

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 April 24, 2025 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, Leslie Kutsenkow and Jo Throckmorton.

APPROVAL OF MINUTES: March 27, 2025

Ballard made a motion to approve the meeting minutes. Kutsenkow seconded. Motion passes 4-0.

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

Eric Greulich, Development Services Manager, stated there have been adjustments made to the agenda after the packet had been distributed. Both administrative appeals, AA-06-25 and AA-07-25, have been withdrawn and will not be heard. Greulich also stated that the last petition on the agenda, V-13-25, requested a continuance for the July 24, 2025 meeting.

PETITIONS CONTINUED TO: May 22, 2025

AA-17-22

Joe Kemp Construction, LLC & Blackwell Construction, Inc.

Summit Woods (Sudbury Farm Parcel O) W. Ezekiel Dr.

Parcel(s): 53-08-07-400-008.002-009, 53-08-07-400-008.004-009...

Request: Administrative Appeal of the Notice of Violation (NOV) issued March 25, 2022.

Case Manager: Jackie Scanlan

CU-33-24/ USE2024-11-0068

Hat Rentals, LLC

202 N. Walnut Street

Parcel: 53-05-33-310-028.000-005

Request: Request for conditional use approval of "student housing or dormitory" to allow one four-bedroom unit in the Mixed-Use Downtown (MD) zoning district. Case Manager: Jackie Scanlan

V-14-25/ VAR2025-03-0067

Don & Lisa Weiler

934 W. 2nd Street

Parcel: 53-08-05-111-009.000-009

Request: Variance from maximum accessory structure size and maximum size of an Accessory Dwelling Unit to allow for the construction of an Accessory Dwelling Unit in the Residential Urban (R4) zoning district. Case Manager: Eric Greulich

PETITIONS CONTINUED TO: July 24, 2025

V-13-25/ VAR2025-03-0063

Carolina Lopes

4216 E. Penn Court

Parcel: 53-05-36-302-045.000-005

Request: Variance from Fence Height standards to allow a six-foot tall fence along the front east side of the property located in the Residential Medium Lot (R2) zoning district. Case Manager: Joe Patterson

WITHDRAWN:

AA-06-25/ APPL2025-02-0003

Porter Lan

1704 E. Maxwell Lane

Parcel: 53-08-03-302-008.000-009

Request: Administrative Appeal of the issuance of an NOV for over-occupancy.

Case Manager: Joy Brown

AA-07-25/ APPL2025-02-0004

Eli Brown

909 S. Eastside Drive

Parcel: 53-08-03-302-002.000-009

Request: Administrative Appeal of the issuance of an NOV for over-occupancy. Case Manager: Joy

Brown

PETITIONS:

CU-08-25/ USE2025-02-0073

Qamar Zaidi

1432 S. Winfield Road

Parcel: 53-08-03-410-020.000-009

Request: Conditional Use approval to allow for a duplex in the Residential Medium Lot (R2) zoning district. Case Manager: David Brantez

David Brantez, case manager, presented CU-08-25. See meeting packet for more details. The department recommends that the Board of Zoning Appeals adopts the proposed findings and approve the requested conditional use with the following conditions:

1. This conditional use approval is limited to the design shown and discussed in the packet.
2. This conditional use approval requires the petitioner to pass a rental inspection from HAND and procure a rental permit for all units that will be rented.

Qamar Zaidi, petitioner, presented his request for a conditional use.

PUBLIC COMMENT:

Carol Barlow, adjacent property owner of 1432 S. Winfield Road, spoke against this petition. Barlow stated she gets the brunt of the adverse impacts emanating from the backyard of 1432 S. Winfield Road. Barlow stated this property is a nuisance due to the constant noise coming from the college students partying all hours of the night.

Judith Lee, 1422 S. Winfield Road, shares a driveway with 1432 S. Winfield Road. Lee stated on the weekends and during the week, there is not enough parking for all of the students and their visitors. The parking overflows into the road causing potential hazards for other vehicles trying to utilize the road.

Dan Lee, husband of Judith Lee, wanted to add that the visitors and students of 1432 S. Winfield Road, will park in their driveway and a lot of the time, block their driveway. Often times, the students will park on their front lawn.

BACK TO BZA:

Greulich stated that any noise complaints need to be directed toward the police department.

Ballard stated as board, they are supportive of duplexes. Due to the three complaints from adjacent neighbors, Ballard wanted to make sure some of those issues get resolved before approving this petition. Ballard would like to add a condition of approval to have the property owner put up a barrier between the driveway of 1432 and 1422 S. Winfield Road.

Ballard made a motion to adopt the proposed findings approve CU-08-25 with the updated conditions:

- 1. This conditional use approval is limited to the design shown and discussed in the packet.**
- 2. This conditional use approval requires the petitioner to pass a rental inspection from HAND and procure a rental permit for all units that will be rented.**
- 3. Construction of a property delineating fence or landscaping barrier that meets city code must be installed between this property and the property to the north.**

Burrell seconded. Motion passes by roll call – 4:0.

V-10-25 / VAR2025-03-0064

Tabor Bruce Architecture & Design

228 W Kirkwood Avenue

Parcel: 53-05-33-310-258.000-005

Request: Variance from architectural requirements, minimum 50% required ground floor nonresidential uses, parking standards to allow back-out parking on a public street, minimum 20' setback for parking within a building, maximum building height, and from requirement to access an improved alley for parking to allow for the construction of a "dwelling, multifamily" use in the Mixed-Use Downtown (MD) within the Courthouse Square Overlay (CSO) district. Case Manager: Eric Greulich

Greulich, Case Manager, presented V-10-25. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variances from architectural requirements, minimum 50% required ground floor nonresidential uses, parking standards to allow back-out parking on a public street, minimum 20' setback for parking within a building, and from requirement for parking to access an improved alley, but deny the variance from maximum building height with the following conditions:

1. A tree plot and sidewalk consistent with the Transportation Plan are required along both frontages.
2. Site plan approval is required prior to issuance of any permits.
3. Street lighting consistent with the UDO is required along both frontages.
4. This approval is valid for the submitted elevations, floor plan, and uses as shown.
5. A Certificate of Appropriateness is required prior to issuance of any permits.

Blake Rowe, petitioner, presented the requests for variances.

Doug Bruce, Architect, presented the variance requests on behalf of the petitioner. Bruce spoke about the architectural uniqueness of this building.

Discussion ensued regarding the penthouse and if it's actual living space. Bruce explained that it is strictly for building access to the roof and/or access to the outdoors.

Ballard made a motion to approve V-10-25 with Amended Findings of Fact with the conditions listed in the staff report. Burrell seconded. Motion passes by roll call – 4:0.

*Amended Findings of Fact #3 for Building Height:

The site itself presents practical difficulty because of the narrowness of the property creates a hardship in creating useable space within the building and the right of the owners to be able to access the roof safely using a mechanical structure.

V-11-25/ VAR2025-03-0065

Smith and Hays Properties, LLC

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

Bill Beggs, Consultant, requested a continuance due to the petitioner being out of the state for a business meeting. Beggs also stated there is another issue they would like to work on further. This petition will be continued to the June 26, 2025 meeting.

V-12-25/ VAR2025-03-0066

Don Cowden Foundation, Inc. (Chick-fil-A)

2500 W. 3rd Street

Parcel: 53-05-31-301-019.000-005

Request: Variance from parking maximums, parking setback to allow parking between the building and the street, entrance and drive standards to allow a drive aisle between a building and the street, accessory structure setbacks, minimum landscape area, and Loading, Service, and Refuse standards to allow a refuse area to be located in the front to allow for a new "Restaurant" use in the Mixed-Use Corridor (MC) zoning district. Case Manager: Eric Greulich

Greulich presented V-12-25. See meeting packet for more detail. The Department recommends that the Board of Zoning Appeals adopt the proposed findings and approve the variance for maximum parking spaces and deny all other requested variances with the following conditions:

1. This variance approves 39 parking spaces for this use at this location only.
2. All parking spaces over the 15 maximum allowed must be constructed of permeable pavers.
3. Site plan approval is required prior to issuance of any permits.

Brian Kiser, Consultant, presented the request for variances on behalf of Chick-fil-A.

Shaun Walker, Development Lead for Chick-fil-A, spoke about the landscaping and pedestrian connectivity improvements this would bring to Bloomington if approved. Walker stated this location is the only available option that meets their specific criteria.

PUBLIC COMMENT:

Eric Spoonmore, President of Bloomington Chamber of Commerce, spoke in favor of granting all of the requested variances. Spoonmore stated that Chick-fil-A has really demonstrated a number of accommodations to improve the site for a business that is desired in the community. Spoonmore also explained that due to the Senate Bill One that was passed, local revenue will dramatically be reduced. Spoonmore urged the board to lean into projects that will deliver more revenue in Bloomington. Spoonmore stated that Chick-fil-A has established a great partnership within the community and encourages the board to approve the requested variances.

BACK TO BZA:

Throckmorton stated that is the board's requirement to provide alternate findings to approve the requested variances. There were not enough changes to the site plan for the board to overturn the department's recommendation.

Throckmorton made a motion to approve the variance for maximum parking spaces and deny all other requested variances with the conditions listed in the staff report. Ballard seconded. Motion passes by roll call – 4:0.

Meeting adjourned at 8:12 p.m.