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The Board of Zoning Appeals (BZA) met on August 24, 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, Nikki Farrell, and Barre Klapper.

APPROVAL OF MINUTES: None

REPORTS, RESOLUTIONS, COMMUNICATIONS: None

PETITIONS CONTINUED TO: September 21, 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:

V-18-23 **IU Health**
727 W. 2nd Street
Parcel: 53-08-05-100-060.000-009
Request: Variance from parking standards to allow parking in the front parking setback and to allow back-out parking on an alley in the Mixed-Use Institutional (MI) zoning district. Also requested in a variance from required sidewalk and tree plot width.
Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented the staff report. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance to allow parking within the front parking setback and deny the variances for back out alley parking and reduced sidewalk and tree plot width with the following conditions:

1. A sidewalk connection from 1st Street to the building is required.
2. The petitioner shall work with the City Engineering department to either dedicate the appropriate right-of-way to be improved with the City project or install improvements along the 2nd Street frontage consistent with the City's improvements.

Daniel Butler, petitioner, presented his request for variances.

Burrell made a motion to approve V-18-23 with the proposed findings and approve the variance to allow parking within the front parking setback and deny the variances for back out alley parking and reduced sidewalk and tree plot width. Ballard seconded. Motion passes by roll call – 4:0.

*Klapper has recused herself for petition V-19-23.

V-19-23 **Caritas Indiana, LLC**
1420 W. Kirkwood Avenue
Parcel: 53-05-32-307-106.000-005
Request: Variance from architecture standards to allow the construction of an 8 unit multifamily building in the Residential High Density Multifamily (RH) zoning district. Case Manager: Eric Greulich

Greulich presented the staff report. Staff recommends approval 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.

Dawn Gray, Springpoint Architects, presented her request for a variance.

Ballard made a motion to approve V-19-23. Farrell seconded. Motion passes by roll call – 3:0.

*Klapper has rejoined the board.

CU/V-20-23 **Daniel Weddle**
917 N. Fairview Street
Parcel: 53-05-32-104-005.000-005
Request: Conditional Use approval for expansion of an existing dwelling duplex. Also requested is a variance from use-specific standards.
Case Manager: Jackie Scanlan

Jackie Scanlan, Case Manager, presented the staff report. Staff recommends approval with the following conditions:

1. This conditional use and variance approval is limited to the design shown and discussed in the packet.
2. In the event that the petitioner removes the solar utility installation on the site, both units must have completely separate utility meters.

Daniel Weddle, petitioner, added that he is trying to eliminate electrical use on this site.

Scanlan asked the board if the phrase, “of the duplex”, can be added to the second condition. The following conditions should now read:

1. This conditional use and variance approval is limited to the design shown and discussed in the packet.
2. In the event that the petitioner removes the solar utility installation on the site, both units of the duplex must have completely separate utility meters.

Ballard made a motion to approve CU/V-20-23. Farrell seconded. Motion passes by roll call – 4:0.

*Klapper has recused herself for petition V-21-23.

V-21-23 **Community Kitchen of Monroe County**
1100 W. 11th Street
Parcel: 53-05-32-207-050.000-005
Request: Variances from three (3) site development standards: Drive access off of higher classified street, parking setback from building face, and parking increase. Case Manager: Jackie Scanlan

Scanlan presented the staff report. Staff recommends approval 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 only, with the following modifications:
 - a. Additional landscaping density will be required along the western property line adjacent to the parking spaces.
 - b. The drive aisle north of the parking spaces must be as short as possible to still allow vehicular movement and if green space is possible, landscaping is required.

Dawn Gray, Springpoint Architects, didn't have anything additional to add but stated she would be happy to answer any questions the board had.

Ballard made a motion to approve V-21-23. Farrell seconded. Motion passes by roll call – 3:0.

*Klapper has rejoined the board.

V-22-23 **True Storage, LLC**
1701 S. Liberty Drive
Parcel: 53-09-12-101-013.000-016
Request: Variance from location and separation of drives standard in the Mixed-Use Medium Scale (MM) zoning district.
Case Manager: Jackie Scanlan

Scanlan presented the staff report. Staff recommends approval with the following conditions:

1. The variance for the driveway is approved for the location shown on the plans and cannot be moved closer to the right-of-way.
2. Eleven large trees shall be planted along the length of the driveway that runs north-south, at a separation of approximately 20 feet between trees.

Andy Knust, consultant, presented on behalf of the petitioner. Knust requested that the four existing trees on site remain in addition to the eleven trees. Scanlan said the condition could be amended. The amended conditions are as follows:

1. The variance for the driveway is approved for the location shown on the plans and cannot be moved closer to the right-of-way.
2. Eleven large trees, including existing trees, shall be planted along the length of the driveway that runs north-south, at a separation minimum of 20 feet between trees.

Burrell made a motion to approve V-22-23 with the updated conditions. Ballard seconded. Motion passes by roll call – 4:0.

V-24-23 **David Hays (Tabor Bruce Architects)**
300 W. 6th Street
Parcel: 53-05-33-310-263.000-005
Request: Variance from use specific standards to allow ground floor dwelling units within 20' of the first floor façade within the Mixed-Use Downtown in the Downtown Core Overlay (MD-DCO).
Case Manager: Eric Greulich

Greulich presented the staff report. Staff recommends the board adopt the proposed findings and deny V-25-23.

Doug Bruce, Consultant, presented on behalf of the petitioner.

Jerry Hays, father of petitioner, spoke about the history of this site.

David Hays, spoke about how important this building is to him and his family. He asked the board to grant this variance.

Public Comment:

Ray Cook spoke in favor of this petition. He stated Bloomington wants people to live downtown, but then makes it hard for people to do so. He asked the board to consider granting the variance.

Klapper made a motion to deny V-24-23. Burrell seconded. Motion denied by roll call – 3:1.

Meeting adjourned 6:00 P.M.