

Board of Zoning Appeals (BZA)

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The Board of Zoning Appeals (BZA) met on May 28, 2026 at 5:30 pm; a hybrid meeting was held in Council Chamber, located in Room 115, at 401 N. Morton Street, City Hall – Bloomington, IN 47404 and remotely via Zoom.

Approval of Minutes

March 26, 2026

Fernandez made a motion to approve the meeting minutes. Kutsenkow seconded. Motion passes by roll call – 3:0.

Reports, Resolutions, and Communications

Eric Greulich, Development Services Manager, stated that the Amended Expedited agenda process needs a formal vote. After a formal vote, this process will be implemented at tonight's meeting.

Jackie Scanlan, Assistant Director, wanted to acknowledge Tim Ballard, who was a member of this board for a number of years. He filled the role that was both a plan commission and BZA appointment of the mayor. She wanted to thank him publicly for the many hours he gave to this board and plan commission.

Petitions Continued to June 25, 2026

ZR2026-05-0020

A request at 1300 S. Patterson Drive for a variance from sign standards to allow the placement of 10 freestanding signs for the use "manufacturing, light" in a Planned Unit Development. (Case Manager: Eric Greulich)

Expedited Agenda

ZR2026-03-0007

A request at 613 N. North Street for a variance from front and side building setback standards to allow for the replacement of a "Dwelling, mobile home" in the Residential Medium Lot (R2) zoning district by Mike Ranard. (Case Manager: Jackie Scanlan)

Scanlan, case manager, presented ZR2026-03-0007. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and approve ZR2026-03-0007 with the following condition:

1. This variance is for the currently placed structure, and does not allow for additional encroachment or movement of the structure.

Mike and Stacy Ranard, petitioners, presented their request for a variance.

Fernandez made a motion to adopt the Proposed Findings of Fact referenced in the staff report and approve ZR2026-03-0007 along with staff's recommended condition of approval. Kutsenkow seconded. Motion passes by roll call - 3:0.

ZR2026-04-0014

A request at 122 N. Roosevelt Street for conditional use approval to allow for an addition to an existing single-family dwelling to convert it to a "dwelling, duplex" and a Variance from the Front Build-to Dimensional Standard in the Residential Small Lot (R3) zoning district by Daniel Gutierrez. (Case Manager: Joe Patterson)

Joe Patterson, case manager, presented ZR2026-04-0014. See meeting packet for more detail. Board of Zoning Appeals recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and approve the ZR2026-04-0014, with the following condition(s):

1. This Conditional Use and Variance approval is limited to the design shown and discussed in the packet.
2. All units to be rented must be registered and inspected by HAND prior to occupancy.
3. The Variance requires the trees identified at the front (west end) of the property to be maintained to the maximum extent practicable.

Daniel Gutierrez, petitioner, presented his request for conditional use approval. Fernandez made a motion to adopt the Proposed Findings of Fact referenced in the staff report, and approve ZR2026-04-0014 along with staff's conditions of approval. Kutsenkow seconded. Motion passes by roll call - 3:0.

ZR2026-04-0019

A request at 402 W. 6th Street for variances from architectural and dimensional standards to allow the use "Fitness Center, Small" in the Mixed-Use Downtown - Downtown Edges Downtown Character Overlay (MD-DE) zoning district by CJ Satellite LLC. (Case Manager: Jamie Kreindler)

Greulich presented ZR2026-04-0019. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and approve the petition with the following conditions:

1. If the petitioner believes the conditions of a tree protection zone cannot be established, they shall contact the Planning and Transportation Department and the Urban Forester in order to develop an individualized plan for tree protection during construction.
2. If any of the trees are damaged/destroyed due to construction activities, a remediation plan will be required subject to the approval of the Planning and

- Transportation Department.
3. Staff level minor site plan approval is required prior to issuance of a Site Development Permit (SDP).

Emerson Oronte, petitioner, presented his request for variances.

Kutsenkow made a motion to adopt the Proposed Findings of Fact referenced in the staff report, and approve ZR2026-04-0019 along with staff's recommended conditions of approval. Fernandez seconded. Motion passes by roll call - 3:0.

ZR2026-04-0016

A request at Patterson Drive from north of Allen Street to east of Fairview Street, including the 1000 block and 1100 block of South Patterson Drive and the 500 block of West Patterson Drive for Conditional use approval and variance from riparian buffer standards to allow construction of transportation facilities in the floodway, flood fringe, and riparian buffer zones in the Residential Small Lot (R3), Residential Multifamily (RM), Manufactured/Mobile Home Park (RMH), Mixed-Use Employment (ME), and Thomson Planned Unit Development (Thomson PUD) zoning districts by Kendall Knoke. (Case Manager: Gabriel Holbrow)

Greulich presented ZR2026-04-0016. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and approve the conditional use and variance with the following condition:

1. The petitioner shall obtain Indiana DNR permit FW-33709-0 and City of Bloomington floodplain development permit FDP2026-04-0002 prior to any land disturbance.

Kendall Knoke, petitioner, presented his request for conditional use approval.

Fernandez made a motion to adopt the Proposed Findings of Fact referenced in the staff report and approve ZR2026-04-0016 along with staff's recommended condition of approval. Kutsenkow seconded. Motion passes by roll call - 3:0.

Petitions

ZR2026-02-0004

A request at 508 N. Lincoln Street for a variance from front building setback requirements for a deck for the use "Dwelling, single-family (detached)" in the Residential Multifamily (RM) zoning district by The Brawley Group, Tina Somes. (Case Manager: Jamie Kreindler)

Greulich presented ZR2026-02-0004. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and deny the requested variance.

Tina Somes, petitioner, presented her request for variance approval.

Public Comment

James Ford spoke.

Back to BZA

Fernandez made a motion to adopt the Proposed Findings of Fact referenced in the staff report and deny the petition. Kutsenkow seconded. Motion denied by roll call - 3:0..

ZR2026-03-0010

A request at 1017 W. 9th Street for a variance from tree preservation standards for the use "Dwelling, single-family (detached)" in the Residential Small-Lot (R3) zoning district by Zando Pleimann & Fiona Taggart. (Case Manager: Jamie Kreindler)

Greulich presented ZR2026-03-0010. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and deny the requested variance.

Zando Pleimann & Fiona Taggart, petitioners, presented their request for variance approval.

Public Comment

Kari Bennett spoke.

Joan Middendorf spoke.

Back to BZA

Fernandez made a motion to adopt Amended Findings of Fact and approve the petition. Kutsenkow seconded. Motion passes by roll call - 3:0 with the following added condition:

1. Petitioner shall work with staff for a remediation plan for the site to include a minimum of 3 large canopy tree species.

Amended Findings of Fact:

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community.
 - Amended Finding: The granting of this variance is not expected to be injurious to the public health, safety, and morals of general welfare of the community because the applicant has committed to a tree replacement plan that maintains canopy coverage on the property. This plan is consistent with the goals of the Comprehensive Plan and Climate Action Plan, which identify the preservation and expansion of tree coverage as a

- community priority, and demonstrates applicants' commitment to advancing those stated goals.
2. The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.
 - Amended Finding: The approval of this variance will not result in adverse impacts on the use and value of surrounding properties. The applicant's commitment to a tree replacement plan addresses the loss of tree canopy and is consistent with the City's adopted plans and policies regarding the preservation and protection of tree canopy coverage.
 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.
 - Amended Finding: The site's constraints are such that accommodating the minimum requirement of 9 large canopy trees is not reasonably feasible given the proposed development layout, and the requested variance represents the minimum relief necessary to allow for practical and functional use of the property.

ZR2026-03-0011

A request at 250 S. Pete Ellis Drive for a variance from maximum drive width and maximum parking standards to allow for the construction of a structure for "Vehicle repair, minor" in the Mixed Use Corridor (MC) zoning district by Valvoline. (Case Manager: Gabriel Holbrow)

Greulich presented ZR2026-03-0011. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact for petition ZR2026-03-0011, and deny the variance for drive width and approve the variance for parking allowance with the following conditions:

1. The parking allowance variance is approved for the use and two-bay building design shown in the submittal. The site layout can change, so long as it remains compliant with all other UDO regulations.
2. The site may provide up to six onsite vehicle parking spaces plus one required van accessible space (seven total onsite spaces).
3. The one required van accessible parking space and three other spaces shall be paved with asphalt, concrete, or other UDO-compliant material. All other onsite parking spaces shall be constructed with an approved pervious surface.

Jonathan Wocheer, Consultant, presented the variance request on behalf of the petitioner.

Public Comment

David Kamen spoke.

Tom Orman spoke.

Brian Waltz spoke.

Dave Harstad spoke.

Back to BZA

Fernandez made a motion to adopt Amended Findings of Fact and approve the petition along with the following amended conditions of approval:

1. The parking allowance variance is approved for the use and two-bay building design shown in the submittal. The site layout can change, so long as it remains compliant with all other UDO regulations.
2. The site may provide up to eight onsite vehicle parking spaces plus one required van accessible space (nine total onsite spaces).
3. The one required van accessible parking space and five other spaces shall be paved with asphalt, concrete, or other UDO-compliant material. All other onsite parking spaces shall be constructed with an approved pervious surface.

Kutsenkow seconded. Motion passes by roll call - 3:0.

Amended Findings of Fact:

1. The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.
 - Amended Finding (maximum parking number): An adjustment to maximum parking allowance to allow up to eight vehicle parking spaces plus one required van accessible space will not be injurious to the public health, safety, morals, or general welfare, so long as spaces that exceed the UDO maximum are constructed with approved pervious surfaces. More than seven total onsite parking spaces would result in excess hard surface, increasing localized heat and decreasing natural stormwater filtration, while encouraging continued overdependence on single-occupancy motor vehicles.
2. The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.
 - Amended Finding (maximum parking number): Up to eight vehicle parking spaces plus one required van accessible space will not substantially affect the use and value of adjacent properties.
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.
 - Amended Finding (drive width): While alternative layouts may exist, strict compliance with the drive width standard would impose unreasonable constraints on the functional design of the site. It would not allow the

property to be redeveloped in a manner that is practical and efficient for its intended use. The requested variance from the drive width standard represents the minimum relief necessary to achieve a workable site layout.

Flavia made a motion to suspend the rules to stop the meeting at 9:00p.m. Roll call passes by voice vote - 3:0.

ZR2026-03-0012

A request at 516 S. Woodlawn Avenue for an Administrative appeal of staff determination that land comprising the south half Lot 30 and the south half Lot 29 in the College Place addition is one lot for planning and zoning purposes by Charles Layne, LLC. (Case Manager: Gabriel Holbrow)

Greulich presented ZR2026-03-0012. See meeting packet for more detail. In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

Chris Bomba, petitioner, presented his request for an Administrative Appeal.

William Beggs, Consultant, presented information regarding the Administrative Appeal request on behalf of the petitioner.

Fernandez made a motion to approve the appeal. Kutsenkow seconded. Motion passes by roll call - 3:0.

ZR2026-03-0013

A request at 2408 S. Shadow Grove Court for variances from Environmental Regulations regarding Steep Slope Standards and Riparian Buffer Standards and from Landscaping Standards for Ground Cover for the use "Dwelling, single family (detached)" in the Residential Medium Lot (R2) zoning district by Scott & Susan Slaven. (Case Manager: Joe Patterson)

Patterson presented ZR2026-03-0013. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the Proposed Findings of Fact and approve the petition, ZR2026-04-0013, for all requested Variances with the following condition(s):

1. The variances are approved for the work completed in areas designated and as shown and discussed in the packet.
2. Any future work deemed necessary is to be per an approved Remediation Plan, Memorandum of Understanding, and/or other agreement(s) including additional variances permits to be approved and issued prior to work commencing, as required.
3. The systems and features installed as described are to be maintained without further disturbance beyond the defined areas and scope of the projects discussed in this packet. Any work is to be discussed and reviewed with Planning and CBU staff before work commences.

4. A Floodplain Development Permit is required for work that has occurred in the floodplain.
5. All gravel/stone installed within the right-of-way is to be removed and revegetated.

Jason McAuley, consultant, presented the variance requests on behalf of the petitioner.

Public Comment

Penny Githens spoke.

Back to BZA

Kutsenkow made a motion to adopt the Proposed Findings of Fact referenced in the staff report and approve ZR2026-03-0013 with staff's recommended conditions of approval. Fernandez seconded. Motion passes by roll call - 3:0.

ZR2026-05-0021

A request at 410 S. Highland Avenue for an Administrative appeal of staff determination that a gravel driveway/parking area is not a pre-existing lawful driveway/parking area by Stephen F Patterson. (Case Manager: Gabriel Holbrow)

Greulich presented ZR2026-05-0021. See meeting packet for more detail. In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

Michael Cookman presented the request for the administrative appeal on behalf of the petitioner.

Steve Patterson, petitioner, presented information to appeal the notice of violation.

Kutsenkow made a motion to approve the administrative appeal. Fernandez seconded. Motion passes by roll call - 3:0.

ZR2026-04-0017

A request at 2660 E. 2nd Street for a variance from sign standards to allow an off-premise sign to not require a sign to be on a tenant's space for the use "Recreation, indoor" in the Mixed Use Corridor (MC) zoning district by Leighla Taylor. (Case Manager: Jamie Kreindler)

Greulich presented ZR2026-04-0017. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the petition.

Leighla Taylor, petitioner, presented her request for a variance.

Fernandez made a motion to adopt the Amended Findings of Fact and approve the petition. Kutsenkow seconded. Motion passes by roll call - 3:0 with the following added condition:

1. Any sign would be consistent with the size, placement, and design depicted in the staff report.

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.

- Amended Finding: The strict application of the terms of the UDO would result in practical difficulties in the use of the property. The unique configuration of the building and the tenant's lease space creates challenges in achieving adequate sign visibility that is practical and functional for the intended business uses. The existing permitted signage, including the 32 square foot sign on the south side of the building and the new panel of the freestanding sign on fronting East 2nd Street, does not provide sufficient visibility for the tennis businesses, given the property's specific design and conditions.

Adjournment

Meeting Adjourned at 10:15 p.m.