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The Board of Zoning Appeals (BZA) met on November 17, 2022 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, Jo Throckmorton, Tim Ballard, Flavia Burrell and Erik Coyne.

APPROVAL OF MINUTES: July 21, 2022

Throckmorton moved to approve the July minutes as distributed. Burrell seconded. Motion carried unanimously.

REPORTS, RESOLUTIONS, COMMUNICATIONS: Jackie Scanlan, Development Services Manager, announced that Carmen Lillard (Office Manager) for Planning and Transportation is retiring this month after 33 years of service.

Tim Ballard has joined the Board.

PETITIONS CONTINUED TO: December 15, 2022

- 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
- CU/V-22-22 **Mark Figg** - 2304 N. Martha St. - Conditional use approval for a 'dwelling, duplex' in the Residential Medium Lot (R2) zoning district. Case Manager: Karina Pazos
- V-46-22 **Chris Brand** – 2311 S. Rogers St. – Variance from vehicle parking location standards to allow a front yard drive and parking within the front building setback in the Residential Medium Lot (R2) zoning district.

Note: The BZA will need to vote on petition V-46-22 to be continued to the December 15, 2022 meeting since it was listed on the agenda to be heard. It is outside of the time period in which the petitioner can ask staff for a continuance.

Throckmorton moved to continue petition V-46-22 to the December 15th hearing date. Coyne seconded. Motion carried unanimously.

PETITIONS:

CU-47-22 **Daniel Medford**
2408 E. 7th St.
Request: Conditional use approval for a 'dwelling, duplex' in the Residential Small Lot (R3) zoning district.
Case Manager: Karina Pazos

Karina Pazos, Planning and Transportation, presented the petition. Staff recommends the BZA adopts the proposed findings and recommends approval of CU-47-22 with the following conditions:

1. This conditional use is limited to an interior remodel as proposed in the filing documents, and no more than six bedrooms total.
2. If conditional use is not approved, the petitioner must remove the second kitchen.
3. A building permit is required before interior remodel can begin.
4. Proof of separate utility hook-up will need to be provided before occupancy.
5. The petitioner must confirm that existing outdoor lighting is in compliance before issuance of a building permit.

Daniel Medford, Petitioner, presented his request for approval.

BZA Discussion:

Discussion ensued regarding the residency requirements for this type of dwelling unit.
11:40

Public Comment:

Juliet Frey, adjacent neighbor, is not in favor of having a duplex in her residential neighborhood. She appreciates the quality of a residential neighborhood and doesn't want the zoning to change.

Throckmorton moved to approve CU-47-22 based on the written findings including the conditions (1-5) outlined in the staff report. Ballard seconded. Motion carried unanimously.

V-48-22 **Caritas-Indiana, LLC (Adam Jackson)**
1420 W. Kirkwood Ave.
Request: Variance from architectural standards to allow the construction of a new multifamily residence in the Residential High-Density Multifamily (RH) zoning district.
Case Manager: Eric Greulich

Note: Barre Klapper has recused herself from this petition.

Eric Greulich, Planning and Transportation, presented the petition. Staff recommends the BZA adopt the proposed findings and approve V-48-22 with the following conditions:

1. Site plan approval is required prior to issuance of a grading permit.
2. This approval is for the submitted site plan and elevations only.

Jayne York, Springpoint Architects, spoke on behalf of the petitioner.

John Zody, Director of Housing and Neighborhood Development (HAND) stated he is supportive of any affordable housing project.

Christopher Gutierrez, Adam Jackson’s business partner, urged the BZA to approve this request.

Public Comment:

Craig Dowman, assisted Adam Jackson in the purchase of the property, stated they have received neighborhood support for this project.

Andrew Noga, Volunteers of America, said having additional housing for people who are suffering from homelessness, especially veterans, would be very beneficial. He is in total support.

Burrell moved to approve V-48-22 based on the written findings including the conditions (1-2) outlined in the staff report. Ballard seconded. Motion carried unanimously.

AA-49-22 **Thomas Ritman (Gilliatte Contractors)**
3216 E. 3rd St.
Request: Administrative Appeal of the Notice of Violation (NOV) issued
June 29, 2022.
Case Manager: Liz Carter

Note: Barre Klapper has returned to the meeting

Elizabeth Carter, Planning and Transportation, presented the case on the Administrative Appeal. Due to this petition being an administrative appeal, staff shall not make a formal recommendation.

Tom Ritman, Gilliatte Contractors, presented his request of administrative appeal for notice of violation.

BZA Discussion:

Discussion ensued regarding how the violation of the sediment basin began. The definition of what a sediment basin is was also discussed.

Discussion ensued regarding the clarification of Title 10 and Title 20.

Discussion ensued regarding the timeline from when the warning was first issued to when the notice of violation was received. Kat Zeigler, City of Bloomington Utilities, explained the series of events in detail.

Throckmorton moved to grant AA-49-22. Coyne seconded. Roll Call: 5:0—Appeal is granted.

Meeting adjourned at 6:54 p.m.