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The Board of Zoning Appeals (BZA) met on May 23, 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 Nikki Farrell.

APPROVAL OF MINUTES: April 18, 2024

Ballard made a motion to approve the minutes. Burrell seconded. Motion passes.

REPORTS, RESOLUTIONS, COMMUNICATIONS: Jackie Scanlan, Development Services Manager, stated the annual UDO updates went back to Plan Commission this month so by next week it should be updated and signed by the mayor.

PETITIONS CONTINUED TO: June 20, 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-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
- V-05-24 **Candi Sipes**
2303 S Rockport Road
Parcel: 53-01-51-137-500.000-009
Request: 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-08-24 **Andrew Huck**
2226 East Maxwell Lane
Parcel: 53-08-03-100-002.000-009
Request: Variance from riparian buffer standards to allow construction of
deck stairs and terrace for an existing single-family dwelling in the
Residential Medium Lot (R2) zoning district.
Case Manager: Gabriel Holbrow

PETITIONS:

V-10-24 **Ruby Creek Homes**
914 N. Oolitic Drive
Parcel(s): 53-05-32-201-076.057-005
Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi

Katie Gandhi, Case Manager, presented V-10-24, V-13-24, and V-14-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the petition with the following conditions:

Melvin Graber, Petitioner, was having technical issues. The board will move these petitions to the end of the agenda.

V-15-24 **Sarah Nelson**
803 E. Winslow Road
Parcel: 53-08-09-400-002.000-009
Request: Variance from fence height standards in the Residential Small Lot (R3) zoning district. Case Manager: Katie Gandhi

Gandhi presented the staff report. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the requested variance with the following condition:

1. The petitioners may only install the types of fencing approved in the packet for this variance, and only at the heights and locations shown.

Roger Stewart, petitioner, didn't have any more information to add.

Klapper asked for clarification on the Right-of-way lines on the site plan.

Throckmorton believes the variance should be requesting a 4 foot wire fence all the way, or to have the ability to build a 6 foot fence as it corresponds to the property.

Throckmorton made a motion to approve V-15-24. Farrell seconded. Motion passes by roll call – 5:0.

The board wanted to add language to the proposed 3rd finding:

The location of the newly approved wooden privacy fence will create a unique height gap issue between the taller fence allowance area at the front building wall of the house and the newly approved wooden fence. Granting of the variance for the woven wire fence will allow consistency in the height of the fence from the front building wall of the house to the new privacy fence at the right-of-way.

Motion passes by roll call – 5:0.

V-16-24 **BPO Elks #446**
400 N. Walnut St
Parcel: 53-05-33-306-003.000-005
Request: Variance from front yard setback requirements for a flag pole in the Mixed-Use Downtown (MD) within the Downtown Core Overlay (DCO) 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 approve the requested variance with the following condition:

1. This approval is for the number and locations of flag poles as submitted. Any future development or placement of additional flag poles must meet all development standards.

Stuart Bagerly, Presiding Justice at Elks Lodge, stated their reasoning for this variance request.

Throckmorton made a motion to approve V-16-24. Burrell seconded. Motion passes by roll call – 5:0.

**Barre Klapper is leaving the meeting. Throckmorton will be presiding the remainder of the meeting.

CU-17-24 **Bloomington Builders, LLC & Latitude 39 North Properties, LLC**
506 E. Wylie Street
Parcel: 53-08-04-113-095.000-009
Request: Conditional Use approval to allow a duplex in the Residential Lot (R3) 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 approve the requested variance with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. Street trees not more than 30' from center are required along the property frontage.

Caylan Evans, petitioner, didn't have much to add as Greulich covered in the presentation.

PUBLIC COMMENT:

Jan Sorby, Bryan Park resident, spoke against this petition. Sorby stated the proposed project ignores the entire character and integrity of Wiley Street, the south side of the street, as well as the north side of the street. She asked the board to deny the request.

Deborah Myerson, Elm Heights resident, spoke in favor of this petition. Myerson thinks it's terrific to have housing for two families, not just one. Due to the local housing needs, this petition would help address that.

YY Ahn, Bryan Park resident, spoke in favor of this petition. He believes adding more housing will help the housing crisis.

Eric Ost, President of Elm Heights Neighborhood Association. Ost believes there's some flexibility in the lot that could allow requirements and conditions to be better met. Ost hopes that this project is done carefully and to have a lasting benefit for the community.

John Lawrence, President of Bryan Park Neighborhood Association, spoke against this petition. This petition will not help the housing crisis for workforce residents, but for more luxury housing for students. Lawrence stated he was not happy with the process with Mr. Evans. Lawrence stated Evans could not answer a lot of the questions, and the blueprints weren't readable. Lawrence also brought up an issue with parking.

Throckmorton moved to continue CU-17-24 to the June 20, 2024 meeting. Burrell seconded. Motion passes by roll call – 5:0.

V-10-24 **Ruby Creek Homes**
914 N. Oolitic Drive
Parcel(s): 53-05-32-201-076.057-005
Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi

Katie Gandhi, Case Manager, presented V-10-24, V-13-24, and V-14-24. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the petition with the following conditions:

1. Development of the lot is limited to the east half of the lot, beyond the 876 contour line, in order to maximize the area of land present between development and movement of water toward the sinkhole on the adjacent lot to the north.
2. Implementation of sinkhole remediation as outlined in the attached geotechnical report, is required – at all three properties (914, 918 and 922 N Oolitic) - before any Certificate of Zoning Compliances will be issued.
3. Submission of a drainage and water flow analysis post-sinkhole remediation is required before a Certificate of Zoning Compliance will be issued. The report must be approved by City of Bloomington Planning & Transportation and Utility Departments.
4. Implementation of design and construction recommendations provided in the attached geotechnical report is required before a Certificate of Zoning Compliance will be issued.

5. Testing of soil and water contamination testing and provision of any necessary remediation identified related to those tests is required before a Certificate of Zoning Compliance will be issued.
6. A Zoning Commitment shall be recorded indicating the presence of the karst feature and describing the Karst Conservancy Easement before a Certificate of Zoning Compliance will be issued.

V-13-24 **Ruby Creek Homes**
918 N. Oolitic Drive
Parcel(s): 53-05-32-201-106.058-005
Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi

The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the requested variance with the following conditions:

1. Development of this lot is limited to the east half of the lot in order to maximize the area of land present between development and movement of water toward the sinkhole.
2. Implementation of sinkhole remediation as outlined in the attached geotechnical report, is required – at all three properties (914, 918 and 922 N Oolitic) - before any Certificate of Zoning Compliances will be issued.
3. Submission of a drainage and water flow analysis post-sinkhole remediation is required before a Certificate of Zoning Compliance will be issued. The report must be approved by City of Bloomington Planning & Transportation and Utility Departments.
4. Implementation of design and construction recommendations provided in the attached geotechnical report is required before a Certificate of Zoning Compliance will be issued.
5. Testing of soil and water contamination testing and provision of any necessary remediation identified related to those tests is required before a Certificate of Zoning Compliance will be issued.
6. A Zoning Commitment shall be recorded indicating the presence of the karst feature and describing the Karst Conservancy Easement before a Certificate of Zoning Compliance will be issued.

V-14-24 **Ruby Creek Homes**
922 N. Oolitic Drive
Parcel(s): 53-05-32-201-077.059-005
Request: Variance from the Karst Geology standards to allow the construction of single-family homes in the Residential Medium Lot (R2) zoning district. Case Manager: Katie Gandhi

The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the requested variance with the following conditions:

1. Because the area around the last closed contour of the sinkhole has created obvious steep slopes on the site, construction of the home should occur south of the 878 contour line.
2. Implementation of sinkhole remediation as outlined in the attached geotechnical report, is required – at all three properties (914, 918 and 922 N Oolitic) - before a Certificate of Zoning Compliance will be issued.
3. Submission of a drainage and water flow analysis post-sinkhole remediation is required before a Certificate of Zoning Compliance will be issued. The report must be approved by City of Bloomington Planning & Transportation and Utility Departments.
4. Implementation of design and construction recommendations provided in the attached geotechnical report is required before a Certificate of Zoning Compliance will be issued.
5. Testing of soil and water contamination testing and provision of any necessary remediation identified related to those tests is required before a Certificate of Zoning Compliance will be issued.
6. A Zoning Commitment shall be recorded indicating the presence of the karst feature and describing the Karst Conservancy Easement before a Certificate of Zoning Compliance will be issued.

Melvin Graber, Petitioner, didn't have much to add but was happy to answer any questions.

Ballard moved to approve V-10-24 with the outlined conditions. Burrell seconded. Motion is approved by roll call – 4:0.

Burrell moved to approve V-13-24 with the outlined conditions. Ballard seconded. Motion is approved by roll call – 4:0.

Burrell moved to approve V-14-24 with the outlined conditions. Ballard seconded. Motion is approved by roll call – 4:0.

Throckmorton wanted clarification on an old business item that was approved for temporary parking but looks like it's a permanent parking situation. Throckmorton wanted to set a time to discuss this with the group.

Meeting adjourned 7:54 P.M.

Meeting adjourned 7:15 P.M.