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The Board of Zoning Appeals (BZA) met on August 22, 2024 at 5:30 pm; a hybrid meeting was held both in the Council Chambers, located in Room 115, at 401 N. Morton Street, City Hall – Bloomington, IN 47404 and remotely via Zoom. Members present in the Council Chambers: Tim Ballard, Barre Klapper, Jo Throckmorton, and Terry Usrey.

APPROVAL OF MINUTES: June 20, 2024

Ballard made a motion to approve the minutes. Throckmorton seconded. Motion passes by roll call – 3-0-1.

REPORTS, RESOLUTIONS, COMMUNICATIONS:

Jackie Scanlan, Development Services Manager, reported a variance voted on earlier in the year, V-02-24, was determined to be unnecessary.

PETITIONS CONTINUED TO: September 19, 2024

- AA-17-22 **Joe Kemp Construction & Blackwell Construction**
Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Drive –
Administrative Appeal of the Notice of Violation (NOV) issued March 25,
2022. Case Manager: Jackie Scanlan
- V-27-22 **Cutters Kirkwood 123, LLC**
113 E. Kirkwood Ave.
Parcel: 53-05-33-310-062.000-005
Request: Variances from Downtown Character Overlay standards to allow
less non-residential area and less large display windows; and a variance
from the requirement to align with the front setback of an adjacent historic
structure in the Mixed-Use Downtown zoning district with the Courthouse
Square Character Overlay (MD-CS). Case Manager: Jackie Scanlan
- V-26-24 **Elisha Spier**
2110 E. Covenant Drive
Parcel: 53-08-03-407-027.000-009, 53-08-03-409-002.000-009
Request: Conditional use request to allow a home occupation in the
home and variances from use-specific standards related to the
number of employees and on-site sales in the Residential Medium
Lot (R2) zoning district. Case Manager: Jackie Scanlan

PETITIONS:

CU-17-24 **Bloomington Builders, LLC & Latitude 39 North Properties, LLC**
506 E. Wylie Street
Parcel: 53-08-04-113-095.000-009
Request: Conditional Use approval to allow a duplex in the Residential Lot (R3) zoning district. Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented CU-17-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the conditional use with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. Street trees not more than 30' from center are required along the property frontage.

Caylan Evans, Petitioner, presented his case again to the board for his request for a conditional use.

PUBLIC COMMENT:

Jan Sorby is asking the board to deny this conditional use. The building the petitioner is presenting, fails to meet the UDO requirements and doesn't match the other houses on the street. Sorby believes this project will negatively enhance the streetscape.

Collin Nielsen spoke in support of the duplex. Nielson stated this project will help provide more affordable housing. Nielson also didn't believe parking would be an issue.

Susan Bright is asking the board to deny this petition due to safety and density issues. Wylie and Dodds are very narrow and being a bike rider, it can be very dangerous. Bright would like this project to stay as a single dwelling unit instead of a duplex.

Kevin Ellett, is in opposition of this project. Ellett states this is a mini apartment complex, not a single family dwelling unit. With having 6 bedrooms, it won't be affordable for a single family. Ellett also brought up parking as an issue with Wylie being so narrow.

Diane Jung also is speaking in opposition of this project. Jung echoed Ellett and Sorby in her concerns with parking and design.

Jim Opiate spoke in opposition of this conditional use. Opiate stated he spoke with Evans, and Evans is expecting about \$3,000 per unit, which is nowhere near the median household income in Bloomington. Opiate also spoke on the safety issues regarding the street width of Wylie.

Jon Lawrence, Bryan Park Neighborhood Association President, asks the board to deny this petition. Lawrence read a letter from a neighbor, Pat Madeleine, who previously supported this project, now is in opposition. Lawrence stated why he is opposed and it's because it's too big, it doesn't fit the character of Wylie Street and potential parking issues.

Deborah Myerson spoke in favor of this petition. Myerson believes it's extremely important to add more housing.

Matt Gleason, spoke in favor of approve this duplex. Gleason would love the opportunity to live in this duplex if he could.

Adam Martinez, spoke in favor of the proposal. Martinez stated Bloomington needs to an increase the housing supply, and to do that the density will need to be increased.

YY Ahn, wanted to urge the board to approve this petition due to the housing crisis in Bloomington.

Eric Ost, asked the board to deny this petition. Ost stated Bloomington needs more affordable homes, not merely more housing. Ost believes this can be developed in a way that is in better comportment with the neighborhood and provides more affordable homes that Bloomington needs.

Claire Arbogast, asks the board to reject this proposal. Arbogast believes this project is too much for a narrow lot with limited parking. Nothing about this project fits in the streetscape of small one story houses.

Margie Schroder, urges to board to deny this petition. Schroder spoke on the parking issues and how this project wouldn't end up being affordable.

Virginia Hall is speaking against the petition. Hall mentioned the dangers of the narrowness of the street. Hall's greatest concern is the size of this project for the size of the lot.

BACK TO BZA:

Evans had additional speaking time so he wanted to help answer some of the publics' concerns.

Ballard made a motion to approve CU-17-24 with the conditions listed above. No second was made.

Klapper made a motion to continue CU-17-24 to the September hearing. Throckmorton seconded. Motion passes by roll call - 3-0.

Throckmorton made a motion to hear no new petitions after 9:30 P.M. Ballard seconded. Motion passes by roll call – 4-0.

CU/V-20-24 **Tabor Bruce Architecture**
1020 West 6th Street
Parcel: 53-05-32-409-013.000-005
Request: Conditional use approval to allow a duplex in the Residential Small Lot (R3) zoning district. Also requested is a variance from front and side yard building setback standards to allow a second story addition to a building in the Residential Small Lot (R3) zoning district.
Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented CU/V-20-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU/V-20-24 with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. The 3 walls shown to be preserved must be maintained during construction.
3. Existing parking area must be brought into compliance with the UDO and be no more than 20' wide and 20' deep.

Doug Bruce, Consultant, presented on behalf of the petitioner.

Throckmorton made a motion to approve CU/V-20-24 with the above mentioned conditions. Ballard seconded. Motion passes by roll call – 4-0.

V-22-24 **Sam Heale/American Storage, LLC**
2401 N. Walnut St
Parcel: 53-05-28-200-040.000-005
Request: Variance from development standards to allow side setbacks along the north property line; a development standards variance from pedestrian facility standards along N Old State Rd 37; and a determinate sidewalk variance for 140 feet of N Walnut St, to allow a new self-service storage building in the Mixed Use Corridor (MC) zoning district. Case Manager: Jackie Scanlan

Scanlan presented V-22-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and grant the requested variances with the following conditions:

1. Upon approval of a determinate sidewalk variance, the Planning and Transportation Department staff shall prepare a zoning commitment indicating that the determinate sidewalk variance was approved, and that future installation of sidewalk may be required. The petitioner shall record the zoning commitment in the Monroe Office of the Monroe County Recorder before a certificate of zoning compliance is issued.
2. The building setback variance is approved for the submitted site design only. Further development of the lot will require compliance with the UDO or additional variance approval.

Sam Heale, petitioner, didn't have anything to add but was happy to help answer any questions the board had.

Throckmorton wanted to add to the record that there is a need for a sidewalk as many of his neighbors and himself walk this stretch often. Throckmorton stated having that extension is really important to have in that neighborhood.

Throckmorton made a motion to approve V-22-24 with variance 1 and 2 and to deny the variance related to the determinate sidewalk variance to only include condition number 2 from the packet. Alternate findings of fact is adverse effects to the public safety crossing this intersection. Klapper seconded. Motion passes by roll call – 4-0.

V-24-24 **Storage Express Holdings, LLC**
221 W. Dodds St
Parcel: 53-08-04-305-002.000-009, 53-08-04-305-007.000-009,
53-08-04-305-006.000-009, 53-08-04-305-015.000-009
Request: Variance to allow a driveway wider than 24 feet on a non-classified road. Case Manager: Jackie Scanlan

Jackie Scanlan, Case Manager, presented V-24-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and grant the requested variances with the following conditions:

1. This variance approval is for a maximum width of 34 feet for the northern driveway.
2. The southern entrance may not be expanded in existing with by removal of the fence or any other means.

Drew Schrand, Consultant, presented his request for a variance.

PUBLIC COMMENT:

Bettina Kehoe, wanted to bring up the traffic issues on Dodds with 1st Street closed.

BACK TO BZA:

Ballard made a motion to approve V-24-24 with the conditions listed above. Throckmorton seconded. Motion passes by roll call – 4-0.

V-25-24 **Clearpath Services/Cutters Kirkwood 123, LLC**
115 E. Kirkwood Ave
Parcel: 53-05-33-310-062.000-005
Request: Variance from height standards in the Mixed-Use Downtown zoning district in the Courthouse Square Downtown Character Overlay (MD-CS.)
Case Manager: Jackie Scanlan

Scanlan presented V-25-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and grant the requested variances with the following conditions:

1. This variance approval is for the height of the building, 70.5 feet, as submitted with this petition.
2. This variance approval is for the design of the building that incorporates, at a minimum, the areas of step back, shown on the building submitted with this

petition.

Randy Lloyd, petitioner, presented his request for a variance for height standards.

Galen Cassidy, Cassidy Group, presented the fine dining restaurant plans.

Ben Kunkel, Architect, spoke about the white thin element with the importance of the design.

PUBLIC COMMENT:

Colin Nielsen spoke in favor of this development with having owner occupied housing. Nielsen was also looking forward to a new restaurant.

BACK TO BZA:

Throckmorton made a motion to approve V-25-24 with the conditions mentioned above. Ballard seconded. Motion passes by roll call – 4-0.

Meeting adjourned 9:19 P.M.