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The Board of Zoning Appeals (BZA) met in the Council Chambers at 5:30 p.m. Members present: Barre Klapper, Jo Throckmorton and Nicholas Kappas.

APPROVAL OF MINUTES: None at this time.

REPORTS, RESOLUTIONS AND COMMUNICATIONS:

Adopt the Findings of Fact for Case #AA-24-18 Bloomington Transitions—411 W. 1st Street approved by the BZA at the August 23rd hearing. ****Throckmorton moved to adopt the Findings of Fact. Kappas seconded. Motion carried unanimously.**

PETITION CONTINUED TO: October 18, 2018

V-31-18 **CSO Architects/MCCSC**
1000 W. 15th St.
Request: Variances from front yard parking setback, tree preservation and entrance and drive standards in the Institutional (IN) zoning district to allow for the new Tri-North development.
Case Manager: Jackie Scanlan

PETITIONS:

UV/V-28-18 **Monroe County Youth Services**
615 S. Adams St.
Request: Use variance to allow for a 9,500 s.f. addition to an existing non-conforming rehabilitation clinic. Also requested is a variance from parking setback standards.
Case Manager: Amelia Lewis

Amelia Lewis presented the staff report. The site is approx. 2.47 acres in size and zoned Residential-Single family (RS). The petitioner is requesting a Use Variance approval to allow for an approximate 9,500 square foot addition to an existing non-conforming rehabilitation clinic and a variance from parking setback standards. The petitioner is proposing to demolish the existing building at the northwest corner of the site and expand the existing 9,000 square foot structure at the northeast portion of the site. The proposed addition to the existing structure would be 9,485 square feet along the north side of the existing structure. There are two parking areas on the site; one parking area to the north of the existing structure and one parking area at the southwest portion of the site. Parking to the north will be removed. However; the parking area at the southwest portion of the site will be expanded (see staff report). Staff recommends approval of this petition based on the written findings in the staff report, including the following conditions:

1. The landscaping plan shall meet UDO standards.

2. A grading permit shall be required and not issued without an approved landscaping plan.
3. A bike rack shall be provided for at least 4 bicycle parking spaces and shall be located within fifty (50) feet of the main entrance.
4. The proposed multiuse path should be extended to meet the north property line.
5. A building permit is required prior to any construction.

Jeff Cockerill, Monroe County Legal Department, spoke for the petitioner about their need for additional space and why the proposed addition is so important. He added that a member of Monroe County Youth Services as well as their engineer are present to answer questions.

Victoria Thevenow (Executive Director) of Monroe County Youth Services Bureau spoke about the specifics of the proposed addition. With the addition, there will be no changes to where the children currently live, sleep, and where they are housed in the living area. The proposed parking lot to the west will not be in the children's line of sight which is good due to possible distractions. She also talked about the proposed de-escalation path. This is an area where counselors can sit down with the kids after walking around and calming them down.

~Discussion ensued between the BZA, Planning staff, and the petitioner. Klapper said a lot of the proposed new space is more public oriented versus private space, and therefore might not have the same privacy issues. It could even be appropriate having a more direct relationship to the street. Cockerill agreed that classroom space is much more of a public use. However; the recreation area still needs to have some security between it and where the main public would be able to enter the building. Amelia Lewis explained that Staff didn't see the site plan or work with the petitioners prior to them filing their petition for a Use Variance. In terms of the Planning staff starting from a blank slate and running through the City's development standards which is typically what happens, it wasn't the process in this particular case. Security issues were also discussed with the petitioner.

No public comment.

~The Board questioned if they should vote on both requests together or separately. Jackie Scanlan, Development Services Manager, said it's their decision but they can separate them. Throckmorton had concerns about coupling the two. By coupling the motion together it seems we're being asked to approve one that we agree with and then have some of the bad brought with it for something that might be well served with a little more consideration. Meaning that the building plan has some options that would benefit both the community and meeting some of the codes. This would give the petitioner the opportunity to reconsider some of the ways that they could go about coming into compliance and not need a variance. Throckmorton agreed with the usage but is opposed to the variance for the parking situation. Throckmorton suggested a separate motion could be made to deal with the site plan. Scanlan said this is just how cases are filed with the department; when one site comes in with multiple variances it's only given one case number but the Board can parse it and address each one separately through

different motions. Scanlan noted the Use Variance is required because the use itself is being expanded. Klapper advocated for separate motions. Klapper explained often times a parking variance is allowing one or two parking spaces and it's unusual to see new parking lots in front of buildings and it isn't promoted in Bloomington. Klapper would like to see all options vetted for the site and for the petitioner to try and meet the goals of Bloomington and its regulations. The Board would like to feel comfortable in granting the variance; meaning that there really wasn't another way for the petitioner to do it. For these reasons, the Board is considering a continuation for the second part of the petition. Kappas believes the requested parking variance is acceptable given the current zoning, including the proximity of the Farm Bureau Co-op building within 100 feet of the site and other CA-type buildings nearby. In spite of that, he will still vote to continue the parking variance. Throckmorton added that pushing people into compliance with the codes by not granting variances, has over time built the type of community that we're trying to establish long-term. There has been other construction occur in the area where people have started to come into compliance with code.

****Throckmorton moved to approve the Use Variance portion of #UV/V-28-18 based on the written findings in the staff report with no conditions. Kappas seconded. Motion carried by voice vote—Approved 3:0.**

****Kappas moved to continue the front yard parking setback variance portion of petition #UV/V-28-18 to the October 18th hearing. Throckmorton seconded. Motion carried unanimously.**

UV/V-29-18 **Crosstown Redevelopment Holdings, LLC**

1799—1811 E. 10th St.

Request: Use Variance to allow 'Retail, High-Intensity' in a Commercial Limited (CL) zoning district. Also requested are variances from height and landscaping standards.

Case Manager: Jackie Scanlan

Jackie Scanlan presented the staff report. The site is 2.1 acres in size and zoned Commercial Limited (CL). The petitioner is requesting a Use Variance approval to allow 'Retail, High-Intensity' in a CL zoning district and variances from height and landscape standards. The petitioner proposes to redevelop the property by demolishing the existing buildings and constructing two, 3-story mixed-use buildings with retail space on the first floor and 2-stories of office space above (see staff report). Staff recommends approval of this petition based on the written findings in the staff report, including the following conditions:

1. Approval of the variance allows for maximum heights as supplied by the petitioner and included in this report.
2. Required landscape densities must be met on site, as shown in the submitted site plan.
3. Petitioner will work with Staff to correct species issues on the site plan before any permits are issued for the site.
4. Approval of retail, high-intensity is for this project proposal only. Any future projects need subsequent variance approval.

Tim Hanson, WS Property Group, spoke for the petitioner and explained that they have been working with IU and the IU Foundation for several years to rehab the area. Some structures in the area are not in great shape and others are either too close to the road or too far back from the road. The university would like to make this area look similar to the buildings across the street by mimicking building peaks as well as the general architecture. This set the framework for the architecture and the massing with parking located behind the building. There will be low-level retail which is part of the Use Variance request. The two upper floors will be leased and also to fill some general needs the petitioner has. Duke has a transmission line that runs adjacent to the railroad tracks that prohibits the shade trees from being planted in that location. Instead of reducing trees and/or going to a lower canopy tree, they kept the shade tree numbers and moved those around to areas where they could best fit them in for the development.

~Discussion ensued between the BZA and the petitioner regarding the proposed landscaping and specifically why trees wouldn't be proposed in the plaza area between the two buildings. Hanson said the area is designated for pavers and he would be concerned about the large shade trees pushing up the pavers in that area. Throckmorton asked who owned the property. The IU Foundation owns the property. Klapper questioned how close the building will be to the edge of pavement. Hanson replied there is a 5-foot sidewalk that is maintained across the property.

No public comment.

****Kappas moved to approve UV/V-29-18 based on the written findings, including the four conditions outlined in the staff report. Throckmorton seconded. Motion carried by voice vote—Approved 3:0.**

V-32-18

Chris Valliant

2302 Bryan St.

Request: Variance from side yard setback standards in the Residential Single-family (RS) zoning district.

Case Manager: Amelia Lewis

Amelia Lewis presented the staff report. The site is located on the west side of the north end of S. Bryan St., and is zoned Residential Single-family (RS). Surrounding properties are also zoned RS and have been developed with single-family structures. The petitioner is requesting a variance from side yard setback standards in the RS zoning district in order to construct a new, two-story detached single-family structure. As part of this petition, the petitioner is also requesting to remove an existing mobile home on the property (see staff report). Staff recommends approval of this petition based on the written findings, including the following conditions:

1. The variance is only for the reduced side yard setback to 6 feet on the north property line for a 2-story house.
2. Issuance of a building permit is required for construction of the structure.

Note: Let the record reflect that condition #3 in the written staff report is a mistake and should not have been part of the conditions of approval—please ignore and strike condition #3 from the permanent record.

Chris Valliant explained that he would like to locate the house in such a way to create a swale in order to keep the water draining around the structure because the property is low.

~Throckmorton asked Staff to clarify where the flooding occurs and what the lines (starting from west towards east) represent on page 49 of the packet. Lewis explained they are contour lines. The largest part of the property (referring to the map)—the gully or where it forms a “V” south of the mobile home is where most of the water collects. The house would be located further to the south than the mobile home. Throckmorton wondered if that particular area is considered to be in the floodplain. Lewis stated it’s basically where water collects due to the topography.

No public comment.

Valliant said it really isn’t that the water collects because it basically runs across the property, but in the process of draining it will collect 4-5 inches deep on the lot.

~Discussion ensued between the BZA and Staff. Throckmorton said he’s confused by the fact that the house appears to be predominantly sitting in the drainage area where most of the water collects, and he’s trying to understand the variance request of 4 feet. In order to approve the variance, Throckmorton said he would like to understand why 4 feet is such a big difference when the house appears to be sitting in that drainage area. Scanlan responded that the current trailer is out. When Mr. Valliant was looking at the property, he found that there is basically a drainage way along the southern portion. Mr. Valliant initially asked if he could take the trailer out and put a house in the same spot—not knowing where the property line was at that time. He had a separate house that he planned to move to this site. It was a house that he felt could fit on the property and not be in the waterway. Turns out that house was unable to be moved. So plan B was to design this house. He designed it in such a way (based on his knowledge of how the water collects) that the house would be out of the pooling area. Staff encouraged him to try and meet the northern setback as much as possible. Staff’s understanding is that he moved it as far south as he could without encroaching on that particular waterway and still keeping the house safe with giving some deference to the setback.

****Kappas moved to approve V-32-18 based on the written findings including the two conditions outlined in the staff report and striking the third condition as noted in the presentation by Lewis. Throckmorton seconded. Motion carried by voice vote 3:0—Approved.**

Meeting adjourned.