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The Board of Zoning Appeals (BZA) met on November 20, 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: Flavia Burrell, John Fernandez, Leslie Kutsenkow, and Jo Throckmorton.

APPROVAL OF MINUTES: October 23, 2025

Burrell made a motion to approve the meeting minutes. Kutsenkow seconded. Motion passes by roll call – 4:0.

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS CONTINUED TO: December 18, 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-42-25/ ZR2025-09-0097

Greystar Development Central, LLC

503 N. Rogers Street
Parcel: 53-05-32-100-006.000-005
Request: Variances from tree and forest preservation standards, minimum tree plot width standards, and landscaping standards to allow construction of a “Dwelling, multifamily” use in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST). Case Manager: Gabriel Holbrow

Burrell made a motion to move case V-45-25 to the beginning of the agenda. Fernandez seconded. Motion passes by roll call – 4:0.

PETITIONS:

CU/V-45-25/ ZR2025-10-0010

Apostolic Church of Jesus Christ

1100 E. Miller Drive

Parcel: 53-08-09-108-017.000-009

Request: Variance from required tree plot and sidewalk width standards for the use "Place of Worship" in the Residential Medium Lot (R2) zoning district. Case Manager: Joe Patterson

Joe Patterson, Case Manager, presented CU/V-45-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU/V-45-25 with the following conditions:

1. The conditional use and variance approvals are limited to the design shown in the packet.
2. A Staff Level Minor Site Plan and Site Development Permit are required prior to any site disturbance.
3. This approval is for the general site and landscape plans and petition as submitted and approved. Any future construction or work must meet all UDO requirements.
4. This approval supersedes CU-25-25/ZR2025-06-0077.

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

Kutsenkov made a motion to adopt the *Proposed Findings of Fact* and approve CU/V-45-25 with the conditions listed in the staff report. Fernandez seconded. Motion passes by roll call – 4:0.

CU/V-33-25/ ZR2025-07-0087

Weihe Engineers (Saint Remy HOA)

3716 E. St Remy Drive

Parcel: 53-08-11-401-029.000-009

Request Variance from Environmental Standards to allow maintenance to a detention pond and wetlands within St. Remy in the Residential Small Lot (R3) zoning district. Also requested is Conditional Use approval to allow a driveway in the floodplain. Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented CU/V-33-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU/V-33-25 with the following conditions:

1. The site shall receive and comply with necessary local, state, and federal permits prior to any work commencing. Copies of permits should be provided to Planning and Transportation.
2. Wetland restoration should include the area denoted as Wetland #3 on the wetland delineation plan
3. Wetland areas that are outside of the construction limits, with a 25 foot buffer, should be protected with silt fencing, tree protection fencing, or both, during the entirety of construction.
4. All wetland areas identified should be placed in and recorded as conservancy easements, with the exception of the access road, and comply with conservancy easement regulations per UDO 20.05.040(e)(9), including the required signage.
5. Tree preservation easements are required for closed canopy areas, with the edges of such easements delineated 10 feet beyond the driplines of the trees to be preserved. Tree preservation easements must comply with UDO 20.05.040(e)(8), including appropriate signage.
6. A riparian buffer easement should be recorded for both streams. Riparian buffer easements should comply with UDO 20.05.040(e)(10), including compliant signage.
7. Wetland ponds and wetland conservation areas should not be chemically treated, without permission from the Planning and Transportation Department.
8. For preserved trees that are unable to have compliant tree protection fencing, should those trees be damaged or killed as a result of construction, replacement of the canopy will be required.

David Welch, Saint Remy Homeowner's Association President, presented his request for conditional use approval.

Fernandez made a motion to adopt the *Proposed Findings of Fact* and approve CU/V-33-25 with the conditions listed in the staff report. Burrell seconded. Motion passes by roll call – 4:0.

V-44-25/ ZR2025-09-0099

Foreign Auto Connect

1459 W. Bloomfield Road

Parcel: 53-08-06-100-004.000-009

Request: Variances from front parking setback and landscaping standards to allow the use "Vehicle sales or rental" in the Mixed Use Corridor (MC) district. Case Manager: Jamie Kreindler

Jamie Kreindler, Case Manager, presented V-44-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance from the front parking setback along S. Peach Tree Lane but deny the variances from the front parking setback along W. Bloomfield Road, parking lot perimeter trees, parking lot perimeter shrubs, and parking lot landscape islands with the following conditions:

1. The variance approval is limited to the design shown and discussed in the packet.
2. Street trees are required along the front with the spacing required in the UDO.
3. Site plan approval is required prior to issuance of any permits.
4. Any species listed as prohibited or invasive must be removed.

Daniel Butler presented the variance requests on behalf of the petitioners.

Kutsenkow made a motion to replace the *Proposed Findings of Fact* in the staff report and adopt the *Amended Findings of Fact* proposed by the petitioner in their submission and approve all requested variances with no conditions. Fernandez seconded. Motion passes by roll call – 4:0.

Amended Findings of Fact

- (A) The approval will not be injurious to the public health, safety, morals and general welfare of the community.
 1. Front yard parking (existing and proposed) setback – This variance is mainly dealing with the existing parking fields that are in front or a little behind the buildings along Peachtree and Bloomfield Road. The goal of this project is to re-utilize an existing site and its layout currently. Keeping the existing layout means keeping the current extents of parking lot and buildings. This will not be injurious or a detriment to the public due an existing fence that will hide headlights along Peachtree. Also, the parking along Bloomfield will be shielded behind an existing building to still achieve the spirit of the setback to hide and make parking less visible.
 2. Parking lot requirements – The stated purpose of landscaping standards is to reduce emissions, mitigate heat islands, and filter dust. This property and surrounding areas already include mature trees and vegetation that achieve these purposes without additional canopy trees or interior plantings. The site already has many trees, shrubs and other vegetation. Also, the existing fence around the eastern lot will be maintained and repaired to act as the ‘parking lot perimeter’ to make sure headlights pollution and privacy for adjacent lot owners are sustained.
- (B) The use and value of the areas adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 1. Front yard parking (existing and proposed) setback – See previous finding. A combination of existing fencing and buildings will shield neighboring properties from seeing vehicles in evening and day hours.
 2. Parking Lot requirements – See previous finding. The amount of plantings, trees and vegetation on the existing site are substantial. The existing fencing will work as a shield from adjacent property visibility in place of parking lot perimeter plantings.

- (C) The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.
1. Front yard parking (existing and proposed) setback – The parking is already in the front yard setback, as exists today, along Peachtree and Bloomfield Road. The movement of the parking on either frontage would result in less customer and inventory parking. The business moved to this new site to be able to add more inventory and customer parking. The ideal to help this particular business flourish is 8 customer parking spots and 100 inventory spots. We measured the eastern parking area with allowable parking spacing per the UDO to achieve minimum 100 spaces.
 2. Parking Lot requirements – Due to the nature of the use on this property it is undesirable to have vegetation in the display vehicle parking lot because of falling leaves, branches, and debris landing on the display vehicles. Adding islands and enough room around the perimeter of the eastern lot would be a substantial amount of extra cost. This would require the following if islands and parking lot perimeter would be required:
 - a. 690 re-located fence OR 5,520 sq. ft. pavement to be removed for parking lot perimeter plantings area
 - b. Add 10 parking curbed islands – remove and replace 1,904 sq. ft. pavement with concrete islands/endcaps.
 - c. Add 14 trees and 56 shrubs for islands/endcaps
 - d. Add 16 trees and 183 shrubs for parking lot perimeter

**Fernandez recused himself from hearing V-48-25 due to this petition involving the Trades District.*

V-48-25/ ZR2025-10-0104

Bledsoe Riggert Cooper James
422 W. 10th Street
Parcel: 53-05-32-100-035.012-005
Request: Variances from architectural standards and minimum landscape requirements for "Hotel or motel" use in the Mixed-Use Downtown Showers Technology (MD-ST) zoning district.
Case Manager: Jamie Kreindler

Kreindler presented V-48-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-48-25 with the following conditions:

1. The variances approval is limited to the design shown and discussed in the packet.
2. Street trees with appropriate spacing are required per the UDO.
3. Major site plan approval from Plan Commission is required prior to issuance of any permits.

Dustin Eggink, Architect, presented the request for variances on behalf of the petitioner.

Burrell made a motion to adopt the *Proposed Findings of Fact* and approve V-48-25 with the conditions listed in the staff report. Kutsenkow seconded. Motion passes by roll call – 3:0.

**Fernandez has rejoined the board.*

V-49-25/ ZR2025-10-0103

Jiaoyang Li

2616 S. Paiges Way

Parcel: 53-08-10-300-093.000-009

Request: Variance from rear setback standards to allow construction of an addition to an existing "Dwelling, single-family (detached)" in the Residential Medium Lot (R2) zoning district. Case Manager: Gabriel Holbrow

Gabriel Holbrow, Case Manager, presented V-49-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and deny V-49-25.

Jiaoyang Li, petitioner, presented her request for a variance.

Kutsenkow made a motion to adopt *Proposed Findings of Fact #1 and #2* and adopt the *Amended Findings of Fact #3* proposed by the petitioner and approve V-49-25 with the following condition:

1. **This variance approves the plans as submitted.**

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

Amended Findings of Fact

3) The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.

The strict application of the UDO prevents us from rebuilding or repairing a legally built but now unsafe deck, creating the only feasible first-floor accessible space, making reasonable, safe use of the home due to its original design and lot geometry.

Fernandez made a motion to suspend the rules to allow V-50-25 to be heard after 8:30 p.m. Burrell seconded. Motion passes by roll call – 4:0.

V-50-25/ ZR2025-10-0105

Raina LJS, LLC
3915 W. 3rd Street
Parcel: 53-09-01-100-026.000-016
Request: Variance from maximum parking standards, driveway separation requirements, and signage standards to allow for the construction of a "Restaurant" in the Mixed-Use Medium Scale (MM) zoning district. Case Manager: David Brantez

David Brantez, Case Manager, presented V-50-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance from maximum parking number and deny the variances from driveway separation and signage standards with the following conditions:

1. The variance from maximum parking number is valid for this use and petitioner only as submitted.
2. Parking spaces in excess of the maximum parking number must be constructed of permeable pavers.
3. No other variances from any development standards are approved.
4. Staff level minor site plan is required before the property is developed.

Vic Patel, presented the request for variances on behalf of the developer.

Nikoletta Scarlatis, petitioner, presented her request for the variances.

Fernandez made a motion to adopt the *Proposed Findings of Fact* and approve the variance from maximum parking number but deny the variances from driveway separation and signage standards with the conditions listed in the staff report. Burrell seconded. Motion passes by roll call – 4:0.

Meeting adjourned at 8:22 p.m.