane. Records show that you are the owner, registered agent, or occupant of this property.

The City of Bloomington Planning and Transportation Department was sent a report of the property being over occupied from the City Housing and Neighborhood Development (HAND) Department on 10/10/2024. During the rental cycle inspection on 10/08/2024, HAND staff observed six rooms being used as bedrooms at 1704 E Maxwell Lane (see enclosed). This property is located in the Residential Medium Lot (R2) Zoning District and contains a single-family detached dwelling. A Single-family Detached Dwelling allows for one dwelling unit. Occupancy of each dwelling unit in a Single-family Detached Dwelling is subject to the definition of "Family" in Chapter 20.07: (Definitions). The property must come back into compliance with the occupancy limit as listed in Bloomington Municipal Code.

According to Unified Development Ordinance (UDO) **Section 20.03.030(b) [Use-Specific Standards; Residential Uses];**

1) Dwelling, Single-Family (Detached)
   (A) In the RM, RH, MN, MM, MC, ME, and MH zoning districts, single-family detached dwelling units shall be permitted only on lots of record lawfully established before February 12, 2007.
   (B) Any legally established single-family dwelling that was established prior to the effective date of this UDO shall not be made non-conforming by adoption of this UDO.
   (C) Occupancy of a single-family detached dwelling unit is subject to the definition of "family" in Chapter 20.07: (Definitions).

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words];**
Dwelling Unit:
One or more rooms containing cooking, living, sanitary, and sleeping facilities, occupied by not more than one family (see definition of "Family"). The dwelling unit shall be characterized by but not limited to:

1) A single house number with a single mailbox for the receipt of materials sent through the United States mail;
2) A single kitchen adequate for the preparation of meals;

3) A tenancy based upon a legal relationship of a unitary nature, i.e., a single lease, mortgage, or contractual sales agreement for the entire premises.

A dwelling unit occupied by more than one "family" (see definition) shall be constructed and regulated as a "residential rooming house" (see definition).

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words]; Dwelling, Single-family Detached**:
A single building on a single lot on a permanent foundation containing one residential dwelling unit designed for and occupied by one family and that is completely separate from any other building. This definition includes "Dwelling, Manufactured Home" but does not include "Dwelling, Mobile Home." A single-family detached dwelling may also include an "Accessory Dwelling Unit" if it meets the requirements for that additional use under this UDO.

According to Unified Development Ordinance (UDO) **Section 20.07.010 [Defined Words]; Family:**
An individual or group of persons that meets at least one of the following definitions.

1) An individual or a group of people all of whom are related to each other by blood, marriage, or legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law.
2) A group of no more than five adults aged 55 years of age or older living together as a single housekeeping unit in a dwelling unit.
3) A group of people whose right to live together is protected by the federal Fair Housing Act Amendments of 1988, and/or the Bloomington Human Rights Ordinance, as amended and interpreted by the courts, including but not limited to persons that are pregnant.
4) In the R1, R2, R3, and R4 zoning districts, and in single-family residential portions of Planned Unit Developments, a group of no more than three adults, and their dependent children, living together as a single housekeeping unit in a dwelling unit or a combination of a single-family dwelling unit and an accessory dwelling unit.
5) In all other zoning districts, "family" also includes a group of no more than five adults and their dependent children, living together as a single housekeeping unit in a dwelling unit.

A group of people who are shareholders in the same cooperative corporation that owns a facility meeting the definition of cooperative housing in which no more than two adults per bedroom occupy the facility

In accordance with UDO Section 20.06.100, a violation of Illegal Land Use for over occupancy may result in a two-thousand five-hundred dollar ($2,500) fine. Each day a violation is allowed to continue is considered a distinct and separate violation. Subsequent violations are twice the previous fine, up to a maximum daily fine of seven thousand five hundred dollars ($7,500).

No fines have been issued at this time. To remedy the situation, the following action needs to be taken:

1. Submit a copy of the lease agreement and a notarized affidavit signed by the property owner, which indicates that you understand the occupancy limitation based on the definition of family in the UDO and that the property meets this occupancy requirement, to the Planning and Transportation Department on or before 01/21/2025.

If you dispute the City's assertion that the property is in violation of the above referenced sections of the Unified Development Ordinance, you may file an appeal with the City's Board of Zoning Appeals. Said appeal shall be filed with the Planning and Transportation Department within ten (10) days of your receipt of this Notice of Violation and shall conform to the requirements of UDO Section 20.06.080(d).

Failure to resolve this violation may result in further enforcement action. If a fine is issued, the final fine amount shall be paid to the City of Bloomington. All fines may be contested in the Monroe County Circuit Courts.

Please contact the Planning and Transportation Department at planning@bloomington.in.gov or 812-349-3423 with any questions or concerns.

Sincerely,

Jackie Scanlan, AICP
Development Services Manager
City of Bloomington
Planning and Transportation Department

Enclosures (1): (1) Rental Cycle Inspection Report

CC: David Hittle, AICP, Director, Planning and Transportation Department
Joy Brown, Zoning Compliance Planner, Planning and Transportation Department
Anna Killion-Hanson, Director, HAND

CITY OF BLOOMINGTON
HOUSING AND NEIGHBORHOOD DEVELOPMENT

1704 E Maxwell LN **RENT2023-10-0138**

Owner
Porter Lan
1704 E Maxwell LN
Bloomington IN 47401

Date Inspected: 10/8/2024
Inspector: John Hewett
Units/Bedrooms/Max # Occupants: 1/5/3
Zoning: R2

Foundation Type: Basement
Attic Access: No
Primary Heat Source: Gas
Number of Stories: 1

Monroe County Records indicate this structure was built in 1958, and the detached garage was built in 1977.

Conditions were noted during the cycle inspection that may indicate this property is over occupied and in violation of the Bloomington Municipal Code (BMC) Title 20. This property shall be brought into compliance with Title 20 requirements within 60 days of the date of this inspection to avoid possible legal action by the City of Bloomington Legal Department.

Interior

Living room
13-6 x 22-0
No violations noted.

Kitchen
15-9 x 10-0
No violations noted.

South Center Bedroom
11-6 x 10-0
Existing Egress Window Measurements:
Height:24.25 inches
Width: 30 inches
Sill Height: 28.25 inches
Openable Area: 5.05 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Southeast Bedroom
12-0 x 12-0
No violations noted.
The window measurements are the same as noted above.

Hall Bathroom
No violations noted.

Northeast Bedroom
13-0 x 16-6
No violations noted.

Northeast Bathroom
No violations noted.

Basement
Main room
22-6 x 14-6
No violations noted.

Laundry
No violations noted.

Mechanical Room
See other violations at the end of the report.

Northwest bedroom
21-0 x 10-0 + 3-0 x 6-0
No violations noted.

Existing Egress Window Measurements:
Height: 43.25 inches
Width: 20 inches
Sill Height: 37 inches
Openable Area: 6.0 sq. ft.

Note: These measurements are for reference only. There is no violation of the emergency egress requirements.

Bathroom
No violations noted.

SW bedroom
(Verify room measurements at re-inspection)
Replace the missing window crank and window lock extension. BMC 16.04.060(a)

Detached Garage
Correct the polarity of the electrical receptacle in the Southwest Corner. The hot and neutral conductors are reversed. BMC 16.04.060(b)

Exterior

All residential rental unit premises which contain trees shall maintain the trees in good health so that they pose no danger to persons or property. Remove the dead tree in the west yard. BMC 16.04.040(e)

Other requirements

Required documentation:

Provide a completed copy of the Occupancy Affidavit for this Registered Residential Rental property to the inspector for review. BMC 16.03.025

Required documentation:
The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a $25.00 fine will be levied.** BMC16.12.040 and 16.10.030(b)

When issued, a copy of **the new Rental Occupancy Permit shall be posted as required by BMC**: All rental units shall display a current occupancy permit in an accessible location inside said unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.16.03.030(d)

This is the end of this report.

Joy Brown <joy.brown@bloomington.in.gov>

Weekly Planning meeting

John Hewett <hewettj@bloomington.in.gov> Mon, Dec 2, 2024 at 11:39 AM
To: Joy Brown <joy.brown@bloomington.in.gov>

I believe there are 5 occupants. There are 6 bedrooms with beds, one room seems to be an extra, there are a few clothes in the closet, but the room is otherwise bare of the personal effects one would expect from an occupied bedroom. I mentioned to the owner, Lan Porter (one of the occupants) that it appeared to be over occupied.

John

On Mon, Dec 2, 2024 at 11:17 AM Joy Brown <joy.brown@bloomington.in.gov> wrote:

Hey John,

Want to make sure I get this right for our NOV letter for over occupancy. Based on this cycle inspection report, there are 6 rooms being used as bedrooms at 1704 E Maxwell Lane, correct? Is the property being occupied by 6 people? Did one of the tenants tell you how many people are living there? Or what evidence did you observe upon inspection that the property is over occupied?

Cheers,

Joy Brown (she/her)
Zoning Compliance Planner
Planning & Transportation Department
City of Bloomington, IN
joy.brown@bloomington.in.gov
812-349-3592 | bloomington.in.gov

On Mon, Dec 2, 2024 at 10:56 AM John Hewett <hewettj@bloomington.in.gov> wrote:

Here you go.

On Mon, Dec 2, 2024 at 10:05 AM Joy Brown <joy.brown@bloomington.in.gov> wrote:

Good Morning John,

Following up on this. Do you have a copy of the report for 1704 E Maxwell St you could send to me?

Cheers,

Joy Brown (she/her)
Zoning Compliance Planner
Planning & Transportation Department
City of Bloomington, IN
joy.brown@bloomington.in.gov
812-349-3592 | bloomington.in.gov

On Tue, Oct 29, 2024 at 11:11 AM John Hewett <hewettj@bloomington.in.gov> wrote:

Joy, I did that inspection. I'll get you a copy of the report.

On Tue, Oct 29, 2024 at 10:48 AM Joy Brown <joy.brown@bloomington.in.gov> wrote:

Hello All,

Do you have any evidence of over occupancy you can send me for 1704 E Maxwell? An inspection report would also be helpful if that has been completed. All I have in my records for that one is that John told Planning Staff it was over-occupied. I'm not finding any email records. How do we know it is over-occupied?

Also, has a cycle inspection report been completed for 1310 E Matlock Rd or 2012 E Kensington Ct? If so, please forward them to me to use in Planning's NOV letters for over occupancy. Thank you!

Cheers,

Joy Brown (she/her)
Zoning Compliance Planner
Planning & Transportation Department
City of Bloomington, IN
joy.brown@bloomington.in.gov
812-349-3592 | bloomington.in.gov

On Thu, Oct 10, 2024 at 10:47 AM John Hewett <hewettj@bloomington.in.gov> wrote:

I met with the folks in Planning this morning.

Here is a list of the properties we spoke about.

190 Sunny Slopes- Unsafe, Outdoor Storage - Mike Arnold
1210 S Madison- outdoor storage
205 E Kirkwood- Basement unit - Jo Stong
2012 E Kensington- outdoor storage?
Penn Ct.- Halloween Decorations, Fence, Outdoor Storage - Rebecca Davis
427 N Washington- Over Occupancy- Parking Dept.- HAND
1704 E Maxwell- Over Occupancy - John Hewett

If you are dealing with any of these properties, Joy Brown may touch base if she has questions.

John

--
John Hewett
Program Manager
HAND
812-349-3420

--
John Hewett
Program Manager
HAND
812-349-3420

--
John Hewett
Program Manager
HAND
812-349-3420

--
John Hewett
Program Manager
HAND
812-349-3420

STATE OF INDIANA)
) SS:
COUNTY OF MONROE)

RESIDENTIAL HOUSE LEASE AGREEMENT

This Residential Lease Agreement ("*Lease*") is made and effective this 25th

day of August, 2024, by and between Zhen Li and Brian Everall and Porter Lan, ("*Landlords*") and Constantine Alexos, ("*Tenant*," whether one or more). This Lease creates *joint and several liability* to the Tenants.

1. PREMISES

A) Landlord hereby rents to Tenant and Tenant accepts in its present condition the house, which is located at 1704 E Maxwell Ln, Bloomington, Indiana 47401 (the "House").

2. TERM

A) The term of this Lease shall be for 9 months and shall start on 25th day of August 2024, and continue through and including the 31st day of May, 2025.

B) This Agreement is only for the stated period term and is NOT automatically renewable. Landlord and Tenant must agree in writing if tenancy is to continue beyond the last day of the rental term.

3. RENT

A) Tenant agrees to pay, without demand, to Landlord as rent for the House the sum of one-thousand-sixty-dollars ($1060), which said rent shall be paid per month in advance on the first day of each calendar month.

B) If payment of one-thousand-sixty-dollars ($1060) is not received with five (5) days of the due date, the Tenant understands that an additional Twenty-Five Dollars ($25) shall be due as an administrative late fee. In the event the rent is not paid by the 10th day of each month, then an additional Fifty Dollars ($50) shall be due and payable as an administrative late payment.

C) Tenant shall pay a charge equal to Fifty Dollars ($50) for any returned check.

D) All payments shall be made delivered, in person, by United States Mail, or through automatic electronic deposit to Porter Lan, 1704 E Maxwell Lane, Bloomington, IN 47401. Said payments shall be made in a timely fashion and should be submitted on or before the 1st of each month. The first rental payment will be due on or before September 1st, 2024 in the prorated amount (including 6 days of August and the full month of September) of one-thousand-two-hundred-sixty-five ($1265).

4. **UTILITIES**

A) Landlords will pay for water, sewer, internet, electricity, and gas.

5. **FORFEITURE OF SECURITY DEPOSIT - DEFAULT**

A) It is understood and agreed that Tenant shall not attempt to apply or deduct any portion of any security deposit from the last or any month's rent or use or apply any such security deposit at any time in lieu of payment of rent. If Tenant fails to comply, such security deposit shall be forfeited and Landlord may recover the rent due as if any such deposit had not been applied or deducted from the rent due. For the purposes of this paragraph, it shall be conclusively presumed that a Tenant leaving the Premises while owing rent is making an attempted deduction of deposits.

B) Furthermore, any deposit shall be held as a guarantee that Tenant shall perform the obligations of the Lease and shall be forfeited by the Tenant should Tenant breach any of the terms and conditions of this Lease. In the event of default, by Tenant, of any obligation in this Lease which is not cured by Tenant within fifteen (15) days' notice from Landlord, then in addition to forfeiture of the Security Deposit, Landlord may pursue any other remedy available at law, equity or otherwise.

6. **USE OF PREMISES**

A) The House shall be used and occupied by Tenant as a private residence.

B) Neither the House nor any part of the House or yard shall be used at any time during the term of this Lease for the purpose of carrying on any business, profession, or trade of any kind, or for any purpose other than as a private single-family residence.

C) Tenant shall comply with all the health and sanitary laws, ordinances, rules, and orders of appropriate governmental authorities and homes associations, if any, with respect to the House.

D) Tenant agrees to keep the property reasonably clean, including the exterior of the House and lawn.

E) Tenant agrees to use the appliances and systems in a reasonable manner.

F) Tenant agrees from defacing, damaging, destroying, impairing, or removing any part of the Property.

G) Tenant agrees to comply with any and all reasonable Rules and Regulations in existence at the time this Lease is entered into and any amended Rules and Regulations during the Term of this Agreement.

H) Landlord agrees to maintain the Gentry East Homeowners Association Fees of One Hundred Eighty Dollars ($180.00) annually during the term of said lease.

7. **DEFAULT**

A) A default under this Lease by Tenant shall exist if any of the following occurs:

i) If Tenant fails to pay "rent," "additional rent" or "any other charges" due under this Lease to be paid when due;

ii) If Tenant fails to perform any term, covenant or condition of this Lease except those requiring the payment of money, and Tenant fails to cure such breach within fifteen (15) days after written notice from Landlord where such breach could reasonably be cured within such fifteen (15) day period; however, that were such failure could not reasonably be cured within the fifteen (15) day period; that Tenant shall not be in default if it commences such performance within the fifteen (15) day period and diligently thereafter prosecutes the same to completion;

iii) If Tenant assigns its assets for the benefit of creditors;

iv) If Tenant shall have abandoned or vacated the Premises;

v) The chronic delinquency by Tenant in the payment of monthly "rent," "additional rent" or any "other periodic payments" required to be paid by Tenant under this Lease, shall constitute a default.

B) Upon a default, Landlord shall have the following remedies, in addition to all other rights and remedies provided by law or otherwise provided in this Lease, to which Landlord may resort cumulatively or in the alternative.

i) Landlord may continue this Lease in full force and effect, and this Lease shall continue in full force and effect as long as Landlord does not terminate this Lease, and Landlord shall have the right to collect "rent," "additional rent" and "other charges" due under this Lase from time to time when due.

ii) Landlord may terminate Tenant's right to possession of the Premises

at any time by giving written notice to that effect, and relet the Premises or any part thereof. On the giving of notice, all of Tenant's rights in the Premises, shall terminate.

iii) In the event a party files a civil action against the other, the party recovering a judgment shall have the right to petition and be awarded reasonable attorney's fees and costs.

8. **PETS**

A) As a general rule, pets are NOT permitted in or about the property unless specifically authorized by the Landlord in writing.

9. **CONDITION OF PREMISES**

A) Tenant agrees that Tenant has examined the House, including the grounds and all buildings and improvements, and that they are, at the time of this Lease, in good order, good repair, safe, clean, and tenantable condition.

B) Landlord and Tenant agree that a copy of the "*Joint Inspection*," the original of which is maintained by Landlord and a copy provided to Tenant, *attached hereto* reflects the condition of the House at the commencement of Tenant's occupancy.

C) That at the time of the initial inspection, the parties shall further record the condition of the premises by photographic and/or video means, which shall be made a part of this Lease. An electronic version of any photographs and/or video will be provided to the Tenant by means of a shared Dropbox (www.dropbox.com) file.

10. **ASSIGNMENT AND SUBLETTING**

A) Tenant shall not assign this Lease, or sublet or grant any concession or license to use the House or any part of the House without Landlord's prior written consent.

B) Any assignment, subletting, concession, or license without the prior written consent of Landlord, or an assignment or subletting by operation of law, shall be **void** and, *at Landlord's option*, terminate this Lease.

11. **ALTERATIONS AND IMPROVEMENTS**.

A) Tenant shall make no alterations to the House or construct any building or make other improvements without the prior written consent of Landlord.

B) All alterations, changes, and improvements built, constructed, or placed on or around the House by Tenant, with the exception of fixtures properly removable

without damage to the House and movable personal property, shall, unless otherwise provided by written agreement between Landlord and Tenant, be the property of Landlord and remain at the expiration or earlier termination of this Lease.

12. **DAMAGE TO PREMISES**

A) If the House, or any part of the House, shall be partially damaged by fire or other casualty not due to Tenant's negligence or willful act, or that of Tenant's family, agent, or visitor, there shall be an abatement of rent corresponding with the time during which, and the extent to which, the House is untenantable.

B) If Landlord shall decide not to rebuild or repair, the term of this Lease shall end and the rent shall be prorated up to the time of the damage.

13. **LIABILITY**

A) Tenant agrees that the Landlord shall not be responsible to the Tenant, or any members of the Tenant's family, guest and/or invitees, for any injury or damage to any person or property that may occur on or about the Property during the term of this Lease.

B) Tenant shall, *at Tenant's sole expense*, obtain and keep in force during the Term of this Lease a policy of rental and liability insurance on the Premises.

C) Tenant shall provide written verification prior to occupancy that Tenant has rental and liability insurance, with loss payable clauses satisfactory to Landlord.

D) Tenant acknowledges that Landlord will not provide insurance coverage for Tenant's property, nor shall Landlord be responsible for any loss of Tenant's property, whether by theft, fire, acts of God, or otherwise.

14. **MAINTENANCE AND REPAIR**

A) Tenant will, *at Tenant's sole expense*, keep and maintain the House and appurtenances in good and sanitary condition and repair during the term of this Lease.

B) In particular, Tenant shall keep the fixtures in the House in good order and repair; keep the furnace clean; and keep the walks free from dirt and debris.

C) Tenant shall, at Tenant's sole expense, make all required repairs to the plumbing, range, oven heating apparatus, electric and gas fixtures, other mechanical devices and systems, floors, ceilings and walls whenever damage to such items shall have resulted from Tenant's misuse, waste, or neglect, or that of the Tenant's family, agent, or visitor.

D) Tenant agrees that no signs shall be placed or painting done on or about the House by Tenant without the prior written consent of Landlord.

E) Tenant agrees to promptly notify Landlord in the event of any damage, defect or destruction of the House, or the failure of any of Landlord's appliances or mechanical systems, and except for repairs or replacements that are the obligation of Tenant pursuant to Subsection A above, Landlord shall use its best efforts to repair or replace such damaged or defective area, appliance or mechanical system.

15. **RIGHT OF INSPECTION**

A) Landlord and Landlord's agents shall have the right at all *reasonable times* during the term of this Lease and any renewal of this Lease to enter the House for the purpose of inspecting the premises and/or making any repairs to the premises or other item as required under this Lease.

B) Landlord may enter, without advance notice and consent of the Tenant, when a health or safety emergency exists, or if Tenant is absent and Landlord believes entry is necessary to protect the Property or the building in which they are located from damages.

16. **HOLDOVER BY TENANT**

A) Should Tenant remain in possession of the House with the consent of Landlord after the expiration of the Term of this Lease, a new tenancy from month to month shall be created which shall be subject to all the terms and conditions of this Lease, but shall be terminable on thirty (30) days by either party or longer notice if required by law.

B) If Tenant holds over without Landlord's consent, Landlord is entitled to double rent, pro-rated per each day of the holdover, lasting until Tenant leaves the House.

17. **SURRENDER OF PREMISES**

A) At the expiration of the Lease, Tenant shall quit and surrender the House in as good a condition as it was at the commencement of this Lease, reasonable wear and tear and damages by the elements excepted.

18. **ABANDONMENT**

A) If at any time during the term of this Lease, Tenant abandons the House or any of Tenant's personal property in or about the House, Landlord shall have the following rights: Landlord may, at Landlord's option, enter the House by any means without liability to Tenant for damages and may relet the House, for the whole or any part of the then unexpired term, and may receive and collect all rent payable by virtue of such reletting;

B) Also, at Landlord's option, Landlord may hold Tenant liable for any difference between the rent that would have been payable under this Lease during the balance of the unexpired term, if this Lease had continued in force, and the net rent for such period realized by Landlord by means of such reletting.

C) Landlord may also dispose of any of Tenant's abandoned personal property as Landlord deems appropriate, without liability to Tenant. Landlord is entitled to presume that Tenant has abandoned the House if Tenant removes substantially all of Tenant's furnishings from the House, if the House is unoccupied for a period of two (2) consecutive weeks, or if it would otherwise be reasonable for Landlord to presume under the circumstances that the Tenant has abandoned the House.

D) If Tenant leaves personal property behind, Landlord shall have the right to dispose of the property as provided by law or per any written agreement between the Landlord and the Tenant.

19. **SMOKE DETECTORS**

A) Indiana law (Indiana Code 22-11-18-3.5) requires that the Landlord:

i) Install a required smoke detector; which are installed; and

ii) Replace or repair a required smoke detector, within seven (7) working days after the Landlord has been given written notification of the need to replace and/or repair.

iii) That as part of the check-in inspection, the parties hereto understand and agree that they shall personally inspect and make for sure all required smoke detectors are operational.

B) Tenant shall replace batteries in the smoke detector(s) as necessary or, if smoke detector is hard wired into the Property's electrical system and is not functional, Tenant must provide notice to Landlord.

20. **SEVERABILITY**

A) If any part or parts of this Lease shall be held unenforceable for any reason, the remainder of this Agreement shall continue in full force and effect.

21. **BINDING EFFECT**

A) The covenants and conditions contained in the Lease shall apply to and bind the heirs, legal representatives, and permitted assigns of the parties.

22. **GOVERNING LAW**

A) It is agreed that this Lease shall be governed by, construed, and enforced in accordance with the laws of the State Indiana. In addition, if there is any need to resolve any issues whatsoever and a litigation is necessary, Monroe County, Indiana shall be deemed the proper venue of said action

23. **ENTIRE AGREEMENT**

A) This Lease shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease is hereby superseded. This Lease may be modified only by a writing signed by both Landlord and Tenant.

24. **NOTICES**

A) Any notice required or otherwise given pursuant to this Lease shall be in writing; hand delivered, mailed certified return receipt requested, postage prepaid, or delivered by overnight delivery service, if to Tenant, at the House and if to Landlord, at the address for payment of rent.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed the day and year first above written.

TENANT	**LANDLORDS**
8/13/2024	08/13/2024
A Tenant	*A Landlord*
	08/13/2024
	A Landlord

AFFIDAVIT OF UNDERSTANDING OF OCCUPANCY LIMITATIONS

I, Porter Lan, residing at 1704 E Maxwell Lane, being duly sworn, hereby declare the following:

1. I am the owner/landlord of the property located at 1704 E Maxwell Lane.
2. I understand that the property is subject to local occupancy limitations based on the definition of family in the UDO and that the property meets this occupancy requirement.
3. I acknowledge that I am responsible for ensuring the property complies with these limitations at all times.

I swear or affirm under penalty of perjury that the foregoing is true and correct.

1/23/2025

Porter Lan

State of Indiana County of Monroe
Subscribed and sworn to (or affirmed) before me on this 23 day of January, 2025 by Porter Lan proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature

NOTARY PUBLIC SEAL INDIANA
STACY REES
Notary Public, State of Indiana
Monroe County
Commission Number NP0711906
My Commission Expires
05/06/2026

5. uReport

27

#199085 closed: Resolved

1770 E. Maxwell Lane

City	Bloomington
State	IN

Other:

Other: Requesting a Neighbor Compliance Officer to confirm there are only 3 unrelated adults living at this address, per recommendation by John Hewitt/ HAND. Owners of this property are Porter Lan, Zhen Li, and M. Brian. This request by me is due an unusual amount of cars parking on both sides of Eastside Drive in the northern half of the block since August 2024. Average daily amount of cars parked in this half block is 12.

Assigned to
Jo Stong

History

10/30/2024 14:18:34 Closed by Jo Stong

This property (1704 E Maxwell) has been inspected recently and is over-occupied. The city planning dept will be following up on the violations.

▶ Sent notification to Jo Stong, Anonymous

10/30/2024 13:49:42 Jo Stong commented on this case.

Address is 1704

▶ Sent notification to Jo Stong, Anonymous

10/29/2024 13:37:01 John Hewett assigned this case to Jo Stong

▶ Sent notification to Jo Stong, Anonymous

10/29/2024 10:48:32 Cheyenne Bowlen assigned this case to John Hewett

▶ Sent notification to John Hewett, Anonymous

10/29/2024 10:45:47 Anonymous assigned this case to Cheyenne Bowlen

▶ Sent notification to Cheyenne Bowlen, Anonymous

10/29/2024 10:45:47 Opened by Anonymous

BLOOMINGTON BOARD OF ZONING APPEALS **CASE#: CU-08-25**
STAFF REPORT **DATE: April 24, 2025**
LOCATION: 1432 S Winfield RD

PETITIONER: Qamar Zaidi
1432 S Winfield RD
Bloomington, IN 47401

REQUEST: The petitioner is requesting Conditional Use approval to allow a "Dwelling, duplex" use in the Residential Medium Lot (R2) zoning district.

REPORT: The property is located on S Winfield RD just north of E Moores Pike. This site and all surrounding properties are zoned Residential Medium Lot (R2). No conditional uses for a duplex or triplex have been approved within 200ft of this property in the past two years. The property currently contains a single family residence and is within the Covenanter Neighborhood Association area. The petitioner has reached out to the neighborhood association to schedule the required "Pre-submittal Neighborhood Meeting", but was not able to receive a return phone call from anyone about the petition.

The petitioner is proposing to partition the existing two-story residence into two units, to create a "Dwelling, duplex." The residence has been designed to have one unit facing S Winfield to the east and one lower floor unit with an entrance from the north. The existing building is two-stories and no changes to the exterior of the building are proposed with this request. The 1st floor unit would have three bedrooms, and the lower floor would have two bedrooms. There is currently a driveway along the north side of the property and no changes to the driveway or access to the property are proposed. There is no sidewalk along S Winfield on the southbound side and no sidewalk would be required with this request. The petitioner proposes using the existing water, sewer, and electricity connections.

CRITERIA AND FINDINGS FOR CONDITIONAL USE PERMIT

20.06.040(d)(6)(B) General Compliance Criteria: All petitions shall be subject to review and pursuant to the following criteria and shall only be approved if they comply with these criteria.

i. Compliance with this UDO
ii. Compliance with Other Applicable Regulations
iii. Compliance with Utility, Service, and Improvement Standards
iv. Compliance with Prior Approvals

PROPOSED FINDING: There are use-specific standards that apply to the use "dwelling, duplex" within the R2 zoning district and this petition meets those standards. The property owner does not have any notices of violation on file. Each unit has its own separate exterior entrance. The structure will contain no more than five bedrooms. The petitioner expects to use existing utility connections. The petitioner attempted to make contact with the Covenanter Neighborhood Association, however there was no response.

20.06.040(d)(6)(C) ADDITIONAL CRITERIA APPLICABLE TO CONDITIONAL USES

i. Consistency with Comprehensive Plan and Other Applicable Plans

The proposed use and development shall be consistent with and shall not interfere with the achievement of the goals and objectives of the Comprehensive Plan and any other applicable adopted plans and policies.

PROPOSED FINDING: This proposal is congruent with the goals of the Comprehensive Plan. The Comprehensive Plan identifies this area as the "Neighborhood Residential" land use category. The Comprehensive Plan states that multifamily housing is a feature of the Neighborhood Residential land use category even though it is largely characterized by single family neighborhoods. The addition of this unit increases density in close proximity to the Renwick "Urban Village Center" and nearby the "Regional Activity Center" along the College Mall RD corridor. Policy 5.3.1 encourages opportunities for infill and redevelopment across Bloomington with consideration for increased residential densities, complementary design, and underutilized housing types such as accessory dwelling units and duplexes. The existing residence has a pitched roof, and no changes will be made to the exterior. There is a sidewalk on the other (east) side of Winfield RD.

ii. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management structures, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

PROPOSED FINDING: The site has existing utility connection and no issues have been identified with any proposed connections.

iii. Minimizes or Mitigates Adverse Impacts

1. *The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance.*
2. *The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.*
3. *The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.*
4. *The petitioner shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting for the specific proposal, if such a meeting is required.*

PROPOSED FINDING: There are no known natural or scenic features that will be impacted. The property is not located within a historic district. No significant adverse impacts are expected from the creation of the proposed duplex. No changes to trash and waste collection service are expected. There is a driveway that is two cars wide and meets all the requirements.

iv. Rational Phasing Plan

If the petition involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

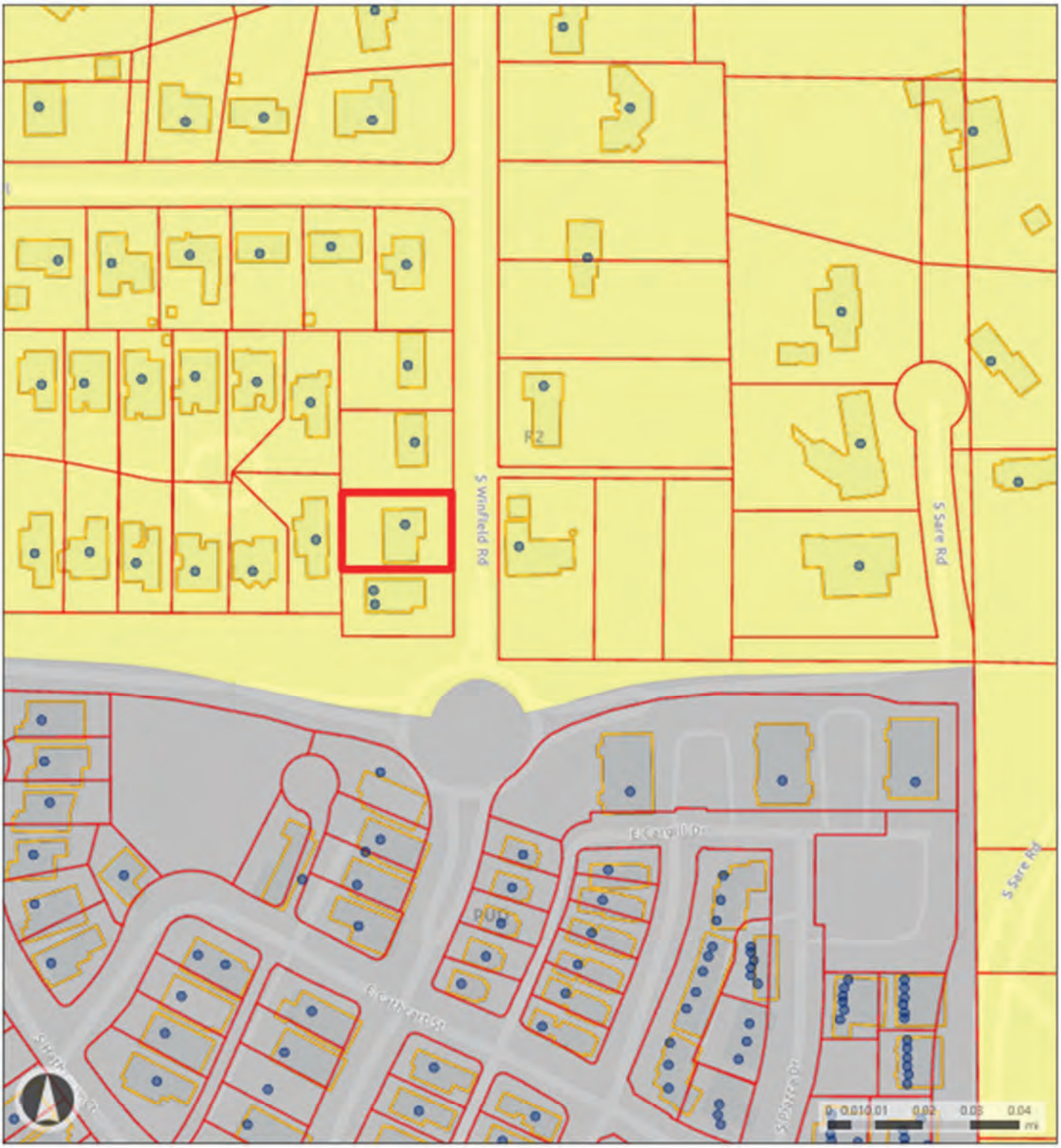
PROPOSED FINDING: No phasing is proposed with this plan.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU-08-25 with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. This conditional use approval requires the petitioner to pass a rental inspection from HAND and procure a rental permit for all units that will be rented.

City of Bloomington

Planning and Transportation Department



Map Legend

- Addresses
- Parcels
- Buildings
- Bloomington Municipal Boundary
- Planned Unit Development
- Residential Medium Lot

Created: 2/11/2025 Map By:

For use as map information only; information is NOT warranted.

City of Bloomington

Planning and Transportation Department

Map Legend

- Addresses
- Parcels

Created: 3/11/2025 Map By:

For use as map information only; information is NOT warranted.

Qamar Zaidi
1432 S. Winfield Road
Bloomington, IN 47401
qamarz@outlook.com
949-872-5835
February 27, 2025

Bloomington City Planning Department
401 N. Morton Street
Bloomington, IN 47404

STATEMENT

Subject: Request for Approval to Convert Single-Family Home to Duplex

Dear Eric Greulich and /City Planning Committee,

I formally request approval to convert my 1432 S. Winfield Road single-family home into a duplex. The property is zoned R2, and I want to ensure that this transition aligns with Bloomington's zoning regulations and planning requirements.

Our home has a total living space of nearly 3,500 sq. ft. (excluding the garage) and is **already structured as two distinct levels:**

- **Unit 1 (Main Floor)**—This unit has a full kitchen, dining room, living room, three bedrooms, two bathrooms, and an entrance door.
- **Unit 2 (Lower Floor)** – This unit currently contains two bedrooms, a living room, a full bathroom, a laundry room, and an entrance door.

The only missing element in Unit # 2 is a kitchen, which is a key requirement to meet the city's duplex classification. Below, I have outlined how I intend to accomplish this addition while ensuring full compliance with zoning and safety requirements.

1. Purpose & Justification

Converting this home into a duplex will:

- Provide additional housing options in Bloomington, aligning with the city's housing goals for affordability and diversity.
- Make efficient use of existing space without altering the neighborhood's character.
- Allow two independent, self-sufficient living spaces, enhance functionality and marketability.

2. Proposed Kitchen Layout & Structural Modifications

To complete the duplex conversion, I propose adding a kitchen in Unit # 2 with the following modifications:

- The kitchen will be installed adjacent to the current laundry room, utilizing existing plumbing and drainage infrastructure to minimize required modifications.
- The laundry area will be relocated, making room for a dining space and a new kitchen.
- Approximately 10 feet of garage space will be repurposed for the kitchen while maintaining a fully functional two-car garage.
- The kitchen dimensions will be approximately 10 feet by 12 feet (10'x12'), providing ample space for essential appliances and cabinetry.
- The existing stairways of the two floors (Units #1 and 2) will be permanently closed to create a clear separation between units. This will involve:
    - Framing the stairway opening to establish a solid partition.
    - Installing drywall for insulation and soundproofing.
    - Painting and tiling to blend with the existing interior.
    - Repurposing the space beneath the stairs as a kitchen pantry for Unit # 2.
- The kitchen will be equipped with:
    - Electric stove and dishwasher
    - Refrigerator and microwave outlet
    - Cabinets and countertop workspace

3. Utility & Safety Considerations

To ensure compliance with all safety and utility regulations:

- **Electrical Upgrades:**
    - A 200-amp electrical panel will be installed, connected to a new utility meter for Unit # 2.
    - Proper GFCI outlets will be installed for appliance safety.
- **Plumbing & Drainage:**
    - Since the kitchen is near the existing laundry room, minimal modifications will be required to connect the plumbing.
- **Safety Compliance:**
    - Proper ventilation will be ensured.
    - The modifications will adhere to all building codes and fire safety regulations.

4. Positive Impact on the Property & Community

This conversion will have several benefits:

- Optimized use of space without altering the home's exterior or affecting neighborhood aesthetics.

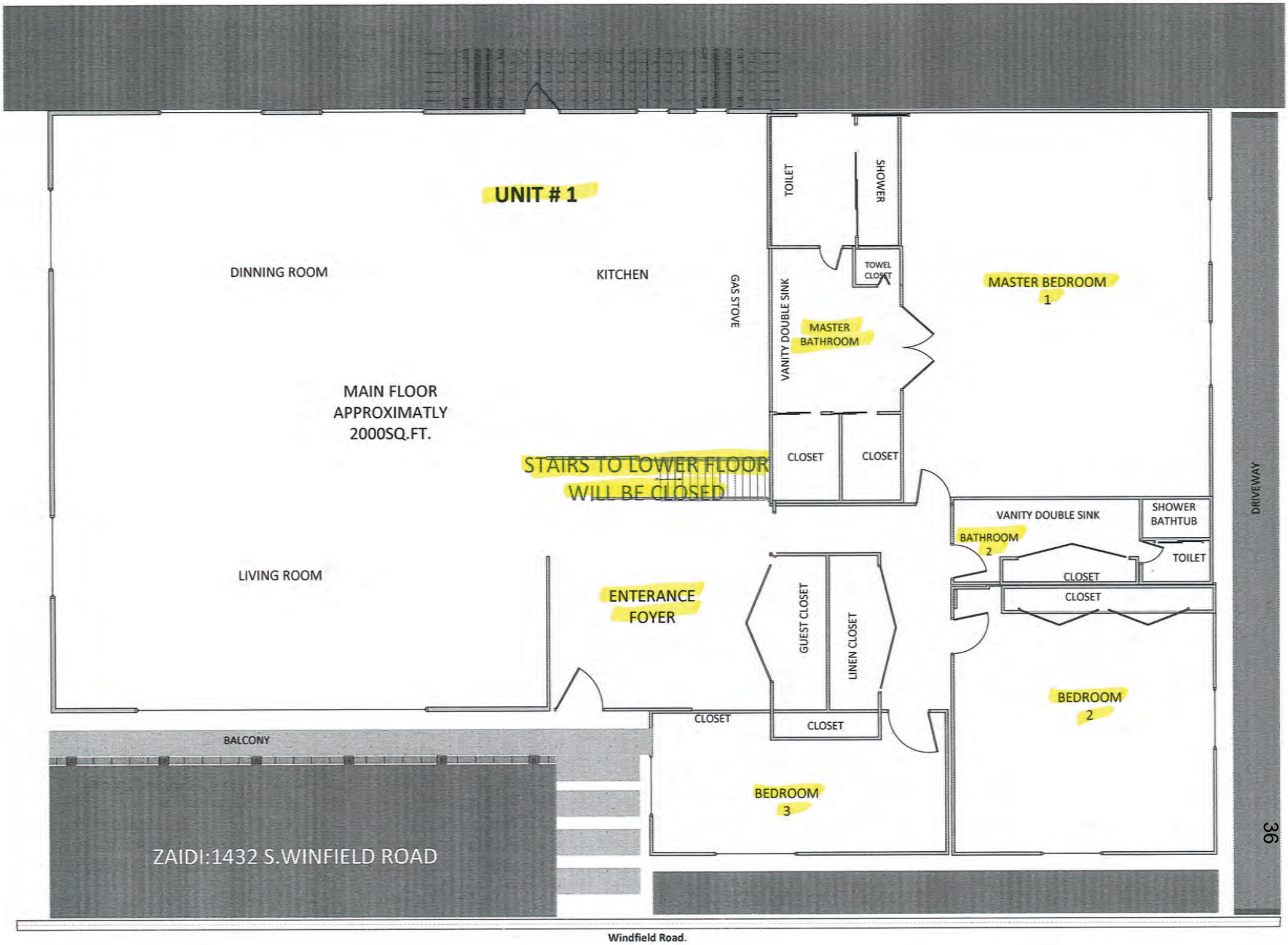
- Increased property value, contributing to local tax revenue.
- Support Bloomington's housing goals by adding independent living units without new land development.

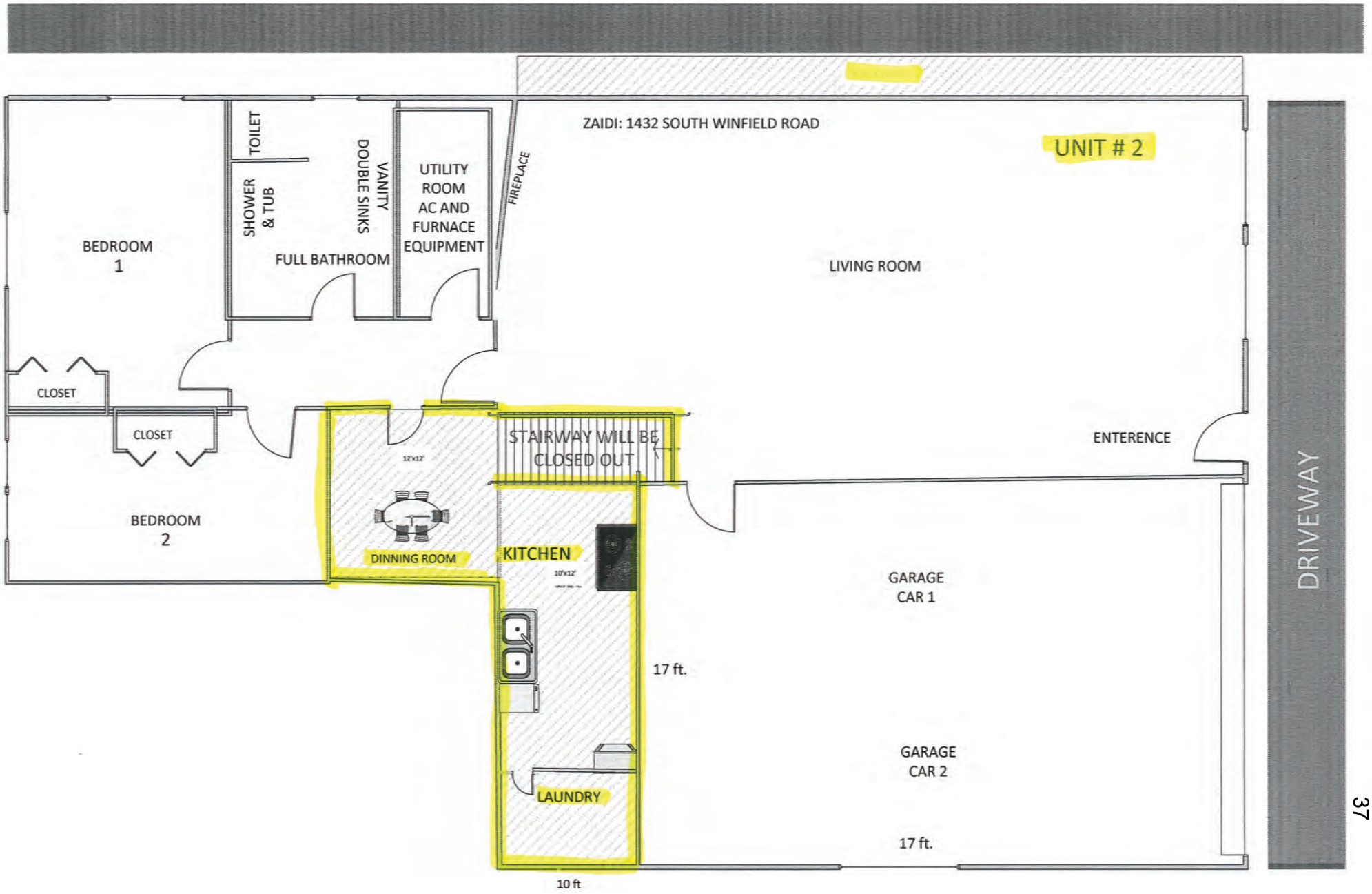
I appreciate your time and consideration of this request. Please let me know if additional documentation is required. I am happy to work with the city to ensure all necessary approvals and inspections are completed.

Thank you for your attention to this matter. I look forward to your response.

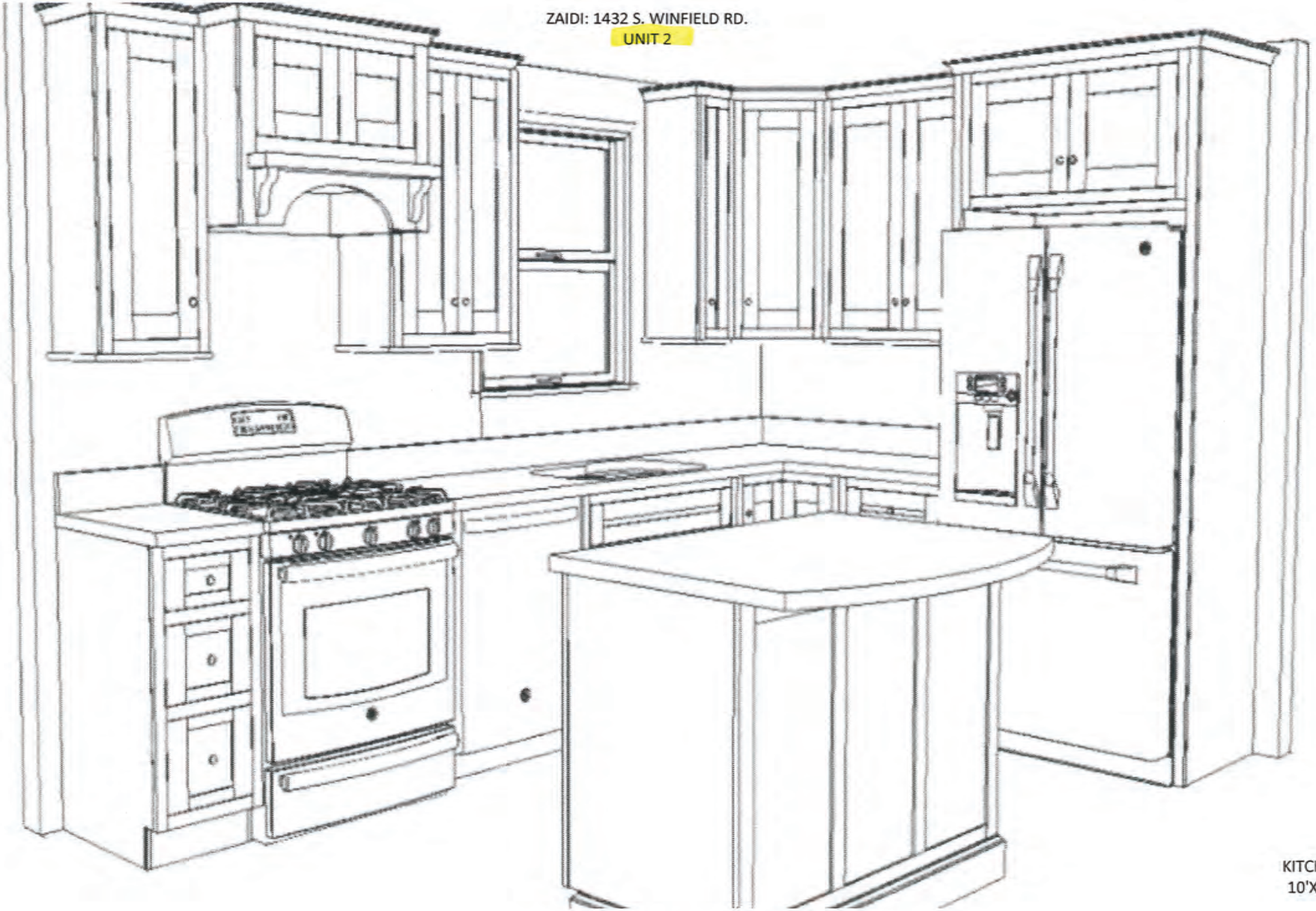
Sincerely,

Qamar Zaidi
1432 S. Winfield Road
Bloomington, IN 47401
qamarz@outlook.com
949-872-5835


UNIT # 1
DINNING ROOM
KITCHEN
GAS STOVE
TOILET
SHOWER
TOWEL CLOSET
VANITY DOUBLE SINK
MASTER BATHROOM
MASTER BEDROOM 1
MAIN FLOOR APPROXIMATLY 2000SQ.FT.
STAIRS TO LOWER FLOOR WILL BE CLOSED
CLOSET
CLOSET
VANITY DOUBLE SINK
SHOWER BATHTUB
BATHROOM 2
TOILET
CLOSET
CLOSET
LIVING ROOM
ENTERANCE FOYER
GUEST CLOSET
LINEN CLOSET
BEDROOM 2
CLOSET
CLOSET
BALCONY
BEDROOM 3
ZAIDI:1432 S.WINFIELD ROAD
DRIVEWAY
Windfield Road.


ZAIDI: 1432 SOUTH WINFIELD ROAD
UNIT # 2
BEDROOM 1
TOILET
SHOWER & TUB
DOUBLE SINKS
VANITY
FULL BATHROOM
UTILITY ROOM AC AND FURNACE EQUIPMENT
FIREPLACE
LIVING ROOM
CLOSET
CLOSET
BEDROOM 2
12'x12'
DINNING ROOM
STAIRWAY WILL BE CLOSED OUT
KITCHEN
10'x12'
LAUNDRY
10 ft
17 ft.
GARAGE CAR 1
GARAGE CAR 2
17 ft.
ENTERENCE
DRIVEWAY

ZAIDI: 1432 S. WINFIELD RD.
UNIT 2



KITCHEN
10'X12'

ZAIDI: 1432 SOUTH WINFIELD ROAD UNITE #2

ZAIDI: 1432 SOUTH WINFIELD ROAD UNITE #1

I am writing to formally request a five-day leave of absence for my child, Abeem Zaidi, from March 12 to March 21 (totaling 8 school days) to visit Japan for an enriching experience. This trip presents a rare opportunity for Abeem to gain firsthand knowledge of Japan's rich history, culture, and heritage—insights that cannot be fully acquired through textbooks alone.

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-10-25**
STAFF REPORT **VAR2025-03-0064**
Location: 228 W. Kirkwood Avenue **DATE: April 24, 2025**

PETITIONER: 228 W. Kirkwood Avenue, LLC
PO Box 5543, Bloomington, IN

CONSULTANTS: Doug Bruce
1101 S. Walnut Street, Bloomington

REQUEST: Variance from architectural requirements, minimum 50% required ground floor nonresidential uses, parking standards to allow back-out parking on a public street, minimum 20' setback for parking within a building, maximum building height, and from requirement to access an improved alley for parking to allow for the construction of a "dwelling, multifamily" use in the Mixed-Use Downtown (MD) within the Courthouse Square Overlay (CSO) district.

REPORT: This 2,485 sq. ft. property is located at the northeast corner of N. Morton Street and W. Kirkwood Avenue and is zoned Commercial Downtown (CD), within the Courthouse Square Overlay (CSO) district. The property is also within the Courthouse Square Historic District. Surrounding land uses include mixed-use buildings to the north, west, and east with a hotel to the south. The B-Line Trail runs adjacent to Morton Street to the west. The property is currently undeveloped and contains a surface parking area. The property is 18.83' wide and 132' deep, the adjacent building to the east encroaches up to 1.9' onto this property and essentially creates a buildable width of only 16.93'. There is a 12' platted alley that runs along the north property line. The property is currently undeveloped.

The petitioner is proposing to develop the site with a three-story, mixed-use building that will have 965 square feet of ground floor commercial space and two apartments on the upper floors. A parking area is proposed for each unit and features two garage doors along Morton Street to access a parking area for each unit that would allow one car in each parking area. The proposed floor plan also includes access to the roof with a proposed elevator. The height of the building itself is shown at 37'1" and within this district the allowed height is three stories, not to exceed 40'. However, the proposed elevations show a section of the parapet at 41'1" and the top of the two elevator towers is shown at 45'9". Both of those aspects require a variance.

As part of the proposed development plan the petitioner is requesting the following variances:

- Architectural standards outlined in Section 20.02.050(a)(8)(B)(i) that require articulation a minimum of 5' deep or 5% of the width of the building along a building façade to allow a zero foot depth,
- Minimum 50% nonresidential use of the ground floor to allow 45% nonresidential space,
- Minimum 20' setback requirement for parking spaces within a building to allow a zero foot setback,
- Maximum building height of 40' to allow a 45'9" tall building,

- Parking standards that require parking areas to be accessed from an improved alley to allow spaces to directly access Morton Street.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
20.06.080(b)(3)(E) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

   PROPOSED FINDING:

   Architectural Standards: The granting of the variance from minimum articulation standards will not be injurious to the public health, safety, morals, or general welfare of the community. There will be no impact to the overall safety in the design of the building with the granting of this variance to not require articulation.

   50% Ground floor nonresidential space: The granting of the variance to allow 45% of the ground floor as nonresidential space will not be injurious to the public health, safety, morals, or general welfare of the community. This petition will be providing a substantial amount of useable ground floor nonresidential space.

   Parking setback within the building: The granting of the variance to not require the two parking spaces to be 20’ of the front the building will not be injurious to the public health, safety, morals, or general welfare of the community. The limited amount of the building that will be utilized for parking will not be injurious to the public health, safety, morals, or general welfare of the community.

   Building Height: The granting of the variance to allow the building to be 45’9” tall will not be injurious to the public health, safety, morals, or general welfare of the community. The granting of the variance will not impact building safety and allows for a very limited component of the building to exceed the allowable height.

   Parking accessed from alley: The granting of the variance to allow two, single-drive parking areas to directly access Morton Street rather than the alley is not expected to be injurious to the public health, safety, morals, or general welfare of the community. The two proposed spaces will not result in a high volume of traffic utilizing these parking areas.

2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

   PROPOSED FINDING:

Architectural Standards: The use and value of the area adjacent to the property is not expected to be impacted in a substantially adverse manner as a result of the granting of the variance from minimum articulation standards. The proposed building meets all other architectural standards.

50% Ground floor nonresidential space: The use and value of the area adjacent to the property is not expected to be impacted in a substantially adverse manner as a result of the granting of the variance to allow 45% of the ground floor as nonresidential space. As mentioned, this petition will be providing a substantial amount of useable ground floor nonresidential space.

Parking setback within the building: The use and value of the area adjacent to the property is not expected to be impacted in a substantially adverse manner as a result of the granting of the variance to not require the two parking spaces to be 20' from the front the building. The limited amount of the building along Morton Street that will be utilized for parking will not adversely impact adjacent properties.

Building Height: The use and value of the area adjacent to the property is not expected to be impacted in a substantially adverse manner as a result of the granting of the variance to allow the building to be 45'9" tall. The granting of the variance is not expected to impact adjacent buildings given the limited portions of the building that would exceed the allowable height.

Parking accessed from alley: The use and value of the area adjacent to the property is not expected to be impacted in a substantially adverse manner as a result of the granting of the variance to allow two, single-drive parking areas to directly access Morton Street rather than the alley. The two proposed spaces are expected to have a very low rate of use and thereby have negligible impact on adjacent properties. There will only be one actual drivecut on Morton Street and it will be 24' wide, which meets the UDO allowances for driveway number and width.

3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

PROPOSED FINDING:

Architectural Standards: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as they would not allow for the property to be developed in any manner consistent with this zoning district due to the narrow width of the lot. The amount of buildable area and width of the lot allows for only a 16' wide building. The 132' length of the building requires 6.6' of modulation and further reduces the width of the buildable area to only 9.4' wide. The practical difficulties are peculiar to the property in question because the width and size of the property in combination with the required setbacks do not allow for a building to be designed to be appropriate for

this area to occur on the property without the granting of a variance. The petitioner has designed the building to include all of the required design elements, however full compliance is not possible. The granting of the variance allows for the property to be redeveloped in a manner consistent with the Comprehensive Plan, zoning district, and provide improvements to this undeveloped property.

50% Ground floor nonresidential space: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as the narrow width of the property creates an inherent difficulty with designing any building with active, usable space. The practical difficulties are peculiar to the property in question because the width and size of the property do not allow for a building to be designed to be appropriate for this area to occur on the property without the granting of a variance. The petitioner has designed the building to include all of the required design elements and provided a substantial amount of the ground floor for nonresidential space, however full compliance is very difficult given the constraints on the property with the narrow lot width and encroachment of the adjacent building which further restricts the buildable area. The granting of the variance allows for the property to be redeveloped in a manner consistent with the Comprehensive Plan, zoning district, and provide improvements to this undeveloped property.

Parking setback within the building: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as the narrow width of the property and encroachment of the adjacent building creates an inherent difficulty with designing any parking within the building and meeting the setback requirements. The practical difficulties are peculiar to the property in question because the width and size of the property do not allow for any parking to be provided within the building without the granting of a variance. Although no on-site parking is required for either the residential use or the commercial use, the provision of one parking space within the building for each unit is a reasonable expectation. The granting of the variance allows for one parking space to be provided for each of the two units and the property to be developed in a manner consistent with the Comprehensive Plan, zoning district, and provide improvements to this undeveloped property.

Building Height: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property as it is possible, and has been shown, to design a three-story building for the property with both commercial and residential uses and meet the height limitations. There do not appear to be any practical difficulties that are peculiar to the property in question that do not allow the property to be developed with a building that meets the height restrictions of the district. Although the property is narrow in width, the request for the building to exceed the allowable building height is solely related to the desire to have a rooftop deck accessed by an elevator. The lack of that element is not denying the owner the ability to use the property in a manner consistent with the UDO nor inconsistent with surrounding properties. The denial of this variance from building height will still allow the property to be fully developed with both residential and commercial uses in a size and height that is identical to surrounding properties within this Overlay District.

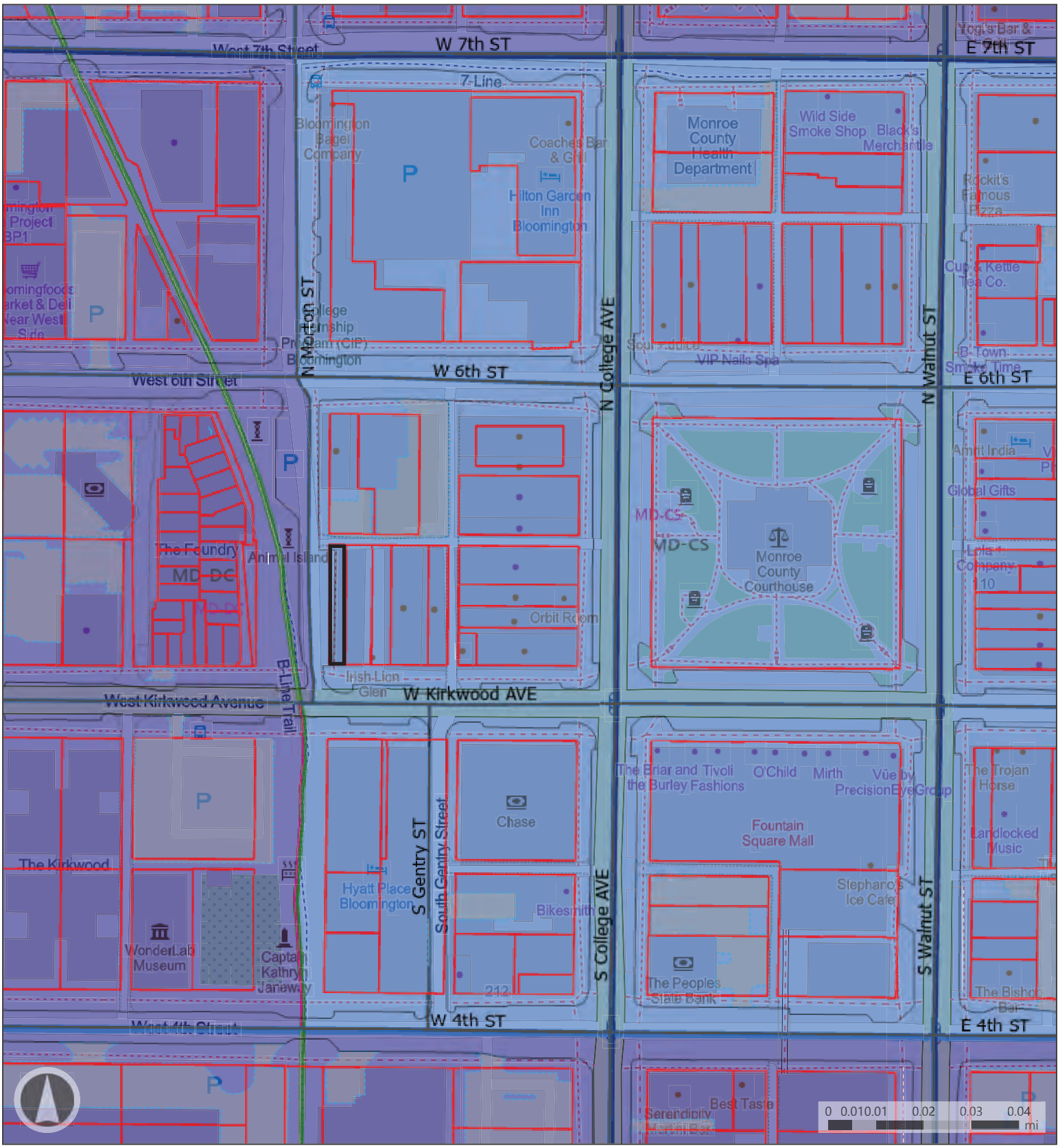
Parking accessed from alley: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as the narrow width of the property and encroachment of the adjacent building creates an inherent difficulty with designing parking that would be accessed from the alley as there is not enough width to accommodate parking from the alley within the building from that orientation. Peculiar condition is found in the location of existing utilities within the alley, adjacent buildings, one-way direction of Morton Street, and the narrow lot width all present a peculiar condition in terms of accessing the rear of the building from the alley and being able to provide parking within the building. Although no on-site parking is required for either the residential use or the commercial use, the provision of one parking space within the building for each unit is a reasonable expectation. The granting of the variance allows for one parking space to be provided for each of the two units and the location of the two parking areas from Morton Street, rather than the alley, will have a negligible impact given the expected low frequency of usage for the spaces.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variances from architectural requirements, minimum 50% required ground floor nonresidential uses, parking standards to allow back-out parking on a public street, minimum 20’ setback for parking within a building, and from requirement for parking to access an improved alley, but deny the variance from maximum building height with the following conditions:

1. A tree plot and sidewalk consistent with the Transportation Plan are required along both frontages.
2. Site plan approval is required prior to issuance of any permits.
3. Street lighting consistent with the UDO is required along both frontages.
4. This approval is valid for the submitted elevations, floor plan, and uses as shown.
5. A Certificate of Appropriateness is required prior to issuance of any permits.

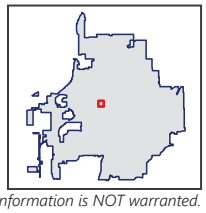
Planning and Transportation Department

City of Bloomington



Map Legend

- Parcels
- Pavement
- Drive
- Alley
- Lane
- OtherPavement
- Paved Parking Lot
- Current
- City Maintained Streets
- G
- M
- N

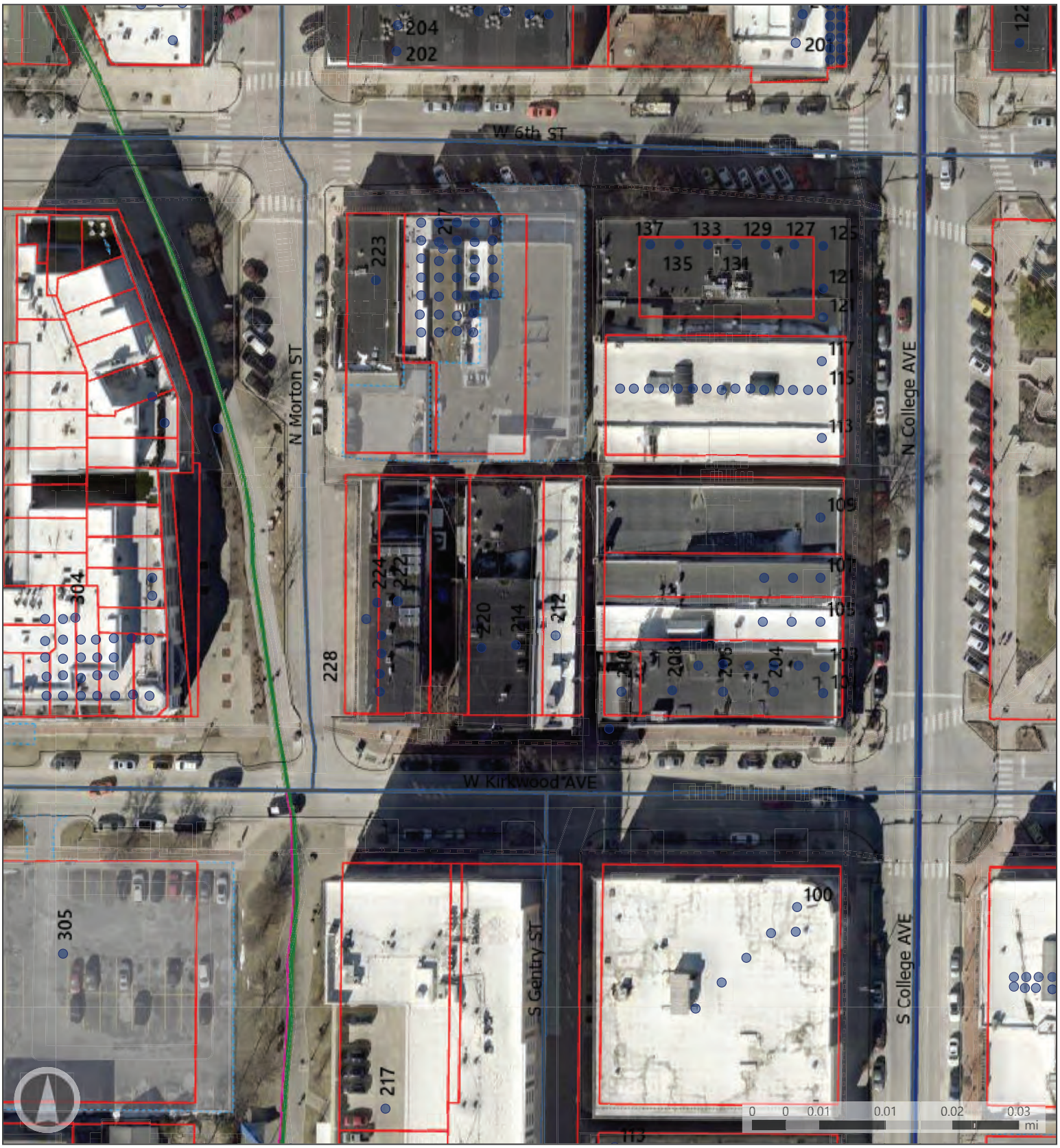


Created: 4/17/2025 Map By:

For use as map information only, information is NOT warranted.

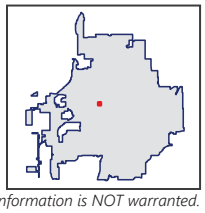
City of Bloomington

Planning and Transportation Department



Map Legend

- Addresses
- Parcels
- Pavement
- Drive
- Alley
- Lane
- Paved Parking Lot
- Current
- City Maintained Streets
- General Urban
- Main Street
- Neighborhood Residential



Created: 4/17/2025 *Map By:*

For use as map information only, information is NOT warranted.

TABOR
BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401
TELEPHONE: (812) 332-6258 FACSIMILE: (812) 332-8658

Bloomington Board of Zoning Appeals

Petitioner's Statement
228 West Kirkwood LLC
228 West Kirkwood Ave

Overview-Existing site
The site as it exists is .056 acres containing a paved parking surface that has been used as parking at this location . The Zoning is MD-CS (Mixed Use-Courthouse Square), and the unique size and corner location for almost any use, requires the owner to seek a variance.

Location
The site has been a vacant lot for decades and is unique in it's small width. There is not another legal lot in our downtown that currently exists that is this narrow and sits on a corner. Furthermore, as the Alta survey shows, the existing structure adjacent to the east of this lot sits anywhere from 1.9 feet to 1.6 feet over the property line unto our site. This effectively reduces our site even more and down to a usable width of just under 17 feet. This narrowness and corner location of this site is our reason for seeking variances so that this vacant parcel will provide an attractive infill development in our downtown. Infill development fills our missing teeth in our downtown and builds density and uses where services and infrastructure already exists.

Architectural Character
This structure is designed to harmonize with the existing character of many of the masonry buildings found around the downtown square. Brick, with detailing and limestone accents matches many of the details found downtown as well as the window patterns and main Kirkwood storefront entry to the commercial use. Utility spaces are placed along the north alley side and out of sight.

Current UDO implications
The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

Proposed Finding: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property-This is readily evident as almost any use on this site would require a variance within the current UDO.

Variances being sought:

Architecture
- 70% glass requirement along Morton Street ground floor
- Facade articulation
- Pedestrian entry design elements along Morton Street

Parking within 20 feet of the building street facade

Ground floor 50% minimum commercial requirement

Back out parking

Parking from Morton instead of the alley??

We propose that we meet the Criteria to evaluate the approval under flexibility and relief procedures with the following:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
   The proposed use and design matches the existing downtown architecture and is complementary to other nearby uses.

2. The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and
   No impacts on the neighboring properties or reduction in value will result from this variance request, in fact the values of nearby property will increase with this conversion of a paved parking lot into a three story building. The unsightly, exposed wall of the adjoining building will be forever hidden behind this proposed structure.

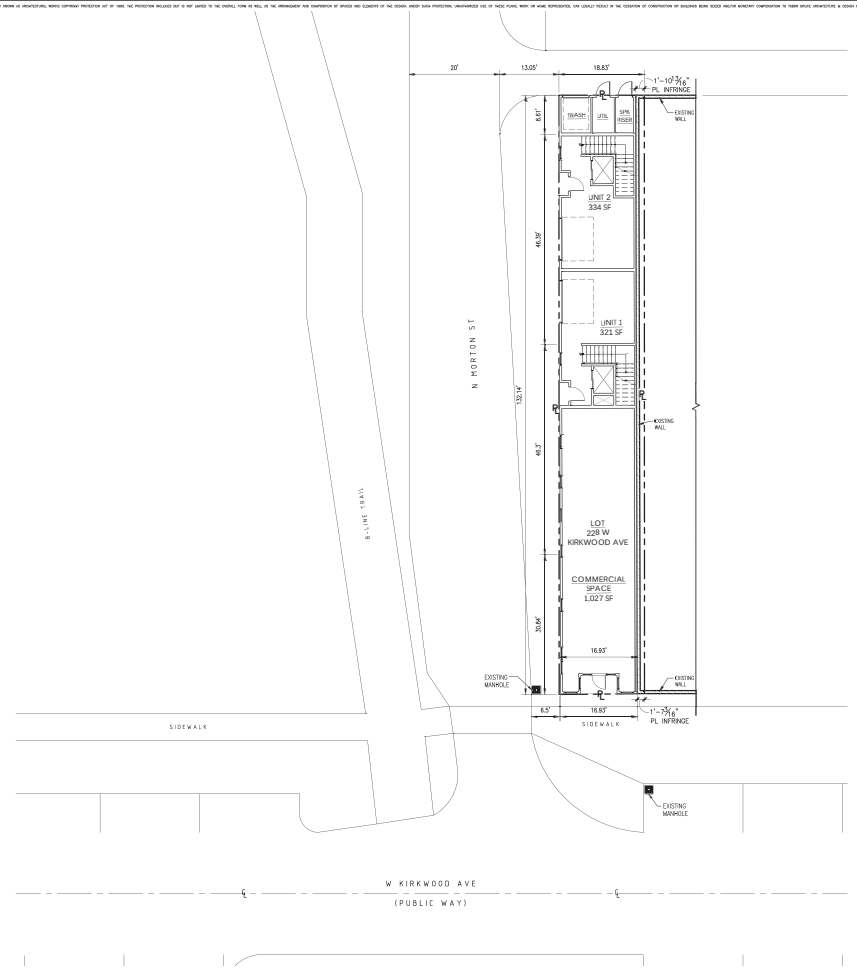
3. The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.
   There is probably not another parcel in our downtown as unique as this site with it's very narrow width and long length. The strict application of the UDO has made this parcel a longtime eyesore as it sits less than a block away from our city center as an entirely paved lot. The circle is the most efficient form, closely followed by the square. This site at 17 feet wide and 132 feet long is the least efficient shape.
   The strict UDO requirements to this extremely unique site make any use, especially for upper floors, almost impossible. Accessible circulation functions such as stairs and elevators require space and a narrow lot makes fitting those items difficult. Facade articulation is almost impossible as the UDO could not imagine a building so narrow as to step back and become even more narrow.
   We placed all required services for trash, sprinkler, and utilities at the alley side of the building and have created as much ground floor commercial space as possible at Kirkwood Ave. and around the Morton Street corner. With Morton Street being a one way street, back out parking is accomplished much easier, and for owner occupied units as we have planned, we have placed those single garage doors along the northern most area of the ground floor plan. Developing this site that has sat for decades is a win win for the city as infill development and added housing, meeting some basic goals of the UDO, to meet these basic goals require variances as we have requested.

Our proposal will blend into the existing downtown architecture and use materials such as brick, storefront and recess entry at the commercial space along Kirkwood, and limestone to compliment nearby detailing, will add necessary owner occupied housing, add infill commercial space along Kirkwood, and pay homage to the musical mural that once existed along the damaged existing blank wall, we hope you find the merits in our request for approval.

Thank you for your consideration.

Doug Bruce NCARB-LEED AP
TABOR/BRUCE ARCHITECTURE & DESIGN, Inc.
1101 S Walnut Street
Bloomington, IN 47401
(812) 332-6258

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR MORE REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR DAMAGES BEING SOUGH AND/OR MONEARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.



THIS SITE PLAN WAS BEEN CREATED FROM THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES DO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND G.I.S. SUPPLIED DATA. INFORMATION BASED UPON THE USE OF THESE DRAWINGS SHALL BE VERIFIED WITH A CIVIL ENGINEER OR STAMPED SURVEY. THE ARCHITECT MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED OF THE DATA CONTAINED ON THIS DRAWING.

1 **PROPOSED SITE PLAN**
1" = 10'-0"

N

SITE PLAN KEYNOTES:

SITE UTILITIES CONTACT INFORMATION:

- COMCAST:
  SCOTT CRIPE Ph. 812-332-9612
  Email: scott_cripe@cable.comcast.com
- AT&T:
  BRENT MCCANE Ph. 812-334-4521
  Email: bm17920@att.com
- CITY OF BLOOMINGTON WATER & SEWER:
  NANCY AXSOM Ph. 812-349-3699
  Email: axsomn@bloomington.in.gov
- DUKE ENERGY:
  KERRY DUCKER Ph. 812-337-3035
  Email: kerry.ducker@duke-energy.com
- VECTRON:
  DOUG ANDERSON Ph. 812-330-4031
  Email: danderson@vectron.com

SITE LAYOUT NOTES:

- ALL DIMENSIONS SHOWN ARE MIN.
- ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING (U.N.O.)
- DOWNSPOUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM OR DRAIN TO DAYLIGHT IF ALLOWED.

GENERAL SITE NOTES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING & VERIFYING THAT ALL PERMITS & APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY, & STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY LOC. & INVERT ELEVATIONS OF EXIST. SEWERS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL INCLUDE IN THEIR BID PROPOSAL COSTS FOR CUTTING & PATCHING AS REQ'D. TO COMPLETELY INSTALL THE NEW WORK INDICATED.
- CONTRACTOR SHALL INCLUDE ALL TAP FEES & APPLICATION FEES IN THEIR BID PROPOSAL AS NECESSARY TO COMPLETELY INSTALL THE WORK INDICATED.
- CONTRACTOR WILL COORDINATE EXACT UTILITY LOCATIONS W/ THE OWNER & LOCAL UTILITY COMPANIES PRIOR TO COMMENCING ANY WORK.
- THE CONTRACTOR IS TO MAINTAIN A COMPLETE & OPERABLE UTILITY SYSTEM. UTILIZE PERMANENT &/OR TEMPORARY ROUTINGS TO ACCOMPLISH & MAINTAIN A FUNCTIONAL SYSTEM AT ALL TIMES.
- CONTRACTOR SHALL COORDINATE ALL DEMOLITION WORK W/ OWNER REPRESENTATIVES & ADJUST HIS SCHEDULE TO OWNER REQUIREMENTS.
- CONTRACTOR SHALL COORDINATE REMOVAL AND/OR RELOCATION OF IRRIGATION LINES & SPRINKLER HEADS W/ OWNER IF APPLICABLE.
- COORDINATE STORAGE & STAGING AREAS W/ OWNER.
- LOCAL REGULATIONS MUST BE REVIEWED TO INSURE THAT ALL PLAN REQUIREMENTS ARE MET.
- ALL APPLICABLE STATE (I.D.O.T.) & LOCAL (PUBLIC WORKS DEPT.) CONSTRUCTION STANDARDS & SPECIFICATIONS SHALL BE USED AS REQ'D. FOR SITE SPECIFIC ISSUES.
- ALL CURB RADII ARE 3' UNLESS OTHERWISE NOTED.

TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401
TELEPHONE 812.323.5616 WEB: WWW.TABORBRUCE.COM

REVISIONS

A NEW MIXED USE BUILDING FOR:

228 W KIRKWOOD, LLC

228 W KIRKWOOD AVE
BLOOMINGTON, INDIANA 47401

PROJECT NO.	ex22
DATE	MARCH 29, 2024
DRAWN BY	B. CASEY
CHECKED BY	D. BRUCE
SHEET NAME	ARCHITECTURAL SITE PLAN
SHEET NO.	AS100

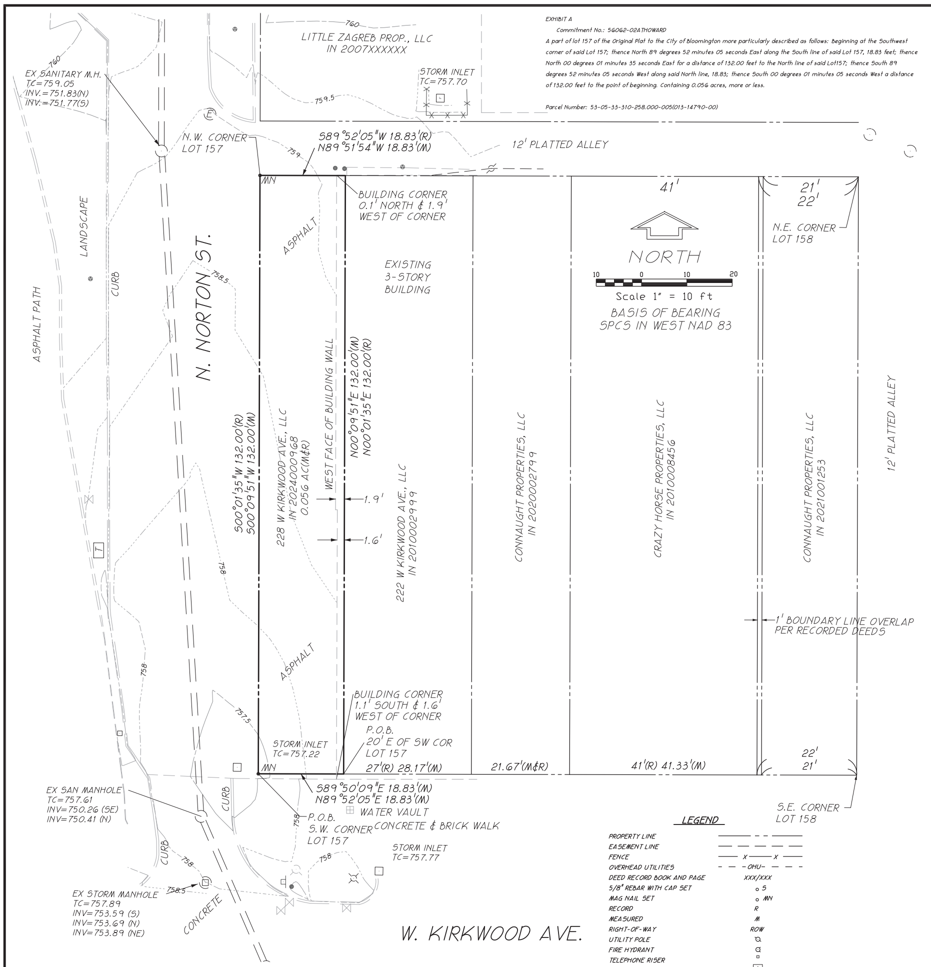


EXHIBIT A

Commitment No.: 56062-02ATHOWARD

A part of lot 157 of the Original Plat to the City of Bloomington more particularly described as follows: Beginning at the Southwest corner of said Lot 157; thence North 89 degrees 52 minutes 05 seconds East along the South line of said Lot 157, 18.83 feet; thence North 00 degrees 01 minutes 35 seconds East for a distance of 132.00 feet to the North line of said Lot157; thence South 89 degrees 52 minutes 05 seconds West along said North line, 18.83; thence South 00 degrees 01 minutes 05 seconds West a distance of 132.00 feet to the point of beginning. Containing 0.056 acres, more or less.

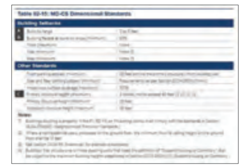
Parcel Number: 53-05-33-310-258.000-005(013-14790-00)

SURVEYOR'S NOTES

1. No evidence of earth moving work was observed at the time of survey.
2. No evidence of proposed street right-of-way changes was observed. No evidence of street or sidewalk construction observed.
3. No evidence that the site has been used for a solid waste dump, sump or landfill were observed.
4. There are no wetland areas on the Property according to FWS National Wetlands Inventory.
5. There are 0 regular parking spaces and 0 handicap spaces on the Property.
6. The property described and shown on the survey is the same as the property shown on Chicago Title Insurance Company Order No. 56062-02ATHOWARD
7. Subject property has access to public right-of-way along N. Morton Street.
8. Subject property address is listed as 228 W. Kirkwood Ave., Bloomington, IN
9. Adjacent building to the east encroaches onto subject property from 1.6' to 1.9'. This is shown on the survey drawing.
10. Adjacent property to the east has a POB 20' east of the SW corner of Lot 157. Subject property is only 18.83' wide, 1.17' error.

SCHEDULE B, PART II - Exceptions

1. Any defect lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met
2. Rights or claims of parties in possession not shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any encroachment encumbrance, violation, variation, or adverse circumstances affecting the title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien, or right to alien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records.
7. Taxes for the year 2022 due and payable in 2023 are levied as follows: Bloomington Township; Parcel Number: 53-05-33-310-258.000-005 (013-14790-00); in the name of David Howard; ORIG PLAT PT (W18.83) Pt Lot 157 (157A); Value of Land: $74,600.00; Value of Improvements: $1,000.00; Exemptions: $-0-; 1st Installment $767.98 + $76.80 Spring Penalty ALL PAID; 2nd Installment $767.98 UNPAID
Taxes for the year 2023 due and payable in 2024 and all subsequent taxes and assessments.
8. Rights-of-way/or drainage ditches, tiles, feeders and laterals, if any.
9. Rights of the public, State of Indiana, the municipality and the public in and to that part of the land which may fall in the public roads, together with public utilities therein.
10. All covenants, conditions, restrictions, easements, and encumbrances as shown on the recorded plat of the Original Plat of the City of Bloomington, recorded in Plat Cabinet C., Envelope 214, in the office of the Recorder or Monroe County, Indiana, but omitting any covenant or restriction based on race, color, religion, sex, handicap, familial status or national origin unless and only to the extent that said covenant(a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons. All matter show on the Original plat of City of Bloomington are shown on the survey drawing.
11. Boundary Survey Lots 157 & 158 Original Plat of The City of Bloomington prepared by Phillip O. Tapp & Company, Inc., recorded September 4, 2009, at Instrument No. 2009015952, in the office of the Recorder of Monroe County, Indiana. All monuments on Tapp survey that were shown have been destroyed.
12. License Agreement by and between 222 W. Kirkwood, LLC, an Indiana limited liability company and Lany Mcconnaughy and Hilde Mcconnaughy, husband and wife dated February 26, 2010, and recorded July 30, 2010, at Instrument No. 2010010744, in the office of the Recorder of Monroe County, Indiana.
13. Resolution 2010-46 Sprinkler Stand Pipe and Utility Vault Encroachment 220 West Kirkwood Avenue dated May 25, 2010 and recorded May 26, 2010, Instrument No. 2010007142, in the office of the Recorder of Monroe County, Indiana. This resolution describes the subject property but gives an address that is incorrect. It also states that this is for a new building where one has not been built.



ALTA/NSPS LAND TITLE SURVEY

TITLE REPORT/COMMITMENT NO.
File No. 56062-02ATHOWARD
CHICAGO TITLE INSURANCE COMPANY
bearing an effective date of September 21, 2023

SURVEYOR'S CERTIFICATION

THE BRAWLEY GROUP LLC; Indiana University Credit Union, its successors as their respective intrests may appear; Capstone Title Partners; & Chicago Title Insurance Company;

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(b), 7(a), 7(b)(1), 8, 9, 11(observerd), 13, 16, 17, 18 and 19 of Table A thereof. The field work was completed on September 5, 2024.

Charles D. Graham
Indiana L.S. 29500014
within the State of Indiana
Bynum Fanyo & Associates, Inc.
528 N. Walnut St.
Bloomington, IN 47404
812-332-8030 tel

CHARLES D. GRAHAM
REGISTERED
No.
LS29500014
STATE OF
INDIANA
LAND SURVEYOR

September 11, 2024
Date of Map

Date of Last Revision

According to Indiana Administrative Code (865 IAC1-12-12), the following is the theory of location applied in establishing the lines established this survey:

The lines of the subject property were established by using information contained within 1) an unrecorded ALTA survey of In-Lots 86, 85, 131 & 132 in the City of Bloomington prepared by Douglas Curry for Bynum Fanyo & Associates as Job Number 5016079 with a date of August 31, 2016 as field completion date, an unrecorded topographical survey of the alleyway between In-Lots 85, 86 & 131 and In-Lots 87, 88 & 132, prepared by C.D. Graham for Bynum Fanyo & Associates as Job Number 402140, an unrecorded Exhibit of Lots 157 & 158, prepared by C.D. Graham as Job number 5022069 dated September 7, 2022 and a survey of Lots 157 & 158 prepared by Phil O. Tapp, dated September 3, 2009 and recorded as instrument 2009015952 in the Office of the Recorder of Monroe County, Indiana. The buildings on said Lots 157 and 158 were located on each survey after 2016, and were considered the best evidence to establish the subject property's lines this survey.

The following is a professional opinion of the cause and amount uncertainty in the lines and corners of the surveyed parcel because of the following:

A. Availability and condition of reference monuments.
1. The northwest corner of the building on the adjoining property to the east sits 2.83 feet west of a point 20 feet eastward along the north line of said Lot 157 from the northwest corner thereof per said unrecorded exhibit as Job Number 5022069. The northwest building corner sits 3.18 feet west of the same point per the survey recorded at said Instrument 2009015952, for a difference of 0.35 feet. The same building corner located this survey was found to be 3.07 feet west of the same point. This provides a difference of 0.11 feet when compared to the said recorded survey and a difference of 0.24 feet when compared to the said unrecorded exhibit.
2. The southwest corner of the building on the adjoining property to the east sits 2.42 feet west of a point 20 feet eastward along the south line of said Lot 157 from the southwest corner thereof per said unrecorded exhibit as Job Number 5022069. The southwest building corner sits 2.67 feet west of the same point per the survey recorded at said Instrument 2009015952, for a difference of 0.25 feet. The same building corner located this survey was found to be 2.77 feet west of the same point. This provides a difference of 0.10 feet when compared to the said recorded survey and a difference of 0.35 feet when compared to the said unrecorded exhibit.
3. The maximum positional difference between found monuments and record position this survey = 0.35'
(Monuments recovered in August of 2016)
A. Mag nail found 0.85 feet north and 7.39 feet west of the northwest corner of In-Lot 132 at a corner of the real estate described in Instrument 2005025684.
B. Mag nail found at the Northeast corner of In-Lot 129.
C. Mag nail found at the Southwest corner of In-Lot 130.
D. Mag nail found at the Northwest corner of In-Lot 130.
E. Rebars found at the Southeast and Southwest corners of In-Lot 133.
F. The maximum positional differencts between found monuments August 31, 2016 and record position <0.1'

B. Occupation or possession lines
1. The northwest corner of the building on the adjoining property to the east, mentioned above in Section A, also sits 0.1' north of the north line of the subject property.
2. The southwest corner of the building on the adjoining property to the east, mentioned above in Section A, also sits 1.1' south of the south line of the subject property.
3. The maximum positional difference between occupation and/or possession lines and lines established this survey = 1.1'

C. Clarity or ambiguity of record description and adjoiners' record descriptions.
1. On the east line of the adjoining property to the east, there is a 0.75 foot overlap of the said east line and the east side of the building on said adjoining property, although the description in Deed Record 242, Page 88 calls "to the center of a brick wall". This line does not directly affect the subject property.
2. No other discrepancies or conflicts were discovered when comparing the subject property's description with adjoining property descriptions.

D. Relative Positional Accuracy.
1. The Relative positional accuracy of the measurements is 0.07 feet (20mm) +/- 50 ppm, and is consistent with a 'Urban Survey' as defined by Indiana Code.

LEGEND

PROPERTY LINE	
EASEMENT LINE	
FENCE	x x
OVERHEAD UTILITIES	OHU
DEED RECORD BOOK AND PAGE	XXX/XXX
5/8" REBAR WITH CAP SET	o S
MAG NAIL SET	o MN
RECORD	R
MEASURED	M
RIGHT-OF-WAY	ROW
UTILITY POLE	
FIRE HYDRANT	
TELEPHONE RISER	
ELECTRIC TRANSFORMER	
STORM BASIN	
WATER VALVE	
SIGN	
AREA LIGHT	

FLOOD NOTE:
According to Flood Insurance Rate Map (FIRM) this real estate is part of Community-Panel Number: 18105C 0141D, Effective Date: December 17, 2010. This property is located in Zone X, an area of minimal flood hazard.
Source: FEMA

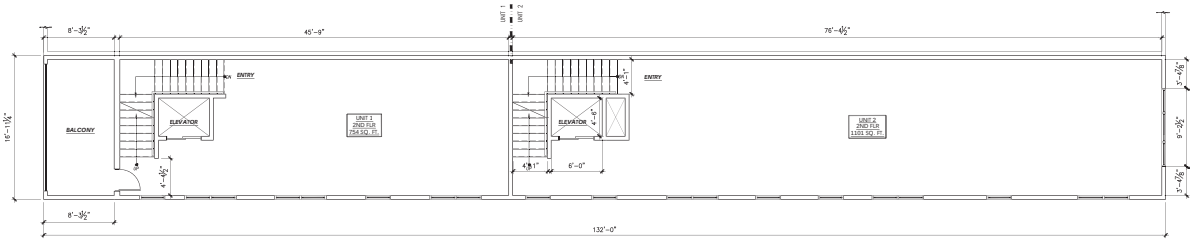
I affirm under penalties of perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.
Charles D. Graham
This instrument prepared by Charles D. Graham

ALTA/NSPS LAND TITLE SURVEY 228 W. KIRKWOOD AVE. BLOOMINGTON, IN

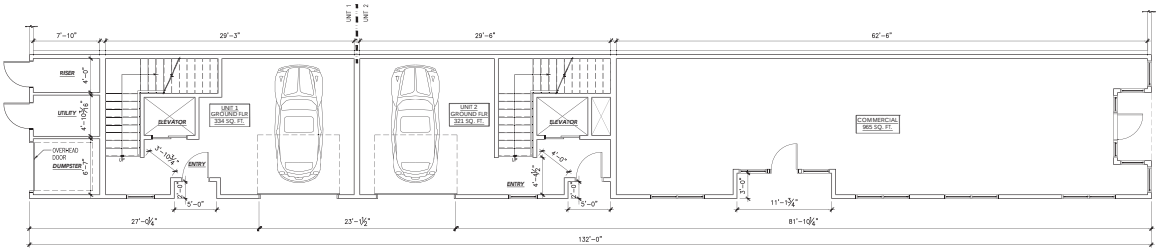
DRAWING NO. 5124005
SHEET 1 OF 1

PREPARED BY BYNUM FANYO & ASSOCIATES INC. 528 N. WALNUT ST. BLOOMINGTON, IN. 47404

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR MORE REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR BUILDINGS BEING SOLD AND/OR MONETARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.



2 SECOND LEVEL FLOOR PLAN
3/16" = 1'-0"



1 GROUND LEVEL FLOOR PLAN (GARAGE)
3/16" = 1'-0"

COMMERCIAL SPACE:
GROUND LEVEL - 445 SF

UNIT 1:
GROUND LEVEL (GARAGE) - 611 SF
FIRST FLOOR - 749 SF
SECOND FLOOR - 749 SF
TOTAL SF - 2109 SF (W/GARAGE)

UNIT 2:
GROUND LEVEL (GARAGE) - 608 SF
FIRST FLOOR - 1101 SF
SECOND FLOOR - 1101 SF
TOTAL SF - 2810 SF (W/GARAGE)

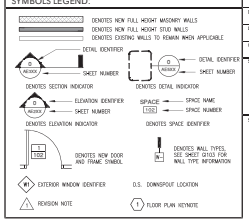
FLOOR PLAN KEYNOTES:

GENERAL FLOOR PLAN NOTES:

- DO NOT SCALE DRAWINGS, DIMENSIONS SHALL PREVAIL. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS RELATED TO THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. IF CONTRACTOR FAILS TO VERIFY DIMENSIONS AS INDICATED, ANY AND ALL CORRECTIVE ACTIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD & DO NOT INCLUDE WALL FINISHES.
- ALL DOOR OPENINGS SHALL BE LOCATED 4" FROM ADJOINING WALL UNLESS NOTED OTHERWISE.
- FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASEWORK FABRICATION.
- ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.
- CAULK ALL JOINTS BETWEEN DIFFERENT MATERIALS IE: GYPSUM BOARD & MASONRY.
- ALL WINDOWS WITHIN 24" OF ANY DOOR (REGARDLESS OF WALL PLANE), & WHOSE BOTTOM EDGE IS LESS THAN 18" ABOVE FLOOR OR WALKING SURFACE SHALL HAVE TEMPERED GLAZING.
- ANY OPERABLE WIND'S, W/ SILL LESS THAN 36" ABV. FIN. FLR. SHALL BE EQUIPPED W/ A OPENING CONTROL DEVICE PER 1013.8.1.
- IF NO WINDOW SCHEDULE IS PRESENT, CONTRACTOR/OWNER SHALL PROVIDE A MIN. OF 1 CODE COMPLIANT EGRESS WINDOW IN EACH SLEEPING ROOM.
- SIZE OF STAIR RISERS MAY VARY ACCORDING TO SIZE OF FLOOR SYSTEM.
- ALL INTERIOR WALLS SHALL BE 2 X 4 STUDS @ 16" O.C. W/ 5/8" GYP. BOARD ON BOTH SIDES UNLESS NOTED OTHERWISE.

OVERALL DIAGRAM

SYMBOLS LEGEND:



TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET · BLOOMINGTON, IN. 47401
TELEPHONE 812.323.8818 · WEB: WWW.TABORBRUCE.COM

REVISIONS

A NEW MIXED USE BUILDING FOR:
228 W KIRKWOOD, LLC
228 W KIRKWOOD AVE
BLOOMINGTON, INDIANA 47401

PROJECT NO.	ex22
DATE	MARCH 29, 2024
DRAWN BY	S. MATTHEWS
CHECKED BY	D. BRUCE
SHEET NAME	BUILDING FLOOR PLANS
SHEET NO.	AE101

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR MORE REPRODUCTION, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR DAMAGES BEING SOUGH AND/OR MONEARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.

FIRST FLOOR ELEVATION SQUARE FOOTAGE: 1584.8 SF
FIRST FLOOR DOORS AND WINDOWS SQUARE FOOTAGE: 394.5 SF

1 **WEST EXTERIOR ELEVATION**
3/16" = 1'-0"

TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET · BLOOMINGTON, IN. 47401
TELEPHONE 812.323.5516/18 · WEB: WWW.TABORBRUCE.COM

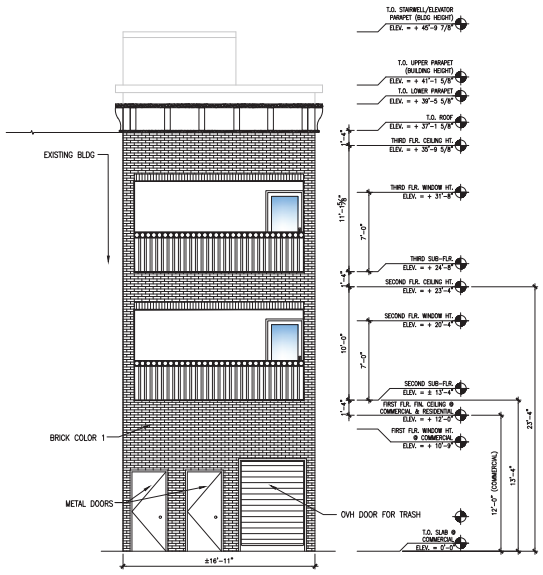
REVISIONS

A NEW MIXED USE BUILDING FOR:

228 W KIRKWOOD, LLC
228 W KIRKWOOD AVE
BLOOMINGTON, INDIANA 47401

REGISTERED DAVID A. BRUCE ARCHITECT AR19900009 STATE OF INDIANA

PROJECT NO.	ex22
DATE	MARCH 29, 2024
DRAWN BY	B. CASEY
CHECKED BY	D. BRUCE
SHEET NAME	PROPOSED EXTERIOR ELEVATIONS
SHEET NO.	AE201



2 NORTH EXTERIOR ELEVATION
1/4" = 1'-0"

1 SOUTH EXTERIOR ELEVATION
1/4" = 1'-0"

TABOR BRUCE ARCHITECTURE & DESIGN INC.
1303 S. WALNUT STREET · BLOOMINGTON, IN. 47401
TELEPHONE 812.323.8616 · WEB: WWW.TABORBRUCE.COM

REVISIONS

A NEW MIXED USE BUILDING FOR:

228 W KIRKWOOD, LLC

228 W KIRKWOOD AVE
BLOOMINGTON, INDIANA 47401

HOWARD SCHOLAR BRUCE
REGISTERED ARCHITECT
AR19900009
STATE OF INDIANA

PROJECT NO.	m22
DATE	MARCH 29, 2024
DRAWN BY	B. CASEY
CHECKED BY	D. BRUCE
SHEET NAME	PROPOSED EXTERIOR ELEVATIONS
SHEET NO.	AE202

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-11-25**
STAFF REPORT **VAR2025-03-0065**
Location: 300 E. 6th Street **DATE: April 24, 2025**

PETITIONER: David Hays
8301 S. Anne Avenue, Bloomington, IN

CONSULTANTS: Doug Bruce
1101 S. Walnut Street, Bloomington

REQUEST: Variance from use specific standards to allow ground floor dwelling units within 20' of the first floor façade within the Mixed-Use Downtown in the Downtown Core Overlay (MD-DCO).

CHANGES SINCE FIRST HEARING: The Board of Zoning Appeals heard this case at the March 27, 2025 hearing and voted to continue the petition to give the petitioner additional time to make any possible revisions. The petitioner has submitted some additional renderings of the proposed exterior and interior views, however no changes to the overall petition have been submitted since the first hearing.

REPORT: The 9,583 sq. ft. property is located at the northwest corner of N Morton St. and W 6th St. and is zoned Commercial Downtown (CD), within the Downtown Core Overlay (DCO) district. Surrounding land uses include mixed-use buildings to the north and south, a commercial use to the west, and mixed-use and the Morton Street Garage to the east. The B-Line Trail runs along the property's west property line. The current structure is designated as a contributing local historic structure.

The property has been developed with a one-story, mixed-use building on the south portion of the site and a two-story, residential building on the north portion of the site that was constructed in 2019 (SP-28-19) with 16 units. The building on the south portion of the site has been developed with 2 ground floor units at the northwest corner of the building and a commercial space on the south side of the building. A building permit (CZC-2023-0266) was approved to remodel the commercial space for a new dentist office.

The petitioner is requesting a variance from the use specific standards to allow a portion of the existing space to be converted into 2 ground floor dwelling units. No changes to the exterior of the building are proposed and the units would be accessed from an interior hallway and door on the north side of the building. The modified site plan shows the creation of a 1.5' deep dead space between the front of the building and the proposed apartments. The creation of this void space is not deemed an improvement as it further creates an inactive ground floor pedestrian experience and streetscape. In addition, this space is shown to be used for signage, however there is no commercial use that occupies the space adjacent to the signage and therefore no signage would be allowed in this space.

Section 20.03.030(b)(5)(D)(ii) states that in the MD zoning district, each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street. The

proposed residential units would be within 20' of the front façade of the building and therefore requires a variance.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
20.06.080(b)(3)(E) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

   PROPOSED FINDING: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community. There will be no impact to the overall safety in the design of the building with the granting of this variance.

2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

   PROPOSED FINDING: While no direct adverse impacts to the use and value of surrounding properties as a result of the requested variance are found, the presence of the ground floor unit does detract from the overall pedestrian experience that was desired by the UDO with the requirement that residences be located 20' behind the façade. The intent of this regulation is to create active, nonresidential space along the portions of a building immediately adjacent to the sidewalk and pedestrian area. The location of a residence immediately adjacent to the sidewalk does not provide the desired pedestrian experience within the Downtown that is desired by the UDO and adopted policies.

3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

   PROPOSED FINDING: The Department does not find that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property as the ground floor of the building, including this location within the building, has always had commercial space and met all of the requirements of the UDO. There do not appear to be any practical difficulties that are peculiar to the property in question that prevent a nonresidential use from occupying this space nor preventing residential units from being constructed within the building and meeting the 20' setback requirement. In addition, the petitioner previously applied for a permit to remodel the ground floor for a new commercial tenant and excluded this proposed space from that plan for the proposed new units. There is space within the building that new residences could be added and meet the 20' setback requirement from the front facade as required.

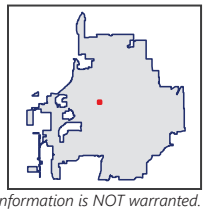
RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny V-11-25.

City of Bloomington

Planning and Transportation Department

Map Legend

- Addresses
- Parcels
- Pavement
- Drive
- Alley
- Paved Parking Lot
- Current
- City Maintained Streets
- General Urban
- N
- N
- P

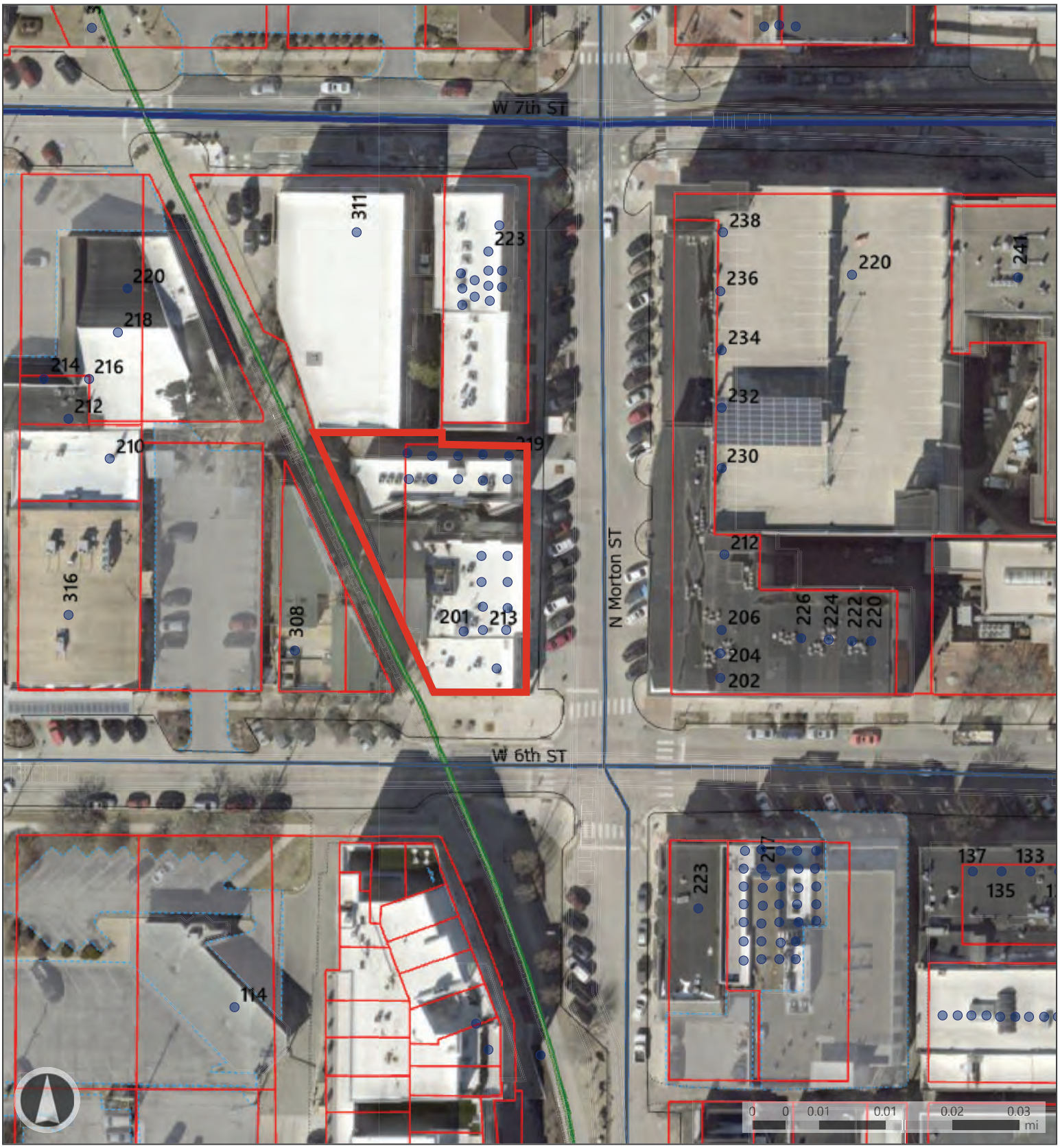


Created: 3/21/2025 *Map By:*

For use as map information only, information is NOT warranted.

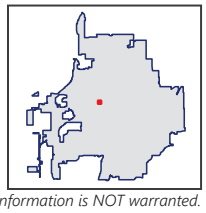
City of Bloomington

Planning and Transportation Department



Map Legend

- Addresses
- Parcels
- Pavement
- Drive
- Alley
- Paved Parking Lot
- Current
- City Maintained Streets
- General Urban
- Neighborhood Connector
- Neighborhood Residential
- Primary Collector



Created: 3/21/2025 *Map By:*

For use as map information only, information is NOT warranted.

TABOR
BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401
TELEPHONE: (812) 332-6258 FACSIMILE: (812) 332-8658

Bloomington Board of Zoning Appeals

Petitioner's Statement
228 West Kirkwood LLC
228 West Kirkwood Ave

Overview-Existing site
The site as it exists is .056 acres containing a paved parking surface that has been used as parking at this location . The Zoning is MD-CS (Mixed Use-Courthouse Square), and the unique size and corner location for almost any use, requires the owner to seek a variance.

Location
The site has been a vacant lot for decades and is unique in it's small width. There is not another legal lot in our downtown that currently exists that is this narrow and sits on a corner. Furthermore, as the Alta survey shows, the existing structure adjacent to the east of this lot sits anywhere from 1.9 feet to 1.6 feet over the property line unto our site. This effectively reduces our site even more and down to a usable width of just under 17 feet. This narrowness and corner location of this site is our reason for seeking variances so that this vacant parcel will provide an attractive infill development in our downtown. Infill development fills our missing teeth in our downtown and builds density and uses where services and infrastructure already exists.

Architectural Character
This structure is designed to harmonize with the existing character of many of the masonry buildings found around the downtown square. Brick, with detailing and limestone accents matches many of the details found downtown as well as the window patterns and main Kirkwood storefront entry to the commercial use. Utility spaces are placed along the north alley side and out of sight.

Current UDO implications
The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

Proposed Finding: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property-This is readily evident as almost any use on this site would require a variance within the current UDO.

Variances being sought:

Architecture
- 70% glass requirement along Morton Street ground floor
- Facade articulation
- Pedestrian entry design elements along Morton Street

Parking minimum 20 feet setback within a building

Ground floor minimum 50% nonresidential use

Back out parking unto a public street

Requirement to access parking from an improved alley .

Maximum building height

To allow a dwelling multifamily use in the mixed use downtown (MD) courthouse square district (CSO)

We propose that we meet the Criteria to evaluate the approval under flexibility and relief procedures with the following:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
   The proposed use and design matches the existing downtown architecture and is complementary to other nearby uses.

2. The use and value of the area adjacent to the property included in the development standards variance will not be affected in a substantially adverse manner; and
   No impacts on the neighboring properties or reduction in value will result from this variance request, in fact the values of nearby property will increase with this conversion of a paved parking lot into a three story building. The unsightly, exposed wall of the adjoining building will be forever hidden behind this proposed structure.

3. The strict application of the terms of this UDO will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the development standards variance will relieve the practical difficulties.
   There is probably not another parcel in our downtown as unique as this site with it's very narrow width and long length. The strict application of the UDO has made this parcel a longtime eyesore as it sits less than a block away from our city center as an entirely paved lot. The circle is the most efficient form, closely followed by the square. This site at 17 feet wide and 132 feet long is the least efficient shape.
   The strict UDO requirements to this extremely unique site make any use, especially for upper floors, almost impossible. Accessible circulation functions such as stairs and elevators require space and a narrow lot makes fitting those items difficult. Facade articulation is almost impossible as the UDO could not imagine a building so narrow as to step back and become even more narrow.
   We placed all required services for trash, sprinkler, and utilities at the alley side of the building and have created as much ground floor commercial space as possible at Kirkwood Ave. and around the Morton Street corner. With Morton Street being a one way street, back out parking is accomplished much easier, and for owner occupied units as we have planned, we have placed those single garage doors along the northern most area of the ground floor plan. Developing this site that has sat for decades is a win win for the city as infill development and added housing,

meeting some basic goals of the UDO, to meet these basic goals require variances as we have requested.

Our proposal will blend into the existing downtown architecture and use materials such as brick, storefront and recess entry at the commercial space along Kirkwood, and limestone to compliment nearby detailing, will add necessary owner occupied housing, add infill commercial space along Kirkwood, and pay homage to the musical mural that once existed along the damaged existing blank wall, we hope you find the merits in our request for approval.

Thank you for your consideration.

Doug Bruce NCARB-LEED AP
TABOR/BRUCE ARCHITECTURE & DESIGN, Inc.
1101 S Walnut Street
Bloomington, IN 47401
(812) 332-6258

BUNGER & ROBERTSON
ATTORNEYS AT LAW

William J. Beggs
Partner
Direct: 812-245-6015
wjbeggs@lawbr.com

February 26, 2025

Eric Greulich
Senior Zoning Planner
City of Bloomington Planning &
Transportation Department
401 N. Morton Street, Suite 130
Bloomington, IN 47404

Via email to:
greulice@bloomington.in.gov

Re: Petitioner's Statement
Our Client: Smith & Hays Properties, LLC
"Hays Market Building" 6th Street & Morton Street
Property Address: 300 West Sixth Street
Zone: Mixed-Use Downtown, Downtown Core Overlay (MD-DCO)
Request: Partial Relief From 20 foot Building Façade Requirement

Dear Mr. Greulich:

Please accept this Petitioner's Statement in connection with the variance request being sought by Smith & Hays Properties, LLC. The subject property is known as the "Hays Market Building" and is designated historic. That designation is critical to the request being sought in this variance. In general, Petitioner seeks to convert space located on the ground floor in the northeast area of the building into two separate dwelling units. One would be a studio apartment and the other would be a one-bedroom apartment.

You will recall that this property was the subject of a request for variance identified as Case No. V-24-23 where a different request was denied. In light of that result and information learned through that hearing, the Petitioner has substantially modified the request for variance to satisfy the stated concerns.

We believe that the UDO section from which relief is sought is 20.03.030(b)(5)(D)(ii), which requires that "…each dwelling unit located on the ground floor shall be located at least 20 feet behind each building façade facing a public street."

The 2023 Variance Request sought relief from the entire 20-foot setback requirement. The present request seeks relief only as to approximately 15 feet when the definition of "façade" is applied because of the presence of exterior canopies. (See 20.07.010 definition of "façade").

No changes to the exterior of the historic Hays Market Building are proposed except installation of an operable window at the north end of the building, within the locked courtyard. That window cannot be seen from Morton Street so, effectively, no change to the appearance is proposed.

Much of the ground floor of this property is presently occupied by a dental office. The back (west) of the building is bordered by the B-Line Trail and the rear façade is approximately six (6) feet from the edge of the trail. The "front" of the building faces Madison Street.

The primary concern raised in 2023 that has been solved in the current Petition concerns the "overall pedestrian experience" along Madison Street. In order to guard against there being some unpleasant visual experience by those walking or driving along Madison Street, Petitioner proposes installation of an interior wall that will be positioned approximately three feet inside each apartment unit. The purposes of the wall are to (a) protect the "overall pedestrian experience" by causing the appearance of the building to be similar to its south side and other commercial properties in the immediate area, and (b) to eliminate the need for a variance as to the entire 20-foot setback requirement. In 2023, Petitioner's request was for a variance from the entire 20 foot setback requirement. This petition seeks a variance of approximately 15 feet instead.

For passers-by, the view into these buildings would be of anticipated commercial advertisements and marketing materials rather than any residential characteristics, thus protecting the "overall pedestrian experience." Because the building is designated historic, there will be no change to the openings or other appearance along Madison Street. Whether this variance request is granted or not, there will be no new doorways installed on the exterior of the building. In other words, the Morton Street side of the building will look the same even if the request is granted.

With respect to the elements that the BZA will consider, the Petitioner states the following.

First, granting this variance will not be injurious to the public health, safety, morals, and general welfare of the community. There will be no impact to public health and safety if the subject space is occupied by residential tenants as opposed to hoped-for commercial tenants, which Petitioner has been unable to secure. To the contrary, allowing for occupancy of the subject space will serve the general welfare of the community by adding to the vibrancy of the street and eliminating yet more idle ground floor commercial space downtown.

Second, the use and value of the area adjacent to the site will not be affected in a substantially adverse manner if this Petition is granted. There is clearly an overabundance of commercial space available within mere feet of this site. The property at the north end of this block is commercial and has been vacant since its construction in what we believe was approximately 2019. In fact, that building's ground floor commercial space has never been finished or occupied. Imposing the setback requirement on the Hays Market building will only serve to perpetuate Bloomington's now-characteristic unoccupied ground floor commercial space, both in the immediate vicinity and beyond. Also, there are already multiple residential units within two blocks of the Hays Market building, further supporting the fact these two additional residential units would pose no adverse impact to the use and value of the area adjacent to the Hays Market building.

Third, strict application of the terms of the UDO has, and will continue to, result in practical difficulties in the use of this property; the practical difficulties are peculiar to the property; and the variance sought will relieve those practical difficulties. The Hays Market building's peculiarities include its historic designation, its location on the B-Line Trail, its longtime entrance door at the southeast corner of the building that remains today, and its mechanical service location along the rear (west) of the building. The historic designation means that no new openings or significant changes can be made to the exterior of the building without permission by the Commission. The rear of the property being located on the B-Line Trail is another peculiarity because the building's mechanical service is located there along with restroom space. Those would have to be situated on the Morton Street side of the building otherwise. Requiring Petitioner to locate residential tenants along the B-Line would simply transfer concerns about "overall pedestrian experience" to the B-Line, which sees more pedestrian traffic than this stretch of Morton, instead. The present request relieves that peculiarity altogether and would allow Petitioner to finally put the space to use, albeit still at a loss to Petitioner due to the decreased available square footage. Finally, the relief being sought is not for the entire 20-foot setback but, instead, seeks to place the residential units approximately five (5) feet from the front façade.

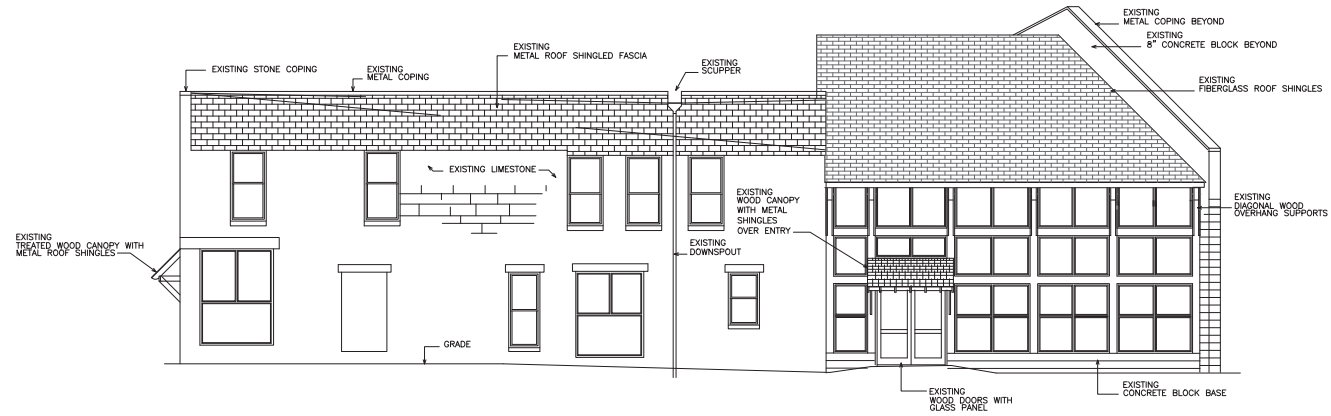
While Petitioner believes that the proposed modification will satisfy the concerns imposed by UDO Section 20.03.030(b)(5)(D)(ii), it would frankly prefer not to construct the new wall along the east side of the two proposed apartments and receive a variance as to the entire twenty (20) feet. If the BZA were willing to grant Petitioner's variance request without that wall, Petitioner would be grateful. If the BZA is not so inclined then Petitioner respectfully requests approval of this revised variance request.

Sincerely yours,

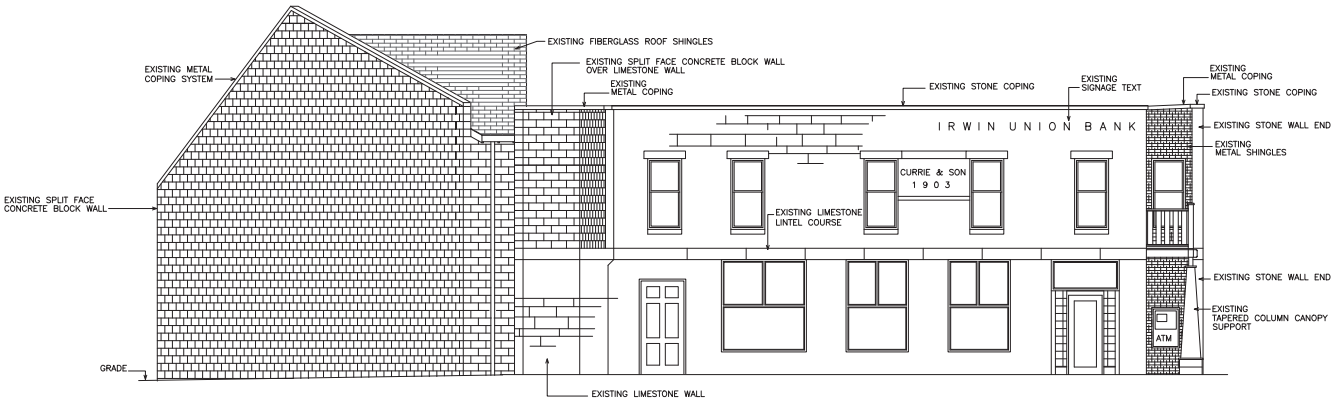
William J. Beggs

WJB/khj

THESE PLANS ARE COPYRIGHTED AND SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORK" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND UNDER AN ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR WORK REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR BUILDING BEING SEIZED AND/OR MONETARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.



2 NORTH EXTERIOR ELEVATION
1/4" = 1'-0"



1 SOUTH EXTERIOR ELEVATION
1/4" = 1'-0"

TABOR BRUCE ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET - BLOOMINGTON, IN. 47401
TELEPHONE 812.323.8616 WEB: WWW.TABORBRUCE.COM

REVISIONS

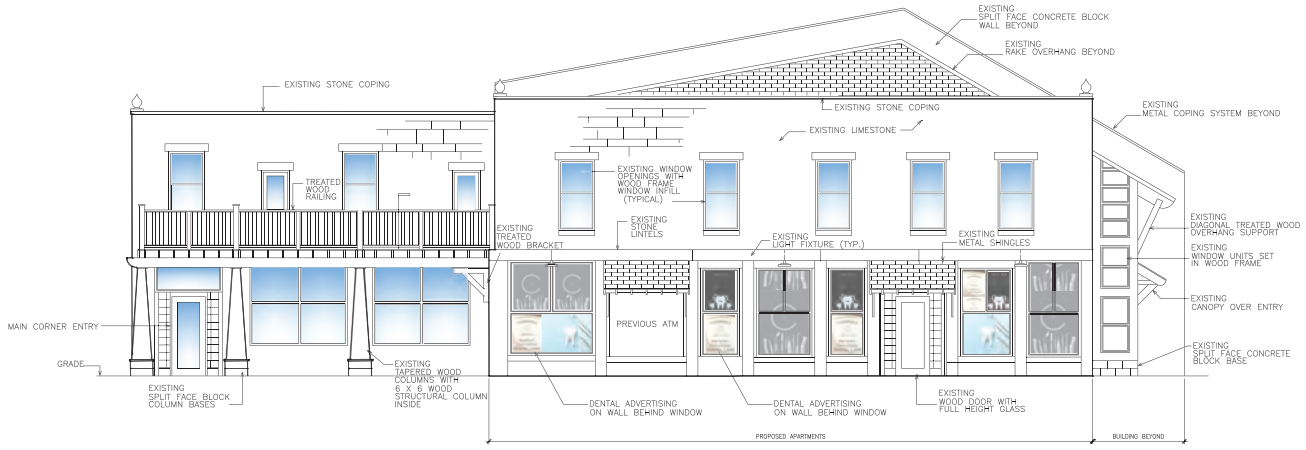
A RENOVATION FOR:
HAYS MARKET
300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404

HOWARD SCHOLER BRUCE
REGISTERED ARCHITECT
NO. AR19900009
STATE OF INDIANA

PROJECT NO.	3222
DATE	FEBRUARY 8, 2023
DRAWN BY	S. MATTHEWS
CHECKED BY	D. BRUCE
SHEET NAME	EXTERIOR ELEVATIONS
SHEET NO.	AD201

J:\CLIPRENT\F2\ZZCommercial\3222 - Hays Market Revis\STAFF - David Hays\Design\Construction\AD\3D, Exterior Elevations.dwg, 2/8/2023 4:36:03 PM

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR MORE REPRODUCTION, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR DAMAGES BEING SOUGH AND/OR MONEARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.



1 **EAST EXTERIOR ELEVATION**
1/4" = 1'-0"

TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET · BLOOMINGTON, IN. 47401
TELEPHONE: 812.332.6030 WEB: WWW.TABORBRUCE.COM

REVISIONS

A RENOVATION TO FIRST FLOOR OFFICE UNITS OF THE:

HAYS MARKET
300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404

PROJECT NO.	3222
DATE	NOVEMBER 13, 2023
DRAWN BY	S. MATTHEWS
CHECKED BY	D. BRUCE
SHEET NAME	EXTERIOR ELEVATIONS
SHEET NO.	AD202

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND UNDER AN ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR MORE REPRESENTED, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR DAMAGES BEING SUCCH AND/OR MONEARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.

1 **EAST EXTERIOR ELEVATION**
1/4" = 1'-0"

TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET · BLOOMINGTON, IN. 47401
TELEPHONE 812.323.5516 WEB: WWW.TABORBRUCE.COM

REVISIONS

A RENOVATION TO FIRST FLOOR OFFICE UNITS OF THE:

HAYS MARKET
300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404

PROJECT NO.	3222
DATE	NOVEMBER 13, 2023
DRAWN BY	S. MATTHEWS
CHECKED BY	D. BRUCE
SHEET NAME	EXTERIOR ELEVATIONS
SHEET NO.	AD202

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WHEN OR WHERE REPRODUCED, CAN LEGALLY RESULT IN THE COCURRENCE OF CONSTRUCTION OR DAMAGES BEING SOUGHT AND/OR MONETARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.

1 MAIN LEVEL PROPOSED FLOOR PLAN
3/16" = 1'-0"

PARTITION TYPES:

A — 1-HR RATED SOUND RESISTANT USE SEPARATION PARTITION (W/SPRINKLER):
A 2X6 PLATE WITH 2X4 OFFSET STUDS WITH (1) LAYER OF 5/8" TYPE 'X' GYPSUM WALL BOARD ON EACH SIDE FOR A 1-HR RATING. PROVIDE R15 BATT INSULATION AS REQUIRED FOR SOUND ATTENUATION

2X6 PLATE
2X4 (TYP) STAGGERED

APPROVED ASSEMBLY - UL DESIGN U340 (GA NP 3371)

B — 1/2-HR RATED SOUND RESISTANT UNIT SEPARATION PARTITION (W/SPRINKLER):
A 2X4 STUD WALL WITH (1) LAYER OF 5/8" TYPE 'X' GYPSUM WALL BOARD ON EACH SIDE FOR A 1-HR RATING. PROVIDE R15 BATT INSULATION AS REQUIRED FOR SOUND ATTENUATION

2X4 TYP.

APPROVED ASSEMBLY - UL DESIGN U407 (GA NP 3005)

C — A 2X4 STUD WALL WITH (1) LAYER OF 5/8" TYPE 'X' GYPSUM WALL BOARD ON EACH SIDE FOR A 1-HR RATING. PROVIDE R15 BATT INSULATION AS REQUIRED FOR SOUND ATTENUATION

2X4 TYP.

APPROVED ASSEMBLY - UL DESIGN U305 (GA NP 3945)

GENERAL FLOOR PLAN NOTES:

- DO NOT SCALE DRAWINGS. DIMENSIONS SHALL PREVAIL. CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS RELATED TO THE WORK. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY. IF CONTRACTOR FAILS TO VERIFY DIMENSIONS AS INDICATED, ANY AND ALL CORRECTIVE ACTIONS SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL INTERIOR DIMENSIONS ARE SHOWN STUD TO STUD & DO NOT INCLUDE WALL FINISHES.
- ALL DOOR OPENINGS SHALL BE LOCATED 4" FROM ADJOINING WALL UNLESS NOTED OTHERWISE.
- FIELD VERIFY PLAN DIMENSIONS PRIOR TO ANY CASEWORK FABRICATION.
- ALL NEW WALLS SHALL BE FINISHED TO MATCH EXISTING SURFACES INCLUDING PRIMER & PAINT.
- CAULK ALL JOINTS BETWEEN DIFFERENT MATERIALS IE: GYPSUM BOARD & MASONRY.
- ALL WINDOWS WITHIN 24" OF ANY DOOR (REGARDLESS OF WALL PLANE), & WHOSE BOTTOM EDGE IS LESS THAN 18" ABOVE FLOOR OR WALKING SURFACE SHALL HAVE TEMPERED GLAZING.
- ANY OPERABLE WIN'S. W/ SILL LESS THAN 36" ABV. FIN. FLR. SHALL BE EQUIPPED W/ A OPENING CONTROL DEVICE PER 1013.8.1.
- IF NO WINDOW SCHEDULE IS PRESENT, CONTRACTOR/OWNER SHALL PROVIDE A MIN. OF 1 CODE COMPLIANT EGRESS WINDOW IN EVERY SLEEPING ROOM.
- SIZE OF STAIR RISERS MAY VARY ACCORDING TO SIZE OF FLOOR SYSTEM.
- ALL INTERIOR WALLS SHALL BE 2 X 4 STUDS @ 16" O.C. W/ 5/8" GYP. BOARD ON BOTH SIDES UNLESS NOTED OTHERWISE.

SYMBOLS LEGEND:

DENOTES NEW FULL HEIGHT MASONRY WALLS
DENOTES NEW FULL HEIGHT STUD WALLS
DENOTES EXISTING WALLS TO REMAIN WHEN APPLICABLE

DETAIL IDENTIFIER
A101/XX — SHEET NUMBER — DENOTES SECTION INDICATOR
D — A101/XX — DETAIL IDENTIFIER, SHEET NUMBER — DENOTES DETAIL INDICATOR
D — A101/XX — ELEVATION IDENTIFIER, SHEET NUMBER — DENOTES ELEVATION INDICATOR
SPACE 102 — SPACE NAME, SPACE NUMBER — DENOTES SPACE IDENTIFIER
1 — 102 — DENOTES NEW DOOR AND FRAME SYMBOL
W — DENOTES WALL TYPES, SEE SHEET G103 FOR WALL TYPE INFORMATION
#1 — EXTERIOR WINDOW IDENTIFIER
D.S. — DOWNSPOUT LOCATION
1 — REVISION NOTE
T — FLOOR PLAN KEYNOTE

TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET · BLOOMINGTON, IN 47401
TELEPHONE 812.323.8818 · WEB: WWW.TABORBRUCE.COM

REVISIONS

A RENOVATION TO FIRST FLOOR OFFICE UNITS OF THE:

HAYS MARKET

300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404

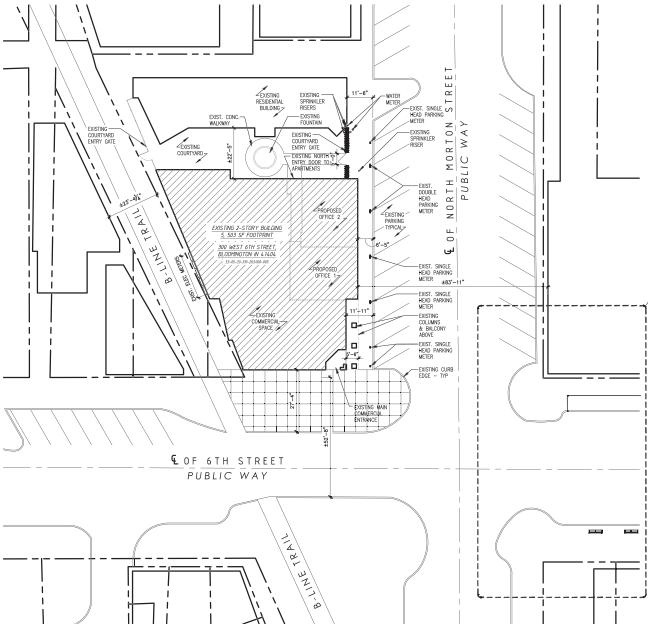
REGISTERED ARCHITECT
AR19900009
STATE OF INDIANA
Tony Bruce

PROJECT NO.	3222
DATE	NOVEMBER 13, 2023
DRAWN BY	T. YOUNGMAN
CHECKED BY	D. BRUCE
SHEET NAME	FLOOR PLANS
SHEET NO.	AE101

THESE PLANS ARE COPYRIGHTED AND ARE SUBJECT TO COPYRIGHT PROTECTION AS "ARCHITECTURAL WORKS" UNDER SEC. 102 OF THE COPYRIGHT ACT, 17 U.S.C. AS AMENDED DECEMBER 1990 AND KNOWN AS ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT OF 1990. THE PROTECTION INCLUDES BUT IS NOT LIMITED TO THE OVERALL FORM AS WELL AS THE ARRANGEMENT AND COMPOSITION OF SPACES AND ELEMENTS OF THE DESIGN. UNDER SUCH PROTECTION, UNAUTHORIZED USE OF THESE PLANS, WORK OR MORE REPRODUCTION, CAN LEGALLY RESULT IN THE CESSATION OF CONSTRUCTION OR BUILDINGS BEING SIZED AND/OR MONEYARY COMPENSATION TO TABOR BRUCE ARCHITECTURE & DESIGN INC.

UTILITY NOTES

1. MS : IF SHOWN ON THE PLANS, MINIMUM SEWER ELEVATION, IT INDICATES THE LOWEST FLOOR ELEVATION THAT WILL ALLOW GRAVITY SEWER CONNECTION WITHOUT A SPECIAL BLACK WATER VALVE. ANY FLOOR ELEVATION THAT WILL BE SERVED BY GRAVITY SEWER MUST BE ABOVE THE RIM ELEVATION OF THE UPSTREAM SANITARY MANHOLE. IF NOT A BACKWATER VALVE MUST BE INSTALLED ACCORDING TO THE UNIFORM PLUMBING CODE.
2. SEE DRAWINGS & SPECIFICATIONS FOR SIZES OF WATER SERVICE LINES AND SEWER LATERALS NOT SPECIFICALLY NOTED ON THE PLANS.
3. ALL EXISTING SANITARY MAINS, MHS SHALL BE CUT AND SLEEVED IN PLACE BY CITY OF BLOOMINGTON UTILITIES PERSONNEL WITH THE CITY OF BLOOMINGTON UTILITIES FURNISHING ALL MATERIAL, EQUIPMENT, AND LABOR NECESSARY FOR INSTALLATION. DEVELOPER SHALL PROVIDE ALL NECESSARY EXCAVATION, SHORING, BACKFILL, AND SURFACE REPAIR. PLEASE CONTACT NANCY AYSOM AT (812) 349-3699 FOR MORE INFORMATION.
4. WHEN CONNECTING A NEW PIPE TO AN EXISTING MAIN HOLE, THE MAIN HOLE SHALL BE CORE-DRILLED. PIPE SHALL BE CONNECTED TO THE MAIN HOLE BY EITHER A FLEXIBLE BOOT KOR-N-SEAL I OR 2 FLEXIBLE CONNECTOR OR APPROVED EQUAL. TABLE AND TROUGH SHALL BE MODIFIED AS NECESSARY TO DIRECT TO THE FLOW FROM THE NEW PIPE. INVERT OF CONNECTION SHALL BE NO MORE THAN ONE FOOT HIGHER THAN THE INVERT OUT FOR THIS STRUCTURE.
5. IN ACCORDANCE WITH SECTION 4.5.2.1.5. OF THE CBU CONSTRUCTION SPECIFICATIONS ALL SEWER LATERALS SHALL HAVE ALL CLEAN-OUTS. THE SHALL BE LOCATED IN THE PARKWAY & SHALL BE SCH 40 PVC. THE CLEAN-OUT SHALL BE PROTECTED BY A VARIABLE METAL CASTING (LOCKING CAST JORDAN BOX, OR EQUAL) IN GRASS AREAS. THE CASTING SHALL BE PLACED IN A CIRCULAR CONCRETE COLLAR FLUSH WITH THE TOP OF THE CASTING AND THE GROUND SURFACE. THE COLLAR SHALL BE MINIMUM 6" THICK AND SHALL EXTEND AT LEAST 6" BEYOND THE OUTSIDE ON THE CASTING ON ALL SIDES. IN PAVEMENT, THE TOP OF THE CASTING SHALL BE FLUSH WITH THE SURROUNDING PAVEMENT. THE TOP OF THE CLEAN-OUT SHALL BE NO MORE THAN 3" BELOW THE TOP OF THE CASTING. A #10 INSULATED SOLID COPPER LOCATER WIRE SHALL BE WRAPPED AROUND ALL NON-METALLIC PIPES SO THAT THE REVOLUTION IS MADE AT LEAST EVERY PIPE JOINT. SPLICES ARE TO BE MADE WITH AN APPROVED CONNECTOR, AND ARE TO BE SUITABLY PROTECTED AGAINST CORROSION. THE WIRE IS TO BE BROUGHT TO THE SURFACE WITH A CLEAN-OUT IN A CASTING. ALSO SEE THE CBU CONSTRUCTION SPECIFICATIONS FOR THE " STANDARD SANITARY LATERAL CLEAN-OUT DETAIL #19".
6. WHEREVER C900 PIPE IS USED FOR SEWER, ALL WYES SHALL BE MARCO, SIZED FOR C900 ON THE MAIN RUN AND SDR-35 ON THE BRANCH. TRANSITION FROM C900 TO SDR-35 PIPE SHALL BE MADE BY USE OF A MARCO C-900 TO SDR-35 ADAPTER WYES.
7. ALL D.I.P. USED FOR SANITARY SEWER SHALL HAVE CERAMIC EPOXY LINING, MINIMUM THICKNESS 40 MILS, AND SHALL BE PROTECTED 401, AS MANUFACTURED BY INDURON PROTECTIVE COATINGS. WYES FOR D.I.P. SHALL BE MARCO D.I.P. TO SDR-35 ADAPTER WYES.
8. A PERMANENT INDICATING VALVE IS TO BE INSTALLED 12" ABOVE THE FLOOR ON THE FIRE LINE AT THE TERMINATING POINT. THIS VALVE WILL BE USED TO WORKSHOP PRESSURE TEST AGAINST, AND WILL REMAIN AS PART OF THE SYSTEM ONCE ALL IS COMPLETE. THE LINE WILL NOT BE DISMANTLED FOR CONNECTION TO THE FIRE SUPPRESSION SYSTEM.
9. ALL PROJECTS WILL REQUIRE A PRE-CONSTRUCTION MEETING WITH THE CITY OF BLOOMINGTON UTILITIES PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR AND/OR DEVELOPER MUST CONTACT THE UTILITIES TECHNICIAN @ (812) 349-3613 TO SCHEDULE A MEETING.
10. CONTRACTOR SHALL NOTIFY THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPT. ONE (1) WORKING DAY PRIOR TO CONSTRUCTION OF ANY WATER, STORM, OR SANITARY SEWER UTILITY WORK. A CBU INSPECTOR MUST MAKE NOTICE SO WORK CAN BE INSPECTED, DOCUMENTED, & PROVIDE AS-BUILT MARKS. WHEN A CONTRACTOR WILL PERFORM WORK ON A WEEKEND, A CBU DESIGNATED HOLIDAY, OR BEYOND NORMAL CBU WORK HOURS, THE CONTRACTOR SHALL PAY THE INSPECTORS OVERTIME. FOR CBU WORK HOURS & HOLIDAY INFORMATION, PLEASE CONTACT THE CITY OF BLOOMINGTON UTILITIES ENGINEERING DEPT. @ (812) 349-3600.



1 **EXISTING SITE PLAN**
1" = 20'-0"

THIS SITE PLAN WAS BEEN CREATED FROM THE MONROE COUNTY G.I.S. SYSTEM. DISCREPANCIES DO EXIST BETWEEN SOME EXISTING MEASUREMENTS AND G.I.S. SUPPLIED DATA. INFORMATION BASED UPON THE USE OF THESE DRAWINGS SHALL BE VERIFIED WITH A CIVIL ENGINEER OR STAMPED SURVEY. THE ARCHITECT MAKES NO WARRANTIES, EITHER EXPRESSED OR IMPLIED OF THE DATA CONTAINED ON THIS DRAWING.

SITE UTILITIES CONTACT INFORMATION:

- COMCAST:
  SCOTT CRIPE Ph. 812-332-9612
  Email: scott_cripe@cable.comcast.com
- AT&T:
  BRENT MCCABE Ph. 812-334-4521
  Email: bm17620@att.com
- CITY OF BLOOMINGTON WATER & SEWER:
  NANCY AYSOM Ph. 812-349-3699
  Email: ainsom@bloomington.in.gov
- DUKE ENERGY:
  SETH FERGUSON Ph. 800-774-0246
  EMAIL: seth.ferguson@duke-energy.com
- VECTRON:
  DOUG ANDERSON Ph. 812-330-4031
  Email: danderson@vectron.com

SITE LAYOUT NOTES:

- ALL DIMENSIONS SHOWN ARE MIN.
- ALL BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF FRAMING (U.N.O.)
- DOWNSPOUTS NEED TO CONNECT TO AN UNDERGROUND STORM WATER SYSTEM OR DRAIN TO DAYLIGHT IF ALLOWED.

GENERAL SITE NOTES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING & VERIFYING THAT ALL PERMITS & APPROVALS ARE OBTAINED FROM THE RESPECTIVE CITY, COUNTY, & STATE AGENCIES PRIOR TO STARTING CONSTRUCTION.
- CONTRACTOR SHALL VERIFY LOC. & INVERT ELEVATIONS OF EXIST. SEWERS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL INCLUDE IN THEIR BID PROPOSAL COSTS FOR CUTTING & PATCHING AS REQ'D. TO COMPLETELY INSTALL THE NEW WORK INDICATED.
- CONTRACTOR SHALL INCLUDE ALL TAP FEES & APPLICATION FEES IN THEIR BID PROPOSAL AS NECESSARY TO COMPLETELY INSTALL THE WORK INDICATED.
- CONTRACTOR WILL COORDINATE EXACT UTILITY LOCATIONS W/ THE OWNER & LOCAL UTILITY COMPANIES PRIOR TO COMMENCING ANY WORK.
- THE CONTRACTOR IS TO MAINTAIN A COMPLETE & OPERABLE UTILITY SYSTEM. UTILIZE PERMANENT &/OR TEMPORARY ROUTINGS TO ACCOMPLISH & MAINTAIN A FUNCTIONAL SYSTEM AT ALL TIMES.
- CONTRACTOR SHALL COORDINATE ALL DEMOLITION WORK W/ OWNER REPRESENTATIVES & ADJUST HIS SCHEDULE TO OWNER REQUIREMENTS.
- CONTRACTOR SHALL COORDINATE REMOVAL AND/OR RELOCATION OF IRRIGATION LINES & SPRINKLER HEADS W/ OWNER IF APPLICABLE.
- COORDINATE STORAGE & STAGING AREAS W/ OWNER.
- LOCAL REGULATIONS MUST BE REVIEWED TO INSURE THAT ALL PLAN REQUIREMENTS ARE MET.
- ALL APPLICABLE STATE (D.O.T.) & LOCAL (PUBLIC WORKS DEPT.) CONSTRUCTION STANDARDS & SPECIFICATIONS SHALL BE USED AS REQ'D. FOR SITE SPECIFIC ISSUES.
- ALL CURB RADII ARE 3' UNLESS OTHERWISE NOTED.

TABOR BRUCE
ARCHITECTURE & DESIGN INC.
1101 S. WALNUT STREET · BLOOMINGTON, IN 47401
TEL(812)332-5533 FAX(812)332-5535 WEB: WWW.TABORBRUCE.COM

REVISIONS

A RENOVATION TO FIRST FLOOR OFFICE UNITS OF THE:

HAYS MARKET
300 WEST 6TH ST.
BLOOMINGTON, INDIANA 47404

REGISTERED ARCHITECT
DAVID L. BRUCE
AR19900009
STATE OF INDIANA

PROJECT NO.	3222
DATE	NOVEMBER 13, 2023
DRAWN BY	S. MATTHEWS
CHECKED BY	D. BRUCE
SHEET NAME	EXISTING ARCHITECTURAL SITE PLAN
SHEET NO.	AS101

Evermotion

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-12-25**
STAFF REPORT **VAR-2025-03-0066**
Location: 2500 & 2506 W. 3rd Street **DATE: April 24, 2025**

PETITIONER: Don Cowden Foundation, Inc.
PO Box 2177, Bloomington, IN

CONSULTANTS: Kimley-Horn
500 E 96th Street, Indianapolis, IN

REQUEST: Variance from parking maximums, parking setback to allow parking between the building and the street, entrance and drive standards to allow drive aisles between a building and the street, minimum landscape area, accessory structure setbacks, and Loading, Service, and Refuse standards to allow a refuse area to be located in the front to allow for a new "Restaurant" use in the Mixed-Use Corridor (MC) zoning district.

CHANGES SINCE FIRST HEARING: This petition was heard at the March 27, 2025 Board of Zoning Appeals meeting and was continued to give the petitioner the opportunity to explore other design options for the site. The Department met with the petitioner on April 1, 2025 to discuss other options presented by the petitioner, but the petitioner did not feel there were any other site layout options that worked for them. They outlined a proposal to install a screening wall along the section of the drive-thru lanes along 3rd Street and that has been included in the packet. In addition, they modified the site plan to include additional permeable pavers and the variance from maximum impervious surface coverage is therefore no longer required. No other changes to the overall petition or site layout have been submitted.

REPORT: This 1.18 acre site comprises two properties located at 2500 and 2506 W. 3rd Street and is zoned Mixed-Use Corridor (MC). The overall proposal includes two properties located within the City and one parcel that is located in the Monroe County Planning jurisdiction. The property located within the County is not a component of this petition. Surrounding land uses include a commercial office to the west, an automobile detailing business to the east, a mobile home park to the north, and commercial businesses to the south. There are no known regulated environmental features on this property. Adjacent properties to the south, west, and east are zoned Mixed-Use Corridor (MC), and the property to the north that is within the City Planning jurisdiction is Residential Multifamily (RM). Since the property to the north of this site (within the City Planning jurisdiction) is zoned Residential Multifamily (RM), a Type 2 buffer yard is required along the north property line abutting that property and has been shown.

The site has been developed with a restaurant use and multi-tenant center along with associated surface parking areas for each use. The petitioner is proposing to remove both structures and parking areas to develop the site with a new "restaurant" use for a Chick Fil A restaurant. The proposed site plan would remove two existing drivecuts on 3rd Street and the site would be accessed by one drivecut on Kimble Drive. The drivecut would be located on the parcel that is in the Monroe County Planning jurisdiction. The site plan has placed two, approximately 400' long drive-thru lanes along the Kimble Road frontage that wrap around the site. The proposed building is located in the

southwest corner of the property. The location of the building and lengthy drive thru lanes has created the need for several variances. Parking would be provided through 39 parking spaces on the portions of the site located in the City, including four ADA accessible spaces. An additional parking area for 21 spaces is proposed on the lot that is in the Monroe County Planning jurisdiction. A new 10' wide concrete sidewalk and 8' tree plot are required along 3rd Street and have been shown. A 6' wide concrete sidewalk and 5' tree plot are required along Kimble Drive and has been partially shown. Full compliance with all required pedestrian facilities and tree plot, as well as all other required improvements, will be reviewed with the site plan.

The petitioner is requesting the following variances as part of the proposed site plan-

Parking maximum- For a restaurant use, the UDO allows a maximum of 10 parking spaces per 1,000 square feet of indoor seating area plus 5 spaces per 1,000 square feet of outdoor seating area. There will be 1,120 square feet of interior seating area which would have a parking maximum of 11 spaces and 800 square feet of outdoor seating area with a parking maximum of 4 spaces. The total maximum number of spaces that would be allowed is 15 parking spaces. The proposed seating area would accommodate 74 customers in fixed seats and there are expected to be between 10-13 employees per shift. The petitioner is requesting a variance from the maximum 15 spaces that would be allowed by the UDO to allow 39 parking spaces. The 39 spaces does not include the additional parking area proposed to be provided on the portion of the site in the County. The petitioner has submitted a parking study from other Chick Fil A locations to support their request. The Department finds that the request for 39 parking spaces is consistent with the data provided in the parking study that demonstrates a need for more than the 15 spaces that would be allowed by the UDO. The proposed site plan shows 20 of the parking spaces constructed of permeable pavers, however since there are 24 spaces that exceed the maximum allowed, the UDO requires all parking spaces over the maximum to be constructed of permeable pavers and an additional 14 spaces are required to be permeable. A condition of approval to that effect has been included.

Front parking setback- The UDO requires parking spaces to be located 20' behind the front of a building. As a result of the building being at the southwest corner of the property, the proposed site plan shows several areas of parking spaces that do not meet that 20' setback requirement and are located between the building and Kimble Drive and within the front building setback. The petitioner is requesting a variance from the required 20' front parking setback to allow these spaces.

Entrance and Drive (Parallel drive between building and street)- The UDO [Section 20.04.050(c)(2)(A)(i)(1)] prohibits the placement of an entrance or drive closer to a street than an existing or proposed building running less than 45 degrees parallel to the street right-of-way. As mentioned, as a result of the proposed building being located at the southwest corner of the property the proposed site plan shows two drive-thru lanes as well as drive aisles that are between the building and the Kimble Drive and therefore requires a variance.

Accessory Structure Setback- Within the Mixed-Use Corridor (MC) zoning district there is a 35'setback requirement for accessory structures from a front property line. There is a drive-thru canopy proposed along the Kimble Drive frontage that is approximately 1.2' from the property line along Kimble Drive and therefore requires a variance.

Minimum landscape area- Within the Mixed-Use Corridor (MC) zoning district the UDO requires a minimum 40% landscape area. The proposed site plan shows 32.5% landscape area and therefore requires a variance. The use of permeable pavers is not excluded from the minimum landscape area requirement.

Loading, Service, and Refuse standards. The UDO [Section 20.04.080(m)(3)(A)] states that outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable. The proposed refuse area and dumpster on the site plan is located immediately adjacent to the drive thru lanes along the Kimble Drive frontage and will be highly visible from the adjacent public street. Given the large size of the property, the proposed location of the dumpster area has not been placed in a location to minimize visibility and requires a variance.

CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE
20.06.080(b)(3)(E) Standards for Granting Variances from Development Standards:

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

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

   PROPOSED FINDING:

   Maximum Parking Number: The granting of the variance to allow for additional parking spaces is not expected to be injurious to the public health, safety, morals, or general welfare of the community. The number of parking spaces allowed by the UDO would not allow for adequate parking for this use as documented in the submitted parking study, number of employees, and seating capacity of the dining area.

   Front Parking Setback: The granting of the variance to allow parking and drive-thru lanes within the parking setback and between the building and the street will be injurious to the public health, safety, morals, or general welfare of the community. The Unified Development Ordinance and Comprehensive Plan both were written and adopted to accomplish a building forward design throughout the City to place buildings along a street to minimize the emphasis on vehicles in site design, to promote a walkable community by improving the pedestrian experiences along sidewalks, and appropriately guide overall community aesthetics by locating parking and drive-thru lanes behind a building. The placement of two lengthy drive-thru lanes and parking as the predominant features on the property does not match the adopted policies or regulatory documents of the community.

   Entrance and Drive: The granting of the variance to allow the drive-thru lanes and drive aisles between the building and the street would be injurious to the public health, safety,

morals, or general welfare of the community as the placement of these lanes between the building and Kimble Drive requires pedestrian access from Kimble Drive to navigate through interior sidewalks. As mentioned, the standards of the UDO that prohibit drive-thru lanes and aisles between a building and the street were written to increase pedestrian accessibility and safety through direct access to a building from adjacent streets and promote site design that benefits the general welfare of the community by creating a pedestrian oriented streetscape with parking and vehicles not being the predominant visual aspect.

Accessory Structure Setback: The granting of the approval to allow the drive-thru canopy in the front setback is not expected to be injurious to the public health, safety, morals, or general welfare of the community.

Minimum Landscape area: The granting of the approval to allow a reduced landscape area of 32.5% rather than the required 40% is not expected to be injurious to the public health, safety, morals, or general welfare of the community. The proposed site plan is able to meet all landscaping requirements. However, compliance with City of Bloomington Utilities Department requirements for stormwater detention and water quality standards have not been submitted for CBU to review yet.

Loading, Service, and Refuse: The granting of the approval to allow refuse and dumpster area along the front of the site is not expected to be injurious to the public health, safety, morals, or general welfare of the community.

2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

PROPOSED FINDING:

Maximum Parking Number: No adverse impacts to the use and value of surrounding properties as a result of the requested variance to have more parking spaces are found. The granting of this variance would allow an appropriate number of parking spaces to be provided on this property to serve this use and could therefore reduce potential impacts on adjacent properties by being able to serve the parking needs of this use on the property.

Front Parking Setback: No adverse impacts to the use and value of surrounding properties as a result of variance to have drive thru lanes and aisles between the building and Kimble Drive are found. However, the location of the drive thru lanes as the predominant visual feature on the property does detract from the overall appearance of this property along a main commercial corridor.

Accessory Structure Setback: No substantially adverse impacts to the use and value of the area adjacent to the property are found as a result of the request to allow the drive-thru canopy to be located in the front setback. However, the visual appearance of a large structure in the setback is considered a negative visual impact as these structures are not designed to the same architectural standards as a primary structure.

Minimum Landscape Area: No adverse impacts to the use and value of the area adjacent to the property are found from the granting of the variance to allow 32.5% landscape area rather than the required 40% as the proposed landscape area is an improvement over the current 20% landscape area and therefore improves the view of the property from adjacent properties.

Loading, Service, and Refuse: Negative adverse impacts to the use and value of the area adjacent to the property are found from the granting of the variance to allow the refuse and dumpster area along the front in that this creates a negative appearance from the streetscape. This detracts from the overall view of the property from the public space and could negatively impact property values in the area.

3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

PROPOSED FINDING:

Maximum Parking Number: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that limiting the number of parking spaces would create a practical difficulty in the use of this property since the number of spaces allowed by the UDO would not adequately serve this use. The practical difficulties are peculiar to the property in question in that this specific use has a demonstrated need that greatly exceeds the allowed number of spaces. The petitioner has demonstrated through a submitted parking study that shows a need for more parking spaces that what is typical for a general restaurant. The granting of the variance will relieve these difficulties by allowing an appropriate number of spaces for this specific use.

Front Parking Setback/Entrance Drive: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property. The standards regarding the location of parking drive aisles and drive thru lanes do not place any practical difficulties in the use of this property as there are a wide range of uses that the property could be developed with and without the need for lengthy drive thru lanes. There are no practical difficulties that are peculiar to the property in question that prevent the property from being developed with a wide range of uses allowed in this zoning district. The property is over one acre in size, is not irregular in size or shape, does not have any environmental constraints, and has previously been developed with commercial businesses. The desire to have two, substantially long drive-thru lanes and their location is self-imposed and is not a factor of the property specifically.

Accessory Structure Setback: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property in that the petitioner can construct an accessory structure on the property and meet setback

requirements. There do not appear to be any practical difficulties that are peculiar to the property in question that prevent the drive-thru canopy from being constructed elsewhere on the site and meet the setback requirements. Even if the variance is granted to allow the drive-thru lanes between the building and the street, the presence of the drive-thru canopy is not an essential component that the denial of this particular variance would present a hardship in the use of the property. The property is over one acre in size and does not present any peculiar conditions that prevent the site from being developed according to the UDO standards.

Minimum Landscape Area: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property. The property is over one acre in size, has been previously developed with commercial uses, and can be developed with a range of uses and meet the minimum landscape area requirements. There do not appear to be any practical difficulties that are peculiar to the property in question that prevent the property from being developed without the granting of this variance. The challenges from meeting this standard arise from a desire to have two, very lengthy, drive thru lanes which is a self-imposed hardship and not a result of an inherent condition that is peculiar to this property.

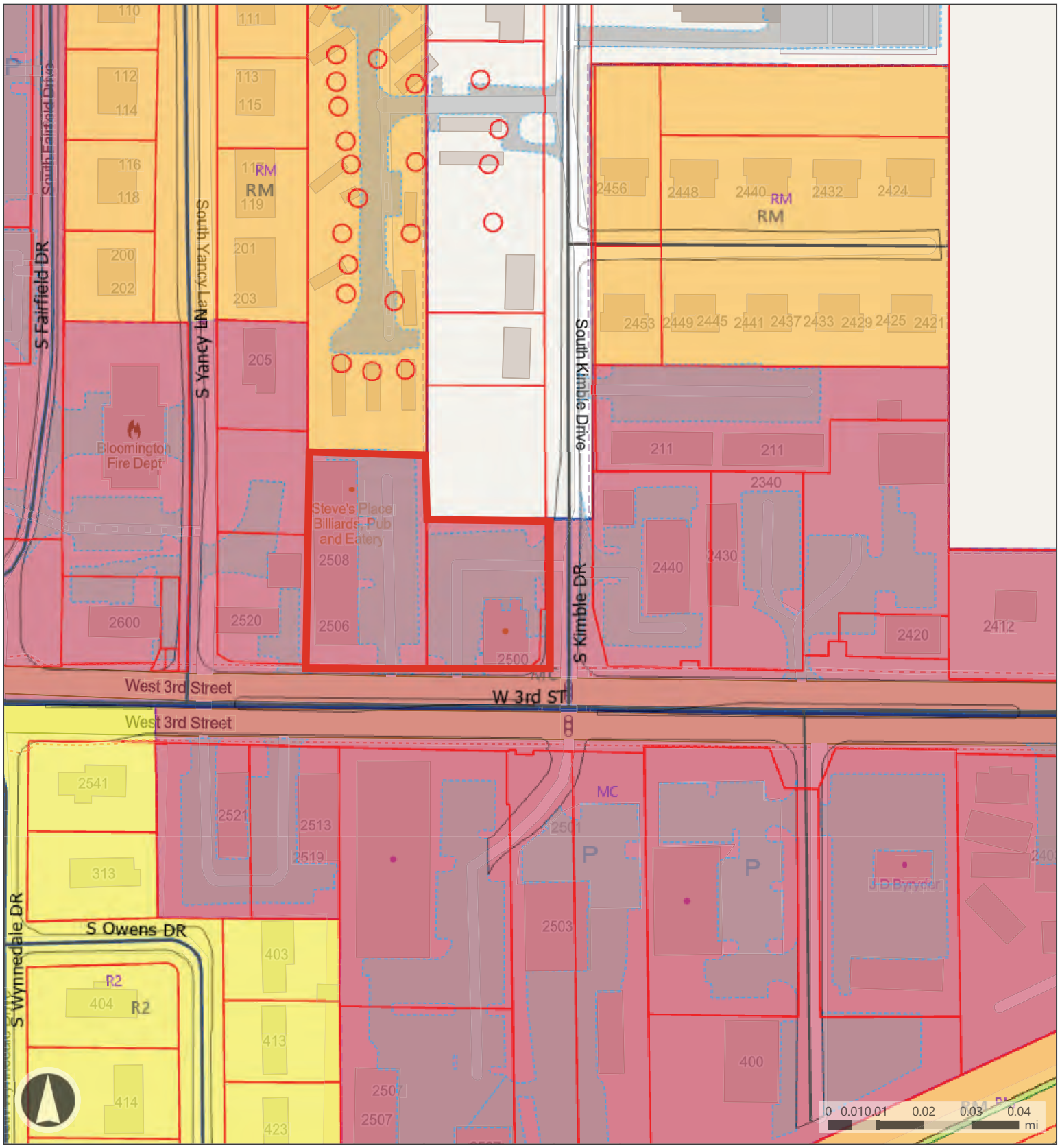
Loading, Service, and Refuse: The strict application of the terms of the Unified Development Ordinance will not result in practical difficulties in the use of the property. As mentioned previously, the property is over one acre in size and provides plenty of space to place the dumpster and refuse areas in locations that are not highly visible from the public streets. There are no practical difficulties that are peculiar to the property in question that prevent the dumpster and refuse areas from being placed elsewhere on the site and not require them to be placed along the Kimble Drive frontage.

RECOMMENDATION: The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance for maximum parking spaces and deny all other requested variances with the following conditions:

1. This variance approves 39 parking spaces for this use at this location only.
2. All parking spaces over the 15 maximum allowed must be constructed of permeable pavers.
3. Site plan approval is required prior to issuance of any permits.

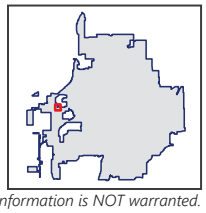
City of Bloomington

Planning and Transportation Department



Map Legend

- Parcels
- Pavement
- Paved Parking Lot
- Railroad
- Current
- City Maintained Streets
- General Urban
- Neighborhood Residential
- Primary Arterial
- Bloomington Municipal
- Mixed-Use Corridor

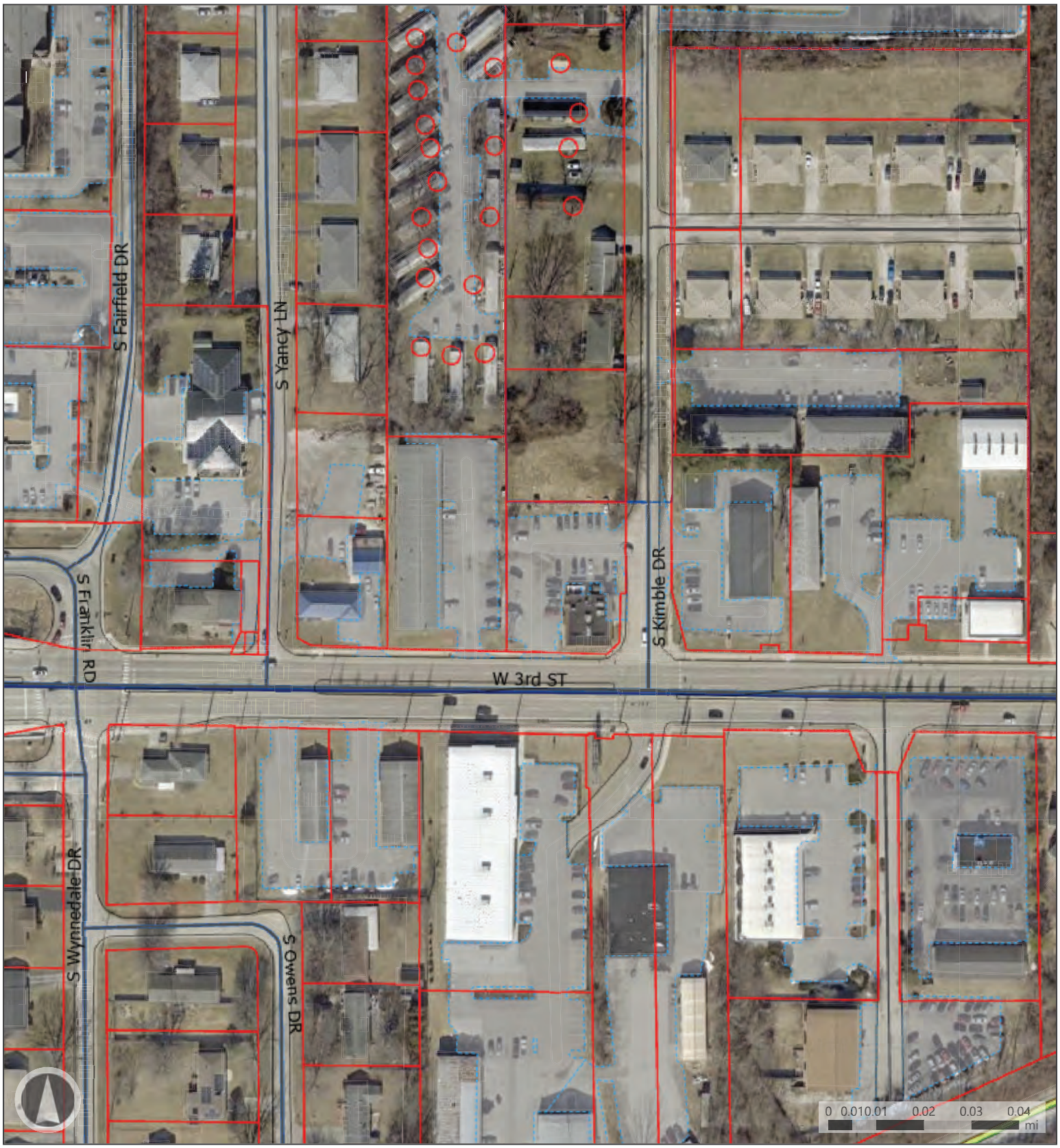


Created: 3/21/2025 *Map By:*

For use as map information only, information is NOT warranted.

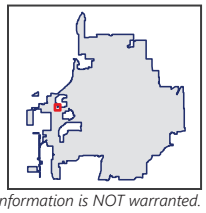
City of Bloomington

Planning and Transportation Department



Map Legend

- Parcels
- Pavement
- Paved Parking Lot
- Railroad
- Current
- City Maintained Streets
- General Urban
- Neighborhood Residential
- Primary Arterial
- Bloomington Municipal



Created: 3/21/2025 *Map By:*

For use as map information only, information is NOT warranted.

Kimley»Horn

April 17th, 2025

City of Bloomington
401 N Morton St
Bloomington, IN 47404

Re: ***Chick fil A Bloomington***
Development Standard Variance Request
2500 West 3rd Street
Bloomington, IN

Dear BZA Member,

On behalf of Chick fil A, we respectfully request the acceptance of the attached Development Standards Variance Application and supporting documents for the development of the proposed Chick fil A restaurant.

Project Narrative:
Chick fil A is proposing to develop approximately 1.63 acres into a restaurant with drive-thru located at 2500 West 3rd Street. The project area consists of three parcels, two of which are in the city limits of Bloomington. The two parcels within city limits are currently developed as a restaurant and a multitenant commercial building. Both parcels are zoned as Mixed-Use Corridor. The third parcel that is within Monroe County jurisdiction is presently undeveloped. Please refer to the site plan provided as a part of this petition for a depiction of the proposed improvements.

Development standards variances are being requested for three standards; 1) relief from the maximum parking count requirement. 2) allowing the drive-thru to be between the primary building structure and the secondary right of way frontage. 3) relief from the maximum impervious coverage requirement. The details regarding the specifics of the variance requests and justifications are provided below.

#1 – Maximum Parking Allowance

We respectfully request variance from : Bloomington Indiana Unified Development Ordinance, 20.04.060 Parking and Loading, Table 4-10 Maximum Vehicle Parking Allowance for a "Restaurant"

The petitioner requests to be permitted to develop the site with additional parking spaces that exceed the defined maximum allowable (as stated above). The proposed Chick fil A would provide approximately 1,120SF of interior seating space and 800 SF of outdoor seating. Per the UDO, a restaurant use is allowed to provide 10 spaces for every 1,000SF of interior seating space and 5 parking spaces for every 500SF of outdoor seating space. Per these ratios the proposed Chick fil A would be permitted to provide 19 parking spaces. We are requesting that the proposed Chick fil A be permitted to provide thirty-nine parking spaces for their employees and customers on the city parcels.

There are several key reasons why we believe the proposed increase in the permissible parking is necessary. The typical employee shift for a Chick fil A is ten to thirteen employees. This is higher than a typical quick service restaurant because of Chick fil A's unique drive-thru model, which allows customers to place their order face to face with Chick fil A staff. Accounting for the employees and the overlap in shift change along with the parking spaces that are required to be reserved for ADA parking and the several parking spaces that will be reserved for mobile order pickup exceeds the number of parking spaces permissible according to the UDO. The approximately 1,120 SF of indoor seating space accommodates twenty-four tables. An additional five tables will be located outside. In order to provide

adequate parking options for Chick fil A customers, parking spaces in excess of the permitted 19 spaces must be provided. Lastly, the location of the proposed store is along a section of 3rd Street that is fronted by freestanding commercial developments and is less than a quarter mile from the I-69 and 3rd Street interchange. These types of traditional interchange type developments do not have the walk-in traffic that a more urban restaurant would have thus increasing the number of cars entering and exiting the site. Also, given the site's proximity to I-69, it is likely that this restaurant will be visited by not only locals but also those traveling along I-69.

Chick fil A typically likes to provide seventy to eighty parking spaces for their new restaurants. This proposed project has 39 parking spaces proposed. A parking study has been completed to demonstrate the need for these additional parking spaces. Three existing Indiana restaurants were analyzed as a part of the study. In summary, the parking study demonstrates that the peak parking demand on a weekend for these sites is approximately 60 vehicles. Please refer to the provided parking study for additional details. An additional 21 parking spaces are being provided on the county parcel.

Development Standards Variance Criteria:

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

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the additional parking spaces will provide enough spots to safely accommodate the public. Without the additional parking, traffic may create a safety hazard to the traveling public. Additionally, the adjacent properties may be adversely impacted by the additional traffic if customers use their parking as overflow.

2. **The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner:**

Without additional parking there may be overflow traffic, which would create an adverse impact to the adjacent properties. The variance will reduce the potential for vehicles backing up into Kimble Drive. The parking spaces that are over the allotted value will be permeable pavers to assist in reducing the drainage impacts of the additional parking areas.

3. **The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties:**

Given the property's proximity to the interstate, it would not be practical to meet the high parking demands required for this use with the strict application of the code. A Chick fil A close to an interstate sees not only local customers, but also those traveling through Bloomington along I-69. The proximity to the interstate and being along a major east/west corridor attracts a higher number of commuters which results in higher peak volumes. This further amplifies the need for additional parking during the peak hours. The requested additional parking will reduce the potential traffic issues along Kimble Drive, overflow onto adjacent properties, and also alleviate the pressure on the drive-thru.

#2 – Minimum Landscape Area

We respectfully request variance from : Bloomington Indiana Unified Development Ordinance, 20.04.020 Dimensional Standards, Table 4-3 Mixed-Use District Dimensional Standards – Landscape Area (Minimum)

The Bloomington UDO requires Mixed Use Corridor development to have a minimum landscape area of 40% of the lot. The current site plan proposes a landscape area that is 32.6% of the city parcels. While the proposed landscape area is 7.4% short of the minimum requirement, the minimum amount of landscaping plantings on site has been met, per the Bloomington UDO. Additionally, the existing city parcels have a total 80% impervious coverage, so the proposed development would be a significant reduction from the existing condition.

Development Standards Variance Criteria:

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

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the stormwater quantity management and stormwater quality requirements for the site will still be met and additional pervious area above the 32.6% landscape area will be provided with permeable pavers.

2. **The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner:**

The proposed impervious coverage area will be significantly reduced from the existing condition. Therefore, this will be a positive impact on the surrounding area.

3. **The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties:**

This is a redevelopment site with the unique constraint of being partially in the city jurisdiction and partially in the county. Because the City of Bloomington is not accepting new annexation requests, we cannot combine the three existing parcels and optimize the proposed layout for the site. This creates inefficiencies in the parking lot layout that requires additional impervious area. As such, this request is unique to this particular property. The approval of this variance will allow the site to be developed in such a way that does not require a variance for the parking lot encroaching the setbacks between the city parcels and the county parcel.

#3 – Drive-thru and Parking Between the Primary Structure and Right of Way

We respectfully request variance from : Bloomington Indiana Unified Development Ordinance, 20.04.020 Dimensional Standards, Table 4-3 Mixed-Use District Dimensional Standards – Front Parking Setback (Minimum)

The UDO states that the front parking setback is twenty feet behind the primary structure's front building wall. Since this parcel is a corner lot, we are requesting that the drive-thru and parking lot be permitted between the primary structure and the secondary right of way (Kimble Drive). This property is in the northwest corner of an intersection. Since the drive-thru must be oriented to have the drive side window facing the building, the building must be oriented in the southwest corner of the site. The proposed drive-thru configuration is not Chick fil A's preferred configuration. However, this was the only layout that would allow the building to be located as close as possible to the 3rd Street right of way per the intent of the code. As a part of this layout, the two existing curb cuts along 3rd Street will be removed

and all access to the proposed site will be from Kimble Drive.

Development Standards Variance Criteria:

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

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the primary building will still be located along the primary right of way (3rd Street) and the proposed layout creates a more efficient flow of traffic around the site.

2. **The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner:**

The proposed variance will not negatively impact adjacent properties, which in this case is the surrounding right of way. The proposed layout creates a better flow of traffic through the drive-thru and parking lot, which is beneficial to the surrounding properties so that traffic congestion coming into and out the Chick fil A is minimized.

3. **The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties:**

The variance request is unique to this property because it is a corner lot, specifically in the northwest corner of an intersection. The proposed layout is similar to that of the existing Chick fil A at 3020 East 3rd Street, but since the existing restaurant is in the southwest corner of an intersection it was able to be oriented in such a way that it would not require a variance.

#4 – Dumpster Location

We respectfully request variance from : Bloomington Indiana Unified Development Ordinance, 20.04.080-(m) Screening-(3) Loading, Service, and Refuse Areas-(A) – Location of Dumpster Enclosure

The UDO states that "Outdoor loading, service, and refuse areas shall be integrated into the building design if possible or shall be located where they are not visible from public open space, public trails, public streets, or from adjacent properties, to the maximum extent practicable." Since this parcel is a corner lot, we are requesting that the dumpster enclosure be permitted between the primary structure and the secondary right of way (Kimble Drive).

Development Standards Variance Criteria:

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

The variance will not be injurious to the public health, safety, morals, and general welfare of the community because the primary building will still be located along the primary right of way (3rd Street) and the proposed layout creates a more efficient flow of traffic around the site. The dumpster enclosure is not positioned in such a way that it would impact drive site lines. Additionally, the proposed dumpster enclosure design exceeds the provisions set forth in the UDO for when an enclosure is visible from the right of way or adjacent properties.

2. **The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner:**

The proposed dumpster enclosure design exceeds the provisions set forth in the UDO for when an enclosure is visible from the right of way or adjacent properties. The enclosure will have a brick veneer that matches the façade of the primary building and will have landscaping around the three sides of the

enclosure that the gate is not located on.

3. **The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties:**

The code states the enclosure shall be located where it is not visible from public open space, public trails, public streets, or from adjacent properties. Given that this is a corner lot and just over an acre and a half in size, it would not be possible for an enclosure to not be seen from some vantage point. The proposed enclosure design will meet the provisions set forth in the same section of code.

#5 – Drive-thru Canopy Setback

We respectfully request variance from : Bloomington Indiana Unified Development Ordinance, 20.04.020 Dimensional Standards, Table 4-3 Mixed-Use District Dimensional Standards – Front Setback (Minimum)

The UDO requires a 15' minimum front setback for this zoning. Chick fil A is requesting to reduce this setback to 1.5' for the order point canopy for the drive-thru along the Kimble Drive frontage. The order point canopy is a critical component to Chick fil A's drive-thru operations since they have employees taking customer orders face to face at this location. As exemplified in the previous variance justifications, the site layout is being proposed in this manner so that it maximizes the available parking and drive-thru storage that will be needed for the restaurant while still working towards meeting the design intent of the UDO. The majority of the canopy will be setback from the right of way 7'. There is a jog in the Kimble Drive right of way as it approaches 3rd Street that further restricts the proposed setback.

Development Standards Variance Criteria:

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

The proposed canopy is set back approximately 60' from the 3rd Street right of way so there will not be any restriction of driver sight lines as they approach the intersection. The canopy is an open sided structure and therefore does not create the same aesthetic as a fully enclosed structure.

2. **The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner:**

The variance does not influence any adjacent private property. As previously mentioned, the canopy is positioned in such a way that it does not negatively impact users, whether it be pedestrian or vehicular, in the right of way.

3. **The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties:**

The variance request is unique to this property because it is a corner lot, specifically in the northwest corner of an intersection. The proposed layout is similar to that of the existing Chick fil A at 3020 East 3rd Street, but since the existing restaurant is in the southwest corner of an intersection it was able to be oriented in such a way that it would not require a variance. The side setback requirement for this zoning is 7', which the proposed layout would meet if it were not for it's positioning as a corner lot and the jog in the right of way line.

Thank you for your time and consideration of this request. Please contact me at (317) 218-9566 or Mike.Timko@Kimley-Horn.com should you have any questions

Sincerely,
Kimley-Horn and Associates, Inc.
Mike J. Timko, PE

Kimley»Horn

February 27, 2025

City of Bloomington
401 N Morton St
Bloomington, IN 47404

Re: ***Chick fil A Bloomington***
Development Standard Variance Request
Parking Study Memorandum
2500 West 3rd Street
Bloomington, IN

Dear BZA Member,

On behalf of Chick fil A, we have submitted a petition requesting several development standards variances for the proposed development at 2500 West 3rd Street. The proposed variance allows for 39 parking spaces on the city parcels while the unified development ordinance restricts the maximum number of parking spaces to 19 spaces based on the proposed seating areas.

As a supplement to the justification provided in the Petitioner's Statement, we are providing this memorandum as further justification for the need for the requested number of parking spaces. This study analyzed three existing Chick fil A locations. The following sites were analyzed:

- 3020 E 3rd St, Bloomington, IN 47401
- 5240 E Southport Rd, Indianapolis, IN 46237
- 3675 S US Hwy 41, Terre Haute, IN 47802

These sites were selected based on their proximity to the proposed site as well as their proximity to an interstate for the Indianapolis and Terre Haute sites.

Temporary cameras were installed in the parking lots of the three sites on February 6th and February 8th, 2025. The video footage was used to capture the number of vehicles parked in each of the lots during the peak dining hours (10am -2pm and 4pm-8pm). The footage intentionally captured both a typical weekday and a typical weekend.

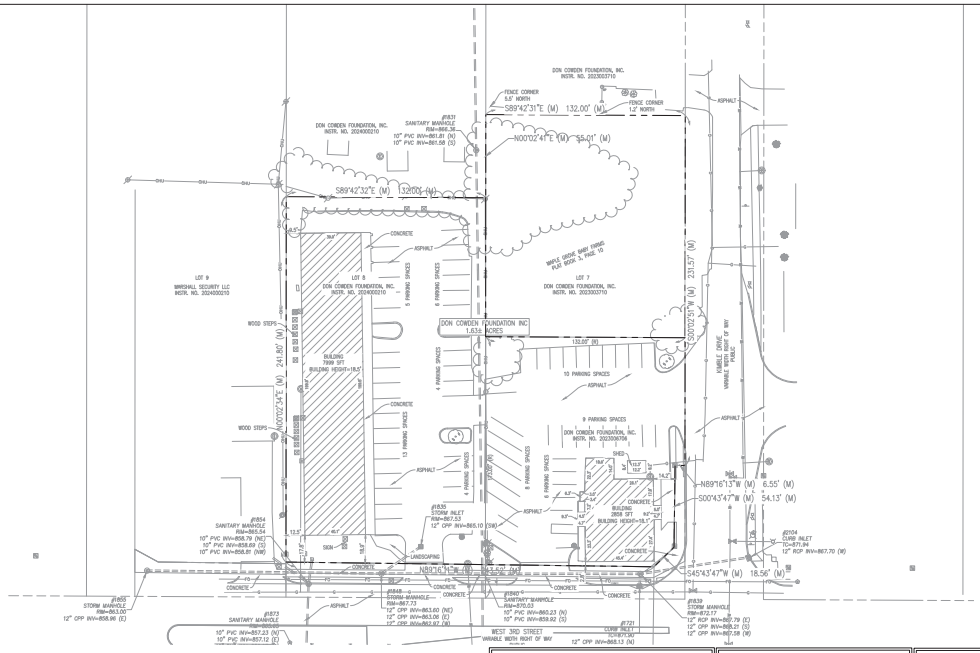
Below is a summary of the peak number of vehicles present at the difference locations at the lunch and dinner hours. As can be seen during the weekend lunch hour of the Indianapolis location, the parking count reaches 60 vehicles, which is the proposed total of spaces proposed for the new restaurant.

Time of Day	Typical Weekday (Thursday 2/6/25)			Typical Weekend (Saturday 2/8/25)		
	Bloomington	Indianapolis	Terre Haute	Bloomington	Indianapolis	Terre Haute
10:00 AM	12	30	24	16	39	21
11:00 AM	16	41	16	22	35	17
12:00 PM	13	48	33	15	60	34
1:00 PM	17	45	36	15	54	36
2:00 PM	18	45	24	23	46	34
4:00 PM	16	39	11	22	38	25
5:00 PM	19	41	19	17	40	26
6:00 PM	23	47	19	16	42	21
7:00 PM	15	36	19	20	31	25
8:00 PM	17	34	17	15	31	17

It important to take into consideration that this study was completed during the winter months. Customers are more inclined to utilize the drive-thru and mobile ordering in the winter months in the Midwest as opposed to parking and leaving their vehicle. Because of this, we would consider the parking counts provided relatively low compared to the peak counts during the warmer months of the year.

Thank you for your time and consideration of this request. Please contact me at (317) 218-9566 or Mike.Timko@Kimley-Horn.com should you have any questions

Sincerely,
Kimley-Horn and Associates, Inc.
Mike J. Timko, PE



TRAFFIC CONTROL NOTES:

- ALL APPLICABLE CITY PERMITS, INCLUDING BUT NOT LIMITED TO CLOSURE PERMITS, MUST BE OBTAINED PRIOR TO ANY CONSTRUCTION WITHIN CITY ROW OR LANE CLOSURES.
- ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- PERMANENT SIGNING THAT CONVEYS A MESSAGE CONTRARY TO THE MESSAGE OF TEMPORARY SIGNING AND NOT APPLICABLE TO THE WORKING CONDITIONS SHALL BE COVERED BY THE CONTRACTOR WHEN DIRECTED BY THE CITY.
- THE CONTRACTOR SHALL COORDINATE HIS TRAFFIC CONTROL WITH OTHER CONSTRUCTION PROJECTS I THE AREA.
- SIDEWALK CLOSED SIGNS REQUIRED FOR ALL SIDEWALK CLOSURES.
- THE CONTRACTOR IS CAUTIONED NOTHER TO OBSTRUCT NOR TO BE REMOVED ANY EXISTING PAVEMENT, NOT TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF THE WORK.

LEGEND:

-/-/-/-	CURB REMOVAL
- X - X - -	UTILITY REMOVAL
	TREE TO BE REMOVED
	FULL-DEPTH ASPHALT PAVEMENT REMOVAL
	CONCRETE REMOVAL
	GRAVEL REMOVAL
	ASPHALT 1.5" MILL
	SAWCUT LINE
. . . . .	FENCE REMOVAL

REMOVAL TAGS

1	STORM SEWER STRUCUTURE	TO BE REMOVED
2	STORM SEWER	TO BE REMOVED
3	GRAVEL	TO BE REMOVED
4	CURB	TO BE REMOVED
5	SANITARY SEWER MANHOLE	TO BE REMOVED
6	CONCRETE GUTTER	TO BE REMOVED
7	BMP STRUCTURES	TO BE RELOCATED
8	FULL-DEPTH ASPHALT REMOVAL	TO BE REMOVED

PROJECT NOTES:

- LAND DISTURBING ACTIVITIES SHALL NOT COMMENCE UNTIL APPROVAL TO DO SO HAS BEEN RECEIVED BY GOVERNING AUTHORITIES, IN ADDITION TO, NO LAND CLEARING OR GRADING SHALL BEGIN UNTIL ALL PERIMETER EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED. SEE SHEET C-XXX FOR EROSION CONTROL MEASURES.
- ALL EXISTING UTILITIES TO BE FIELD VERIFIED PRIOR TO CONSTRUCTION. DISCONNECTION OF ALL EXISTING UTILITIES TO BE COORDINATED WITH RESPECTIVE UTILITY PROVIDERS. EXISTING SERVICE LINES SHALL BE REMOVED IN THEIR ENTIRETY.
- CONTRACTOR SHALL COORDINATE AND COMPLY WITH ALL UTILITY COMPANIES INVOLVED IN PROJECT AND PAY ALL REQUIRED FEES AND COSTS.
- ALL STRUCTURES & DEBRIS SHALL BE TO BE REMOVEDD PRIOR TO CONSTRUCTION & DISPOSED OF OFFSITE.
- ANY EXISTING FIELD DRAIN TILES ENCOUNTERED SHALL BE RECONNECTED OR CONNECTED TO THE NEAREST STORM SEWER.
- CONTRACTOR TO KEEP ACCESS DRIVE OPEN AT ALL TIMES WITH MINOR CLOSINGS ALLOWED FOR PAVING ACTIVITIES.
- THE CONTRACTOR IS CAUTIONED NEITHER TO OBSTRUCT NOR TO BE REMOVED ANY EXISTING PAVEMENT, NOT TO DISTURB THE EXISTING TRAFFIC PATTERNS MORE THAN IS NECESSARY FOR THE PROPER EXECUTION OF WORK.
- ALL BITUMINOUS PAVEMENT REMOVAL AREAS SHALL BE SAWCUT.
- CONTRACTOR SHALL INSTALL CONSTRUCTION FENCING AND SIGNAGE AROUND CONSTRUCTION BOUNDARIES TO PROTECT PEDESTRIANS.
- THE ELECTRICAL CIRCUITS FOR THE LIGHT POLES SHOWN TO BE TO BE REMOVED SHALL BE TERMINATED EITHER IN HANDHOLES OR IN THE LIGHT BASE OF THE LAST REMAINING LIGHT IN THE SERIES.

STAGING NOTES:

(STAGING SUBJECT TO CHANGES PER SITE CONTRACTORS SCHEDULE AND METHODS OF OPERATION)

1. EROSION CONTROL MEASURES AND STOCKPILE STAGING
2. CONSTRUCTION ENTRANCES
3. PLAN REMOVALS
4. PROPOSED UNDERGROUND
5. GRADING
6. PAVING

WARNING: CONTRACTOR TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
600 E. 96TH ST., SUITE 300, INDIANAPOLIS, IN 46240
PHONE: 317-218-9560
WWW.KIMLEY-HORN.COM

PRELIMINARY

CHICK-FIL-A
BLOOMINGTON, IN
2500 W. 3RD STREET
BLOOMINGTON, IN 47404

FSU# 05850

REVISION SCHEDULE

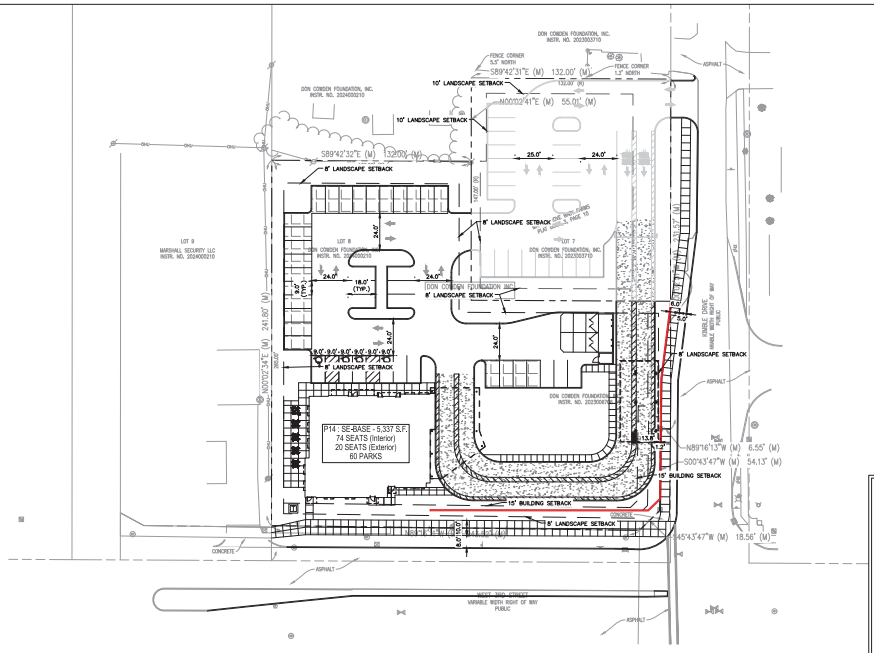
NO.	DATE	DESCRIPTION

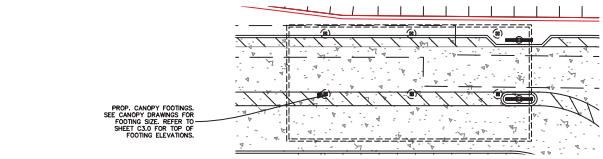
AGENCY #	TBD
PROJECT #	170250013
PRINTED FOR	ISS
DATE	02/20/2025
DESIGN BY	SJK
DRAWN BY	SJK

Kimley-Horn and Associates, Inc. shall not be liable for any modifications made to this drawing and any digital files produced for above-named project may not be reproduced in any manner without written permission from Kimley-Horn and Associates, Inc. and the appropriate project representatives.

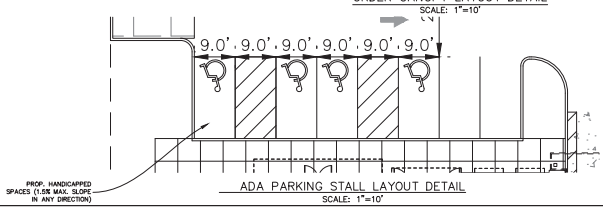
SHEET
EXISTING CONDTIONS

SHEET NUMBER
C1.2





ORDER CANOPY LAYOUT DETAIL
SCALE: 1"=10'



ADA PARKING STALL LAYOUT DETAIL
SCALE: 1"=10'

HATCH LEGEND

- DENOTES STANDARD PAVEMENT SECTION
- DENOTES CONCRETE SECTION
- DENOTES PERMEABLE PAVERS
- DENOTES PROP. SIDEWALK
- DENOTES AREA OF DEPRESSED SIDEWALK
- DENOTES DENOTES AREA OF DEPRESSED CURB AND GUTTER WITH LENGTH NOTED ON PLANS.
- DENOTES REVERSE CURB AND GUTTER

SITE DATA:

- * CURRENT PARCEL ID #(s): 53-05-31-304.019.000-005, 53-05-31-301-068.000-004, 53-05-31-301-008.000-005
- * ZONING: MC-MIXED USE CORRIDOR & CA-COMMERCIAL ARTERIAL
- * PROPOSED PARCEL SIZE: 71,003 (1.63 ACRES)
- ** GROSS AREA OF SITE: 71,003 SQ. FT.
- ** BUILDING FLOOR AREA: 5,349 SQ. FT.
- ** PAVEMENT AREA (CITY PARCEL): 20411.84 SQ. FT.
- ** TOTAL IMPERVIOUS AREA (TIA) (CITY PARCEL): 29013.67 SQ. FT.
- ** IMPERVIOUS RATIO (IR) (CITY PARCEL): 0.60
- ** PAVEMENT AREA (COUNTY PARCEL): 14,180.31 SQ. FT.
- ** TOTAL IMPERVIOUS AREA (TIA) (COUNTY PARCEL): 14504.64 SQ. FT.
- ** IMPERVIOUS RATIO (IR) (COUNTY PARCEL): 0.748

BUILDING DATA:

- * BUILDING FLOOR AREA: 5,337± SQ. FT.
- * NUMBER OF EMPLOYEES DURING LARGEST SHIFT = 13 EMPLOYEES
- ** TOTAL NUMBER OF SEATS = 94
- ** INDOOR SEATS = 70
- ** OUTDOOR SEATS = 24

PARKING DATA:

- * NUMBER OF REGULAR PARKING SPACES (WITHIN SUBJECT PARCEL): 56
- * NUMBER OF ADA SPACES: 4
- * TOTAL NUMBER OF SPACES PROVIDED: 60
- * TOTAL NUMBER OF SPACES ALLOWED: 19
- * TYPICAL PARKING WIDTH: 9.0'
- * TYPICAL 90° PARKING LENGTH: 18.0'
- * MINIMUM ISLE WIDTH: 24.0' (90°)

PARKING FORMULA:

RESTAURANTS:

- * PER CITY CODE: 10 SPACES PER 1000 SQ. FT. OF GFA, OF INDOOR SEATING. 5 SPACES PER 1000 SQ. FT. OF GFA OF OUTDOOR SEATING.
- ** 19 SPACES ALLOWED

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
600 E. 96TH ST., SUITE 300, INDIANAPOLIS, IN 46240
PHONE: 317-218-9560
WWW.KIMLEY-HORN.COM

PRELIMINARY

CHICK-FIL-A
BLOOMINGTON, IN
2500 W. 3RD STREET
BLOOMINGTON, IN 47404

FSU# 05850

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

AGENCY #	TBD
PROJECT #	117025013
PRINTED FOR	IST
DATE	02/20/2025
DESIGN BY	SJK
DRAWN BY	SJK

Copyright
Unauthorized use of this drawing and any digital files produced for above-named project may not be reproduced in any manner without written permission of Kimley-Horn and associates, inc. authorized project representative.

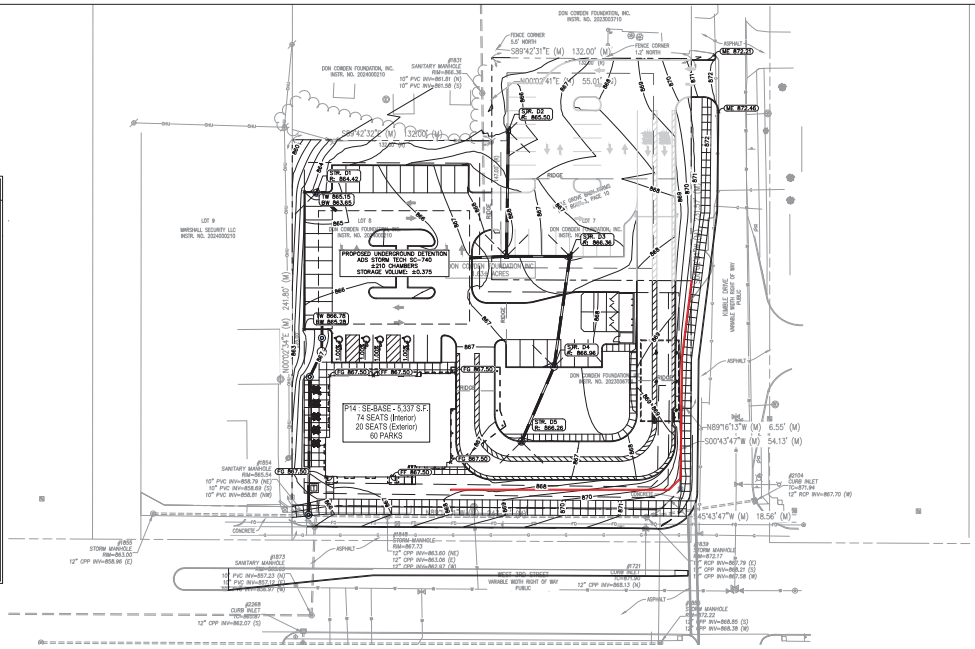
SHEET
SITE PLAN

SHEET NUMBER
C2.0

WARNING: CONTRACTOR TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

GRADING LEGEND

XXX.XX	FINISHED GRADE SPOT ELEVATION
TC XXX.XX / BC XXX.XX	TOP OF CURB / BOTTOM OF CURB SPOT ELEVATION
FL XXX.XX	FLOW LINE SPOT ELEVATION
ME XXX.XX	MATCH EXISTING SPOT ELEVATION
FF XXX.XX	FINISHED FLOOR SPOT ELEVATION
FG XXX.XX	FINISHED GRADE NEAR BUILDING SPOT ELEVATION
TW XXX.XX	TOP OF WALL SPOT ELEVATION
BW XXX.XX	BOTTOM OF WALL SPOT ELEVATION
FG XXX.XX / TF XXX.XX	FINISHED GRADE / BOTTOM OF FOOTER
R XXX.XX	RIM ELEVATION
STR. XX / R. XXX.XX / STR. XX / INV. XXX.XX	STRUCTURE ID & RIM ELEVATION / STRUCTURE ID & INVERT ELEVATION
620	PROPOSED CONTOUR
RIDGE	RIDGE LINE
5.0%	SLOPE AND FLOW DIRECTION
	100-YEAR OVERLAND OVERFLOW ROUTE
	DETENTION BASIN 100-YEAR EMERGENCY
	PROPOSED SWALE
	PROPOSED STORM SEWER
	PROPOSED STORM STRUCTURES
	PROPOSED SANITARY MANHOLE
	PROPOSED STORM/SANITARY CLEANOUT
	PROPOSED WATER STRUCTURES
	PROPOSED LIGHT POLES
	PROPOSED TRANSFORMER PAD



HATCH LEGEND

DENOTES REVERSE (SPILLING) CURB & GUTTER	DENOTES AREA OF DEPRESSED SIDEWALK
DENOTES CONCRETE CURB & GUTTER (CATCHING)	DENOTES EXISTING AND OR PROPOSED SPOT ELEVATIONS.
DENOTES AREA OF DEPRESSED SPILLING CURB & GUTTER	DENOTES PROPOSED DRAINAGE DIRECTION ARROW.
DENOTES AREA OF DEPRESSED CATCHING CURB & GUTTER	DENOTES PROPOSED OVERFLOW DIRECTION ARROW.

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
600 E. 96TH ST., SUITE 300, INDIANAPOLIS, IN 46240
PHONE: 317-218-9560
WWW.KIMLEY-HORN.COM

PRELIMINARY

CHICK-FIL-A
BLOOMINGTON, IN
2500 W. 3RD STREET
BLOOMINGTON, IN 47404

FSU# 05850

REVISION SCHEDULE

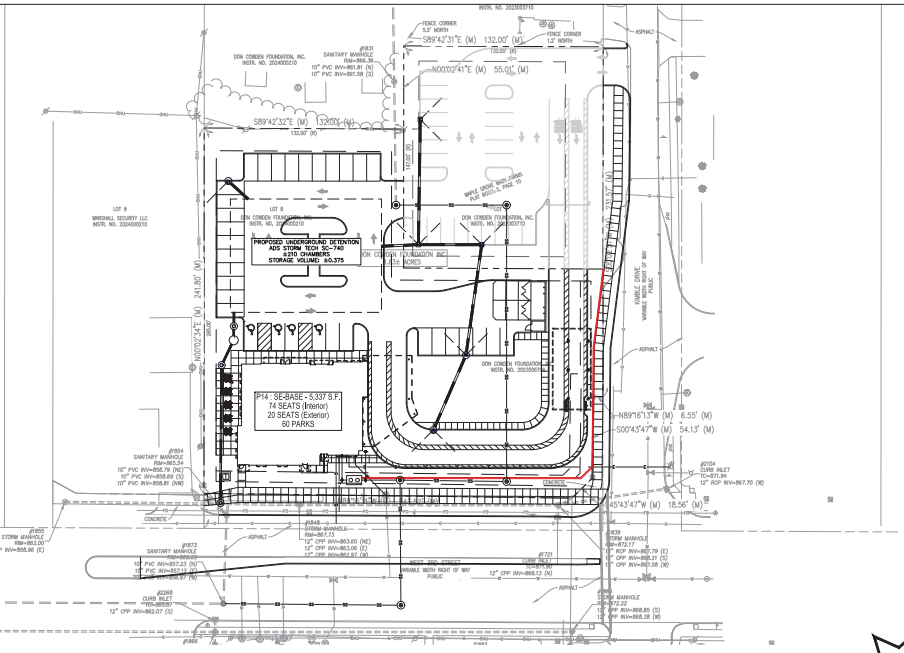
NO.	DATE	DESCRIPTION

AGENCY #	TBD
PROJECT #	117025013
PRINTED FOR	ISS
DATE	02/20/2025
DESIGN BY	SJK
DRAWN BY	SJK

Copyright notice contained on this drawing and in digital files produced for above-named project may not be reproduced in any manner without written permission of Kimley-Horn and Associates and authorized project representatives.

SHEET
GRADING AND DRAINAGE PLAN

SHEET NUMBER
C3.0



LAYOUT NOTES

1. PAY CONNECTION FEES FOR 2" DOMESTIC/6" FIRE WATER SERVICE AND METER. DOMESTIC SERVICE TO SPLIT OFF FIRE SERVICE EXTERNAL OF BUILDING.
2. 1.5" SOFT COPPER (TYPE K) IRRIGATION LINE TO HAVE SEPARATE METER LOCATION ADJACENT TO DOMESTIC WATER METER EXTERNAL TO THE BUILDING. MAINTAIN MIN. 4.0' COVER.
3. 3/4" CW TO DUMPSTER POST HYDRANT (SOFT COPPER TYPE K). MAINTAIN MIN. 4.0' COVER.
4. CONNECTION TO EXIST. 8" SANITARY MAIN. CONTRACTOR TO VERIFY INVERT AT MAIN PRIOR TO ORDERING STRUCTURES. SEE SANITARY TAGS FOR INFO.
5. 6" OR 4" CLEAN OUT (SEE DETAIL). CLEANOUT SHALL BE FLUSH w/ PAVEMENT & INSTALLED UNDER A PROTECTIVE METAL BOX COVER SIMILAR TO A METER PIT COVER WITH A TRAFFIC BEARING LID.
6. PRECAST 1500 GAL. CAPACITY GREASE TRAP. PLUMBING CONTRACTOR TO COORDINATE WITH BUILDING CONTRACTOR. TOP OF MANHOLE TO BE 0.2' ABOVE FINISH GRADE AND MATCH SIDEWALK GRADES WHERE REQUIRED.VERIFY GREASE TRAP MEETS CITY/COUNTY SPECIFICATIONS PRIOR TO INSTALLATION. REFER TO PLUMBING PLAN. SHEET P-101.
7. 4" KITCHEN WASTE LINE (SEE SANITARY TAGS FOR INFO)
8. 2" VENT LINE. CONNECT TO GREASE INTERCEPTOR. (SEE SHEET P-101 FOR LOCATION)
9. 4" RESTROOM WASTE LINE (SEE SANITARY TAGS FOR INFO)
10. 6" OR 6" TWO-WAY CLEAN OUT (REFER TO PLUMBING PLANS)(SEE DETAIL 37/C-403)
11. DUMPSTER POST HYDRANT. REFER TO THE FIXTURE CONNECTION SCHEDULE (P-303) DEPICTED ON THE PROJECT PLUMBING PLANS.
12. DOWNSPOUT FOR ROOF DRAINAGE (REFER TO ARCHITECTURAL PLANS)
13. PROPOSED GAS SERVICE (SEE NOTE 19)
14. COORDINATE GAS METER INSTALLATION WITH GAS COMPANY.
15. 6" PVC SDR 26 ROOF DRAIN PIPE SYSTEM (CONNECT TO SITE STORM DRAIN)
16. UNDERGROUND PRIMARY ELECTRIC SERVICE. (SEE NOTE 21)
17. UNDERGROUND PRIMARY TELEPHONE SERVICE. (SEE NOTE 20)
18. UNDERGROUND SECONDARY ELECTRIC SERVICE TO BUILDING. (SEE NOTE 21)
19. PROPOSED PAD MOUNTED TRANSFORMER PER ELECTRIC COMPANY STANDARDS. SEE SERVICE UTILITY NOTES, THIS SHEET.
20. 6" DUCTILE IRON PIPE – FIRE SERVICE. MAINTAIN MIN. 5.5' COVER.
21. UNDERGROUND ISP SERVICE (SEE NOTE 22)
22. INSTALL TRANSFORMER PAD (SEE NOTE 21)
23. EXISTING WATERMAIN (APPROX. LOCATION. CONTRACTOR TO VERIFY LOCATION, DEPTH, & SIZE.)
24. 6" PVC C900 WATERMAIN QUALITY PIPE – SANITARY SERVICE PIPE
25. WATER METER
26. 1.5" GAS SERVICE LINE TO DRIVE-THRU CANOPY
27. 6" PVC SDR 26 CANOPY DRAIN SYSTEM (CONNECT TO SITE STORM DRAIN)
28. REMOTE FIRE DEPARTMENT CONNECTION
29. POST INDICATOR VALVE
30. FIRE VAULT

WARNING: CONTRACTOR TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

MISCELLANEOUS NOTES:

- ALL BUILDING UTILITY SERVICE LOCATIONS TO BE VERIFIED W/ ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION.
- FOR EXACT LIGHT POLE LOCATIONS SEE PHOTOMETRICS PLAN
- AT LEAST ONE WEEK PRIOR TO ANY CONSTRUCTION WITHIN PUBLIC R.O.W./ EASEMENTS AND/OR ANY CONNECTION TO PUBLIC SEWERS AND STREETS, THE CONTRACTOR SHALL CONTACT THE CITY AND/OR INDOT TO OBTAIN APPLICABLE PERMITS.
- WORK WITHIN THE ROW SHALL BE DONE IN ACCORDANCE WITH THE CITY SPECIFICATIONS.
- ONLY THE CITY OF BLOOMINGTON DEPARTMENT OF PUBLIC UTILITIES MAY OPERATE EXISTING VALVES.
- THE CONTRACTOR MUST CONTACT THE CITY OF BLOOMINGTON DEPARTMENT OF PUBLIC UTILITIES TO SCHEDULE INSPECTIONS FOR ALL WORK WITHIN THE ROW.
- TRACER WIRE ON THE WATER SERVICE SHALL BE CONNECTED TO THE TRACER WIRE ON THE WATER MAIN AND INSTALLED IN ACCORDANCE WITH THE CITY SPECIFICATIONS.

ONSITE WATERLINE NOTES:

- THRUST BLOCKS SHALL BE PROVIDED AT ALL BENDS, TEES, AND FIRE HYDRANTS.
- ALL FIRE HYDRANTS SHALL BE PROVIDED WITH AN APPROVED AUXILIARY GATE VALVE.
- ALL WATER MAINS SHALL BE HYDROSTATICALLY TESTED AND DISINFECTED BEFORE ACCEPTANCE. SEE SITE WORK SPECIFICATIONS.
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- GENERAL CONTRACTOR SHALL HAVE APPROVAL OF ALL GOVERNING AGENCIES HAVING JURISDICTION OVER THIS SYSTEM PRIOR TO INSTALLATION.

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
600 E. 96TH ST., SUITE 300, INDIANAPOLIS, IN 46240
PHONE: 317-218-9560
WWW.KIMLEY-HORN.COM

PRELIMINARY

CHICK-FIL-A
BLOOMINGTON, IN
2500 W. 3RD STREET
BLOOMINGTON, IN 47404

FSU# 05850

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

AGENCY #	TBD
PROJECT #	172250013
PRINTED FOR	ISZ
DATE	02/20/2025
DESIGN BY	BJK
DRAWN BY	BJK

Instruments of service on this drawing are in digital files produced for above-named project only and not reproduced in any manner without written permission of Kimley-Horn and its authorized project representatives.

SHEET
PLUMBING SITE PLAN

SHEET NUMBER
PS1.0

MONROE COUNTY PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	HT
DECIDUOUS TREES						
CD	5	CELTIS OCCIDENTALIS	COMMON HACKBERRY	B & B	2" CAL MIN	
CS	5	CATALPA SPECIOSA	NORTHERN CATALPA	B & B	2" CAL MIN	

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE
DECIDUOUS SHRUBS						
AA2	13	ARONIA MELANOCARPA 'AUTUMN MAGIC'	AUTUMN MAGIC BLACK CHOKEBERRY	---		18" HT MIN.
CK	10	CORNUS SERICEA 'KELSEY'	KELSEY'S DWARF RED TWIG DOGWOOD	---		18" HT MIN
PD	24	PHYSOCARPUS OPULIFOLIUS 'DONNA MAY'	LITTLE DEVIL™ DWARF NINEBARK	---		24" HT MIN
EVERGREEN SHRUBS						
BG	37	BUXUS X 'GREEN VELVET'	GREEN VELVET BOXWOOD	---		18" HT MIN
ID	8	ILEX GLABRA 'DENSA'	INKBERRY HOLLY	---		18" HT MIN.
JH	10	JUNIPERUS HORIZONTALIS	CREEPING JUNIPER	---		12" HT MIN
TC	30	TAXUS CANADENSIS	CANADA YEW	---		18" HT MIN

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
PERENNIALS					
HS	137	HEMEROCALLIS X 'SUMMER WINE'	SUMMER WINE DAYLILY	1 GAL	24" OC

SODDING LEGEND

PERMANENT SODDING
AMERITURF RTF SOD

NOTES:
1. TILL SOIL TO 6" DEPTH BEFORE PLACING SOD.
2. EDGES TO BE TIGHT AGAINST ADJACENT ROLL WITHOUT GAPS OR OVERLAP.
3. STAGGER JOINTS.
4. WATER THOROUGHLY DURING AND IMMEDIATELY AFTER INSTALL.

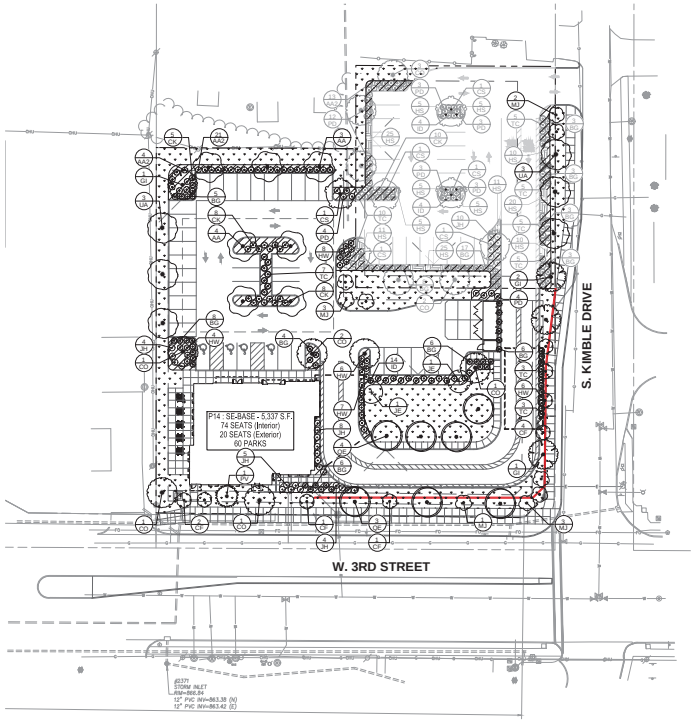
MULCHING LEGEND

MULCH
HARDWOOD SHREDDED MULCH,
NATURAL BROWN COLOR

Indiana Utilities Protection Service
Call 811 before you dig

NORTH

GRAPHIC SCALE IN FEET
0 15' 30' 60'



CITY OF BLOOMINGTON PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	HT
DECIDUOUS TREES						
AA	7	ACER RUBRUM 'AUTUMN FLAME'	AUTUMN FLAME RED MAPLE	B & B	2" CAL MIN	
CO	6	CELTIS OCCIDENTALIS	COMMON HACKBERRY	B & B	2" CAL MIN	
CS	1	CATALPA SPECIOSA	NORTHERN CATALPA	B & B	2" CAL MIN	
GI	4	GLEDITSIA TRIACANTHOS INERMIS 'IMPCOLE'	IMPERIALIS HONEY LOCUST	B & B	2" CAL MIN	
QE	7	QUERCUS X 'CRIMSCHMIDT'	CRIMSON SPIRE™ OAK	B & B	2" CAL MIN	
UA	6	ULMUS X 'MORTON'	ACCOLADE™ ELM	B & B	2" CAL MIN	
EVERGREEN TREES						
PV	1	PINUS VIRGINIANA	VIRGINIA PINE	B & B	---	6' HT MIN
ORNAMENTAL TREES						
CF	8	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY EASTERN REDBUD	B & B		6' HT MIN
JE	2	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	B & B		6' HT MIN
MJ	9	MALUS X 'JEWELCOLE'	RED JEWEL™ CRABAPPLE	B & B		6' HT MIN

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE
DECIDUOUS SHRUBS						
AA2	25	ARONIA MELANOCARPA 'AUTUMN MAGIC'	AUTUMN MAGIC BLACK CHOKEBERRY	---		18" HT MIN.
CK	21	CORNUS SERICEA 'KELSEY'	KELSEY'S DWARF RED TWIG DOGWOOD	---		18" HT MIN
HW	31	HYDRANGEA ARBORESCENS	SMOOTH HYDRANGEA	---		24" HT MIN
PD	8	PHYSOCARPUS OPULIFOLIUS 'DONNA MAY'	LITTLE DEVIL™ DWARF NINEBARK	---		24" HT MIN
EVERGREEN SHRUBS						
BG	35	BUXUS X 'GREEN VELVET'	GREEN VELVET BOXWOOD	---		18" HT MIN
ID	14	ILEX GLABRA 'DENSA'	INKBERRY HOLLY	---		18" HT MIN.
JH	21	JUNIPERUS HORIZONTALIS	CREEPING JUNIPER	---		12" HT MIN
TC	13	TAXUS CANADENSIS	CANADA YEW	---		18" HT MIN

MONROE COUNTY ORDINANCE CHART

ZONING: COMMERCIAL

REQUIREMENT	REQUIRED	PROVIDED
STREETSCAPE PLANTING (OPTION 1) • A minimum 1 tree, 10 shrubs, and 10 perennials/grasses for every 35lf of street frontage excluding driveway openings. 5ft minimum width required.	• Along Kimble Drive: 121lf / 35 = 4 trees, 35 shrubs, and 35 perennials/grasses	• 4 trees, 35 shrubs, and 35 perennials / grasses
PARKING LOT PERIMETER LANDSCAPING • A minimum of 1 tree, 10 shrubs, and 10 perennials/grasses for every 35lf around the parking lot, excluding vehicular access drives is required.	• 181lf / 35 = 5 trees, 50 shrubs and 50 perennials/grasses	• 5 trees, 50 shrubs, and 50 perennials/grasses
PARKING LOT INTERIOR LANDSCAPING • A minimum must be a minimum of 162 sqft, planted with at least 1 tree, 10 shrubs, and 10 perennials/grasses per island • For each additional 10 sqft, 1 additional shrub and perennial/grass is required.	• 5 islands = 5 trees, 50 shrubs and 50 perennials/grasses	• 5 trees, 50 shrubs and 50 perennials/grasses

CITY OF BLOOMINGTON ORDINANCE CHART

ZONING: MC (MIXED USE CORRIDOR)

REQUIREMENT	REQUIRED	PROVIDED
STREET TREES • A minimum of one canopy tree shall be planted per 30 feet of property that abuts a public right-of-way OR 15 feet for small trees, within 15 feet of the property lines	• Kimble Drive 145 LF / 30 LF = 5 Shade Trees OR 145 LF / 15 LF = 10 Ornamental Trees • West 3rd Street 252.8 LF / 30 LF = 8 Shade Trees OR 252.8 LF / 15 LF = 17 Ornamental Trees	• 2 Shade Trees & 6 Ornamental Trees along Kimble Drive • 5 Shade Trees & 6 Ornamental Trees along West 3rd Street
PARKING LOT LANDSCAPING • Minimum of 8 feet in width shall be provided along all parking lot perimeter • Minimum of 1 tree per 4 parking spaces • Parking lot perimeter should have a minimum of 3 shrubs per 1 parking space, minimum of 50% of shrubs should be evergreen and should grow a minimum of 4 feet tall • One canopy tree and 4 shrubs per bumpout, island, or endcap	• 39 parking spaces / 4 = 10 trees • 39 parking spaces * 3 = 117 shrubs (58 to be evergreen) • 10 island / end caps = 10 trees and 40 shrubs	• 10 perimeter parking lot trees • 117 perimeter parking lot shrubs (50% evergreen) • 10 interior trees and 40 interior shrubs
INTERIOR PLANTING • Minimum of 9 large canopy trees, 3 evergreen trees, and 3 medium or small canopy trees, and 27 shrubs per acre • 50% of shrubs must be evergreen	18,257 sqft = 0.42 acres • 0.42 * 9 = 4 canopy • 0.42 * 3 = 1 evergreen • 0.42 * 3 = 1 medium to small trees • 0.42 * 27 = 11 (6 to be evergreen)	• 4 Canopy Trees • 1 Evergreen Trees • 1 Ornamental Trees • 11 Shrubs (100% evergreen)

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
600 E. 96TH ST., SUITE 300, INDIANAPOLIS, IN 46240
PHONE: 317-218-9560
WWW.KIMLEY-HORN.COM

ELIZABETH VAN DYKE
STATE OF INDIANA
LA-20100025
REGISTERED
LANDSCAPE ARCHITECT

CHICK-FIL-A
BLOOMINGTON, IN
2500 W. 3RD STREET
BLOOMINGTON, IN 47404

FSU# 05850

REVISION SCHEDULE

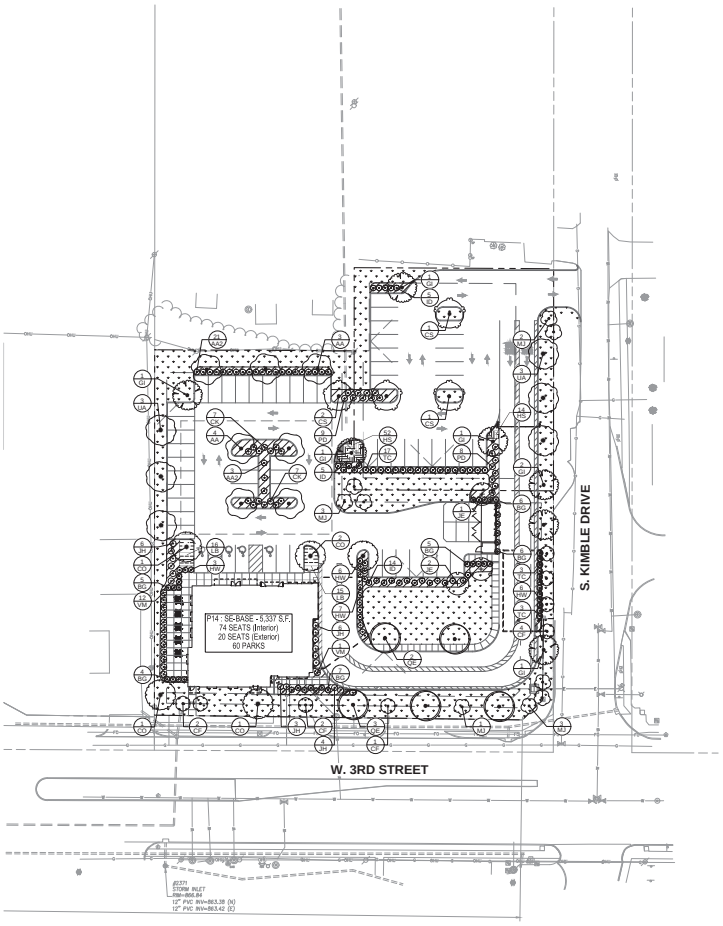
NO.	DATE	DESCRIPTION

AGENCY #	TBD
PROJECT #	170250013
PRINTED FOR	ISZ
DATE	02/20/2025
DESIGN BY	HEI
DRAWN BY	HEI

Instruments of service contained on this drawing and in digital files produced for above-named project may not be reproduced in any manner without written permission of Kimley-Horn and Associates, Inc. and project representative.

SHEET
LANDSCAPE PLAN

SHEET NUMBER
L1.0



SODDING LEGEND

PERMANENT SODDING
AMERITURF RTF SOD

NOTES:
1. TILL SOIL TO 6" DEPTH BEFORE PLACING SOD.
2. EDGES TO BE TIGHT AGAINST ADJACENT ROLL WITHOUT GAPS OR OVERLAP.
3. STAGGER JOINTS.
4. WATER THOROUGHLY DURING AND IMMEDIATELY AFTER INSTALL.

Indiana Utilities Protection Service
Call 811 before you dig

NORTH

GRAPHIC SCALE IN FEET
0 15' 30' 60'

MULCHING LEGEND

MULCH
HARDWOOD SHREDDED MULCH, NATURAL BROWN COLOR

PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	CAL	HT
TREES						
AA	7	ACER RUBRUM 'AUTUMN FLAME'	AUTUMN FLAME RED MAPLE	B & B	2" CAL MIN	
CF	8	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY EASTERN REDBUD	B & B		6' HT MIN
CO	5	CELTIS OCCIDENTALIS	COMMON HACKBERRY	B & B	2" CAL MIN	
CS	4	CATALPA SPECIOSA	NORTHERN CATALPA	B & B	2" CAL MIN	
GI	7	GLEDITSIA TRIACANTHOS INERMIS 'IMPCOLE'	IMPERIAL® HONEY LOCUST	B & B	2" CAL MIN	
JE	3	JUNIPERUS VIRGINIANA	EASTERN REDCEDAR	B & B		6' HT MIN
MJ	9	MALUS X 'JEWELCOLE'	RED JEWEL™ CRABAPPLE	B & B		6' HT MIN
QE	5	QUERCUS X 'CRIMSCHMIDT'	CRIMSON SPIRE™ OAK	B & B	2" CAL MIN	
UA	6	ULMUS X 'MORTON'	ACCOLADE™ ELM	B & B	2" CAL MIN	

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING	SIZE
DECIDUOUS SHRUBS						
AA2	24	ARONIA MELANOCARPA 'AUTUMN MAGIC'	AUTUMN MAGIC BLACK CHOKEBERRY	---		18" HT MIN.
CK	14	CORNUS SERICEA 'KELSEYI'	KELSEY'S DWARF RED TWIG DOGWOOD	---		18" HT MIN
HW	22	HYDRANGEA ARBORESCENS	SMOOTH HYDRANGEA	---		24" HT MIN
PD	17	PHYSOCARPUS OPULIFOLIUS 'DONNA MAY'	LITTLE DEVIL™ DWARF NINEBARK	---		24" HT MIN
VM	13	VIBURNUM ACERIFOLIUM	MAPLELEAF VIBURNUM	---		24" HT MIN
EVERGREEN SHRUBS						
BG	32	BUXUS X 'GREEN VELVET'	GREEN VELVET BOXWOOD	---		18" HT MIN
ID	24	ILEX GLABRA 'DENSA'	INKBERRY HOLLY	---		18" HT MIN.
JH	19	JUNIPERUS HORIZONTALIS	CREEPING JUNIPER	---		12" HT MIN
TC	23	TAXUS CANADENSIS	CANADA YEW	---		18" HT MIN

CODE	QTY	BOTANICAL NAME	COMMON NAME	CONT	SPACING
PERENNIALS					
HS	88	HEMEROCALLIS X 'SUMMER WINE'	SUMMER WINE DAYLILY	1 GAL	24" OC
LB	31	LEUCANTHEMUM X SUPERBUM 'BECKY'	BECKY SHASTA DAISY	1 GAL	36" OC

ORDINANCE CHART

ZONING: MC (MIXED USE CORRIDOR)

REQUIREMENT	REQUIRED	PROVIDED
STREET TREES • A minimum of one canopy tree shall be planted per 30 feet of property that abuts a public right-of-way OR 15 feet for small trees, within 15 feet of the property lines	• Kimble Drive 295 LF / 30 LF = 10 Shade Trees OR 295 LF / 15 LF = 20 Ornamental Trees • West 3rd Street 252.8 LF / 30 LF = 8 Shade Trees OR 252.8 LF / 15 LF = 17 Ornamental Trees	• 6 Shade Trees & 8 Ornamental Trees along Kimble Drive • 5 Shade Trees & 6 Ornamental Trees along West 3rd Street
PARKING LOT PERIMETER LANDSCAPING • Minimum of 8 feet in width shall be provided along all parking lot perimeter • Minimum of 1 tree per 4 parking spaces • Parking lot perimeter should have a minimum of 3 shrubs per 1 parking space, minimum of 50% of shrubs should be evergreen and should grow a minimum of 4 feet tall • One canopy tree per bumpout, island, or endcap	• 56 parking spaces / 4 = 14 trees 14 bumpouts/islands/endcaps = 14 canopy trees • 56 parking spaces * 3 = 168 shrubs (84 to be evergreen)	• 14 Interior Parking Lot Trees • 168 Interior Parking Lot Shrubs (52% evergreen)
INTERIOR PLANTING • Minimum of 9 large canopy trees, 3 evergreen trees, and 3 medium or small canopy trees, and 27 shrubs per acre • 50% of shrubs must be evergreen	71,003 sqft - 33,668 = 37,335 sqft = 0.857 acres • 0.86 * 9 = 8 canopy • 0.86 * 3 = 3 evergreen • 0.86 * 3 = 3 medium to small trees • 0.86* 27 = 23 (12 to be evergreen)	• 8 Canopy Trees • 3 Evergreen Trees • 3 Ornamental Trees • 23 Shrubs (52% evergreen)

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
600 E. 96TH ST., SUITE 300, INDIANAPOLIS, IN 46240
PHONE: 317-218-9560
WWW.KIMLEY-HORN.COM

ELIZABETH VANCE
STATE OF INDIANA
LA 10800125
REGISTERED
LANDSCAPE ARCHITECT
NOT APPROVED FOR CONSTRUCTION
MC CORMICK & ASSOCIATES, INC.
ARC NORTHSTATE

CHICK-FIL-A
BLOOMINGTON, IN
2500 W. 3RD STREET
BLOOMINGTON, IN 47404

FSU# 05850

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

AGENCY #	TBD
PROJECT #	170250013
PRINTED FOR	ISZ
DATE	02/20/2025
DESIGN BY	HEL
DRAWN BY	HEL

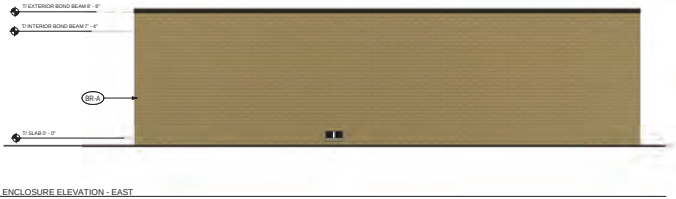
Reproduction or revision on this drawing and/or digital files produced for above-named project may not be reproduced in any manner without written permission of Kimley-Horn and Associates, Inc. or authorized project representative.

SHEET
LANDSCAPE PLAN

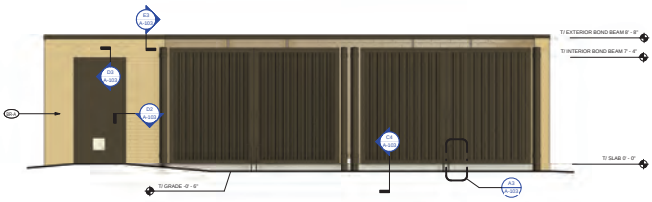
SHEET NUMBER
L1.0

B4 PERSPECTIVE VIEW - REFUSE ENCLOSURE

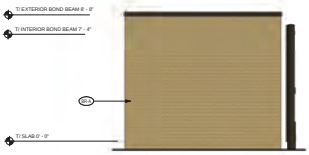
A4 PERSPECTIVE VIEW - REFUSE ENCLOSURE



D2 REFUSE ENCLOSURE ELEVATION - EAST
3/8" = 1'-0"



C2 REFUSE ENCLOSURE ELEVATION - WEST
3/8" = 1'-0"

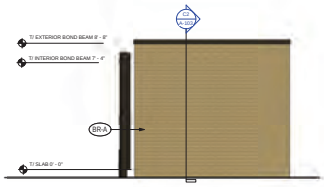


B1 REFUSE ENCLOSURE ELEVATION - NORTH
3/8" = 1'-0"

REF. ENCLOSURE FINISHES

CM-1 PREFINISHED METAL COPING
COLOR: MIDNIGHT BRONZE

BR-A BRICK VENEER
COLOR: DARK BROWN
SIZE: MODULAR



A1 REFUSE ENCLOSURE ELEVATION - SOUTH
3/8" = 1'-0"

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

E+H ARCHITECTS P.C.
750 OLD HICKORY BLVD. SUITE 150-2
BRENTWOOD, TN 37027
PHONE: 615.377.3111
EMAIL: CFATEAM@EANDHARCH.COM

PROTOTYPICAL SET

NOT FOR REGULATORY APPROVAL, BIDDING, OR CONSTRUCTION

CHICK-FIL-A
BLOOMINGTON WEST FSU
2500 W. 3RD ST.
BLOOMINGTON, IN 47404

FSR#05850

BUILDING TYPE / SIZE: P14 SE BASE
RELEASE: 24.11
PRINTED FOR
DESIGN

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

CONSULTANT PROJECT # CFINS3850
DATE 03/27/2025
DRAWN BY Author

Information contained on this drawing and in all digital files is property of E+H Architects and may not be used or reused in any manner without express written or verbal consent from E+H Architects.

REFUSE ENCLOSURE

SHEET NUMBER
X-107

3/27/2025 10:46:35 AM Autodesk Docs://IN_05850_Bloomington West FSU_2025-2_FSR#05850_Bloomington West FSU_ARC.rvt
KK SE-05850-A 107-REFUSE ENCLOSURE

Mixed-Use and Nonresidential

Applicability
The following standards shall apply to parcels in the MN, MM, MC, MS, ME, MI, and MH zoning districts.

Exceptions
Single-family detached, duplex, triplex, and fourplex dwellings shall not be subject to the architectural standards of this Section 20.04.070(d)(1). Such residential dwelling units shall be subject to the architectural standards in Section 20.04.070(d)(3).

Materials
All facades of a primary building shall consist of one or more of the following primary and secondary exterior finish materials:

- **Primary Exterior Finish Materials**
  1. Cementitious siding;
  2. Masonry;
  3. Brick;
  4. Natural stone;
  5. Precast concrete;
  6. Split-faced block; and/or
  7. Transparent glass.
- **Secondary Exterior Finish Materials**
  1. Wood;
  2. EIFS;
  3. Metal panel or siding (minimum 26 gague) factory fabricated and finished system with smooth, embossed, or consistent rib pattern and concealed fasteners(except corrugated); or
  4. Other products that replicate the appearance and durability of the above materials, as approved by the staff.

Exterior Facades
All facades of a primary building shall incorporate three or more of the following design elements in each module to avoid blank, uninterrupted walls, except that buildings less than 40 feet in width shall incorporate a minimum of two of the design elements. A module can be a maximum of 40 feet in width..
1. Awning or canopy that extends at least 24 inches from the building face;
2. Change in building facade height in relation to the adjacent modules of a minimum of five feet of difference, except that buildings 25 feet or less in height may utilize a minimum of two feet of difference;
3. A regular pattern of transparent glass constituting a minimum of 50 percent of the total wall/facade area of the first-floor facade/elevation facing a street;
4. Wall elevation recesses and/or projections, the depth that are at least three percent of the horizontal width of the building facade.

Patterns
All facades of a primary building visible from any roadway shall contain the following color and texture changes:
1. Facades shall consist of at least one primary and one secondary color.
2. At least one of these elements, either texture or color, shall repeat horizontally across the facade.
3. Variations in texture and color elements shall repeat vertically a minimum of every 30 feet.

Eaves and Roofs
Buildings with sloped roofs (those greater than 3:12 pitch) visible from any roadway shall contain overhanging eaves, extending no less than two feet past the supporting walls. Flat roofs (those less than 3:12 pitch) shall include a parapet on supporting walls.

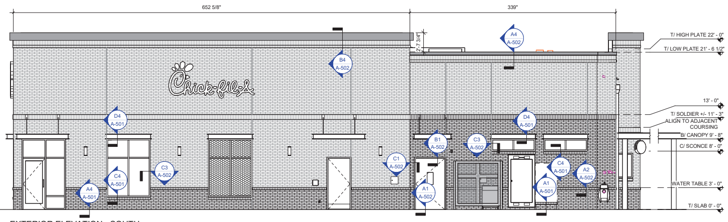
360-Degree Architecture
Those sides of a building that are not visible from the street frontage shall have a finished facade that is similar to the visible facades in terms of materials and architectural detailing.

Primary Pedestrian Entry
1. One primary pedestrian entrance shall be provided for every facade facing a street.
2. On corner or through lots, the facade facing the higher classified street shall have the primary pedestrian entrance. For purposes of this section, I-69 shall not be used as the higher classified street.
3. The pedestrian entry shall contain at least three of the following architectural details:
   A. Pilasters, change in building mass, or a distinct facade module projection;
   B. Public art display;
   C. Prominent building address, building name, and enhanced exterior light fixtures, such as wall sconces or light coves;
   D. Raised corniced entryway parapet; or
   E. Recessed or framed sheltered element of at least 3 feet in depth to protect pedestrians from weather;
   F. Integral planters or wing walls that incorporate landscaping or seating.

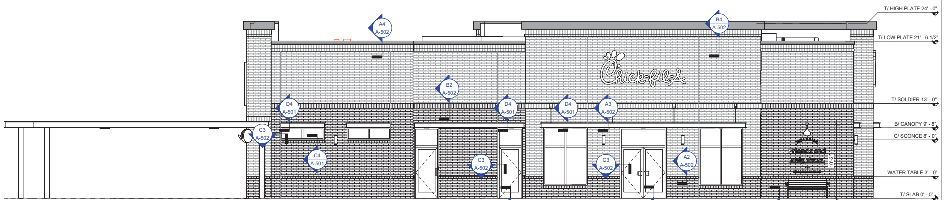
Windows on Primary Facades
All first-story windows on the primary facade of a primary structure shall be transparent and shall not make use of dark tinting or reflective glass.

Anti-Monotony Standards
In the case of new construction of multifamily units, any development containing more than three individual buildings shall incorporate the following variations to break up monotony in design:
1. Differences in rooflines;
2. Differences in building footprint;
3. Differences in the number of floors per building.

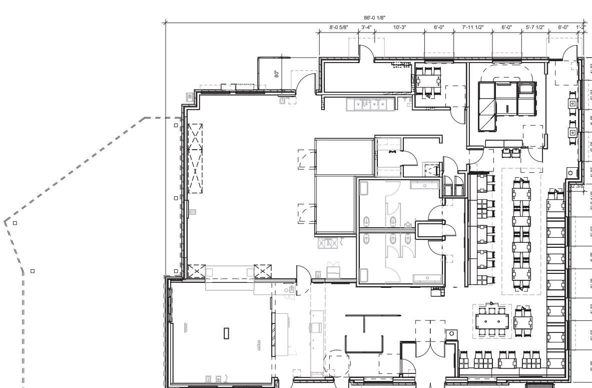
Street Addresses
1. Street address displays shall consist of Arabic numerals (e.g., 1, 2, 3...) no less than eight inches in height. For multifamily uses, the address display shall a minimum of five inches and a maximum of 10 inches in height.
2. Street address displays shall be placed above all exterior entrances visible from a public street, private drive, or parking lot.
3. All street addresses shall contrast with the color of the surface on which they are mounted, shall consist of reflective materials, and shall be clearly visible and identifiable from the street.



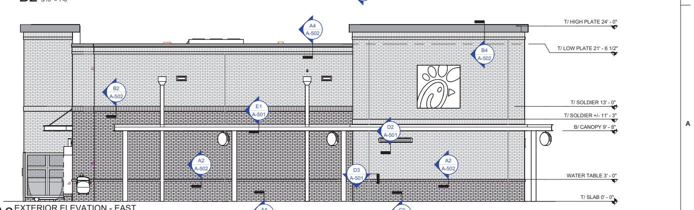
D2 EXTERIOR ELEVATION - SOUTH
3/16" = 1'-0"



C3 EXTERIOR ELEVATION - NORTH
3/16" = 1'-0"


A3 SCHEMATIC FLOOR PLAN
1/8" = 1'-0"

B2 EXTERIOR ELEVATION - WEST
3/16" = 1'-0"



A2 EXTERIOR ELEVATION - EAST
3/16" = 1'-0"

Chick-fil-A
5200 Buffington Road
Atlanta, Georgia
30349-2998

E+H ARCHITECTS P.C.
750 OLD HICKORY BLVD. SUITE 150-2
BRENTWOOD, TN 37027
PHONE: 615.377.3111
EMAIL: CFATEAM@EANDHARCH.COM

PROTOTYPICAL SET

NOT FOR REGULATORY APPROVAL, BIDDING, OR CONSTRUCTION

CHICK-FIL-A
BLOOMINGTON WEST FSU

2500 W. 3RD ST.
BLOOMINGTON, IN 47404

FSR#05850

BUILDING TYPE / SIZE: P14 SE BASE
RELEASE: 24.11
PRINTED FOR
DESIGN

REVISION SCHEDULE

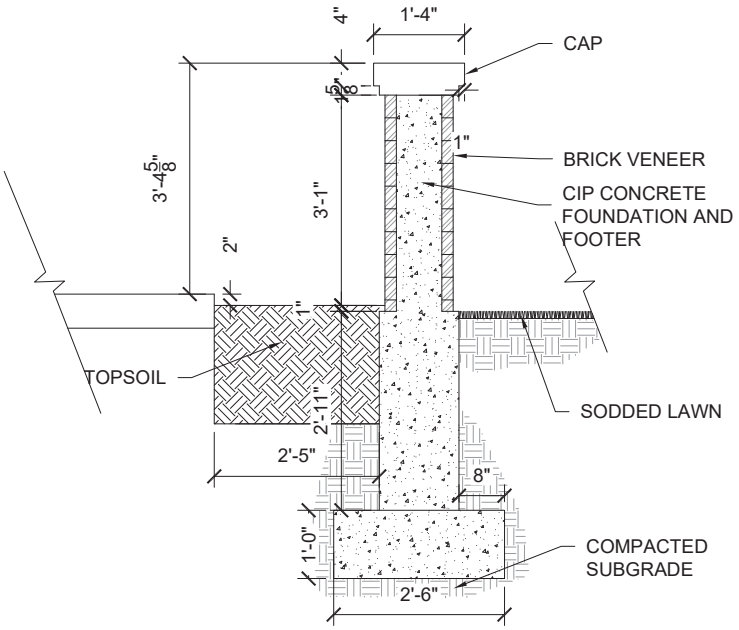
NO.	DATE	DESCRIPTION

CONSULTANT PROJECT # CFIN05850
DATE 02/18/2025
DRAWN BY Author

Information contained on this drawing and in all digital files produced for above named project may not be reproduced in any manner without express written or verbal consent from authorized project representatives.

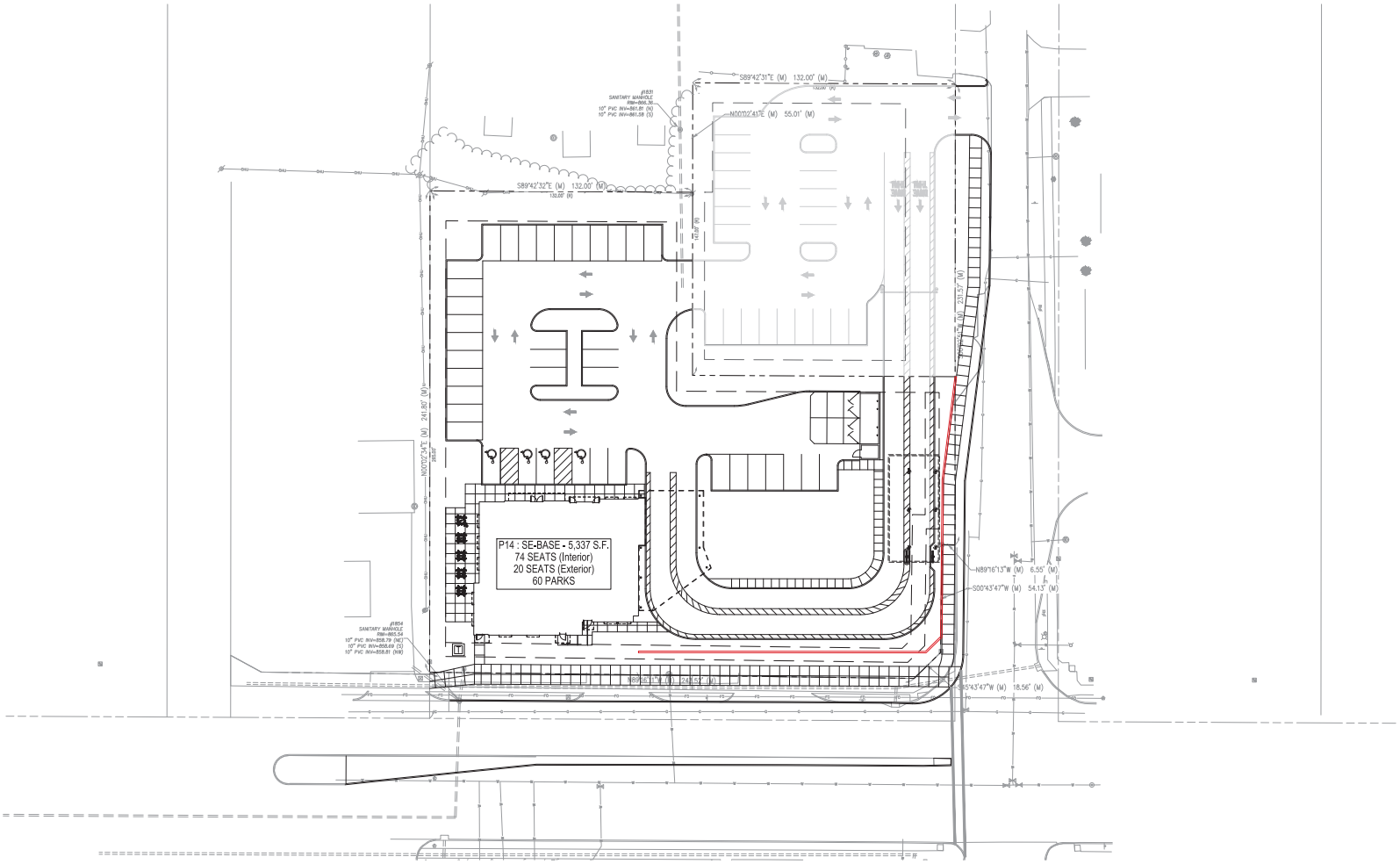
SHEET
ZONING COMPLIANCE

SHEET NUMBER
A-304



1 FREESTANDING KNEE WALL

NTS



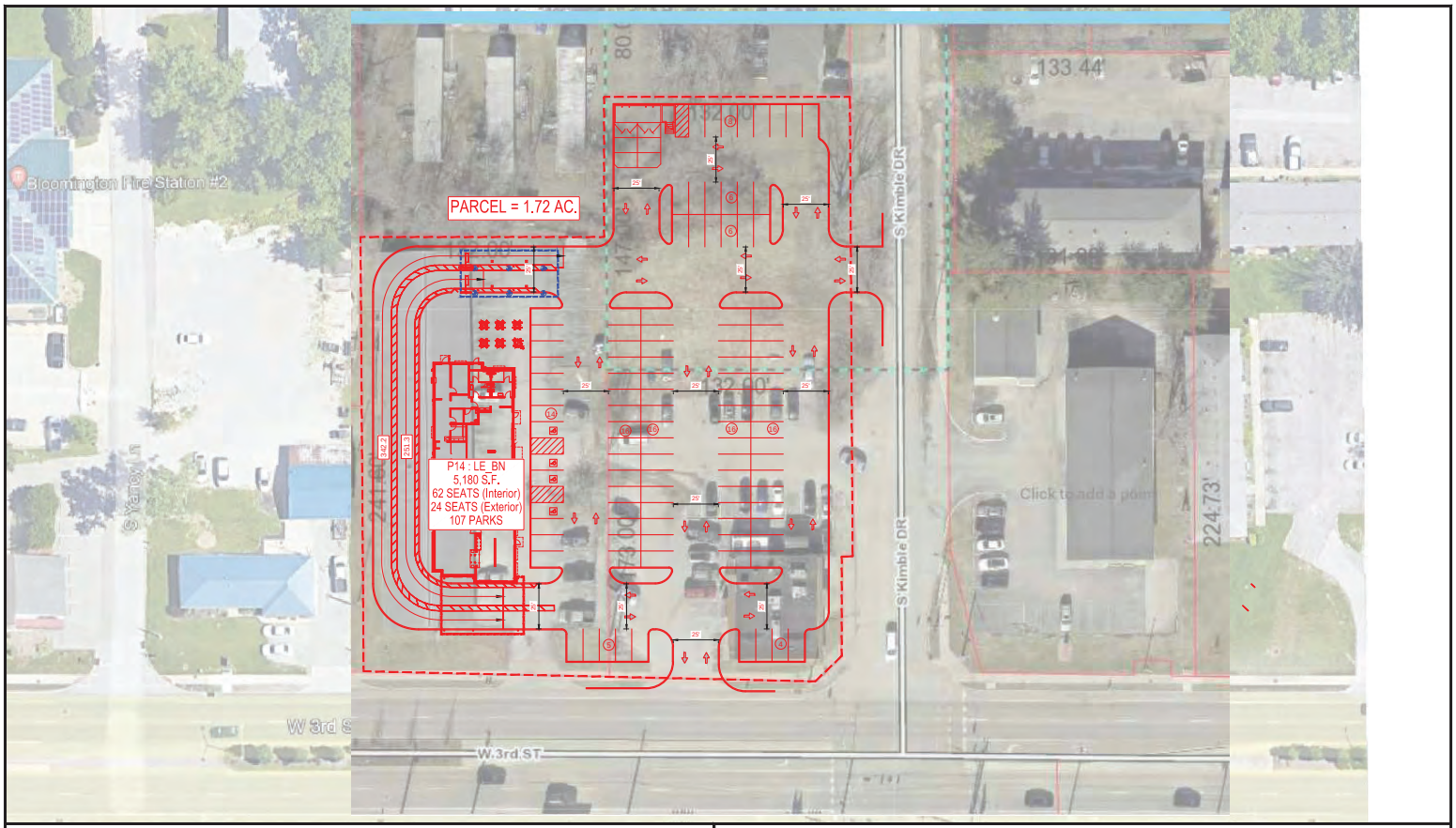
Kimley»Horn

CFA BLOOMINGTON

SITE EXHIBIT
BLOOMINGTON, IN
March 31, 2025

SCALE: 1" = 20'

NORTH



50 25 0 50 100

(IN FEET)
1 inch = 50 ft.

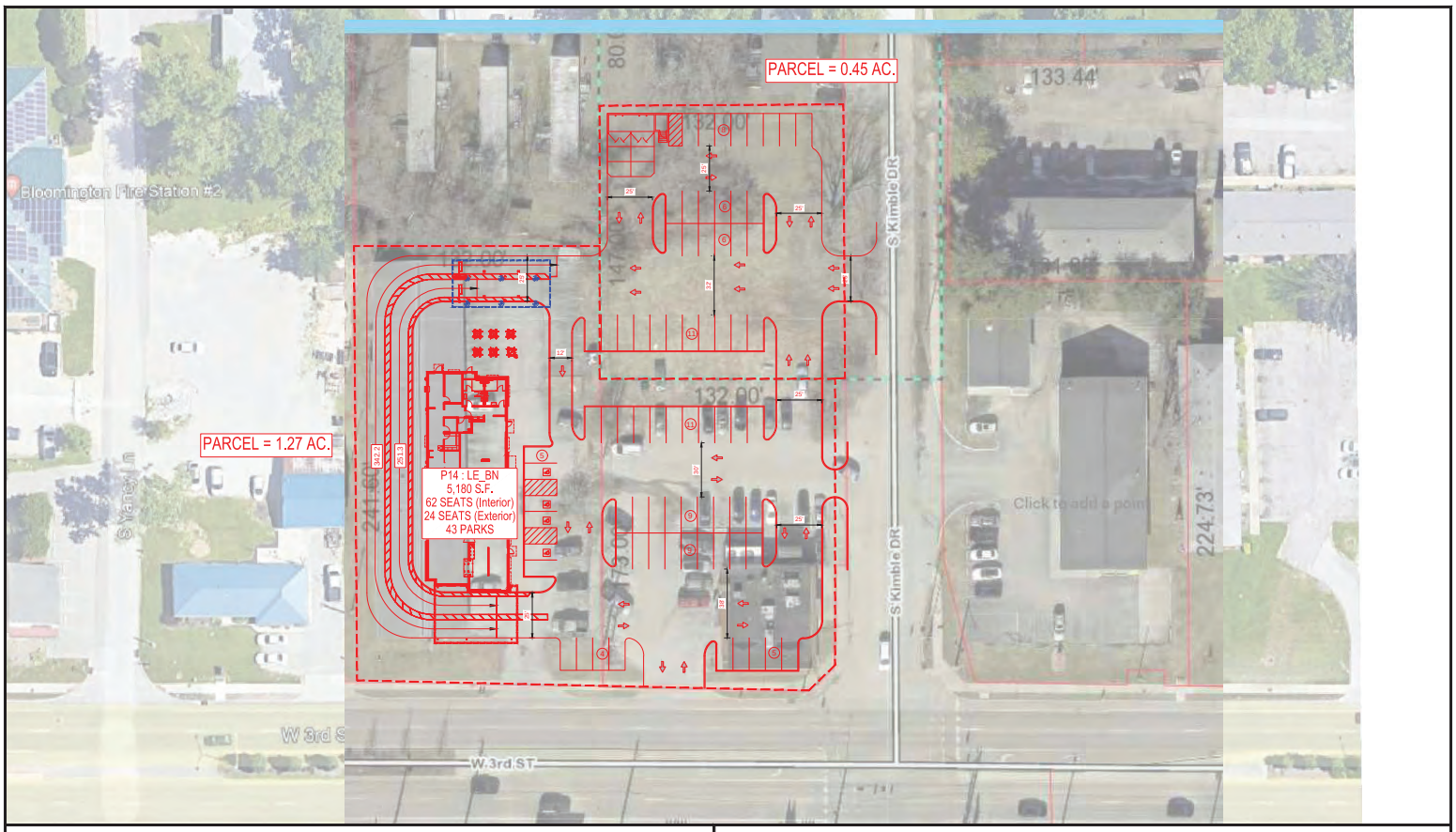
PRELIMINARY CONCEPT
NOT FOR DESIGN

WEST 3RD STREET - BLOOMINGTON
2500 W 3RD STREET
BLOOMINGTON, IN
SITE SKETCH 'A'

DATE : Jun 8, 2023

ATKINS
Member of the SNC-Lavalin Group
1600 Riveredge Parkway NW, Suite 700
ATLANTA, GA 30328
(770) 933-0280 - fax (770) 933-0971

Jun 8, 2023 - 3:42pm
I:\Civil-Fr-a\bloomington,in\2500 W 3rd SNC-BASE-2500 W 3RD ST.dwg



50 25 0 50 100

(IN FEET)
1 inch = 50 ft.

PRELIMINARY CONCEPT
NOT FOR DESIGN

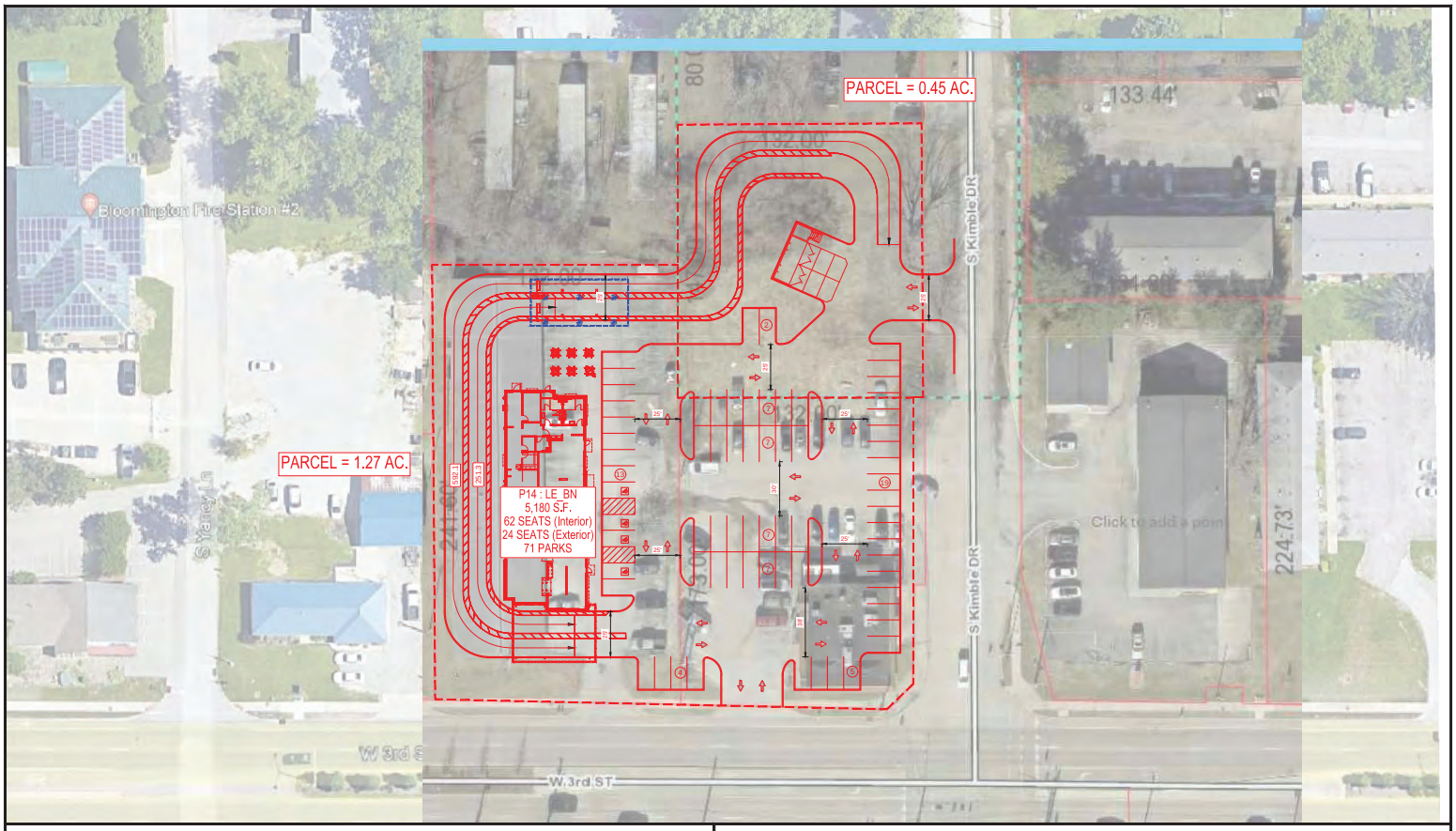
WEST 3RD STREET - BLOOMINGTON

2500 W 3RD STREET
BLOOMINGTON, IN
SITE SKETCH 'B'

DATE : Mar 4, 2024

ATKINS
Member of the SNC-Lavalin Group
1600 Riveredge Parkway NW, Suite 700
ATLANTA, GA 30328
(770) 933-0280 - fax (770) 933-0971

Mar 4, 2024 - 9:43am
\\Chick-fil-a\bloomington\n\2500 W 3rd St\Base Files\C-BASE-2500 W 3RD ST.dwg



50 25 0 50 100

(IN FEET)
1 inch = 50 ft.

PRELIMINARY CONCEPT
NOT FOR DESIGN

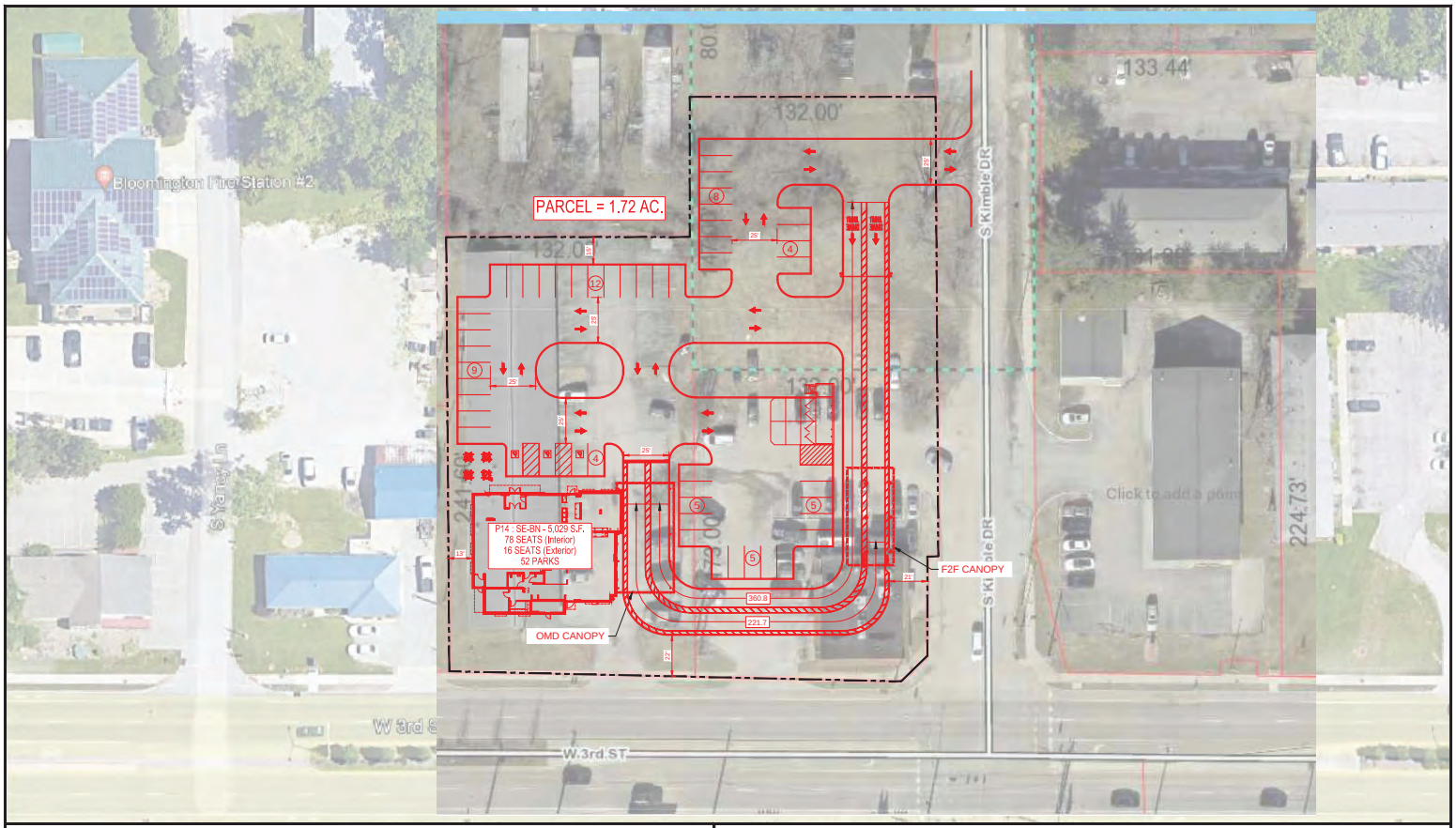
WEST 3RD STREET - BLOOMINGTON

2500 W 3RD STREET
BLOOMINGTON, IN
SITE SKETCH 'C'

DATE : Mar 28, 2024

ATKINS
Member of the SNC-Lavalin Group
1600 Riveredge Parkway NW, Suite 700
ATLANTA, GA 30328
(770) 933-0280 - fax (770) 933-0971

Mar 28, 2024 - 9:15am
I:\Chick-fil-a\bloomington\in\2500 W 3rd St\Base Files\C-BASE-2500 W 3RD ST.dwg



50 25 0 50 100

(IN FEET)
1 inch = 50 ft.

PRELIMINARY CONCEPT
NOT FOR DESIGN

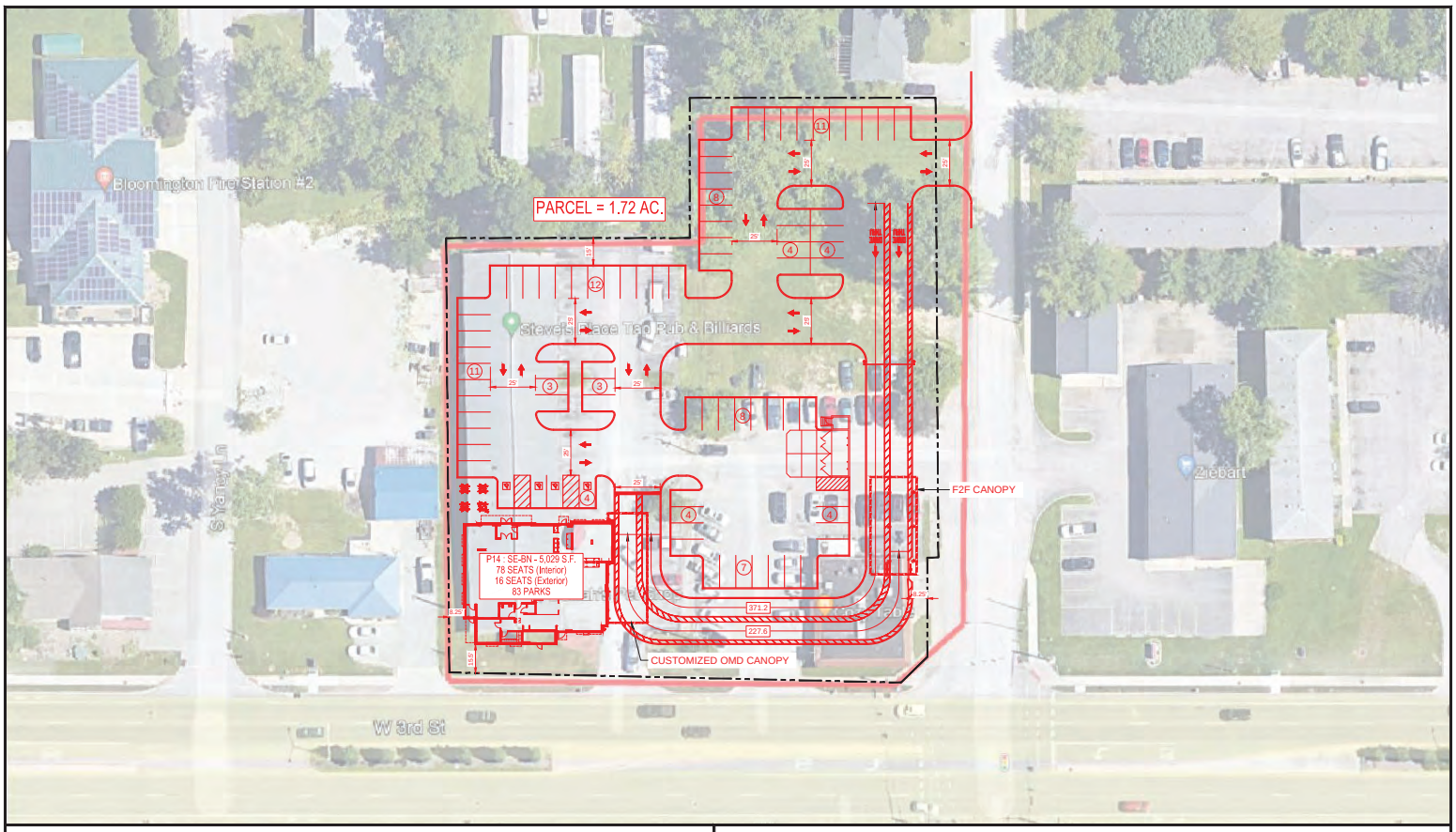
WEST 3RD ST - BLOOMINGTON

2500 W 3RD STREET
BLOOMINGTON, IN
SITE SKETCH 'D'

DATE : Aug 1, 2024

ATKINS
Member of the SNC-Lavalin Group
1600 Riveredge Parkway NW, Suite 700
ATLANTA, GA 30328
(770) 933-0280 - fax (770) 933-0971

Aug 1, 2024 - 9:18am
I:\Civil-Fr-at\bloomington,in\2500 W 3rd St\Base Files\C-BASE-2500 W 3RD ST - SKETCH D.dwg



50 25 0 50 100

(IN FEET)
1 inch = 50 ft.

PRELIMINARY CONCEPT
NOT FOR DESIGN

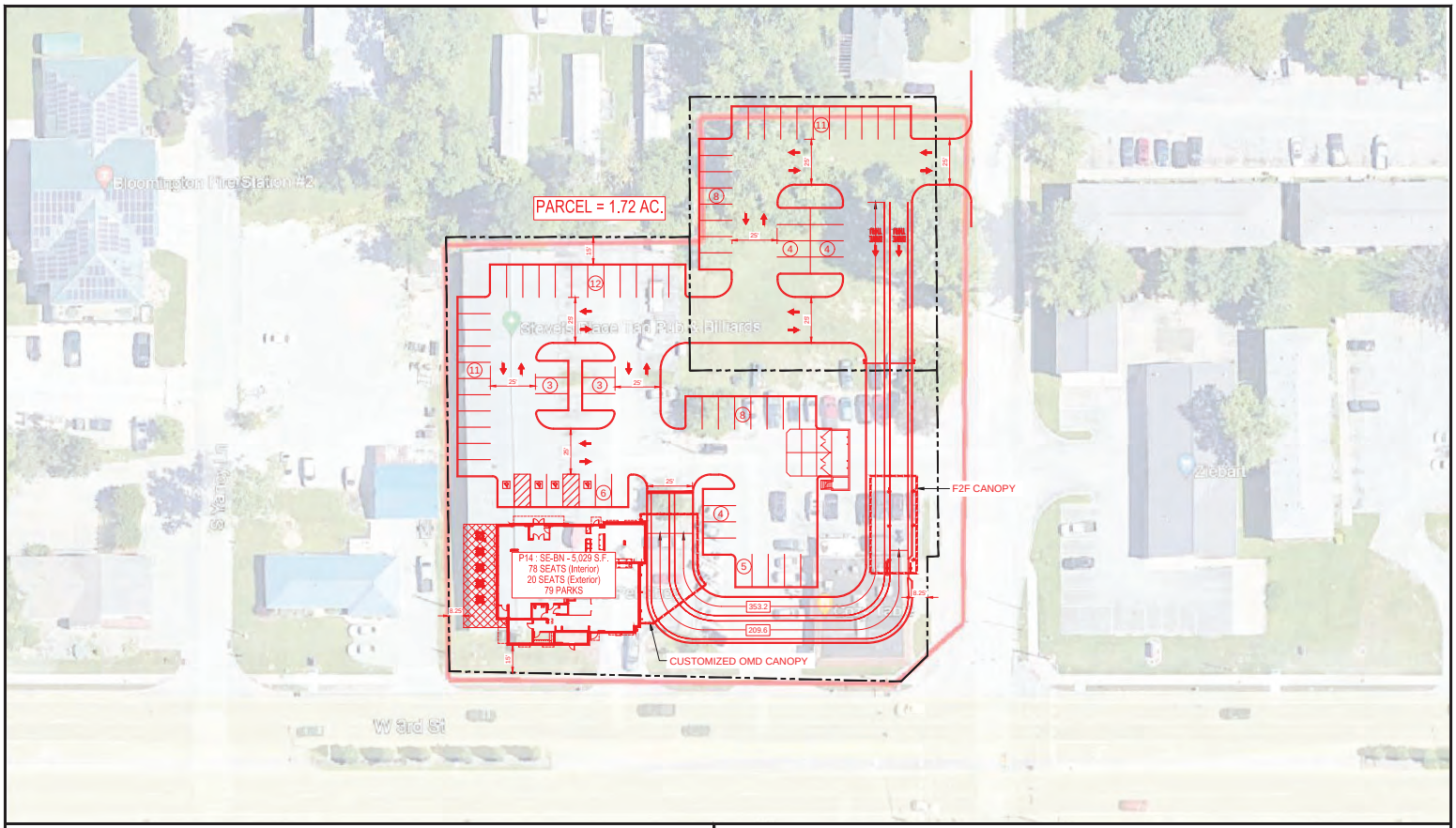
WEST 3RD ST - BLOOMINGTON

2500 W 3RD STREET
BLOOMINGTON, IN
SITE SKETCH 'E'

DATE : Aug 13, 2024

ATKINS
Member of the SNC-Lavalin Group
1600 Riveredge Parkway NW, Suite 700
ATLANTA, GA 30328
(770) 933-0280 - fax (770) 933-0971

Aug 13, 2024 - 8:32am
I:\Civil-H-a\bloomington,in\2500 W 3rd St\Base Files\C-BASE-2500 W 3RD ST - SKETCH E.dwg



50 25 0 50 100

(IN FEET)
1 inch = 50 ft.

PRELIMINARY CONCEPT
NOT FOR DESIGN

WEST 3RD ST - BLOOMINGTON

2500 W 3RD STREET
BLOOMINGTON, IN
SITE SKETCH 'F'

DATE : Aug 15, 2024

ATKINS
Member of the SNC-Lavalin Group
1600 Riveredge Parkway NW, Suite 700
ATLANTA, GA 30328
(770) 933-0280 - fax (770) 933-0971

Aug 15, 2024 - 4:00pm
I:\Chick-Fil-A\bloomington,in\2500 W 3rd St\Base Files\C-BASE-2500 W 3RD ST - SKETCH F.dwg

Monroe County Planning Department
501 N Morton Street, Suite 224
Bloomington, IN 47404
812-349-2560

Pre-design #: PRE-470

Monroe County Pre-Design Conference

Note this is not a permit

Property Address:	210 S Kimble DR Bloomington IN 47404-5256
Property Owner:	Cowden, Don Foundation, Inc.
Representative Name:	Brian
Contact Info:	brian.kizer@kimley-horn.com /
Date:	August 20, 2024
Planner:	Anne Crecelius
Township and Section:	Bloomington // 31
Subdivision:	Maple Grove Baby Farms
Lot:	7E
Zoning:	Commercial Arterial (CA, Ch. 833)
Parcel #:	53-05-31-301-068.000-004
Type of Petition or Request/Proposed Use:	Conditional Use

Checklists Provided:		**Historic Preservation Overlay:**	No
Setbacks:	See 833	**Riparian Areas:**	No
Floodplain:	No	**New Address Needed:**	No
Wetlands:	No	**Construction Stormwater General Permit (CSGP) Required:**	Yes
ECO Area:	No	**Driveway Permit Required:**	Yes
Concern about Slopes:	No	**Right-of-way Dedication Required:**	No
Karst/SCAs Required:	No	**Septic Permits Required:**	No
Easements Impact Buildable Area:	No	**Sewer Access:**	Yes
Business Industrial Overlay:	No	**Need for Variances or Waivers:**	No
Sidewalks Triggered:		**Waivers or Variance Description:**	
Street Trees Triggered:	No	**Comp. Plan Designation:**	MCUA Mixed Residential
Road Improvements Triggered:			

Notes:
STEP 1A: 210 S Kimble DR/53-05-31-301-068.000-004 - ONE LOT 0.06 acre lot (as-is)
USE: "Parking lots and garages", Chapter 833.
Condition (15) If intended to be used to provide required off-street parking for a use on another lot, parking lots and garages are required to obtain conditional use approval.
PROCESS: Conditional Use, see Chapter 813. Submit application by deadline and is heard by BZA. If approved, Site Plan Review required.
APPLICATION for Conditional Use: https://monroecountyin.portal.opengov.com/categories/1085/record-types/6586
LINK to filing deadlines and meetings: https://www.co.monroe.in.us/egov/documents/1723044174_70392.pdf
SETBACKS: Evaluated individually. See setbacks below.

OR

STEP 1B: 210 S Kimble DR/53-05-31-301-068.000-004 - LEGALLY COMBINED with 2500 AND 2506 W 3rd ST
USE: Accessory to "Restaurant" use, Chapter 833.
PROCESS: By-right use upon the approval of a Site Plan Review.
SETBACKS: Evaulated for the entirety of the lot.

STEP 2:
APPLICATION for a Site Plan Review: https://monroecountyin.portal.opengov.com/categories/1085/record-types/6614
Engineered plans required.

Site Plan requirements under Chapter 815.
Parking requirements under Chapter 806.
Landscaping requirement under Chapter 830.
LINK to ordinances: https://www.co.monroe.in.us/egov/apps/document/center.egov?eGov_searchDepartment=13&eGov_searchType=19

NOTE 1: SETBACKS
CA setbacks
Setbacks from Centerline [25] from ROW - Local [11][12] - Building: 10'
Setbacks from Centerline [25] from ROW - Local - Parking: 20'
Min. Side Yard (structures): [1]
Min. Rear Yard (structures): 10' [2][17]
Max. Building Coverage (percent): 50
Min. Side Yard (Parking): [19]
Min. Rear Yard (Parking): 6' [1]

(1) Landscaped ten (10) foot yard required if adjacent to a residential district.
(2) Landscaped twenty-five (25) foot yard required if adjacent to a residential district.
(11) In any residential district, the minimum required street setback shall be the greater of the street setbacks of the buildings on the adjacent lots on the same block face.
(12) Setbacks from streets functioning as a one-way pair may be reduced from the stated setbacks shown in Table 31-6 by the following amounts, however no setback shall be less than ten (10) feet from the property line:

Street Classification	Parking Setback	Building Setback
Principal Arterial	10'	10'
Minor Arterial	5'	10'
Major Collector	5'	5'
Minor Collector	0	5'

(17) Yard shall be measured to the centerline of any abutting alley.
(19) If adjacent to a nonresidential district, side parking setback shall be 0.05 times the lot width (rounded to the next highest integral number of feet) or three (3) feet, whichever is greater, up to a maximum of twenty-five (25) feet. If adjacent to a residential district, side parking setback shall be ten (10) feet.
(25) In no case shall any setback be less than ten (10) feet from the property line.

HIGHWAY DEPT. COMMENTS:

Ben Ayers - Project Manager -
Initial comments are that the driveway entrance shall be 30.0' wide with a minimum of a 25.0' radius on each side to meet County Code. I am okay with the location of the driveway, dependent on a site inspection, since that is the furthest they can get from the intersection. I do have concerns with the driveway spacing with the Apartment Complex and Ziebart being across the street that get a lot of traffic and Kimble Drive getting majority of the traffic from the neighborhood due to the Traffic Signal already. I know this establishment will increase the traffic even more.

Additional Information:

This information is meant to provide general assistance for filing a petitioning with the Plan Commission. **Feedback provided on/with this form is based on information presented at the time and does not constitute approval of any kind. The pre-design conference is intended only for the above purposes; neither the developer nor the jurisdiction is bound by any decision made during a pre-application conference.** Petitioners are strongly encouraged to consult the Monroe County Zoning Ordinance, Monroe County Subdivision Control and the Comprehensive Plan where appropriate.
For Proposed Subdivisions, Predesign Conference Requirements, Purposes, Objectives and Procedures can be found in Monroe County Subdivision Control Chapter 854-4 and 854-5.
For Proposed Subdivisions, Pre-Application Conference Requirements can be found in Monroe County Zoning Ordinance Chapter 826-3.
For Proposed Plan Unit Developments, Predesign Conference Purpose and Requirements can be found in Monroe County Zoning Ordinance Chapter 811-4 and 811-5.

Per the Zoning Ordinance:

Staff must conduct a site visit as part of the evaluation of the petition. Site visits may be conducted at a reasonable time and without prior notification to the property owner. Plan Commission and other board members who are participating in the evaluation of the petition may also conduct site visits at a reasonable time and without prior notification to the property owner.
You may be required to consult the following County departments and resources:

Building Department	(812) 349-2580
Highway Department	(812) 349-2555
Health Department	(812) 349-2543
Recorder's Office	(812) 349-2520
Monroe County Website	https://www.co.monroe.in.us/
Monroe County Zoning Ordinance	See Our Website
Monroe County Planning Department	https://www.co.monroe.in.us/department/?structureid=13

PRE-470

To learn more, scan this barcode or visit monroecountyin.viewpointcloud.com/#/records/39553