

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 March 21, 2024 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, Barre Klapper, and Jo Throckmorton.

APPROVAL OF MINUTES: January 18, 2024 & February 22, 2024

REPORTS, RESOLUTIONS, COMMUNICATIONS:

PETITIONS CONTINUED TO: April 18, 2024

- 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
- V-05-24 **Candi Sipes** – 2303 S Rockport Road - Parcel: 53-01-51-137-500.000-009 – Variances from accessory structure size standards, accessory structure setbacks, driveway width standards, and a determinate sidewalk variance to allow construction of a new single-family dwelling structure in the Residential Medium Lot (R2) zoning district. Case Manager: Gabriel Holbrow
- V-27-22 **Cutters Kirkwood 123, LLC** – 113 E. Kirkwood Ave. Parcel: 53-05-33-310-062.000-005 - 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: Jackie Scanlan

PETITIONS:

V-02-24 **Mohsen Kianizadeh & Sara Noorihoseini**
2214 E. Maxwell Lane
Parcel: 53-08-03-100-037.000-009
Request: Variance from riparian buffer standards to allow tree removal for a building site in the Residential Medium Lot (R2) zoning district.
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 the petition with the following conditions:

1. This variance grants relief from the requirements of the intermediate zone and fringe zone riparian buffers on the north side of the stream. The property remains subject to all requirements related to the 25-foot streamside zone riparian buffer on both sides of the stream as well as the requirements of all riparian buffer zones on the south side of the stream.

2. Prior to issuance of a certificate of zoning compliance for any building construction on the property, the property owner shall record an easement in a form approved by the Planning and Transportation Department and in accordance with UDO section 20.04.030(f)(3) that covers all land on the lot within 25 feet north of the stream and within 75 feet south of the stream.

Mike Carmin, Consultant, presented the request to allow the petitioners to place construction equipment within 10 feet of the first riparian buffer zone.

PUBLIC COMMENT:

Mark Hood, neighbor, spoke against the petition due to the difference with the petitioner's statement and the staff report. Hood also stated a neighbor who should have received a Notice of Public hearing letter, didn't receive one.

Gwyn White, neighbor, also spoke against the petition. White had concerns with the petitioners trying to build so close to the 25 feet mark.

Throckmorton made a motion to approve V-02-24 with conditions. Ballard seconded. Motion passes by roll call – 4:0.

V-03-24 **Bryan Rental, Inc.**
430 E. Kirkwood Avenue
Parcel: 53-05-33-310-035.000-005
Request: Variances from the Downtown Character Overlay standards to allow wood and concrete block as primary façade materials in the Mixed-Use Downtown zoning district with the University Village character overlay (MD-UV) in Kirkwood Corridor. Case Manager: Katie Gandhi

Katie Gandhi, Case Manager, presented the staff report. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and deny the requested variances.

Michael Chamblee, Architect, presented the request for the variances.

PUBLIC COMMENT:

Gregg Rago, Owner of Nicks English Hut, spoke in favor of this petition. Rago believes this change would be aesthetically pleasing.

Brian Isaacs, Operating Manager for Jimmy Johns, spoke in favor of this petition.

Erica Li, would like to see the board grant the variances.

Susan Wilkos, Owner of Rita's Italian Ice, hopes the board approves the variances to keep the nostalgic look of Dunkirk Square.

BACK TO PETITIONER:

Eric Kamen, petitioner, read a letter of support from the owner of Z&C. Kamen also presented the request for variances.

Steve Engel, owner of Upstairs Pub, provided information on the work being requested.

Throckmorton made a motion to approve V-03-24 for the west concrete wall based on the two written findings with an amended 3rd finding. Ballard seconded. Motion passes by roll call – 4:0.

Brian Kamen, Petitioner, proposed how wood would be much more practical.

Discussion with the board ensued regarding practical difficulties to try to approve the second variance.

Burrell made a motion to deny the variance in regards to the front wood façade. Ballard seconded. Motion fails – 2:2.

**After discussion with the board, they cannot come up with a finding to approve the second variance. In hopes the petitioners work with Planning, the board chooses to revote.

Burrell made a motion to adopt the proposed findings and deny the variance in regards to the front wood façade. Ballard seconded. Motion denied – 0:4.

V-06-24 **Ace 318, LLC (Cedarview Management)**
318 E. 3rd Street
Parcel: 53-05-33-300-015.001-005
Request: Variance from use specific standards to allow a ground floor dwelling unit within 20' of the first floor façade within the Mixed-Use Downtown Downtown Edges (MD-DE) zoning district.
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 deny V-06-24.

Tim Cover, Studio 3 Design, presented the variance request.

Carmin, Consultant, also presented the variance request on behalf of the petitioner.

Throckmorton made a motion adopt the proposed findings and deny V-06-24. Burrell seconded. Variance is denied by roll call – 0:4.

Throckmorton wanted to follow up with Jackie Scanlan, Development Services Manager, on the status of the parking lot of the Graduate. Throckmorton thought the use variance was temporary but has been there for a number of years.

Meeting adjourned 8:06 P.M.