

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

The Board of Zoning Appeals (BZA) met on July 24, 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: June 26, 2025

Ballard made a motion to approve the meeting minutes. Kutsenkow seconded. Motion passes 4:0:1 (Throckmorton Abstained)

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS CONTINUED TO: August 21, 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-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-22-25/ ZR2025-06-0075

Autovest, LLC

2130 S. Walnut Street

Parcel: 53-08-09-301-005.000-009

Request: Variance from front parking setback requirements and landscaping standards to allow the expansion of a vehicle display area for the use "Vehicle sales or rental" in the Mixed-Use Corridor (MC) zoning district. Case Manager: Eric Greulich

Eric Greulich, Development Services Manager, presented V-22-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variances from the number of shrubs required for the parking lot perimeter, the number of tall canopy trees required for the perimeter, requirement for tall canopy trees within the islands, parking setback; but deny the variance for required street tree spacing with the following conditions:

1. These variances are for this use only, any future development must meet all UDO requirements.
2. Street trees are required along the front with the spacing required in the UDO.
3. A total of 10 tall canopy trees are required along the property frontage.
4. Site plan approval is required prior to issuance of any permits.

Daniel Butler, Consultant, presented the request on behalf of the petitioner.

Burrell asked Butler the reasoning for requesting a variance from the required street tree spacing. Butler confirmed it's due to the possibility of the tall canopy trees destroying inventory.

Ballard made a motion approve V-22-25 with Adopted Findings of Fact and removing condition #3 listed in the staff report. Fernandez seconded. Motion passes by roll call – 5:0.

***Adopted Findings of Fact #3: Tall Canopy Trees:**

The tall canopy trees could damage the inventory

***Adopted Findings of Fact #1: Landscaping (street trees):**

The granting of the variance to not require street trees every 15' as required will not be injurious to the public health, safety, morals, or general welfare of the community.

V-26-25/ ZR2025-06-0078

All American Storage (Sam Heale)

2401 / 2501 N. Walnut Street

Parcel: 53-05-28-200-040.000-005

Request: Determinate sidewalk variance request for a portion of required pedestrian facilities in the Mixed-Use Corridor (MC) zoning district. Case Manager: Jackie Scanlan

Jackie Scanlan, Assistant Director, presented V-26-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-26-25 with the following condition:

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

Don Kocarek, Consultant, presented the variance request on behalf of the petitioner.

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

Throckmorton made a motion to adopt the Proposed Findings of Fact and approve V-26-25 with the condition listed in the staff report. Kutsenkow seconded. Motion passes by roll call – 5:0.

V-29-25/ ZR2025-06-0081

Valu-Built Construction (Ernest Xi)

1017 E. Erin Court

Parcel: 53-08-09-111-022.017-009

Request: Determinate sidewalk variance to allow for construction of a single family dwelling unit (detached) in the Residential Medium Lot (R2) zoning district. Case Manager: David Brantez

Greulich presented V-29-25 on behalf of case manager, David Brantez. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the requested variance.

Ernest Xi, Petitioner, presented his request for a variance.

PUBLIC COMMENT:

Stuart Smiley spoke in favor of this petition. Smiley stated the 7 foot sidewalk with an 8 foot setback would like ridiculous when compared with the rest of the sidewalks in the neighborhood. Smiley mentioned the lot sizes aren't big and taking up 15 feet of the lot for the tree space and sidewalk would leave the owner a tiny side. Lastly, Smiley stated he doesn't see what the point would be to add a sidewalk on Eric Court since it'll never get used.

Jennifer Lentz spoke in favor of this petition. Lentz stated that people who walk the neighborhood don't ever use the side near Erin Court. Lentz said a 7 foot contiguous sidewalk with a 4 foot sidewalk would be very ugly and not appealing to the rest of the neighborhood.

BACK TO BZA:

Ballard asked Xi if it would make more sense to continue this petition so he could request a new variance for Erin Court; Xi agreed.

Fernandez made a motion to continue this petition to the August 21, 2025 meeting. Ballard seconded. Motion passes by roll call – 5:0.

CU-30-25/ ZR2025-06-0082

Steve and Sue McCracken

1004 S. Palmer Avenue

Parcel: 53-08-04-302-044.000-009

Request: Conditional Use to allow a "Dwelling, duplex" in the Residential Small Lot (R3) zoning district. Case Manager: Joe Patterson

Joe Patterson, case manager, presented CU-30-25. See meeting packet for more details. The department recommends that the board 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. This conditional use approval requires the petitioner to pass a rental inspection from HAND and procure a rental permit for any units that will be rented.
3. The existing parking and drive on Palmer must be completely removed and the area seeded.

Steve McCracken, petitioner, presented the variance request.

Matt Ellenwood, Consultant, didn't have much to add other than this build would be a nice addition to this area.

Fernandez thanked the McCracken's for investing in Bloomington.

Ballard made a motion to adopt the Proposed Findings of Fact and approve CU-30-25 with the conditions listed in the staff report. Fernandez seconded. Motion passes by roll call – 5:0.

Meeting adjourned at 7:00 p.m.