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The Board of Zoning Appeals (BZA) met on May 22, 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, Leslie Kutsenkow and Jo Throckmorton.

APPROVAL OF MINUTES: April 24, 2025

Ballard made a motion to approve the meeting minutes. Kutsenkow seconded. Throckmorton abstained. Motion passes 3-0-1.

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

Eric Greulich, Development Services Manager, stated case V-11-25 will be continued to the June 26, 2025 meeting.

PETITIONS CONTINUED TO: June 26, 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-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

PETITIONS CONTINUED TO: July 24, 2025

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

PETITIONS:

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

Eric Greulich, case manager, presented V-11-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopts the proposed findings and approve both requested variances with the following conditions:

1. This approval is for an 837 square foot accessory structure and ADU as submitted.
2. The driveway for the garage cannot exceed 20'. All parking on the property must meet UDO requirements.

Don Weiler, petitioner, presented his request for both variances.

Ballard made a motion to adopt the proposed findings approve V-14-25 with the conditions listed in the staff report. Fernandez seconded. Motion passes by roll call – 4:0.

V-16-25/ ZR2025-04-0069

Amber Rentals, LLC

612 N. Lincoln Street

Parcel: 53-05-33-210-030.000-005

Request: Variance from minimum front, side, and rear setback standards in the Residential Multifamily District (RM). Case Manager: David Brantez

Joe Patterson, case manager filling in for David Brantez, presented V-16-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the requested variance with the following condition:

1. A building permit is required prior to construction.

Dawn Gray, Architect, didn't have additional information to add but was happy to answer any questions the board may have.

Fernandez wanted to thank Weiler for putting this investment into the city.

Fernandez made a motion to adopt the proposed findings and approve V-16-25 with the condition listed in the staff report. Ballard seconded. Motion passes by roll call – 4:0.

V-38-22/ ZR2025-04-0070

Bryan Rental, Inc. / WH Plaza LLC

3175 W. 3rd Street

Parcel(s): 53-09-01-100-010.000-016, 53-01-70-525-003.000-016, 53-09-01-100-042.000-016

Request: Modification of variance approval V-38-22 for the removal of Condition #1 that the existing at-home sign be removed and for an extension of the time limitation of the variance. Case Manager: Gabriel Holbrow

Gabriel Holbrow, case manager, presented V-38-22. The department recommends that the board adopt the proposed findings and deny both requested modifications of variance approval.

Daniel Cyr, consultant, presented the request for both variance modifications on behalf of the petitioner.

David Kamen, petitioner, presented his request for both variance modifications.

Jeffrey Gould, business partner, echoed the importance of signage as it helps businesses get the exposure they need.

Eric Kamen, son of petitioner, stated how tough retail leasing is. Kamen indicated the community would want a leased out building rather than a vacant building and having signage will help maximize that possibility.

PUBLIC COMMENT:

Tom Orman, spoke in support of this petition. Orman stated signage is important for the tenants, especially for the older generation who don't or cannot use Google Maps.

Greg Adams, Fresh Thyme Store Manager, spoke in favor of this petition. Adams stated that having signage is important for local businesses. Some business are only recognized by word of mouth so it's helps to have the signage up for small businesses, especially.

BACK TO BZA:

Fernandez made a motion to deny V-38-22. Ballard seconded. Motion is denied by roll call – 4:0.

V-17-25/ ZR2025-04-0071

Bloomington Cornerstone Christian Fellowship
2655 S. Adams Street
Parcel: 53-04-36-400-004.000-012
Request: Variance from front parking setbacks, required Electric Vehicle charging stations, and buffer yard landscaping standards to allow for an expansion in the Mixed-Use Medium Scale (MM) zoning District. Case Manager: Eric Greulich

Greulich presented V-17-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance from front parking setback and bufferyard landscaping, but deny the variance from electric vehicle charging stations with the following condition:

1. A Type 3 bufferyard is required along the portions of the property containing the existing and proposed parking areas.
2. Electric vehicle charging stations are required per UDO standards.
3. Staff level minor site plan and a Site Development Permit are required.

Daniel Butler, Consultant, presented the variance requests on behalf of the petitioner.

David Wigington, Petitioner, presented his requests for variances.

PUBLIC COMMENT:

Derek Britt, resident near the church, spoke in favor of this petition. Britt stated that navigating the church parking lot on a Sunday is a challenging environment. Britt loves the idea of controlling the traffic so it can be safer for his kids to ride their bikes to school. Britt also spoke about the need for EV charging stations on the West Side but doesn't believe there needs to be 6 charging stations. The influx of strangers using the charging stations in a residential area does raise some concerns.

Dennis Turner, long time attendee of the church, spoke in favor of the petition. Turner talked about Bloomington being the kind of place that welcomes people of all ages. Turner wanted to thank the board for entertaining this request and how this petition harmonizes with everything Bloomington stands for. Turner stated that having additional parking will make it easier to his peers to access the church.

Mark Teller, nearby resident, spoke against this petition. Teller was appalled to hear Wigington refer to strangers, who would need to charge their vehicle, as criminals. Teller is the founding member of the Bloomington Homeless Coalition, and his wife, works at the Shalom Center. Teller believes this petition is to help solve a temporary problem, but will have a permanent outcome that will affect the neighborhood. Teller sees nothing but issues if this petition gets approved. Teller feels they have been forgotten about as west side homeowner.

Jeffrey Stafford, adjacent property owner, spoke in opposition of turning the nice green space into a parking lot when parking is only an issue one day a week. Stafford doesn't agree with the church's argument about saving money by not installing the EV charging stations. If the church wanted to save money and put it to better use, why build the

parking lot at all. Stafford was confused about the petitioner stating the EV charging stations would attract strangers. Stafford thinks it's a reasonable compromise to allow 2 or 3 charging stations, not 6.

BACK TO BZA:

Fernandez made a motion adopt the Amended Findings of Fact and approve V-17-25 with the amended conditions:

1. A Type 3 bufferyard is required along the portions of the property containing the existing and proposed parking areas.
2. Staff level minor site plan and a Site Development Permit are required.

Ballard seconded. Motion passes by roll call – 4:0.

**Amended Findings of Fact #1 for Electric Vehicle Charging:*

The granting of this variance will not be injurious to the public health, safety, morals, or general welfare of the community.

**Amended Findings of Fact #3 for Electric Vehicle Charging:*

The Board of Zoning Appeals finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulty given the nature of their nonprofit, community serving mission.

Meeting adjourned at 8:47 p.m.