

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 April 20, 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: Tim Ballard, Flavia Burrell, and Jo Throckmorton. Autumn McCoy joined via Zoom.

APPROVAL OF MINUTES: March 23, 2023

Burrell made a motion to approve minutes from the March 23, 2023 meeting. Ballard Seconded. Motion carried unanimously.

REPORTS, RESOLUTIONS, COMMUNICATIONS:

Jackie Scanlan, Development Services Manager, stated petition AA-14-23, the last item on the agenda, is withdrawn from the agenda.

PETITIONS CONTINUED TO: May 25, 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

PETITIONS:

AA-08-23 **Leo Pilachowski**
2028 E. 1st St.
Parcel: 53-08-03-200-021.000-009
Request: Administrative Appeal of the staff determination regarding non-compliance for a required sidewalk and tree plot with street trees.
Case Manager: Eric Greulich

Eric Greulich, case manager, presented the administrative appeal. Staff cannot make recommendations on Administrative Appeal petitions.

Leo Pilachowski, petitioner, presented his request for an administrative appeal.

BZA Discussion

Discussion ensued regarding the installation of the sidewalk and the specific location of the sidewalk that is required.

Discussion ensued regarding insurance liability of a sidewalk to adjacent property owners.

Discussion ensued regarding a time limit to construct the sidewalk.

Discussion ensued regarding why the Barrett law is not used as a particular funding mechanism in Bloomington.

Ballard made a motion to deny AA-08-23. Burrell seconded. Motion carried unanimously. Petition is denied.

V-09-23

Brinshore Development

NW Corner of S. Rogers St. and W. 1st St.

Parcel: 53-08-05-100-058.000-009

Request: Variances from dimensional standards for build-to ranges and setbacks, use-specific standards for multifamily dwellings, building design standards, and vehicle parking design standards to allow a reuse of the historic Kohr building and a proposed building addition for multifamily dwelling use in the Mixed-Use Medium Scale (MM) zoning district within the Transform Redevelopment Overlay (TRO) district.

Case Manager: Gabriel Holbrow

Gabriel Holbrow, case manager, presented the variance petition. See meeting packet for more details. Staff recommends approval with the following conditions:

1. The project shall earn the affordable housing incentive established in UDO section 20.04.110(c), as demonstrated in an approved site plan.
2. The variances related to distance from the right-of-way are valid for the existing distances, as well as those distances that will occur once the property has been subdivided.

Todd Rottmann, Consultant, presented on behalf of the petitioner.

BZA Discussion

Discussion ensued regarding the approval process to get the affordable housing tax credits.

Discussion ensued regarding the third variance.

Peter Levy, co-developer, spoke about the financing portion of this project.

Ballard wanted to send his appreciation to everyone involved in this project.

Throckmorton made a motion to approve V-09-23. Ballard seconded. Motion carried unanimously. Petition is granted.

AA-12-23

Leo Pilachowski

2028 E. 1st St.

Parcel: 53-08-03-200-021.000-009

Request: Administrative Appeal of the Notice of Violation issued March 10, 2023. Case Manager: Eric Greulich

Greulich presented the administrative appeal petition. Staff cannot make recommendations on administrative appeals petitions. See meeting packet for more

details.

Leo Pilachowski, petitioner, presented his request for an administrative appeal.

BZA Discussion

Discussion ensued regarding the building permit process between the county and the city.

Discussion ensued regarding the timeline of how Pilachowski received the notice of violation.

Discussion ensued regarding accrual of fines. No fines have been accrued.

Ballard made a motion to deny AA-12-23. Burrell seconded. Motion carried unanimously. Petition is denied.

V-13-23 **Leo Pilachowski**
2028 E. 1st St.
Parcel: 53-08-03-200-021.000-009
Request: A determinate sidewalk variance to not require a required sidewalk on High Street.
Case Manager: Eric Greulich

Greulich presented the variance petition. See meeting packet for more details. Staff does not recommend approval.

Leo Pilachowski, petitioner, presented his request for a variance.

**Note: Due to the BZA rules, adjournment happens at 9:00pm unless the board votes unanimously to suspend the rules.*

Ballard, Burrell, McCoy, and Throckmorton all voted unanimously to suspend the rules.

BZA Discussion

Discussion ensued regarding time limits with a determinate sidewalk variance.

Discussion ensued regarding the transfer of ownership with a determinate sidewalk variance.

Throckmorton stated he didn't believe a variance is warranted at this time. Ballard also agreed.

Ballard made a motion to deny V-13-23. Throckmorton seconded. Motion carried unanimously. Petition is denied.

Meeting adjourned 9:15 P.M.