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The Board of Zoning Appeals (BZA) met on November 16, 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: Flavia Burrell, Barre Klapper, and Jo Throckmorton. Tim Ballard was present via Zoom.

APPROVAL OF MINUTES: October 19, 2023

Throckmorton made a motion to approve minutes from the October 19, 2023 meetings. Burrell seconded. Motion carried unanimously.

REPORTS, RESOLUTIONS, COMMUNICATIONS: Jackie Scanlan, Development Services Manager, wanted to let the board know that Mike Rouker, City Attorney, has left the city for another job opportunity and in his place will be Colleen Newbill.

PETITIONS CONTINUED TO: December 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-32-23 **Buckingham Properties, LLC**
503 N. Rogers Street
Parcel: 53-05-32-100-006.000-005
Request: Variance from front setback standards, use-specific standards for multifamily dwellings, and building design standards to allow construction of four buildings comprising a mixed-use development in the Mixed-Use Downtown zoning district within the Showers Technology downtown character overlay (MD-ST). Case Manager: Gabriel Holbrow

Gabriel Holbrow, Case Manager, presented the staff report. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-32-23 with the following conditions:

1. The project shall earn the affordable housing incentives and the sustainable development incentives established in UDO section 20.04.110(c), as demonstrated in an approved site plan.
2. The site shall provide a new multiuse trail with access easement that is open to the public providing a direct pedestrian and bicycle connection from Rogers Street at the B-Line trail to Rev. Butler Park as shown on the submitted conceptual site plan and as demonstrated in an approved site plan.

3. The variances are approved only for the proposed buildings as shown on the submitted conceptual site plan. Any future additions or new structures on the property shall comply with all applicable standards in the UDO.
4. Prior to issuance of a recommendation for final occupancy, the property owner shall record a zoning commitment with the Monroe County Recorder, in a form approved by the Planning and Transportation Department, committing to the following: Beginning on the date that is three years after the date the zoning commitment is recorded, if any of the ground-floor dwelling units is removed or is vacant and not used for residential use for a continuous period of twelve months, the variance to allow that dwelling unit shall lapse and become null and void and any subsequent use of that portion of the property shall comply with use standards and all other standards of the UDO. This condition shall act independently on each ground-floor dwelling unit.
5. All building facades shall conform to the facade designs shown on the submitted conceptual site plan, including materials, facade layout, and detailing. Minor changes to the facade designs that are consistent with the intent of the submitted designs and comply with conditions 6 through 9 shall be considered compliant with this condition. The determination whether a proposed change to facade design is compliant with this condition shall be made by the Planning and Transportation Department.
6. The west facade of Building One facing Fairview Street shall consist of no fewer than seven facade modules off-set by projections or recesses of at least five feet in depth. Each of the seven facade modules shall have a length between a minimum of 30 feet and a maximum of 100 feet.
7. The east facade of Building Three facing Rogers Street shall consist of no fewer than three facade modules off-set by projections or recesses of at least five feet in depth. Each of the three facade modules shall have a length between a minimum of 20 feet and a maximum of 100 feet.
8. The north facade of Building Three facing the B-Line Trail shall consist of no fewer than four facade modules off-set by projections or recesses of at least five feet in depth. Each of the four facade modules shall have a length between a minimum of 20 feet and a maximum of 100 feet.
9. The south facade of Building Four facing 9th Street shall consist of no fewer than five facade modules off-set by projections or recesses of at least five feet in depth. Each of the five facade modules shall have a length between a minimum of 20 feet and a maximum of 40 feet.

Ryan Gallmeyer, Buckingham Properties, presented the request on behalf on Buckingham properties for variance requests.

Brett Davis, Buckingham Properties, presented information regarding the architecture of the buildings.

Discussion ensued regarding affordable housing incentives

PUBLIC COMMENT:

Joseph Davis wanted to see if the existing limestone façade could be incorporated in the current design.

Bill Beggs, Legal Counsel, wanted to see if they could request a change to conditions #4 and #9.

Burrell asked if staff had any issues on the petitioner’s request to change the conditions #4 & #9. Holbrow stated staff would be fine with changing the wording.

Discussion with the board ensued about taking out conditions #4 and #9 when approving the petition.

Klapper made a motion to approve V-32-23 with proposed findings with the expectation of striking the second paragraph under variance 1 that states, “With conditions that set reasonable time limits on the future continuation of ground floor dwelling units on this property.” Approval of conditions 1, 2, 3, 5, 6, 7, and 8. Throckmorton seconded. Motion passes by roll call – 4:0.

CU/V-33-23 **Spyridan Stratigos**
329 S. Maple Street
Parcel: 53-08-05-107-001.000-009
Request: Conditional use approval to allow an addition to an existing duplex dwelling structure in the Residential Small Lot (R3) and a variance from rear setback standard to allow a rear addition to an existing duplex dwelling structure. Case Manager: Gabriel Holbrow

Holbrow presented the staff report. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU/V-33-23 with the following condition:

1. This conditional use and variance approval is limited to the design shown and discussed in the packet.

Dennis Birch, MCA Architects, presented their request for a variance on behalf of the petitioner.

Chris Sturbaum presented on behalf of the owner who couldn’t make the meeting due to a family emergency.

PUBLIC COMMENT:

Carol Eunice Thompson lives at 322 S. Fairview Street. Carol is not opposed to this petition as long as the parking area behind the house remains unchanged in size. She is hopeful that only one vehicle will be allowed to park.

Throckmorton made a motion to approve CU/V-33-23. Walker seconded. Motion passes by roll call – 4:0.

CU-35-23 **Latitude 39 North Properties, LLC**
1221 N. Madison Street
Parcel: 53-05-32-101-007.000-005
Request: Conditional use approval to allow a “Dwelling, duplex” use in the Residential Small Lot (R3) zoning district.
Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented the staff report for CU-35-23. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve CU-35-23 with the following conditions:

2. This conditional use approval is limited to the design shown and discussed in the packet.
3. A 6’ wide concrete sidewalk and street trees not more than 30’ from center are required along the property frontage.

Caylan Evans, petitioner, stated his request for a conditional use approval.

Throckmorton made a motion to approve CU-35-23. Ballard seconded. Motion passes by roll call – 4:0.

AA-36-23 **Indiana Army National Guard**
414 N. Morton Street
Parcel: 53-05-33-300-046.002-005
Request: Administrative Appeal of issuance of a Notice of Violation.
Case Manager: Jackie Scanlan

Jackie Scanlan, Development Services Manager, presented the staff report for AA-36-23. In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

Timothy Wayne Olberding, stated his case for an appeal.

Discussion ensued by the board on other alternatives that could be used for the petitioner’s safety concerns.

Throckmorton made a motion to deny AA-36-23. Ballard seconded. Motion passes by roll call - 3:1.

AA-38-23 **Joseph Davis**
530 S. Washington Street
Parcel: 53-08-04-214-018.000-009
Request: Administrative Appeal of a Notice of Violation that was issued on August 17, 2023. Case Manager: Jackie Scanlan

Scanlan presented the staff report for AA-38-23. In accordance with UDO Section 20.06.080(d)(3)(B)(ii), because this petition is an administrative appeal, the staff report shall not make a formal recommendation.

Joseph Davis stated his petition for an administrative appeal.

Scanlan stated that regardless of how the board votes, the department will keep working with Mr. Davis toward compliance.

Throckmorton made a motion to deny AA-38-23. Burrell seconded. Motion passes by roll call – 4:0.

V-40-23 **Scott Andrews**
122 E. Miller Drive
Parcel: 53-08-09-204-003.000-009
Request: Variance from landscaping requirements for interior parking islands and a variance from maximum parking standards for a “fitness center, small” use in the Mixed-Use Medium Scale (MM) zoning district.
Case Manager: Eric Greulich

Eric Greulich, Case Manager, presented V-40-23. The department recommends that the Board of Zoning Appeals adopt the proposed findings and approve V-40-23 with the following condition:

1. This variance is valid for this use and user as presented only. Any new use or change in use must meet all standards of the UDO, which includes removal of parking spaces over the allowed maximum.

Scott Andrews presented his petition for a variance.

Public Comment:

Ann Marie Bowling is an IU representative adjacent to this property. Bowling stated her support for this petition and to allow additional parking.

Throckmorton made a motion to approve V-40-23. Burrell seconded.

Klapper wanted to make an amendment to the 3rd finding for interior islands. Klapper wanted it added that the property as existing is landscaped heavily.

Motion passes by roll call – 4:0.

Meeting adjourned 8:08 P.M.