

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](mailto:moneill@monroe.lib.in.us)

The Board of Zoning Appeals (BZA) met on February 23, 2023 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: Barre Klapper, Tim Ballard, Flavia Burrell and Jo Throckmorton.

**APPROVAL OF MINUTES:** None

**REPORTS, RESOLUTIONS, COMMUNICATIONS:** None

**ELECTION OF OFFICERS:**

Throckmorton moved to nominate Barre Klapper to serve as President for 2023. Ballard seconded. Klapper accepted the nomination. Motion carried unanimously.

Klapper moved to nominate Jo Throckmorton to serve as Vice-President for 2023. Burrell seconded. Throckmorton accepted the nomination. Motion carried unanimously.

**PETITIONS CONTINUED TO:** March 23, 2023

- AA-17-22 **Joe Kemp Construction & Blackwell Construction** – Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Drive – Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022. Case Manager: Jackie Scanlan
- V-53-22 **Lisa Marie Napoli** – Variance from attached front loading garage or carport setbacks in the R3 zoning district to allow for a carport 4 feet forward of the front building wall. Case Manager: Karina Pazos

Throckmorton made a motion to adjust the order of petitions so AA-51-22 will be heard first. Burrell seconded. Motion carried unanimously.

*Note: Petitioner for AA-51-22 is not present, but petition will still be heard and voted on.*

**PETITIONS:**

AA-51-22      **Joseph B. Davis**  
Parcel: 53-08-04-214-018.00-009  
Request: Administrative Appeal of the Notice of Violation warning letter issued October 20, 2022  
Case Manager: Gabriel Holbrow

Gabriel Holbrow, Planning and Transportation, presented the administrative appeal petition. See meeting packet for more details.

Ballard made a motion to deny AA-51-22. Throckmorton seconded. Motion carried unanimously. Appeal is denied.

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CU/V-22-22    **Mark Figg**  
2304 N. Martha St.  
Parcel(s): 53-05-28-203-044.000-005  
Request: Conditional use approval for a ‘dwelling, duplex’ and a variance from rear yard setback standards in the Residential Medium Lot (R2) zoning district. Case Manager: Karina Pazos

Karina Pazos, Case Manager, presented request for conditional use and variances. Staff recommends approval with the following conditions:

1. This conditional use and variances are limited to two 3-bedroom units, as proposed in the filing documents of this petition. The approval is for the design shown and discussed in the packet and with the Historic Preservation Commission.
2. A building permit is required before construction can begin.
3. The petitioner must consult the City’s Urban Forester about the species of UDO-approved street trees which can be utilized for this development.

Mark Figg, developer and petitioner, presented his request for conditional use and variances. Matt Ellenwood, architect, didn’t have anything to add but stated he would be happy to answer any questions.

**BZA Discussion**

Throckmorton made a motion to approve CU/V-22-22 with the three conditions stated above and in the staff report. Ballard seconded. Motion carried unanimously. Motion passes.

*Note: Petitioner for case AA-51-22 arrived at 6:00pm. Petitioner had been previously notified by staff that it was unlikely his case would be heard before 6:00pm. Jackie Scanlan, Development Services Manager, asked the board to reconsider the motion so the petitioner can present his case.*

Throckmorton made a motion to reconsider AA-51-22. Burrell seconded. Motion carried unanimously. Motion to reconsider is approved.

AA-51-22    **Joseph B. Davis**  
Parcel: 53-08-04-214-018.00-009  
Request: Administrative Appeal of the Notice of Violation warning letter issued October 20, 2022  
Case Manager: Gabriel Holbrow

Gabriel Holbrow presented the synopsis for the petitioner.

Joseph Davis, petitioner, presented his case to appeal a notice of violation warning letter.

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**Public Comment:**

Tom Willis, neighbor of petitioner, spoke in favor of the petitioner and requested that funds be used to improve the property rather than to be punitive in a fine sense.

**BZA Discussion:**

Ballard made a motion to deny AA-51-22. Throckmorton seconded. Motion carried unanimously. Appeal is denied.

Ballard wanted to express his appreciation to Davis. He thanked Davis for his approach on the homeless issue, the comments from his neighbors, and him sharing his side of the story. Ballard assured Davis that if they were voting on humanitarian efforts and sentiments of individuals, it'd be a different story.

V-52-22      **Omega Master, LLC**  
626 N. College Ave.  
Parcel(s): 53-05-33-206-031.000-005  
Request: Variance for use-specific standards for 'dwelling, multifamily' to allow for a dwelling unit within the first 20 feet in the ground floor of the building in the Mixed-Use Downtown zoning district with Downtown Gateway character overlay (MD-DG). Case Manager: Karina Pazos

*\*Barre Klapper will be recusing herself.*

Karina Pazos, case manager, presented that staff report. Staff recommends the board adopts the proposed findings and recommends approval with the following condition:

1. A minor site plan review and building permit are required before construction can begin.

Matt Ellenwood, architect for this project, briefly stated the request for a variance.

**Public Comment:**

Mary Freedman, Omega Properties, wasn't aware this property was required to have a space for commercial. She doesn't believe this property would lend itself well as a commercial component.

Ballard made a motion to approve V-52-22 with the following condition listed above and in the staff report. Burrell seconded. Motion carried unanimously. Motion passes.

Meeting adjourned at 6:49 p.m.