

BZA minutes are transcribed in a summarized manner. Video footage is available for viewing in the (CATS) Audio-visual Department of the Monroe County Public Library at 303 E. Kirkwood Avenue. Phone number: 812-349-3111 or via email at the following address: [moneill@monroe.lib.in.us](mailto:moneill@monroe.lib.in.us)

The Board of Zoning Appeals (BZA) met on October 17, 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, Flavia Burrell, John Fernandez, and Jo Throckmorton. Barre Klapper joined via Zoom.

**APPROVAL OF MINUTES:** August 22, 2024 & September 19, 2024

Ballard made a motion to approve the meeting minutes. Burrell seconded. Motion passes 5-0.

**REPORTS, RESOLUTIONS, COMMUNICATIONS:**

Jackie Scanlan, Development Services Manager, thanked Nikki Farrell for her time serving as a BZA member. In taking her place, Scanlan welcomed John Fernandez to the board, as he was appointed by the Mayor.

**PETITIONS CONTINUED TO:** November 14, 2024

- 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
- 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

CU-31-24     **Tim Henke**  
915 & 927 E Miller Drive  
Parcel(s): 53-08-09-104-124.000-009, 53-08-09-104-120.000-009  
Request: Conditional use approval to allow a “Dwelling, cottage development” in the Residential Medium Lot (R2) zoning district.  
Case Manager: Eric Greulich

**PETITIONS:**

V-23-24     **Scott and Susan Slaven**  
2408 S. Shadow Grove Ct  
Parcel: 53-08-10-403-014.000-009  
Request: Variance from Entrance and Drive standards to allow a circle drive and from fence height standards for a property in the Residential Medium Lot (R2) zoning district. Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented V-23-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the requested variances.

Jason McAuley, Counsel for the petitioners, presented the variance requests on behalf of the petitioners.

**PUBLIC COMMENT:**

Ted Najam, Neighbor on Spicewood Court, spoke against this petition. Najam stated before the Slavens purchased the property in 2020, the neighborhood was quiet and peaceful. Najam spoke about the Memorandum that was submitted on October 8, 2024. The Slavens have not met the three statutory criteria for the variances from development standards. Najam asks the board to deny this request.

Paul Newman spoke against the variance requests. Newman stated a huge 8 foot fence went up without any notice from the Slavens. He would love to see the wall brought down to 4 feet as it doesn't fit with the character of the neighborhood. Newman asks the board to deny these variance requests.

John Warner, neighbor of Paul Newman, spoke against the variance requests. Warner spoke about how the fence is in the easement on the Slaven's property. Warner also stated in the 24 years he's lived on Spicewood Court, he's never had any traffic issues.

Austin Tombs, sent in a message on Zoom that said, “If the fact that this has been taking so long is causing them stress, then why are they pursuing these non-standard options which take longer? Those arguments don't connect, and it's offensive that you'd attempt this kind of manipulation.”

**BACK TO BZA:**

McAuley used the remaining time left to address the public's comments.

**Klapper made a motion to adopt the proposed findings and deny V-23-24. Fernandez seconded. Motion is denied by roll call – 5:0.**

V-27-24      **Keith Clay**  
729 S. Washington Street  
Parcel: 53-08-04-217-049.000-009  
Request: Variances from detached garage setback standards and from improved alley access standards in the Residential Large Lot (R3) zoning district. Case Manager: Jackie Scanlan

Scanlan presented V-27-24. The department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the requested variance.

Keith Clay, Petitioner, presented his request for a variance.

**Klapper made a motion to adopt Alternate Findings of Fact and approve V-27-24 with the following condition below. Fernandez seconded. Motion passes by roll call – 5:0.**

1. The existing drive cut be removed so only one driveway cut is allowed off of Dodds Street.

**ALTERNATE FINDINGS OF FACT:**

Criteria 1: The approval will not be injurious to the public health, safety, morals, and general welfare of the community, as the access that is allowed by code, further to the east from the alley, has existing/encumbrances that restrict visibility. The existing structure is set 14 feet from the edge of the pavement, so there is adequate space for maneuvering a vehicle before entering the street.

Criteria 3: Peculiarity is found with the location of the historic garage to the historic vehicular access to Dodds Street from it and with the typical desire to add a carport; it has to be done at this location. Because of the existing location away from the alley, a practical difficulty is created in utilizing the alley for access.

V-28-24      **John Kincaid**  
523 W. 7<sup>th</sup> Street  
Parcel: 53-05-32-413-0800000-005  
Request: Determinate sidewalk variance to allow construction of a single-family dwelling without construction of a sidewalk along the Jackson Street frontage of the property in the Residential Urban Lot (R4) zoning district. Case Manager: Gabriel Holbrow

Gabriel Holbrow, Case Manager, presented V-28-24. The department recommends the Board of Zoning Appeals adopt the proposed findings and approve the variance with the following conditions:

1. A zoning commitment for the determinate sidewalk variance must be recorded and submitted prior to the approval of a building permit.

Jenny Kincaid, petitioner, presented their request for a variance.

**PUBLIC COMMENT:**

Peter Dorfman, was happy to see that planning staff supports the variance being requested at this location. Dorfman requested the board not put a condition on this approval to the petitioners to require them to put in a sidewalk if the city decided that it needs one there.

Barb Blunt, Neighbor to south of property, states this would be a sidewalk to nowhere and it would cause a great deal of financial difficult. Blunt asked the board to approve this variance.

Kay Thorbecke, nearby resident of 42 years, stated she has never felt unsafe walking down Jackson Street. If a car is coming, she will step over on the sidewalk by the church. Thorbecke hopes the petitioners get this variance granted.

Robert Harmon, Westside resident of 46 years, stated Jackson Street is a very quiet street with very little traffic. Harmon doesn't see a need for a sidewalk at this location. Harmon asks the board to grant this variance.

Rebecca Delcomyn, will be the new neighbor once the house to east is built. Delcomyn is also a mail carrier. Delcomyn states there are not a lot of kids walking to the south from the school because this area is an elderly neighborhood. Delcomyn asks the board to grant this variance.

**BACK TO BZA:**

Fernandez made a motion to remove the determinate sidewalk variance; Scanlan explained that it cannot be removed because it is what the petitioner applied for and what was legaled in the Herald-Times. Scanlan also stated that the condition for a zoning commitment is only there for clarity for the department and future homeowners so it is known what was granted on this site. Scanlan explained the department has never actively pursued determinate sidewalk variances, it's just for recording purposes.

Fernandez withdrew his motion.

**Ballard made a motion to adopt the proposed findings and approve V-28-24 with the condition listed above. Fernandez seconded.**

Fernandez wanted to thank the petitioners for their decision to make this investment in Bloomington. Having lived in that neighborhood, it's a stretch to call Jackson Street a street; it's an alley.

Klapper wanted clarification if the Thoroughfare Plan will have the ability to be changed or updated in the yearly UDO changes. Scanlan explained the Thoroughfare Plan is housed in the Transportation Plan which is an amendment to the comprehensive plan which requires council to amend. Scanlan confirmed that there is an ongoing list of things that need to be done in the transportation plan, and the long range team is planning to bring that forward as soon as they can which should be next year.

**Motion passes by roll call – 5:0.**

**\*Fernandez made a motion to hear the remaining cases after 8:30pm and continue deliberations after 9:00pm. Ballard seconded. Motion passes by roll call – 5:0.**

V-29-24      **Lindsay & Michael Hannon**  
711 S. Fess Avenue  
Parcel: 53-08-04-112.049.000-009  
Request: Variance from side yard setbacks to convert detached garage to an ADU in the Residential Small Lot (R3) zoning district.  
Case Manager: Joe Patterson

Joe Patterson, Case Manager, presented V-29-24. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-29-24 with the following conditions:

1. The side yard setback for an accessory dwelling unit on this property be reduced to three feet on the north property line and one-and-one-half feet on the east property line, the existing setbacks of the detached garage.
2. The existing walk between the planned accessory dwelling unit and primary dwelling unit shall be removed and replaced with permeable pavers.
3. The existing approximate 75 square foot concrete slab to the north of the planned ADU shall be removed and replaced with green space.

Michael and Lindsay Hannon presented their request for a variance.

**Ballard made a motion to adopt the proposed findings and approve V-29-24 with the conditions listed above. Klapper seconded. Motion passes by roll call – 5:0.**

CU-30-24      **Layton Cockerham**  
1001 N. Jackson Street  
Parcel: 53-05-32-106-037.000-005  
Request: Conditional use approval to allow a “Dwelling, duplex” use in the Residential Small Lot (R3) zoning district. Case Manager: Eric Greulich

Greulich presented CU-30-24. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU-30-24 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 both property frontages.

Layton Cockerham presented his request for a conditional use.

**Ballard made a motion to adopt the proposed findings and approve CU-30-24 with the conditions listed above. Burrell seconded. Motion passes by roll call – 5:0.**