

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 October 20, 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: None at this time.

REPORTS, RESOLUTIONS, COMMUNICATIONS: None at this time.

PETITIONS CONTINUED TO: November 17, 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-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

PETITIONS:

V-27-22 **Cutters Kirkwood 123, LLC** (Continued from 9/22/22 meeting)
115 E. Kirkwood Ave.
Request: Variances from Downtown Character Overlay standards to allow less non-residential area and less large display windows; and a variance from the requirement to align with the front setback of an adjacent historic structure in the Mixed-Use Downtown zoning district with the Courthouse Square Character Overlay (MD-CS).
Case Manager: Karina Pazos

Scott Robinson, Planning and Transportation Director, encouraged the BZA to use the criteria before them in making their decision tonight. Jackie Scanlan, Development Services Manager, said the argument is based on the use they desire can't be successful without the additional parking. The argument should be that there are practical difficulties in the use of the parcel because of the characteristics of the parcel and not the rules in the code.

BZA Discussion:

Throckmorton made a motion to allow the petitioner twenty additional minutes to present. Burrell seconded. Motion carried unanimously.

Randy Lloyd, petitioner, discussed the importance of getting the variance approved or it would prevent the project from being developed.

Christine Bartlett, Ferguson Law, presented on behalf of the petitioner.

Ryan Strauser, Strauser Construction, didn't have anything to add but wanted to make it clear he was available for questions if needed.

BZA Discussion:

Discussion ensued by Thorckmorton regarding the strict application of the terms of the UDO which will result in practical difficulty. Timestamp: 24:13

Discussion ensued by Klapper regarding the history of ownership of the properties and why an opportunity to create easement access never happened. Timestamp: 28:55

Discussion ensued by Klapper regarding the change in the UDO and how this project no longer meets the current UDO standards. Timestamp: 36:59

Discussion ensued by Ballard regarding economic impact if the variance is denied. Timestamp: 58:45

Public Comment:

Peter Haralovich, long-term Bloomington resident, is in support of the petitioner. He encouraged the BZA to approve it.

Discussion ensued by Klapper regarding the different variables for parking the petitioner could use to get into compliance under the current UDO. Timestamp 1:10

Ballard moved to approve V-27-22 based on the proposed alternative findings as presented by the petitioner. Burrell seconded. Roll Call: 0:3:1—No action (Throckmorton abstained).

Burrell moved to deny V-27-22 based on the recommendation in the staff report. Klapper seconded. Motion carried 3:0:1—Petition is denied (Throckmorton abstained).

V-45-22 **Douglas Wissing**
731 W. 3rd St.
Request: Variances from front and side yard setback standards to allow construction of a second floor to an existing accessory structure in the Residential Small Lot (R3) zoning district.
Case Manager: Gabriel Holbrow

Note: Let the record reflect that Barre Klapper is recusing herself from this petition.

Gabriel Holbrow presented the staff report. Staff recommends the BZA adopt the proposed findings and grant the requested variance with the following condition:

1. This variance approves only the submitted site plan and building design.

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

Public Comment:

Sue Murphy, neighbor of petitioner, is opposed to the requested variance. This will have a negative impact on her outdoor living space and garden.

Richard Lewis, Prospect Hill resident, who is also on the design committee for the greater Prospect Hill Historic District, had concerns if a demotion would be involved. If this involved a demolition, it would trigger a new review since it's different than what was originally presented with the HPC's review.

Jayne York, stated the owner was advised a demolition could occur but the first floor would remain in place.

Discussion ensued by Burrell about the petitioner's plans for the garage. Timestamp: 1:51

Discussion ensued by Throckmorton about the foundation height and the grade of the adjacent sidewalks in the building plan. Timestamp: 1:55

Burrell moved to approve V-45-22 based on the written findings, including the one condition outlined in the staff report. Ballard seconded. Roll Call 4:0—Petition is approved.

Meeting adjourned at 8:36 p.m.