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The Board of Zoning Appeals (BZA) met on January 23, 2025 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, Leslie Kutsenkow, and Jo Throckmorton.

**APPROVAL OF MINUTES:** December 19, 2024

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

**ELECTION OF OFFICERS:**

Jackie Scanlan, Development Services Manager, welcomed Leslie Kutsenkow to the Board. Scanlan explained the election of officers' process to the board.

**Ballard made a motion to nominate Throckmorton as President. Fernandez seconded. Motion passes by roll call – 5:0**

**Ballard made a motion to nominate Burrell as Vice President. Fernandez seconded. Motion passes by roll call – 5:0.**

**REPORTS, RESOLUTIONS, COMMUNICATIONS:**

**PETITIONS CONTINUED TO:** February 20, 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
- 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-36-24/ VAR2024-12-0053

**Tariq Khan**

1314 N Lincoln Street

Parcel: 53-05-28-300-065.000-005

Request: Variance from side and rear setback standards and a determinate sidewalk variance to allow the conversion of an existing accessory structure to a primary structure by adding a dwelling unit in the structure without changing the existing setbacks and without constructing a new sidewalk in the Mixed-Use Student Housing (MS) zoning district. Case Manager: Gabriel Holbrow

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

**PETITIONS:**

CU-31-24/ USE2024-09-0064

**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

Eric Greulich, case manager, presented CU31-24. See meeting packet for more details. The Department recommends that the Board of Zoning Appeals adopts the proposed findings and recommends approval of the conditional use request, CU-31-24, with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. Site plan approval is required and must be received prior to issuance of any permits.
3. Final acceptance and approval from City of Bloomington Utilities is required prior to issuance of any permits or further approvals.

Matt Ellenwood, Architect, presented the request for a conditional use on behalf of the petitioner.

Fernandez wanted to extend his thanks to Tim Henke for the great investments he's done for the community. Fernandez stated that he would like to see the approval

process more streamlined so there isn't additional processes and delays. Fernandez would like to trust the staff and get these types of petitions approved at staff level.

Greulich explained that a petitioner could meet all of the use specific standards, but the location may not meet the conditional use requirements. Staff has to review two different sets of standards which can sometimes overlap.

**Ballard made a motion to adopt the proposed findings and approve CU-31-24 with the three conditions listed in the staff report. Burrell seconded. Motion passed by roll call – 5:0.**

V-35-24/ VAR2024-11-0051

**City of Bloomington Fire Department**

3240 S. Walnut Street

Parcel: 53-08-16-300-046.000-009

Request: Variance from Architectural Standards to allow for the construction of a "Police, fire, or rescue station" in the Mixed-Use Institutional (MI) zoning district.

*Case Manager: Eric Greulich*

Greulich presented V-35-24. See meeting packet for more details. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the requested variance, V-35-24, with the following conditions:

1. This variance is for this building only and for the elevations submitted with this petition.
2. The entire property must be brought into full compliance with the construction of this new building.

Noah Donica, Consultant, presented the request for a conditional use on behalf of the petitioner.

Max Litwin, Deputy Fire Chief, explained the new fire station will help provide much needed upgrades. An important upgrade this facility will help provide is the apparatus bay. This bay will serve as a main cleaning hub to decontaminate the trucks and gear from carcinogens, which is a significant health hazard for firefighting.

Ballard wanted to thank the department for bringing this great project forward. Ballard also wanted to thank the fire department for everything they do for the community.

**Ballard made a motion to adopt the proposed findings and approve the V-35-24 with the two conditions listed in the staff report. Fernandez seconded. Motion passes by roll call – 5:0.**

V-39-24/ VAR2024-12-0056

**Monroe County Capital Improvement Board**

301 & 327 S. College Avenue &

300, 302, & 314 S. Walnut Street

Parcel: 53-05-33-310-170.000-005

Request: Multiple variances related to the architectural requirements of 20.02.020 and 20.02.050; driveway width and separation requirements; and street tree requirements in the Mixed-Use Downtown Downtown Core (MD-DC) zoning district. Case Manager: Jackie Scanlan

Scanlan presented V-39-24. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-3-24 with the following conditions, the third condition added at the hearing:

1. This variance approval is for the building and site design as submitted with the variance, except that any amendment to the site design or building shall not increase the degree of nonconformity allowed through this variance.
2. The petitioner will install code-compliant signage to alert pedestrians of the potential for truck traffic both north and south of the proposed driveway.
3. If street tree totals cannot be met, the 'Alternatives Authorized' section found in 20.04.080(c) (4) may be used.

Bill Riggert, Consultant, presented the request on behalf of the petitioner.

**Ballard made a motion to adopt the proposed findings and approve V-39-24 with the three conditions listed in the presentation. Fernandez seconded. Motion passes by roll call – 5:0.**

Meeting adjourned at 6:42 p.m.