

STATE OF INDIANA)
)
COUNTY OF MONROE)

IN THE MONROE CIRCUIT COURT

SS:

**JULIE A. WILLIAMS,
ROBIN HALPIN YOUNG, JAMES G. HART,
DEIRDRE SHEETS, NELS L. GUNDERSON,
and MARGARET LUDWIG,**

Petitioners,

vs.

**CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS,
PAUL R. PRUITT, and KEITH KLINE,**

Respondents.

**VERIFIED PETITION FOR
JUDICIAL REVIEW OF ZONING DECISION**

Come now Petitioners, Julie A. Williams, Robin Halpin Young, James G. Hart, Deirdre Sheets, Nels L. Gunderson, and Margaret Ludwig, by counsel, Jason L. McAuley, and pursuant to Indiana Code sections 36-7-4-106 and 36-7-4-1600 et seq., file their Verified Petition for Judicial Review of Zoning Decision. In support of this Petition, Petitioners state as follows:

PARTIES, JURISDICTION, AND VENUE

1. Petitioners Julie A. Williams, Robin Halpin Young, James G. Hart, Deirdre Sheets, Nels L. Gunderson, and Margaret Ludwig are residents and property owners in the vicinity of the proposed Northgrove subdivision site in Bloomington, Monroe County, Indiana. Each Petitioner participated in the Board of Zoning Appeals proceeding that led to the challenged decision, and each Petitioner is aggrieved or adversely affected by that decision. This Petition is filed within the statutory timeframe of thirty (30) days after the challenged zoning decision.

2. Petitioner Julie A. Williams is the fee simple owner of and resides at 311 E. Glendora Dr., Bloomington, Indiana, directly adjacent to and south of the proposed Northgrove subdivision site.

3. Petitioner Robin Halpin Young is the fee simple owner of and resides at 331 E. Glendora Dr., Bloomington, Indiana, directly adjacent to and south of the proposed Northgrove subdivision site.

4. Petitioner James G. Hart is the fee simple owner of and resides at 2641 N. Dunn St., Bloomington, Indiana, approximately 300 feet north of the proposed Northgrove subdivision site.

5. Petitioner Deirdre Sheets is the fee simple owner of and resides at 2521 N. Fritz Dr., Bloomington, Indiana, approximately 495 feet southwest of the proposed Northgrove subdivision site.

6. Petitioner Nels L. Gunderson is the fee simple owner of and resides at 2432 N. Dunn St., Bloomington, Indiana, approximately 125 feet southeast of the proposed Northgrove subdivision site.

7. Petitioner Margaret Ludwig is the fee simple owner of and resides at 2601 N. Dunn St., Bloomington, Indiana, directly adjacent to and north of the proposed Northgrove subdivision site.

8. The City of Bloomington ("City") is a political subdivision of the State of Indiana.

9. Respondent, City of Bloomington Board of Zoning Appeals (the "BZA") is an administrative agency of the City, with a mailing address of 401 N Morton St, Suite 130, Bloomington IN 47404.

10. The BZA is the local board that issued the challenged zoning decision.
11. Respondent Paul R. Pruitt is an applicant and real party in interest that sought and obtained the variances challenged in this action.
12. Respondent Keith Kline is an applicant and real party in interest that sought and obtained the variances challenged in this action.
13. Respondents, Paul R. Pruitt and Keith Kline are the fee simple owners of the real estate at 2511 N. Dunn St., Bloomington, Indiana which is the site of the proposed Northgrove subdivision (the "Proposed Subdivision").
14. This Court has subject matter jurisdiction under Indiana Code section 36-7-4-1604, which authorizes judicial review of zoning decisions by filing a petition in the circuit or superior court of the county in which the affected premises are located.
15. Venue is proper in Monroe County because the Proposed Subdivision and the challenged zoning decision concern real property in Monroe County, Indiana.

THE CHALLENGED DECISION

16. The Proposed Subdivision is located within the corporate boundaries of the City and within the Residential Medium Lot (R2) zoning district.
17. The City enacted ordinances which, collectively, are hereinafter referred to as the City of Bloomington Unified Development Ordinance (the "UDO").
18. On February 26, 2026, the BZA approved variances in Case No. ZR2025-12-0114 for the Proposed Subdivision, including variances relating to required tree canopy preservation, tree-protection fencing, and riparian buffer disturbance.
19. The challenged approvals include: (a) a canopy-retention variance allowing

retention below the otherwise applicable UDO standard, including approval of approximately 36% canopy where 60% was otherwise required; (b) a variance from tree protection fencing requirements under UDO section 20.04.080(c)(3); and (c) riparian-buffer variances under UDO sections 20.04.030(e)(6) and 20.04.030(e)(7).

20. Petitioners seek judicial review of those granted variances and any related findings, conclusions, or conditions supporting them.

STANDING OF PETITIONERS

21. Petitioners have standing under Indiana Code section 36-7-4-1603 because each participated in the BZA hearing that led to the decision and each is aggrieved or adversely affected by the zoning decision. Indiana law recognizes standing where a petitioner participated in the hearing and is aggrieved by the decision, or where the decision prejudices interests the board was required to consider. *See Shinall v. Bd. of Zoning Appeals for Town of Ogden Dunes*, 212 N.E.3d 675 (Ind. App. 2023).

22. Attached hereto is a demonstrative exhibit marked “Exhibit A” which is an overhead parcel map showing the location of each Petitioner's residence in relation to the Proposed Subdivision. Exhibit A shows that the Petitioners are adjacent to, immediately north of, southeast of, or downhill/downstream from the Proposed Subdivision in locations directly affected by tree removal, reduced canopy, riparian disturbance, increased impervious surface, and altered runoff patterns.

23. Deirdre Sheets participated in the BZA hearing through the written record and objected specifically to the canopy-retention variance, the tree-protection-fencing variance, and the riparian-buffer variances. She linked those approvals to flooding risk, erosion and

sedimentation, habitat fragmentation, and stormwater effects. Her residence lies southwest/west of the Proposed Subdivision, as shown on Exhibit A.

24. James G. Hart personally appeared and testified at the BZA hearing and submitted written objections to the BZA regarding the pond, wetland, riparian area, and downstream flow toward Fritz Drive and Cascades Park. He objected that additional impervious surface and tree removal would worsen those impacts. His residence lies north of the Proposed Subdivision, as shown on Exhibit A.

25. Robin Halpin Young personally appeared and testified at the BZA hearing that reduced tree canopy and paving most of the site would increase runoff, send water toward the retention pond and through backyards along Fritz Drive, and adversely affect her own property through side-yard sewer or right-of-way issues, rear-lot impacts, and diminished value. Her residence is immediately south of and adjacent to the Proposed Subdivision, as shown on Exhibit A.

26. Nels L. Gunderson filed a written objection with the BZA to elimination of tree and forest preservation standards and riparian buffer requirements and linked those approvals to loss of mature trees, increased impervious surface, and increased stormwater flow in the Glendora and Fritz area where flash flooding already occurs. His residence lies east/southeast of the Proposed Subdivision, as shown on Exhibit A.

27. Julie A. Williams filed a written objection with the BZA that the development would increase runoff, contribute to flooded homes, overload sewer conditions, and worsen drainage because of added asphalt and concrete. Her residence lies southwest of the Proposed Subdivision, as shown on Exhibit A.

28. Margaret "Margi" Ludwig submitted a written objection to the BZA stating that trees had already been cut, that flooding has always been an issue, and that adding the proposed homes would worsen those conditions at her property. Her residence lies directly adjacent to and to the north of the Proposed Subdivision, as shown on Exhibit A.

29. The injuries alleged by Petitioners are concrete and particularized and are different in kind and degree from generalized objections shared by the public at large. Petitioners allege direct injury to the use, enjoyment, value, drainage conditions, and environmental setting of their properties from the specific variances granted.

GROUND FOR JUDICIAL REVIEW

30. The BZA's decision is arbitrary, capricious, an abuse of discretion, unsupported by substantial evidence, contrary to law, and/or in excess of statutory or ordinance authority within the meaning of Indiana Code section 36-7-4-1614.

31. Petitioners allege that the BZA unlawfully approved variances affecting tree canopy preservation, tree-protection fencing, and riparian buffers without sufficient evidentiary support and contrary to applicable ordinance standards intended to protect neighboring properties, drainage patterns, water resources, habitat, and related environmental interests.

32. Petitioners further allege that the granted variances authorize increased disturbance, increased impervious coverage, decreased tree preservation, and reduced riparian protection in a manner that foreseeably increases runoff, flooding, erosion, sedimentation, and adverse downstream effects on nearby parcels, including Petitioners' properties.

33. Petitioners seek review of the administrative record and reserve the right to identify additional legal errors upon completion and filing of the record of proceedings.

34. Petitioners have exhausted administrative remedies to the extent required because they participated in the BZA proceedings through written objections, oral testimony, or both, and the final administrative decision has now been entered.

WHEREFORE, Petitioners respectfully request this Court:

- A. Assume jurisdiction over this Petition and order preparation and filing of the agency record as required by law;
- B. Determine that Petitioners have standing to seek judicial review;
- C. Reverse, vacate, or remand the BZA's approval of the challenged variances in Case No. ZR2025-12-0114;
- D. Grant a stay pending judicial review; and
- E. Grant all further just and proper relief, including costs and any relief available under Indiana Code section 36-7-4-1614.

Verification

I affirm, under the penalties for perjury, that the foregoing representations are true and correct to the best of my knowledge and belief.

<u><i>Julie A Williams</i></u> Julie A. Williams	Date: <u>03 / 29 / 2026</u>
<u><i>Robin Halpin Young</i></u> Robin Halpin Young	Date: <u>03 / 30 / 2026</u>
<u><i>James G. Hart</i></u> James G. Hart	Date: <u>03 / 29 / 2026</u>



Deirdre Sheets

Date: 03 / 29 / 2026



Nels L. Gunderson

Date: 03 / 29 / 2026



Margaret Ludwig

Date: 03 / 29 / 2026

Respectfully submitted,

McAULEY LAW LLC

By: /s/ Jason L. McAuley

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EXHIBIT A



Title	Matlock Petition for Review of BZA (w Exhibit A) 3.29.26.pdf
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
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