

**CITY OF BLOOMINGTON**



**November 17, 2011 @ 5:30 p.m.  
COUNCIL CHAMBERS #115  
CITY HALL**

**ROLL CALL**

**MINUTES TO BE APPROVED:** September 22, 2011

**PETITIONS CONTINUED TO:** December 15, 2011

- CU-43-11 **Ann Kreilkamp**  
2601 E. Dekist and 134 N. Overhill Dr.  
Request: Conditional use to allow the garden @ 2601 E. Dekist and a house @ 134 N. Overhill Dr. to be used as a community center.  
*Case Manager: Tom Micuda*
- V-48-11 **Thompson Thrift (Cheddars)**  
126 S. Franklin Rd.  
Request: Variance from front yard setback requirements and variance from maximum parking standards.  
*Case Manager: Patrick Shay*

**PETITION WITHDRAWN:**

- CU/V-47-11 **Bloomington Restorations, Inc.**  
2810 E. 10<sup>th</sup> St.  
Request: Conditional use for an historic adaptive reuse to allow an existing home to be moved to this property. Also requested is a variance to allow more than one primary structure within the Residential Estate (RE) zoning district.  
*Case Manager: Patrick Shay*
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**PETITIONS:**

- V-17-11 **Debby Herbenick**  
528 S. Highland Ave.  
Request: Variance from maximum fence height standards.  
*Case Manager: Jim Roach*
- V-44-11 **Keith and Dixie Hunt**  
2401 S. Rogers St.  
Request: Variance from front yard setback requirements for a building addition.  
*Case Manager: Katie Bannon*

- UV/V-45-11 **Max and Gilda Lauchli**  
535, 545 E. Southern Dr.,  
570, 580, 586 E. Hillside Dr., and  
1506 S. Henderson St.  
Request: Use variance to allow multifamily units on the ground floor of a Commercial Limited (CL) zoning district, and commercial use within a Residential Multifamily (RM) zoning district. Also requested are variances from density, front building setback, front parking setback, maximum impervious surface coverage and landscaping requirements.  
*Case Manager: Patrick Shay*
- V-46-11 **David Haberman and Sandra Ducey**  
1916 Arden Dr.  
Request: Variance from maximum fence height standards.  
*Case Manager: Jim Roach*

**BLOOMINGTON BOARD OF ZONING APPEALS**  
**STAFF REPORT**  
**LOCATION: 528 S. Highland Ave.**

**CASE #: V-17-11**  
**DATE: November 17, 2011**

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**PETITIONER: Debby Herbenick**  
**528 S. Highland Ave., Bloomington**

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**REQUEST:** The petitioner is requesting a variance to allow a fence in excess of the Unified Development Ordinance maximum height requirements.

	Fence Height
Proposed:	6 feet
Permitted:	4 feet

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**REPORT SUMMARY:** The petitioner owns the single family home at the northwest corner of S. Highland Avenue and E. 2<sup>nd</sup> Street. The property is zoned Residential Core (RC). Both the house and the driveway face Highland Ave. All other homes on this block of Highland Ave. face this street, however there are many homes in the area that face 2<sup>nd</sup> Street.

This petition comes to the Board of Zoning Appeals as a result of a zoning violation and subsequent enforcement action. The petitioner constructed an addition to an existing 6 foot tall fence in 2009. The existing 6 foot tall fence was replaced and repaired, it was grandfathered in its location. The petitioner added approximately 30 feet of new 6 foot tall fence along the 2<sup>nd</sup> Street frontage. The Planning Department issued a notice of zoning violation on October 20, 2010.

The UDO prohibits fences above 4 feet tall between the street and the “Front building wall.” The “front building wall” is defined as “the building elevation which fronts on a public street.” Corner lots have two front building walls. The area between the house and the street can be fenced with a 4 foot fence, but not the 6 foot fence that was constructed. The petitioner is requesting a variance to allow the extended 6 foot tall fence between the front building wall and the street to remain.

The petitioner contends that a fence taller than 4 feet tall is necessary because of a high volume of traffic on 2<sup>nd</sup> Street, the desire for privacy, a small back yard, the need to keep a dog contained and provide a place for it to run, and a need for security because of a past history of being a victim of stalking. The petitioner has submitted a copy of a protective order issued by the Monroe County Circuit Court in January 2011. The document is part of the file if the BZA would like to review it.

While there are other examples in town of fences taller than 4 feet tall between the front building wall and the street on corner lots, these fences were erected prior to the adoption of the UDO. Under Bloomington’s previous zoning ordinance, fences could be up to 8 feet tall anywhere on a lot. With the adoption of the UDO, the Plan Commission and City Council limited fence height in front yards to 4 feet in order to limit tall fences looming near sidewalks and keep front yards from being fenced off from the street view.

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## CRITERIA AND FINDINGS

### **20.09.130 (e) Standards for Granting Variances from Development Standards:**

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

1. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

**Staff's Finding:** No adverse impact to adjacent properties is anticipated. The new fence section is approximately 30 feet from the sidewalk along Highland Ave. The portion of the fence along E. 1<sup>st</sup> St. is no closer to the street than the older fence section. Property owners to the west and north will not be affected, as these portions of the fence are older grandfathered sections.

2. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**Staff's Finding:** Staff finds no injury to the general welfare. The fence does not create any visibility issue from adjacent streets and sidewalks.

3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

**Staff's Finding:** The Board of Zoning Appeals ruled on a similar case in 2009 (V-17-09), where a petitioner requested a variance from fence height standards to allow for a 6-foot fence between the street and the front building wall along High St. for the property located at 2105 E. Meadowbluff Ct. The BZA approved the variance request, finding that the peculiar condition could be found in the combination of three issues: First, that the property in question was on a corner lot, Second that the street along the "non-functional side" of the house is a classified street with heavy traffic. These issues created a privacy need that could not generally be achieved with a 4-foot tall fence. Third, the part of the fence taller than 4 feet tall was constructed of lattice and was not solid.

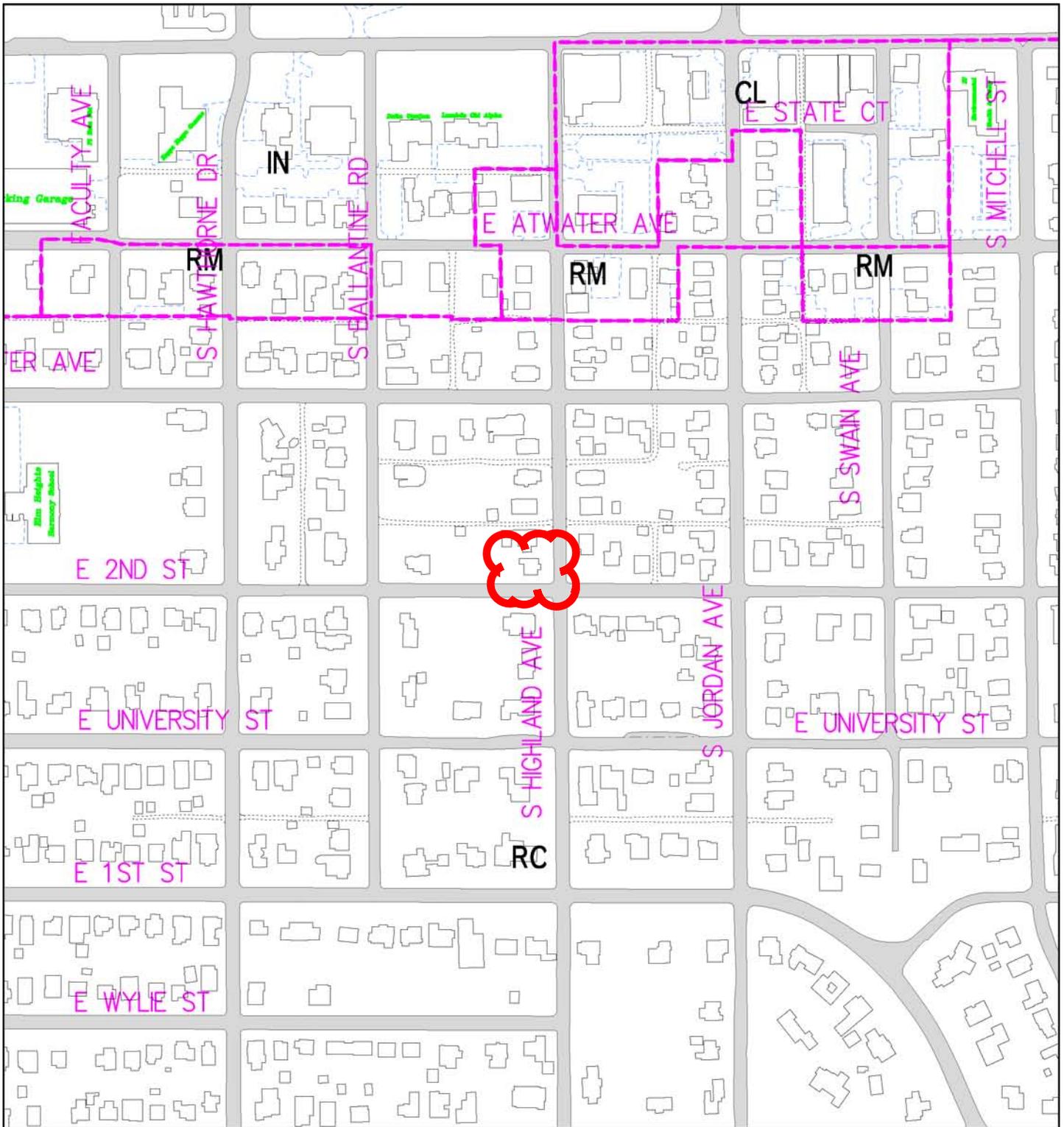
The petitioner's proposal is also on a corner lot, and the new 6-foot fence is not along the true front of the building wall. However, the second criteria used to find a practical difficulty in the previous case, that the property is on a classified street, is not present in the current situation. While E. 2<sup>nd</sup> Street has similar traffic counts as S. High Street, it is classified a neighborhood street while S. High St. is a primary collector. In addition, the petition does not meet the third criteria in that it is a fully 6 foot tall solid wood privacy fence with no lattice.

However, the petitioner argues that E. 2<sup>nd</sup> St. has a significant amount of traffic when you include pedestrian traffic, school bus stop traffic, and street parking, which necessitate the need for a taller fence to allow for more privacy. Because the petition is not along a classified road and includes a solid board privacy fence, it does not meet the criteria previously determined by the BZA to justify peculiar conditions. In addition,

the fence is built with a zero setback from the sidewalk, creating an additional expanse of blank wall very close to the street. Staff finds no practical difficulty in requiring compliance. Privacy could also be achieved through additional landscaping or window treatments.

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**RECOMMENDATION:** Based on the written findings, staff recommends denial of the variance.

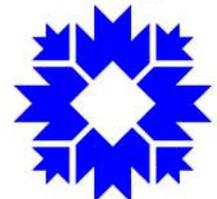


V-17-11  
Location Map

By: roachja  
9 Nov 11



City of Bloomington  
Planning



Scale: 1" = 300'

For reference only; map information NOT warranted.

## Petitioner's Statement

### Property Location

Our property, 528 South Highland Avenue, is located at the corner of Highland Ave and 2<sup>nd</sup> Street. The lot immediately to our north is owner-occupied residential real estate. The two lots immediately to our west are vacant homes owned by David Jacobs. The lots on the other three corners of 2<sup>nd</sup> Street and Highland Avenue have been rental properties (though 1 of the 3 is currently vacant and for sale).

### Background

I, Debby Herbenick, purchased the home in Summer 2009. Within one week of moving into the home, the westward neighbor at the time (Pat Carroll) informed me that the seller of my home (Kevin Jeffers) had an encroachment on his property that consisted of his (now my) fence and deck being on his property. Mr. Jeffers and Mr. Carroll had a signed agreement about the acceptability of this encroachment. None of this had been recorded with the city or county or any other authority even though Mr. Carroll was/is an attorney. Additionally, none of this information was known to me until a week after closing on the house.

I offered to purchase the 33-inch strip of land on which my fence and deck encroached on the Carroll's property and he indicated that they would likely be happy to sell the strip of land as they had several lots. Shortly thereafter, they decided not to sell the land as they were planning to sell their home. Mr. Carroll then notified me that this home and property were being purchased by a family that "understood the spirit of Bloomington" and would likely be happy to sell the strip of land. Soon after, I learned that David Jacobs had purchased the Carroll's property. After several discussions through his representative (Charlie Webb) about the planned uses of the land for Indiana University, we learned that he did not wish to sell the 33-inch strip of land. At one point, we asked Mr. Webb if Mr. Jacobs would consider selling us a 10 or 12 inch strip of land so that we could keep the wood deck at the rear of our home. Mr. Jacobs did not wish to sell this strip of land.

As such, in order to remove the encroachment, we had to pay to remove and replace the 6-foot tall wood privacy fence that was on the side of the house and in between our lot and that of the Jacobs'. We also had to pay to remove the wood deck behind our home as well as the decaying painted iron fence that was about 3 to 4 feet high and ran all along our property along 2<sup>nd</sup> Street.

Rather than just move it forward 33 inches we had a new fence installed as the old one was decaying in some ways and with loose nails. We wanted to have a fence for several reasons including (1) privacy and (2) a place for our dog to run and to safely be away from passerby as she is not friendly to other dogs or to men.

Shortly after having our fence built, we received a notice from the City stating that the fence was not in compliance with code. After an email and phone call to Russell White, we were able to learn that a portion of the fence along 2<sup>nd</sup> Street was identified as the problem. Although some of the 6-foot tall

fence was deemed allowable because it already existed on the property and he told us that we were allowed to rebuild/improve it along those lines, the new portion of the fence was not in compliance.

#### Petition

We would like to petition for a variance on our fence. Having a 6-foot tall fence involves several significant benefits for us, including:

1) **We have a greater sense of privacy.** There are only two living areas on the ground floor of the home – the living room and dining room – and both of these feature large windows that look out onto, and in from, 2<sup>nd</sup> Street which is a busy street. There are many student rentals in our area and it is not unusual for individuals to loiter on our corner or to park their cars there. A school bus stop also lets out by our house. At 6 feet tall, we have significantly more privacy in these two living areas and enjoy opening our blinds without everyone being able to look in. We also have privacy in the yard. Our side yard (the portion in question runs along the side yard) is the only sunny area in our entire yard, which is quite small to begin with. We enjoy having a sunny spot to lay in a hammock and to enjoy the sun. With a shorter fence, this would not be possible.

On a related note, I am the victim of stalking and have a protective order against a man who has sent more than 1,200 emails to me, many of which are sexually graphic, threatening and violent in nature. Although he has not come to my home (to my knowledge) he has referenced coming to Bloomington and has referenced being able to find my home address. Although it may seem a small matter to others, to me it is extremely valuable that we have a fence that shields our living area from plain public view.

2) **Our dog has a place to run that keeps passerby safe.** Our dog is able to jump up to four feet ledges (she does so on neighborhood walks) though we don't know if she can actually jump over a four foot fence – nor do we wish to find out! She is not friendly to other dogs or to men. We don't ever leave her in the yard unattended for longer than 5 or 10 minutes but she does go into the yard and having a 6-foot tall fence gives us confidence about others' safety.

We have already incurred significant expense including paying \$1900 for the new fence, removal of the old fence, removal of the old iron gates, and removal of the wood deck. We have experienced a loss in the perceived size of our lot (due to the seller not disclosing the true property lines or the encroachment) and we have experienced a loss in the value associated with having a deck.

We would greatly appreciate the committee's consideration to allow us to keep the fence as-is. We have received estimates on a new fence including a four-foot fence, which greatly concerns us due to privacy and dog-related concerns and that estimate is approximately \$750 to \$900. We also received an estimate on adjusting the sideyard fence to be a lattice fence and that estimate was approximately \$1100. Further if the sideyard is adjusted it won't match the portion of the fence that has been "grandfathered in" which will not be attractive for the neighborhood. As such, we kindly petition the committee to consider our request for a variance on our fence.

James C. Roach, AICP  
Senior Zoning Planner  
401 N. Morton Street, Suite 160  
PO Box 100  
Bloomington, IN 47402

Dear Mr. Roach,

I am writing to provide additional information and documentation related to the appeal I have filed about requesting a variance for part of the fence on my side yard (technically considered a second "front yard" as my home is on a corner lot).

For several reasons, it is important to me to be able to have a 6 foot fence on the side yard rather than a 4 foot fence. These reasons relate to characteristics of the property and situational characteristics.

#### Characteristics of the property

1. We have a very small backyard. Being able to have the side yard fenced in with a six foot tall fence provides room for our dog to be outside and to not be a threat to people or dogs on the sidewalk.
2. The only two living areas in our home, which is small, have large windows facing Second Street. Having a six foot tall fence in this area provides a sense of privacy in our living room and dining room.
3. Second Street is quite busy not only in terms of traffic patterns but in terms of the way that it is used. Cars sometimes park along the street outside our window. Sometimes people loiter waiting for rides. Other times parents wait outside our windows waiting for their children's bus to arrive. It is also an intersection where a large number of people run the stop sign on Second Street and several months ago there was an accident there as a result.
4. The property is also adjacent to the Jacobs' property which, at times, has become trafficked with individuals taking photographs in the yard next door to us (during the recent demolition period) or walking the property, also during this time. Mr. Jacobs' representative has also alluded to the property eventually being used for entertaining groups of people. It would be nice to have some privacy as this occurs.
5. We already have two types of fences and if we have to change this one small section of the fence, it will look strange to have three fence "types". We have had significant expense already related to the fence and removal of a deck that was located several inches on Mr. Jacobs' property (the previous owners of both properties had an undisclosed agreement about this encroachment which was not revealed to me until after I closed on the house; this is further described in the previous information I submitted to your office). We have had significant expense and burden already related to this fence and it would be a great kindness not to have to do anything further to the fence or fence height. We had no idea that there was a fence height issue when we had the fence built a year ago. We have waited patiently while the committee reviewed plans and our case was continued, but this has also meant that we have been in limbo with uncertainty about adding landscaping or lighting because we don't know what will become of our fence or yard situation.

As I mentioned there are also personal situational characteristics that are important and that, from my perspective, are highly relevant to my desire to have a six foot tall fence on the side yard for privacy reasons. As previously noted, there is a man who has sent me more than 1,200 emails that contain

specific sexual and violent language directed at what he wants to do to me. I have suffered significant trauma and fear from these. I have a protective order issued against him that is valid for two years (roughly only one more year). Although I know that two extra feet of fence (six rather than four) cannot guarantee my safety, the peace of mind that it provides me when I am in my home and sitting in my living room is something that cannot be described. I am attaching a copy of the protective order application so that you and the committee can understand the extent of this situation.

Please do not publish this protective order anywhere public. Your office and committee members are welcome to review copies, but I ask that at the meeting we not enter this man's name into public record in case he Googles himself and finds this case. I cannot tell you how much I fear being re-contacted by him or having him know for certain what my address is.

I understand that there are few circumstances in which your office may recommend a variance. However, I beg of you to please consider lending your support for this petition so that we may keep the extra two feet of fence height in this one small section of our yard. It may be a small section of fence but it provides a great sense of personal peace and makes living in my home tenable.

Thank you.

A handwritten signature in black ink, appearing to read 'Debby Herbenick', written in a cursive style.

Best,

Debby Herbenick

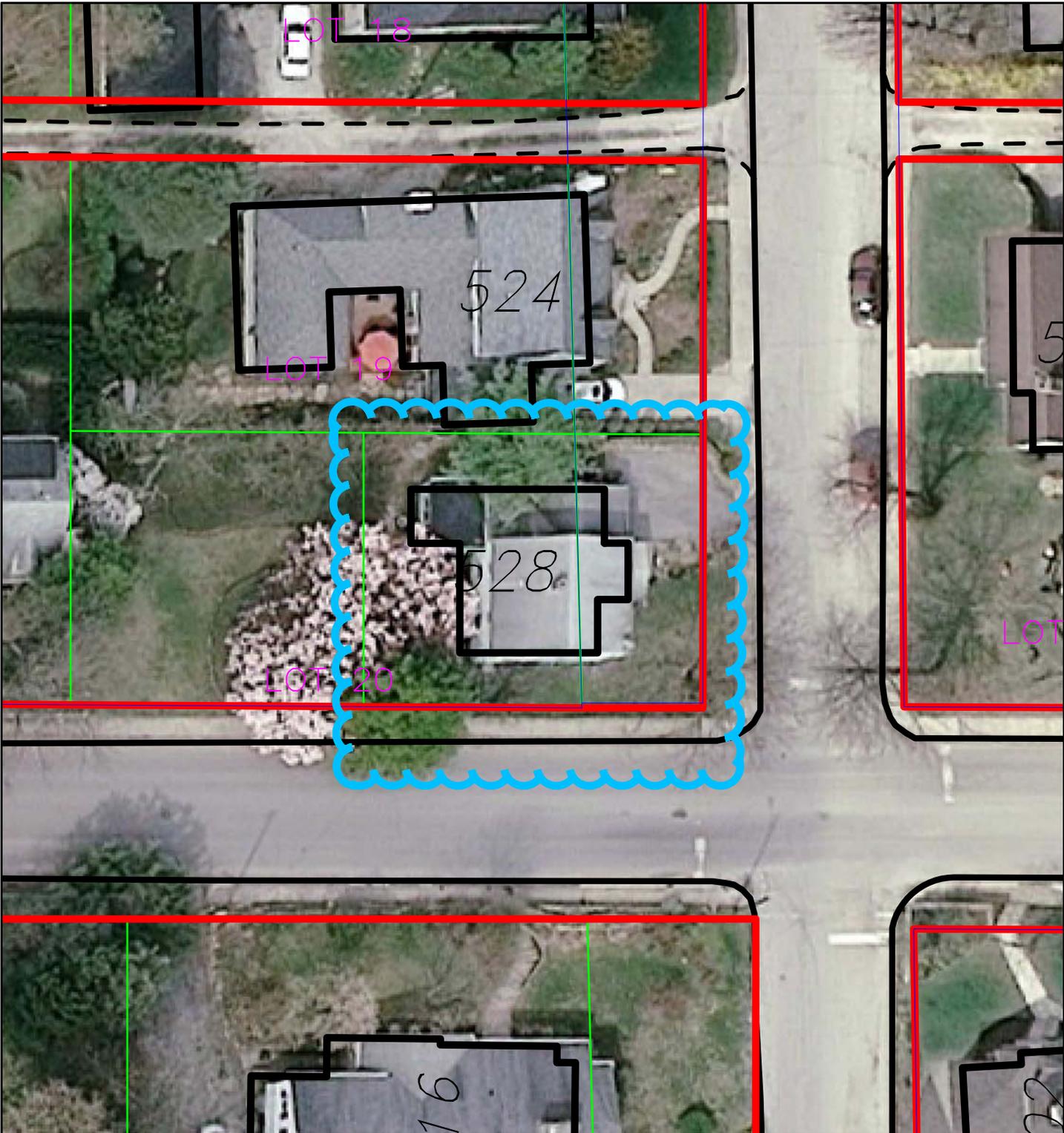


V-17-11  
Petitioner's Photo

Highland Ave-view

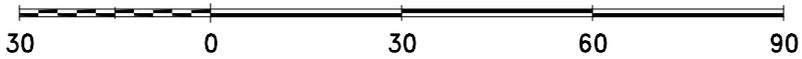


V-17-11  
Site Photos



V-17-11  
2010 Aerial Photo

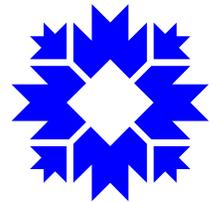
By: roachja  
9 Nov 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 30'



James Roach <roachja@bloomington.in.gov>

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## 528 S. Highland Fence

1 message

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lukasd@comcast.net <lukasd@comcast.net>

Wed, Nov 2, 2011 at 9:03 AM

To: roachja@bloomington.in.gov

Cc: James Hunter Capo <jcapo@indiana.edu>

Dear Mr. Roach,

This letter is in regards to the variance from maximum height of the fence on the property of Debby Herbenick on 528 S. Highland Ave. We own the house across the street on 1206 E. Second St. that faces the fence. We have NO problem with the wooden fence that affords privacy to the small yard on a busy street. It does muffle the noise from traffic on one side, and noise from the household like pets & music on the other. The current fence is esthetically appealing and does not hamper the view of drivers on Second St. or Highland Ave.

Thank you for your consideration of our opinions.

Sincerely, Dawn & Rod Lukas

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V-17-11  
Letter of support



James Roach <roachja@bloomington.in.gov>

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## Debby Herbenick Petition

2 messages

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Kevin Weiss <KWeiss@authorsolutions.com>

Thu, Nov 3, 2011 at 10:51 AM

To: roachja@bloomington.in.gov

Dear Mr. Roach - I'm writing in support of Debby Herbenick's petition for a fence height variance for her home on 528 S. Highland Ave. My wife and I currently live on the next block (500 S. Ballantine) but we were Debby and James' neighbors on Highland last year. They have an unusually small yard that is enhanced by having it fenced in. The height of the fence serves to increase their privacy, muffle sound from the road, as well as keep their dog on their property. They have also already experienced significant expense, burden and distress related to the property line issue with David Jacobs, the removal of their old fence, replacement with a new one and the necessary removal of their deck.

As a neighbor, I have no problem with the height or appearance of their fence. I actually enhances the appeal of the property. I support their petition for a variance.

My best – Kevin

**Kevin Weiss**

**President & CEO**

**AuthorSolutions, Inc.**

**1663 Liberty Drive**

**Bloomington, Indiana 47403**

**o: [812.334.5408](tel:812.334.5408)**

**f : [812.349.0808](tel:812.349.0808)**

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James Roach <roachja@bloomington.in.gov>

Thu, Nov 3, 2011 at 10:56 AM

To: Kevin Weiss <KWeiss@authorsolutions.com>

Thank you Kevin,

I'll pass your e-mail on to the Board of Zoning Appeals.

James

[Quoted text hidden]

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James C. Roach, AICP  
Senior Zoning Planner

V-17-11  
Letter of support

16



James Roach <roachja@bloomington.in.gov>

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## In Support of Debby Herbenick

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Dodge, Brian Mark <bmdodge@indiana.edu>

Thu, Nov 3, 2011 at 10:42 PM

To: "roachja@bloomington.in.gov" <roachja@bloomington.in.gov>

Dear Mr. Roach,

This letter is intended to be in support of Debby Herbenick's petition for a fence height variance (528 S Highland Avenue). I am an Elm Heights resident, living only two streets away from Dr. Herbenick on S. Hawthorne. As a neighbor, I support her petition for the height variance; she and her fiancé have a very small yard and having a fence provides a more reasonable amount of space for her dog to be let out into. The fence is attractive and in keeping with neighborhood aesthetics, many of whom have similar/identical fences - particularly on corners.

I am also a colleague of Dr. Herbenick's and am aware of the enormous strain and distress she was caused by a man who she has never met, now has a protective order against, but who she has long been in fear of given the more than a thousand emails he sent to her. The fence height provides her with privacy which would be important to anyone but is especially important to someone who has received the kinds of sexually violent threats that she has received.

Thank you.

Brian Dodge (422 S. Hawthorne)

Brian M. Dodge, Ph.D  
Indiana University - Bloomington  
Associate Professor, Department of Applied Health Science

Sent from my iPhone

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**PETITIONERS:** Keith and Dixie Hunt  
2401 S. Rogers St, Bloomington, IN

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**REQUEST:** The petitioners are requesting a variance from the front yard setback standards to allow for a building addition to an existing single family house.

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**REPORT SUMMARY:** The subject property is located at 2401 S. Rogers Street on the southeast corner of S. Rogers Street and W. Coolidge Drive. It is zoned Residential Single-family (RS) and has been developed with a one-story single family house and a detached garage. The house is situated on a corner lot and has an existing front setback on W. Coolidge Drive of 13', not including the addition. The detached garage has a front setback of approximately 6' from W. Coolidge Drive. All surrounding properties have been developed with single family houses and are zoned residentially.

In RS zoning districts, the Unified Development Ordinance requires a front setback of 15' or the block face average setback of the existing primary structures on the same block face, whichever is more. The intent of the front setback requirement is to ensure compatibility of new development with existing patterns of development. Because 2401 S. Rogers Street is a corner lot, both W. Coolidge Drive and S. Rogers Street are treated as fronts.

The petitioners have built a 16' x 14' (224 square foot) building addition to the east side of the house. The petitioners are requesting a variance from the required 15' front setback from W. Coolidge Drive for the addition, which has a 5' front setback.

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**CRITERIA AND FINDINGS**

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**STAFF FINDING:** Staff finds that the reduced front setback will not negatively affect the public health, safety, morals, or general welfare of the community. The existing right-of-way of W. Coolidge Drive is 40 feet. A decreased front setback is unlikely to infringe upon any need for future right-of-way. There is an approximately 11 foot wide unpaved green strip of right-of-way on the south side of W. Coolidge Drive that could accommodate a sidewalk at a later date.

2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

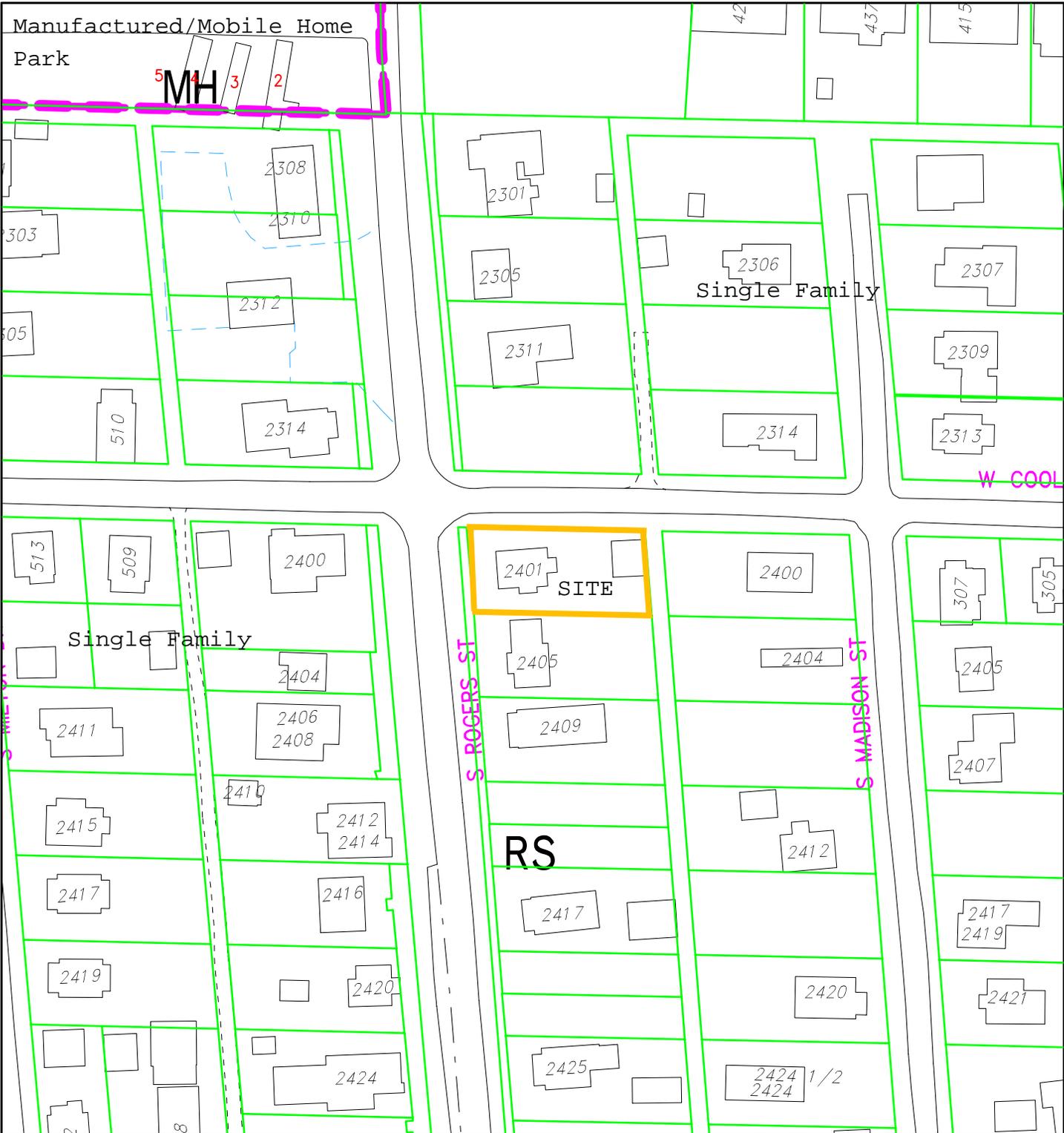
**STAFF FINDING:** Staff finds no known adverse impacts to the use and value of the surrounding area associated with the proposed variance. Staff has not received any calls of opposition from neighbors.

3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING:** Staff finds no practical difficulties in building a similarly sized addition to the eastern side of the house that would meet the required front setback and all other terms of the Unified Development Ordinance.

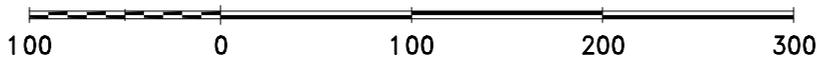
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**RECOMMENDATION:** Based upon the written findings above, staff recommends denial of this petition.

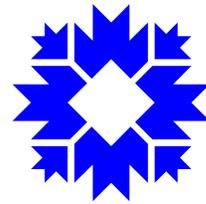


V-44-11 KEITH AND DIXIE HUNT  
 2401 S. ROGERS ST.  
 LAND USE/ZONING MAP  
 BOARD OF ZONING APPEALS

By: bannok  
 9 Nov 11



City of Bloomington  
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

my name is Keith Hunt, my wife is Dixie Hunt. We started building a porch on the northeast side of our house, not knowing we needed a permit. We apologize for our ignorance. We were told a sidewalk would be built on the west side of our house and we won't be able to park our cars there anymore. I didn't want my wife to have to walk so far to get into her car to go to work in wintertime. She will be able to go out our back door and get right into her car. She is 69 and still working. We ask that you please give us a variance? Dixie has trouble with her knees. Thank you for your consideration.

Keith & Dixie Hunt  
10-13-11

V-44-11

PETITIONER'S STATEMENT



V-44-11  
SITE PLAN

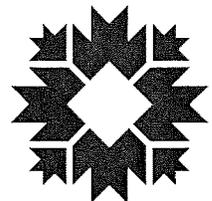
By: bannok  
14 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 30'



8 RAFTER  
2x4

5' 0"

2x6  
FIN RAFTER

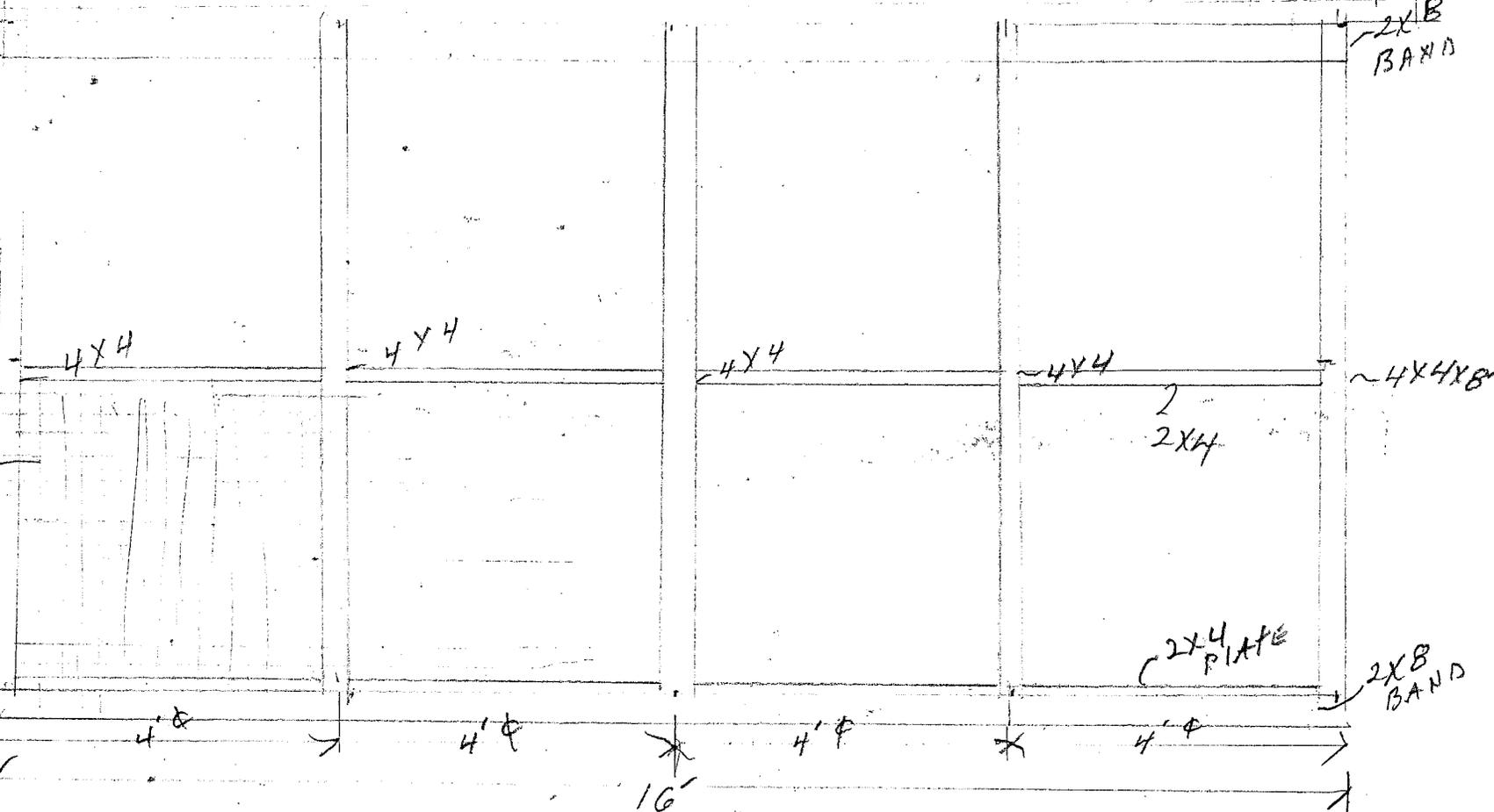
SHINIE  
GRAY

12" →

2x8  
BAND

SCREEN  
WIRE  
BLACK

3-4  
2x12  
STEPS



V-44-11  
CROSS SECTION  
NORTH AND SOUTH ELEVATION

V-44-11  
EAST ELEVATION



V-44-11  
NORTHWEST ELEVATION





V-44-11  
WEST ELEVATION

V-44-11  
EAST ELEVATION

ADDITION



DETACHED GARAGE



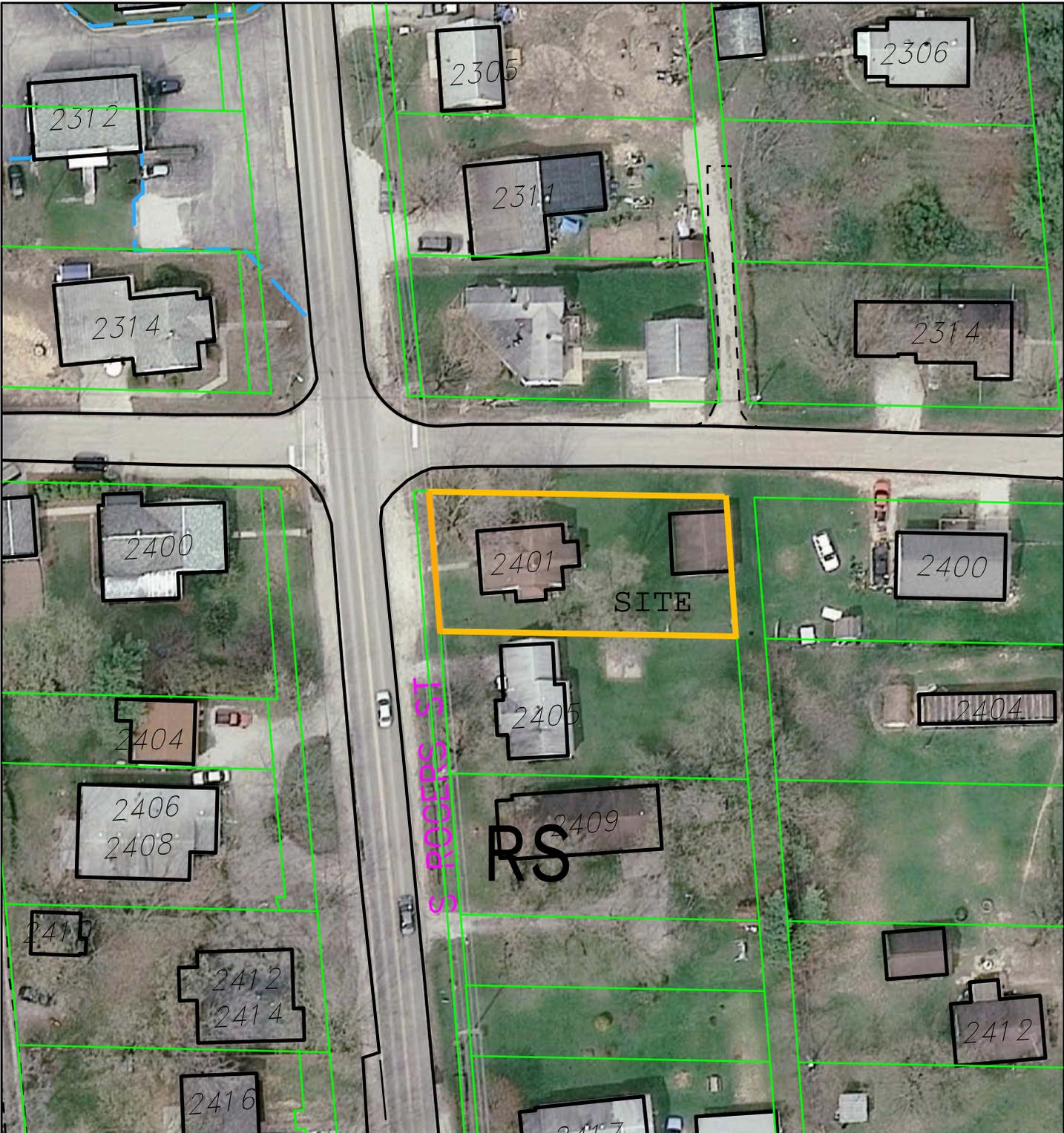
V-44-11

VIEW OF EAST ELEVATION FROM ADJACENT  
PROPERTY



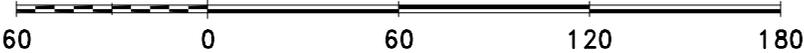
ADDITION

ADJACENT HOUSE



V-44-11 KEITH AND DIXIE HUNT  
 AERIAL PHOTO

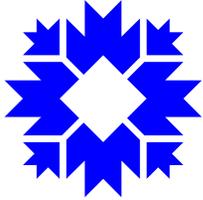
By: bannok  
 9 Nov 11



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 60'

Oct. 24, 2011

To Our Broadview Neighbors,

The City of Bloomington is planning to put sidewalks in front of my house, which will take my front parking away. With the need of easy access to my detached garage we built a screened-in porch. We have the addition close to done with the exception of the screen, outside trim, access door and steps, when we were cited for not having a permit, which we were ignorant of the fact we needed one and building was stopped.

We went to the County and applied for a Building Permit for the Porch. We were told we need a variance from the City of Bloomington. The V-44-11 Variance Meeting scheduled date is 11/17/2011 in the Council Chambers, located in Room #115 of the Showers Center City Hall, 401 N. Morton St. at 5:30 P.M.

We are asking you to support our efforts, to gain easy access to our detached Garage, improve our property, and the quality of our life and happiness.

Please, sign below and attached pages with your support. Thank You

Keith & Dixie Hunt

2401 South Rogers Street

Bloomington, IN. 47403

812 631 1576

Name:

Address:

1. Allen Conley 2431 S. BRYAN ST BLOMINGTON IN 47403
2. Suzanne Bradley 704 W. RALSTON DR. Bloomington, IN 47403
3. JAMES BRADLEY 704 W. RALSTON DR Bloomington IN 47403
4. Ken Scutter 2314 S. Madison Bloomington, IN 47403
5. Anne Roberts 303 W. Coolidge Dr. Bloomington IN 47403
6. RICHARD EVANS 2418 S BROWN AVE. 47403
7. Tanya Hilliatt 2431 S. Bryan St. Blgtn 47403
8. Liz Sluder 2301 S Rogers St. Blgtn 47403

- 9 Liz Sluder 2301 S. Ryans Bloomington IN 47403
- 10 SHAYA STANTZ 2400 S. MADISON ST. BLOOMINGTON IN 47403
- 11 William B. ... 2407 S. Madison
- 12 Rex Montgomery 2420 S. Madison St. Bloomington IN 47403
- 13 Jeff 2428 S. Madison St. Bloomington IN 47405
- 14 STANTON SMITH 403 W. GRAHAM ST. BLOOMINGTON
- 15 Jared LaFever 2504 S. Madison St. Bloomington IN 47401
- 16 Paul Chambers 2504 S. Madison St. Bloomington IN 47401
- 17 LARRY BELCHER 2505 S. MADISON BLOOMINGTON IN 47403
- 18 Mary W. Winger 2513 S. Madison St. Blgtn. IN. 47403
- 19 Melville R. Waldrip - 2508 S. MADISON ST. BLOOMINGTON, I. 47403
- 20 Jim Blatz 2518 S. Madison St. Blgtn IN 47403
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**BLOOMINGTON BOARD OF ZONING APPEALS  
STAFF REPORT**

**CASE #: UV/V-45-11  
DATE: November 17, 2011**

**Location: 535 & 545 E. Southern Drive; 570, 580, and 586 E. Hillside Drive; and 1506 S. Henderson Street**

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**PETITIONERS:** Max and Gilda Lauchli  
570 E. Hillside Drive, Bloomington

**COUNSEL:** Bynum Fanyo & Associates, Inc.  
528 N. Walnut Street, Bloomington

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**REQUEST:** The petitioners are requesting use variances to allow commercial use within a Residential Multifamily zoning district and ground floor residential units within the Commercial Limited zoning district. Also requested are variances from density, front building setback, front and side yard parking setbacks, maximum impervious surface coverage and landscaping requirements.

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<b>Zoning:</b>	<b>RM and CL</b>
<b>GPP Designation:</b>	<b>Neighborhood activity Center and Urban Residential</b>
<b>Existing Land Use:</b>	<b>Vacant commercial and single family</b>
<b>Proposed Land Use:</b>	<b>Mixed-Use</b>
<b>Surrounding Uses:</b>	<b>North</b> - Mixed-Use (South Dunn Street PUD) <b>South</b> - Office and Residential <b>East</b> - Single Family <b>West</b> - Single Family

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**SUMMARY:** The petitioners have accumulated 6 parcels that include three properties at the southwest corner of E. Hillside Drive and S. Henderson Street and three properties at the northwest corner of E. Southern Drive and S. Henderson Street. The 6 properties are separated by an east/west public alley that divides the parcels fronting on Hillside Dr. from those fronting on Southern Dr. For zoning purposes, these are reviewed as two separate properties. All three of the Hillside lots are zoned Residential Multifamily (RM) and have existing structures on them, two of which are vacant. The eastern two lots on Southern Dr. are zoned Commercial Limited (CL) and the third Southern Dr. lot is zoned RM. There are two existing structures on these three lots, one of which is currently vacant.

The petitioners are proposing to raze the existing structures and develop the lots with three two-story structures. Two of the structures would be solely residential buildings while the proposed structure located adjacent to the Hillside Dr. and Henderson St. intersection would be a mixed-use building with 2072 square feet of commercial space.

The current zoning on the properties would require non-residential use on the entirety of the first floor of the two CL zoned parcels located on Southern Dr. and would not allow any commercial use on any of the RM lots including all the lots that front on Hillside Dr. The petitioners are proposing to essentially flip the commercial portion of

their project to the Hillside Dr. frontage. Staff finds the Hillside frontage to be more desirable for the commercial development and would complement the mixed-use buildings located in the South Dunn Street development to the north. To allow for the commercial to be placed on the RM portion and to not have any commercial on the CL portion of the property, use variances are necessary. Although the most likely use of the commercial space would be a restaurant, staff will recommend to the BZA that all uses permitted within the CL zoning district be permitted for the commercial space.

The petitioners are also requesting a package of variances from the Board of Zoning Appeals to allow their redevelopment project to move forward. The variances include setbacks, density (to allow for a more even distribution of the allowable units across the entire property), impervious surface coverage, and landscaping.

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**SITE PLANNING:**

*Density:* The proposed site plan includes three new structures, all of which are proposed to be two-stories in height. A mixed-use structure at the Hillside Dr. and Henderson St. intersection would have 2072 square feet of commercial space and 9 one-bedroom units. The second building would be located immediately west of the mixed-use building and would house 6 one-bedroom units. The last building would be located on the 3 parcels along Southern Dr. This structure is proposed to have 15 one-bedroom units. The total number of units proposed is 30 one-bedroom units or 7.5 units after Dwelling Unit Equivalents (DUEs) are applied. The current zoning would allow 4.1 units on the CL portion of the property and 3.8 units on the RM portions of the site. The petitioners are seeking variance to allow the units to be more evenly spread over the entire site. They are not proposing more than the total number of units than would be found with a compliant site plan (7.9 units).

*Setbacks:* The petition meets all of the required building setbacks except the front building setback. The petitioners have proposed a front building setback for all three frontages of 15 feet from the existing ROW. The properties in question would have several different setbacks due to the adjacent road classifications, varying rights-of-way, varying centerlines, multiple zoning districts, and existing setbacks of structures on adjacent properties. Staff finds this to be a reasonable setback that will allow a desirable building forward design and will help match the pedestrian streetscape of the north side of Hillside Dr.

*Architecture:* The mixed-use building has been changed to include a flat roof similar to what is found across Hillside Dr. It will have a large amount of storefront glass and a raised entry. The façade of this structure is proposed to be brick. Individual residential entries for the two units fronting on Henderson St. have also been incorporated into the design.

The larger residential building along Southern Dr. would provide pedestrian entry through an open “mouse hole” entryway that would access an internal courtyard. The petitioners have also designed the site to accommodate an outdoor patio area in anticipation of a potential restaurant use. This area would be further detailed with the construction of a trellis system between the two structures on Hillside Dr.

The building architecture for the residential buildings is also two stories in height with a pitched roof allowing for vaulted ceilings in the second floor units. The structures would have several exposed balconies and would be clad with cementitious siding. They would mostly be accessed from an internal courtyard with external entryways. Although staff finds that it would be desirable to have the western building on Hillside Dr. to have a front entry, the architecture is compliant with the UDO.

*Parking:* Parking for this site will be provided off of the unimproved alley that bisects the lots. The petitioners are not proposing to vacate the alley, but will widen and shift access slightly to the south to provide access to parking spaces on both sides of the alley. They are not required to provide any parking with this petition, but have developed a site plan that has 25 spaces located directly off the alley. They are also proposing to add 8 on-street parking spaces to Hillside Dr. similar to those found on the north side of the street, add 4 on-street spaces on Henderson St., add a delivery pull-off along Henderson St. (that would provide 2 additional street spaces part of the time), and formalize 5 on-street parking spaces along Southern Dr. The total number of parking spaces that would be created with this petition is 25 on-site and 18 on-street for 30 bedrooms and 2072 square feet of commercial space.

No parking variance is required with this petition, but the petitioners are seeking two setback variances for the proposed parking. The UDO requires the proposed parking off the alley to be a minimum of 20 feet behind any wall of the proposed buildings that face a public street. The parking has been located behind the structures, but due to the three street frontages they are very limited on where parking can be placed. Therefore, they have created the most efficient parking area and utilized a covered parking area and a screen wall along Henderson St. to achieve adequate screening of the parking area.

They also are seeking a sideyard parking setback variance with this proposal. The UDO allows a maximum of 8 parking spaces to back-out off an alley without variance. The Southern Dr. properties have a total of 12 parking spaces and the Hillside lots have a total of 13 spaces off of the alley. These are not required spaces and the petitioners have designed the parking in the most efficient manner. It should also be noted that the most affected properties from this variance will be the petitioners' own property. Although it could be used in the future, this is not currently an improved alley and does not currently provide access to any other properties.

*Impervious Surface Coverage (ISC):* The petitioners are seeking a variance from the maximum impervious surface coverage standards of the UDO to allow approximately 74% ISC. The RM lots allow a maximum of 40% ISC and the CL allows 50% ISC. The petitioners have requested that a higher ISC be allowed for this site. This request is mainly due to several factors including; desire to provide a higher parking count than the zero required parking spaces, a desire to construct the buildings with 2-stories more in keeping with the surrounding area, the infill nature of the development, and a more urban design that locates the buildings in closer proximity to the street and places parking to the rear of the structures. In addition, the petitioners are designing

two small bioretention ponds to assist with filtration of stormwater run-off prior to its release into the City's stormwater system.

*Neighborhood Input.* The petitioners have met with the neighborhood two times to discuss the proposed project. Staff has also discussed this project with several interested parties. Overall, there has been a significant amount of support for redeveloping this site. However, several neighbors have raised concerns with specific aspects of the site plan. These items include density, lack of adequate ISC, landscaping, and parking. For comparison, staff reviewed this petition in terms of ISC, parking, and density in relationship to the South Dunn Street project lots that front on Hillside Dr. the results of that analysis are as follows:

	South Dunn – Hillside Lots	Lauchli Proposal
<b>Acreage</b>	.741	.824
<b>Bedrooms</b>	32	30
<b>Commercial sf</b>	9300	2072
<b>On-site spaces</b>	24	25
<b>On-street spaces</b>	32	18
<b>Total Parking</b>	56	43
<b>DUE Units</b>	16	7.5
<b>Density w/DUE</b>	21.6 un/ac	9.1 un/ac
<b>ISC %</b>	92%	74%

As shown on this chart there are many similarities with this project and the South Dunn Street lots along Hillside Dr. which is generally thought of as very successful. We have heard some complaints that the parking is somewhat underparked. Although the numbers for the two projects are very similar, the three main differences are seen in the density, parking, and ISC. Once DUEs are applied, the density of this project is less than half of the Dunn St. project. The 74% ISC of this project is also well below the 92% of the Dunn St. project. Although these higher ISC percentages are not generally supported, staff finds that in the proper location, they can be appropriate.

Lastly, staff finds the project to be appropriately parked. If both projects utilized one parking space for every residential bedroom, The 13 remaining spaces on this project would calculate to 1 space per every 159 square feet of commercial space. This is a higher parking ratio than the maximum 1 space per 200 square feet allowed by the UDO for small restaurants and much higher than the 1 space per 300 square feet allowed for offices and smaller scale retail users. With the Dunn St. project, once 32 spaces would be allocated for the 32 residential bedrooms, there are 24 remaining spaces for 9300 square feet of commercial space or 1 space per 387 square feet. This is less than half the parking ratio being proposed by the petitioners.

The petitioners are also seeking a landscaping variance for this site. The petitioners have met the minimum requirements of the UDO for landscaping, but the required shrubs are not located within the required 5 feet of the parking area. The plants themselves have been included in the plan. The requirement is to provide adequate screening and softening of parking lots. The back-out nature and the location of the

parking between the buildings provide an adequate screen for the parking. It should also be noted that while the petitioners are seeking a variance from the maximum ISC, they have provided enough trees and shrubs to meet the landscaping requirement even if the required ISC had been met.

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#### **20.09.140 CRITERIA AND FINDINGS FOR USE VARIANCE:**

**Findings of Fact:** Pursuant to IC 36-7-4-918.4. the Board of Zoning Appeals or the Hearing Officer may grant a variance from use if, after a public hearing, it makes findings of fact in writing, that:

- (1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and*

**Staff Finding:** Staff finds no injury with this request. The proposal would remove two vacant structures and would bring additional pedestrian traffic and interest to the area.

- (2) *The use and value of the area adjacent to the property included in the use variance will not be affected in a substantially adverse manner; and*

**Staff Finding:** Staff finds no negative impacts from the proposed mixed-use of the property. Conversely, the existing structures are not of high quality or value and the former commercial structure has generated negative public comments and a stated desire for redevelopment of these sites. This redevelopment project would impact the use and value of the adjacent area in a positive manner.

- (3) *The need for the use variance arises from some condition peculiar to the subject property itself; and*

**Staff Finding:** Staff finds peculiar condition in the combination of the existing vacant and derelict nature of some of the properties in question and the location of the CL zoning on the lots. This site has long been identified as a prime redevelopment opportunity. Redevelopment of this site would allow the removal of the dilapidated commercial structure and its replacement with a desirable mixed-use building. The corner location at Henderson St. and Hillside Dr. has a Neighborhood Activity Center GPP designation, has a history of commercial use, is located on an arterial roadway, has a full range of public services and is located at the periphery of a core neighborhood. In many ways it is similar to the Mixed-use portion of the South Dunn Street PUD to the north. Staff finds that placement of the commercial space at the Hillside Dr. corner will allow it to remain more viable than the Southern Dr. corner.

- (4) *The strict application of the terms of the Unified Development Ordinance will constitute an unnecessary hardship if they are applied to the subject property; and*

**Staff Finding:** Staff finds hardship in not permitting the commercial and ground floor residential uses to essentially be switched. Staff finds that the commercial is more appropriate and desirable at the intersection of Henderson St. and Hillside Dr. The proposed use variance will have little impact on the overall use of the properties and more on the distribution of those uses. Strict application of the UDO would require commercial at the intersection of Southern Dr. and Henderson St. and would not allow commercial at the intersection of Henderson St. and Hillside Dr.

(5) *The approval of the use variance does not interfere substantially with the goals and objectives of the Growth Policies Plan.*

**Staff Finding:** The Growth Policies Plan (GPP) designates the eastern portion of this site as a Neighborhood Activity Center (NAC) and the western portion as Urban Residential. The GPP provides significant guidance on these designations. The main points that pertain to this project are as follows:

#### NAC (Intent)

- is a mixed commercial node that serves as the central focus of each neighborhood.
- must be designed so that it serves the neighborhood adequately without attracting an influx of usage from surrounding areas
- located so that it is easily accessible by pedestrians, minimizing automotive traffic throughout the neighborhood
- will provide small-scale retail and business services within the context of neighborhoods while maintaining compatibility within the existing fabric of development

#### NAC (Land Use)

- should contain a mix of neighborhood scale retail and office space, as well as services such as day care and higher density housing
- Housing elements are ideally integrated with nonresidential elements such that housing units are situated above commercial and office space
- located ...most probably through the redevelopment of an existing nonresidential use
- The main focus of the NAC should be commercial uses at a scale that serves the immediate neighborhood, including such services as small food stores, video rental, or small cafes. Residential uses should be limited to multifamily development, ideally on floors above street level commercial uses.

#### NAC (Site Design)

- Compatibility with surrounding established neighborhoods is one of the most important factors in the development of a Neighborhood Activity Center
- must relate to surrounding residential neighborhoods and not adversely affect the livability of these neighborhoods through traffic, lighting, noise, litter or other impacts

- The height of new commercial structures in a NAC shall be limited to three stories in order to minimize the impact of such uses on surrounding residents
- Bus stops, bus pull-offs, or shelters shall be incorporated to maximize transit trips to the NAC
- In order to define the center, buildings should be pushed to the front edge of the site
- Any parking that is provided for a NAC should be primarily serving any residential units that are a part of the development rather than used as an attractor for commercial users
- Parking should be located in the side or rear of buildings, and can be made accessible from an improved alley system in order to minimize street cuts in front of buildings
- All parking areas should also be heavily landscaped in order to soften their impact on the neighborhood

#### Urban Residential (Intent)

- This category identifies existing residential areas with densities generally ranging from 2 units per acre to 15 units per acre.
- The fundamental goal for these areas is to encourage the maintenance of residential desirability and stability. Where new infill development is proposed, it should be consistent and compatible with preexisting development

#### Urban Residential (Land Use)

- Single family residential development is the primary land use activity for this category with some additional uses such as places of religious assembly, schools, home occupations, and multifamily housing

#### Urban Residential (Site Design)

- contain a mixture of densities, housing types (single family vs. multifamily)
- Redevelopment or rehabilitation of existing structures or development of single lots or small parcels should respect the unique character and development pattern of the neighborhood. The development should emphasize building and site compatibility with existing densities, intensities, building types, landscaping and other site planning features

Based on the clear compatibility between the proposal and this GPP guidance, staff finds that the petition does not substantially interfere with the GPP. Conversely, it furthers many of the guiding principles of the GPP such as Compact Urban Form, Conserve Community Character, Leverage Public Capital, and Mitigate Traffic.

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### **CRITERIA AND FINDINGS FOR DEVELOPMENT STANDARDS VARIANCE**

**20.09.130 e) Standards for Granting Variances from Development Standards:** A variance from the development standards of the Unified Development Ordinance may

be approved only upon determination in writing that each of the following criteria is met:

- 1) *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**STAFF FINDING:** Staff finds no injury with this petition. This redevelopment proposal will not create any safety risks and will only improve the surrounding area.

- 2) *The use and value of the area adjacent to the property included in the Development Standards Variance will not be affected in a substantially adverse manner.*

**STAFF FINDING:** Staff finds no negative impacts from any of the proposed variances. The proposed construction will only enhance the surrounding area. It will remove a long vacant commercial building and will create a significant reinvestment to the area.

- 3) *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the Development Standards Variance will relieve the practical difficulties.*

**STAFF FINDING (Density):** Staff finds that requiring the total number of permitted units to meet on each individual portion of this property, the CL on the southern lots, the RM on the southern lots, and the RM on the northern lots is unnecessary and will not create a better plan or reduce any developmental impacts. The redevelopment of this site is highly desirable and peculiar condition is found in the aggregation of lots with different zoning districts also bisected by an alley. The density intended by the UDO for the properties as a whole is clearly being met. The variance will only allow a more even distribution of the units across the entire site.

**STAFF FINDING (Building Setbacks):** Staff finds practical difficulty in meeting the UDO front building setbacks. It would not allow for the building to achieve a true building forward design, especially along Hillside Drive. Furthermore, the proposed buildings are located further from the right-of-way lines than existing structures on the property that are being removed along both Henderson St. and Southern Dr. The combination of the existing setbacks, the extremely long blockfaces of Hillside Dr. and Southern Dr., and the wide range and difficulty in determining the setbacks create a condition unique to this property. The ROW, centerlines, and zoning all vary on these three frontages. Staff finds the proposed setbacks are reasonable and will allow for a desirable redevelopment project to occur.

**STAFF FINDING (Parking Setbacks):** Staff finds practical difficulty in not varying these standards. These are not required parking spaces and the

petitioners have designed the parking in the most efficient manner. It should also be noted that the most affected properties from this variance will be the petitioners' own property. Although it could be used in the future, this is not currently an improved alley and does not currently provide access to any other properties. These unique factors have led staff to support this variance.

**STAFF FINDING (Impervious Surface Coverage):** Staff finds hardship in meeting this requirement. If forced to meet this standard (40% for RM and 50% for CL) the project would likely have to be increased to 3-stories in height and significant parking would have to be removed. Not only does staff find that to be a less desirable plan and less compatible with the surrounding area, but it would result in no project moving forward. Staff finds peculiar condition in the fact that the site includes property that has sat vacant and dilapidated for many years and has become an eyesore. This variance will help to allow for an appropriately scaled redevelopment of this site.

**STAFF FINDING (Landscaping):** As previously stated, the petitioners do not meet the proximity requirements of the UDO that state shrubs required to screen parking are required to be within 5 feet of the parking area. The petitioners exceed the number of shrubs, and the parking is adequately screened from all public views. Staff does find this to create an unnecessary hardship to the petitioners. The use of the bisecting alley toward the rear of all of the structures has created an efficient design that is supported by staff.

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**PLAN COMMISSION RECOMMENDATION:** The Plan Commission voted 8:0 to forward the use variance request to the BZA with a positive recommendation. They concluded that the proposed use did not substantially interfere with the Growth Policies Plan and furthered many of the guiding principles.

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**CONCLUSION:** Staff finds this proposal to be directly in line with the GPP and is a desirable urban infill project. The proposal serves to fulfill many goals of the GPP, most specifically the creation of a Neighborhood Activity Center. Furthermore, the scale and massing of the proposed structures is compatible with the surrounding area and is very similar to the mixed-use portion of the South Dunn Street project to the north.

Although some neighbors and the Environmental Commission have raised concerns with the requested variances from maximum impervious surface coverage and landscaping, staff finds the characteristics and location of the site provide a unique and desirable opportunity for mixed-use with moderate densities. Staff finds that providing moderate density and small scale, neighborhood service options in close proximity to both existing residential areas and existing public services is a more sustainable use of an urban redevelopment site and should be encouraged. This site, along with the South Dunn Street development, would help provide a well-defined Neighborhood Activity Center with excellent access to schools, bus service, parks, commercial services, sidewalks, and utilities. It would be appropriately located at a key

intersection on the edges of an established neighborhood, while hopefully spurring other new redevelopment projects in the area.

In addition, several neighbors have expressed a concern with parking. As described in this report, staff finds the proposal to be adequately parked as not to create an undue burden on the surrounding area.

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**RECOMMENDATION:** Staff recommends approval of UV/V-45-11 with the following conditions:

1. Any parking spaces outside of the existing right-of-way must be placed within a public parking easement or additional right-of-way must be dedicated to place entire parking area within the right-of-way prior to final occupancy.
2. The parking aisle outside of the alley right-of-way must be placed in an ingress/egress easement prior to final occupancy permit issuance.
3. All right-of-way encroachments must receive Board of Public Works approval prior to installation.
4. A grading permit is required prior to any land disturbing activities.
5. The petitioners shall record a zoning commitment which states that the petitioners shall agree to forgo any damages during the acquisition of any needed property for the widening of all associated street frontages that would be incurred due to the approval of this variance. This commitment must be recorded prior to release of any building permits.
6. The property will be limited to uses permitted within the CL zoning district.

# MEMORANDUM

**Date:** November 9, 2011  
**To:** Bloomington Board of Zoning Appeals  
**From:** Bloomington Environmental Commission  
**Through:** Linda Thompson, Senior Environmental Planner  
**Subject:** UV-30-2011 Max & Gilda Lauchli

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This memorandum contains the Environmental Commission's (EC) input and recommendations regarding two development standard variances. The EC is in favor of a Use Variance for this site, and backs the intention of the project completely. After all, urban infill is a green paradigm. However, the EC does not endorse the request for reduced landscaping and pervious surface on the site.

## **ISSUES OF CODE COMPLIANCE:**

### 1.) LANDSCAPE PLAN:

The Petitioner is requesting a variance from the Unified Development Ordinance (UDO) landscape regulations. The EC believes that the footprint of the buildings and parking lots should be reduced if that is what is needed to provide adequate land for greenspace. This site is not confined to already-built urban density, therefore the EC sees no public or environmental reason to allow impervious surface to have priority over landscaped greenspace, thus recommends against it.

The built environment (sometimes referred to as gray infrastructure) impacts health, economy, ecological services, and the overall quality of life. Therefore, too much of it leaves little opportunity for preserving or enhancing any green infrastructure, or permeable, vegetated space that supports functioning ecosystems and associated services (e.g. climate control, animal life, aesthetic enrichment) that impact health, economy, and the overall quality of life.

The EC suggests that the petitioner use a diverse mix of native tree, shrub and prairie species. Besides enhancing our city's sense of place and its native biodiversity, these efforts will attract residents and shoppers, thus helping to stimulate the economic vitality of the area. Native species do not require inputs of chemical fertilizers or pesticides, are water efficient once established, and provide habitat for birds, butterflies and other beneficial insects promoting biodiversity in the city. For suggestions, please see the EC's Natural Landscaping materials at [www.bloomington.in.gov/beqi/greeninfrastructure.htm](http://www.bloomington.in.gov/beqi/greeninfrastructure.htm) under 'Resources' in the left-hand column. For excellent photos of native prairie species, see: [http://www.prairiemoon.com/store/template/product\\_display.php?NID=88&SID=04303bb59359492983a1d255f50dd2d2](http://www.prairiemoon.com/store/template/product_display.php?NID=88&SID=04303bb59359492983a1d255f50dd2d2).

For additional suggestions plus an excellent guide to Midwest sources of native prairie and other species see: <http://www.inpaws.org/landscaping.html>.

### 2.) IMPERVIOUS SURFACE COVERAGE:

The Petitioner is also requesting a variance from the UDO regulations regarding the percent of the site that is allowed to be covered by impervious material. The EC sees no justification for bypassing the UDO limits on

impervious surfaces for this proposal. Maintaining pervious landscaped areas on this site will not result in any practical difficulties in the use of the property, or any practical difficulty that would be peculiar to the property, nor will it result in any practical difficulties by denying the variances.

**ISSUES OF SOUND ENVIRONMENTAL DESIGN:**

1.) GREEN BUILDING:

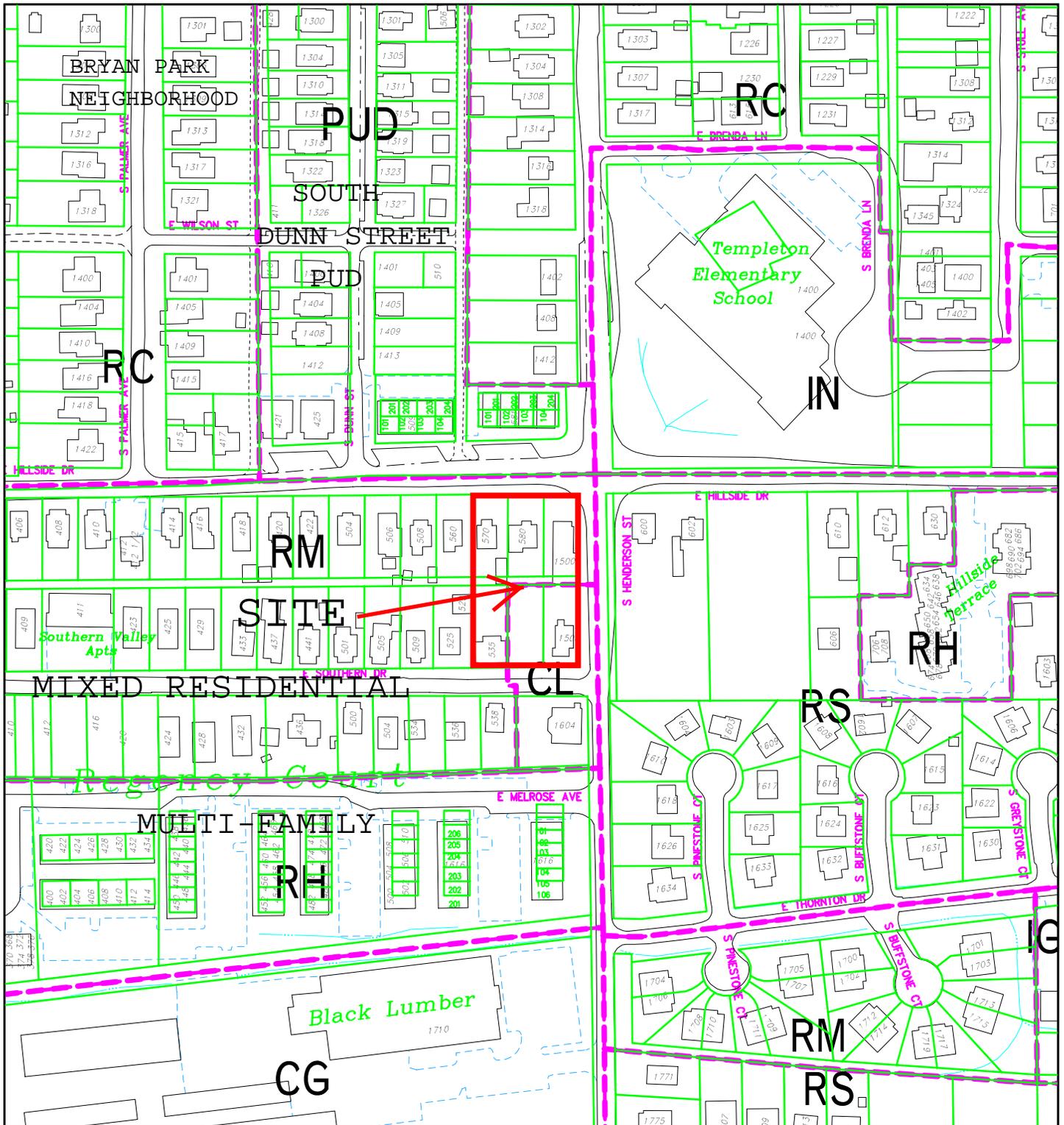
The EC recommends green building features. Green building can provide substantial savings in energy costs to a building over its life cycle and is thus an especially prudent investment in this time of rising energy prices. Green building features are consistent with the spirit of the UDO and supported by Bloomington’s overall commitment to sustainability and its green building initiative (<http://Bloomington.in.gov/greenbuild>). Sustainable building practices are explicitly called for by the Mayors’ Climate Protection Agreement signed by Mayor Kruzan, by City Council resolution 06-05 supporting the Kyoto Protocol and reduction of our community’s greenhouse gas emissions, and by City Council resolution 06-07, which recognizes and calls for planning for peak oil.

2.) RECYCLING SPACE:

Space should be provided for recyclable-material collection, which will consequently reduce the development’s carbon footprint and promote healthy indoor and outdoor environments. Lack of recycling services is the number one complaint that the EC receives from apartment dwellers in Bloomington. Recycling has become an important norm that has many benefits in energy and resource conservation. Recycling is thus an important contributor to Bloomington’s environmental quality and sustainability and it will also increase the attractiveness of the apartments to prospective tenants.

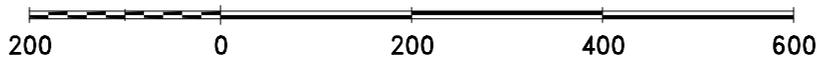
**EC RECOMMENDATIONS:**

- 1.) The EC recommends that a Variance to the UDO landscape regulations be denied.



UV/V-45-11 MAX AND GILDA LAUCHLI  
 LOCATION/ZONING/LAND-USE MAP

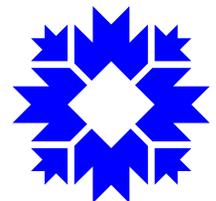
By: shayp  
 3 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 200'



BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING

City of Bloomington Plan Commission  
401 N. Morton Street  
Bloomington, Indiana 47403

Re: Max and Gilda Lauchli; Hillside at Henderson Mixed Use Development

Dear Plan Commission:

Our client Max and Gilda Lauchli respectfully request site plan approval of 30-one bedroom unit apartments with 2072 square feet of commercial space located on six lots north of Southern Drive, west of Henderson Street and South of Hillside Drive. The commercial space will front on Hillside Drive and Henderson Street in the vicinity of the dilapidated TEVAC building with one bedroom apartment above this space. Additional one bedroom apartments will be located south of the commercial space in the same building as well as a separate building with six-one bedroom units west of the commercial space connected by an exterior seating area and overhead bridge accessing the second floors of both building.

A third building fronting on Southern Drive will consist of 15-one bedroom apartments. The buildings are set forward on the lots with courtyards and parking to the rear of the lots off of an existing unimproved alley.

The property consists of three 117.55 by 50.95 foot lots fronting on Southern Drive and similar sized lots fronting on Hillside Drive. Five of the six lots have homes in various states of repair that will be removed for this infill project. The current zoning of the property consist of two lots on the corner of Southern Drive and Henderson Street zoned CL or light commercial with the remainder of the lots zoned RM medium residential.

A part of our request for site plan approval is five variances. The first variance is a use variance to allow the uses of the CL zoned lots on Southern Drive to be transferred to the two lots north fronting on Hillside Drive. The second variance request is front yard setbacks to allow a building forward design creating space for a rear courtyard and parking behind. The third request is a variance from the impervious surface area, limited to 50% for the CL zoned lots and 40% for the RM zoned lots. The fourth request is a parking variance from the 20-feet behind the face of the building. We are requesting parking to be allowed at the face of the building but screened. The last variance request is to allow more than 8-parking spaces to access directly off of the unimproved alley.

UV/V-45-11

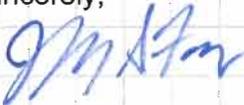
Petitioner's Statement

Existing storm water, sanitary sewer and water currently surround the property. We are connecting the building fronting on Southern Drive to an existing 24-inch water main and the 8-inch sanitary sewer in Southern Drive. The northern two buildings connect to an existing 8-inch sewer in Hillside Drive. The commercial building connects to an existing 8-inch main in Henderson Street and the 6-unit apartment building will connect to the 12-inch main in Hillside Drive. All storm water will be collected in the courtyards and piped to an existing storm inlet on Henderson Street.

The proposed design includes on street parking on both Hillside Drive and Southern Drive. We are proposing 5- parallel parking spaces along Southern Drive and 8-angled parking spaces on Hillside Drive to accommodate the commercial space similar to what was constructed along the north side of Hillside Drive. In addition to the on street parking we have added a pull off lane for truck deliveries to the commercial space in response to the Engineering Departments request.

After you have had a chance to review our request please contact us at any time with questions or comments.

Sincerely,



Jeffrey S. Fanyo, P.E., CFM

Bynum Fanyo and Associates, Inc.  
528 North Walnut Street  
Bloomington, Indiana 47404  
Office 812 332 8030

revisions:

BBB  
BYNUM FAYO & ASSOCIATES, INC.  
ARCHITECTURE  
CIVIL ENGINEERING  
PLANNING  
Bloomington, Indiana  
(612) 399-2990 (Fax)  
(612) 332-8030

certified by:

HILLSIDE & HENDERSON APARTMENTS  
Proposed  
Bloomington, Indiana

11th SITE PLAN  
SCALE: 1"=20'  
designed by: JBT  
drawn by: DDB  
checked by: JBT  
sheet no.: 2  
project no.: 401133

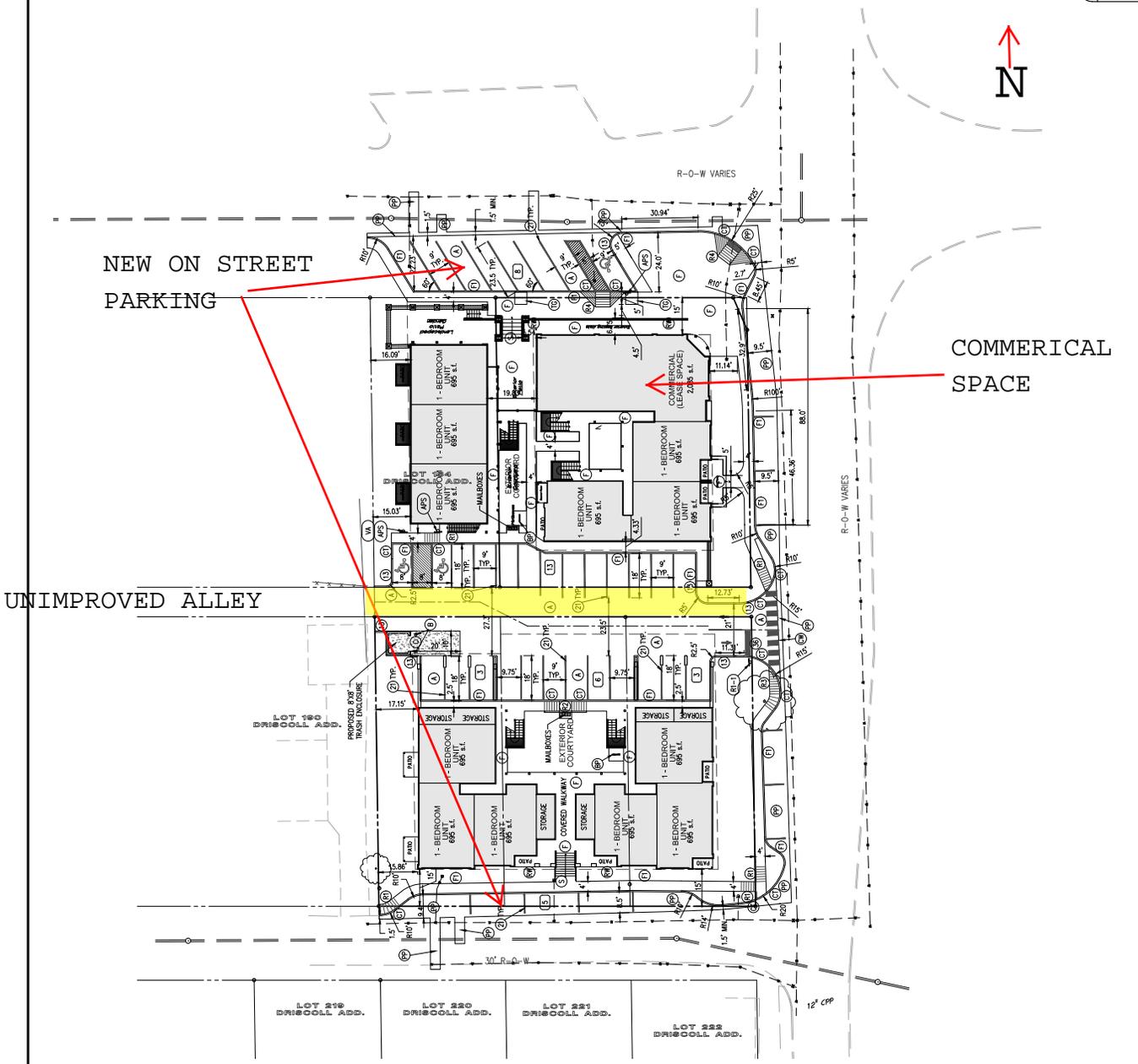
### GENERAL LEGEND

PROPERTY LINE
CONSTRUCTION LIMITS
DEED BOOK AND PAGE
TO BE REMOVED
TO REMAIN UNDISTURBED
SETBACK LINE
X .58'
X .58'
PROPOSED 20"X7" DUMPSTER PAD SURROUNDED BY 6" SOLID WOOD FENCING WITH 1" RAILING
PROPOSED ACCESSIBLE PARKING
SANITARY SEWER EASEMENT
G/E EASEMENT
WATER LINE EASEMENT
ELECTRIC EASEMENT
DRAINAGE EASEMENT
UTILITY EASEMENT
U.E.

### SITE LEGEND

(A)	PROPOSED BRUNINGIS PAVING
(B)	PROPOSED 8" REINFORCED CONCRETE PAVING
(C)	PROPOSED 8" REINFORCED CONCRETE PAVING WITH 1/2" SLOPE MAX. 5/8"
(D)	PROPOSED ACCESSIBLE RAMP, TYPE "X"
(E)	PROPOSED ACCESSIBLE RAMP, TYPE "Y"
(F)	PROPOSED ACCESSIBLE RAMP, TYPE "Z"
(G)	PROPOSED PAINTED STEEL ROLLUP
(H)	PROPOSED 8" REINFORCED CONCRETE PAVING
(I)	PROPOSED MARKING, PAINTED, SOLID, WHITE, 4"
(J)	PROPOSED STOP BAR MARKING, THERMOPLASTIC, REFER TO DETAIL FOR ACCESSIBLE MARKING AREAS
(K)	PROPOSED MARKING, THERMOPLASTIC, 1/2" WIDE, 24" SPACING, WHITE, 4" LONG (CROSSWALK PER FOOT STANDARD 8857)
(L)	PROPOSED CONCRETE SIDEWALK
(M)	PROPOSED MONOLITHIC CURB AND SIDEWALK
(N)	PROPOSED CURB TRANSITION, 6" LENGTH FROM 0" TO 6" CURB HEIGHT TO THE RETAINING WALL AND CURB RAILING, REFER TO ARCH PLANS FOR MORE INFO.
(O)	PROPOSED TREE GRATE, LAW CASTING, J
(P)	PROPOSED ONE PARKING AREA, ORIGINAL CYCLOSOLS MODEL 270-9 RACK WITH 857X72" CONC. PAD
(Q)	PROPOSED NUMBER OF PARKING SPACES PER LOT
(R)	PROPOSED "STOP" SIGN
(S)	PROPOSED VAN ACCESSIBLE PARKING SIGN ACCORDING TO ADA STANDARDS
(T)	PROPOSED ADA ACCESSIBLE PARKING SIGN

**NOTE TO CONTRACTOR**  
SCALE: 1"=20'  
CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ALL UTILITIES PRIOR TO ANY EXCAVATION. NO PARKING SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CHANGING ELEVATIONS.



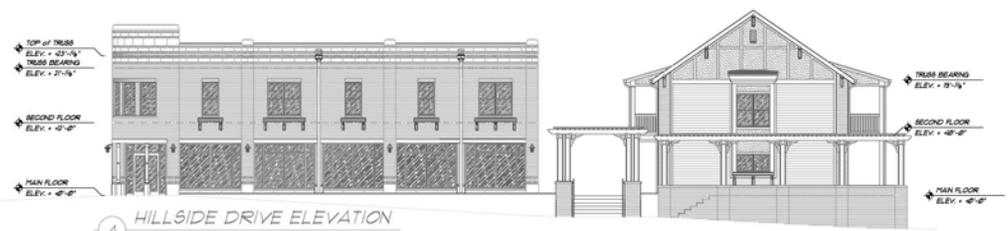
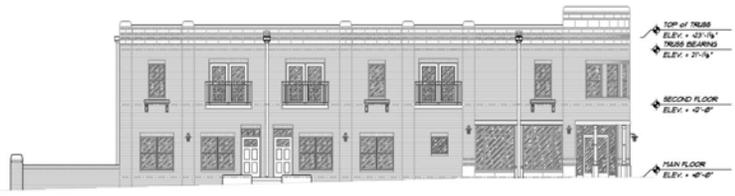




**(C)** SOUTHERN DRIVE ELEVATION  
SCALE: 1" = 10'-0"



**(B)** HENDERSON STREET ELEVATION  
SCALE: 1" = 10'-0"



**(A)** HILLSIDE DRIVE ELEVATION  
SCALE: 1" = 10'-0"

Revisions:

Drawn by: dgb

PROJECT: HILLSIDE & HENDERSON APARTMENTS  
LOCATION: HILLSIDE DRIVE & HENDERSON STREET  
BIRMINGHAM, ALABAMA



528 North Walnut Street  
Birmingham, AL 35203

Certified by:

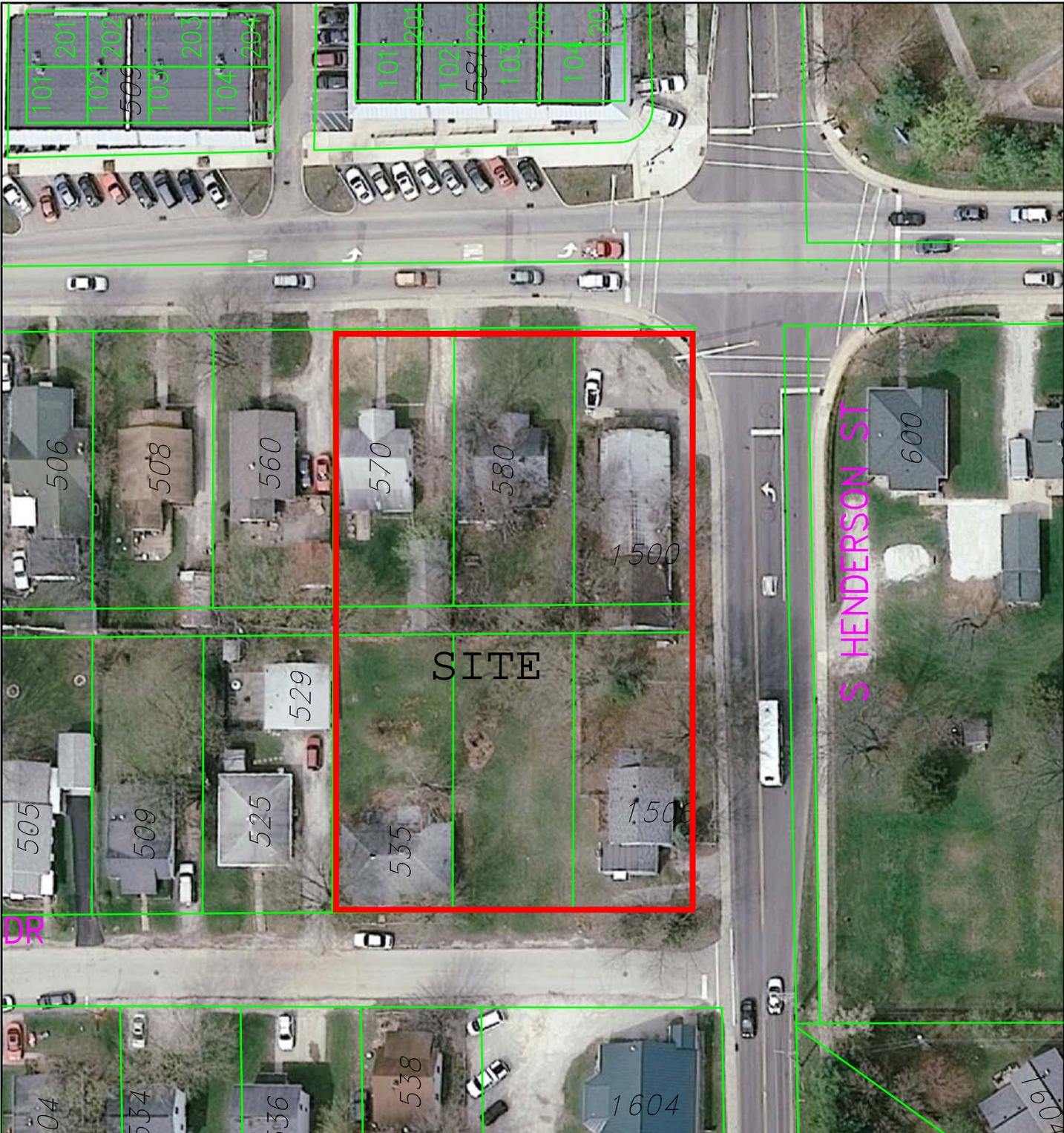
HILLSIDE & HENDERSON APARTMENTS  
528 HILLSIDE DRIVE & HENDERSON STREET  
BIRMINGHAM, ALABAMA

Title: SCHEMATIC BUILDING ELEVATIONS

UV/V-45-11  
Elevations

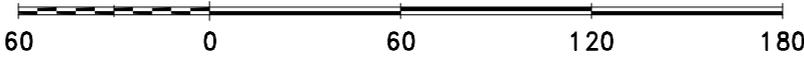
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A-41  
date: 03/18 2017



UV/V-45-11 MAX AND GILDA LAUHLI  
 AERIAL PHOTO

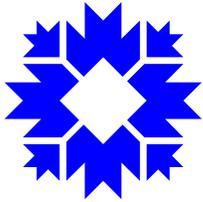
By: shayp  
 3 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
 Planning



Scale: 1" = 60'

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**PETITIONER: David Haberman & Sandra Ducey**  
**1916 Arden Dr., Bloomington**

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**REQUEST:** The petitioners are requesting a variance to allow fencing in excess of the Unified Development Ordinance's maximum height requirements.

	Fence Height
Proposed:	5-8 feet
Permitted:	4 feet

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**REPORT SUMMARY:** The petitioners own a single family home at the southwest corner of Arden Drive and Windsor Drive. The property is zoned Residential Single-family. Both the house and the driveway face Arden Drive. The property is surrounded by owner-occupied single family homes.

The petitioners are interested in the field of permaculture, which is an approach to designing living environments and agricultural systems based on relationships found in nature. More specifically, the petitioners wish to establish a front yard garden space featuring perennial fruit and nut trees, flowering plants, and annual vegetable crops.

One improvement has already been made to the property. This is a stone retaining wall along the front yard border designed to create a flat surface for future plantings. The petitioners now wish to place fencing on top of this wall to protect a future forest garden from deer that currently use this yard space as they migrate through the neighborhood. The petitioners assert, and staff concurs, that a 4 foot high front yard fence complying with code won't prevent deer from traversing through the proposed forest garden.

The UDO prohibits fences above 4 feet in height between the street and the "front building wall." The "front building wall" is defined as "the building elevation which fronts on a public street." Corner lots have two front building walls. The area between the house and the street can only be bordered with a 4 foot tall fence.

The petitioners contend that fencing taller than 4 feet is necessary because of the combination of their permaculture activities and the corresponding need to protect the property against deer. To that end, the petitioner proposes to install approximately 200 feet of fencing to protect the front yard space of this 2/3 of an acre property. 110 feet of the fencing is proposed to be a black, aluminum, wrought-iron style fence. This fence would be 5 feet in height because the stone wall is only 3 feet tall in some places. This would create a combined 8-foot tall barrier which is considered sufficient for deer protection. This fencing would run parallel to both Arden Drive and Windsor Drive.

Additionally, between the street and the house along the southern border of the front yard the petitioners propose to install an 8 foot tall woven fire fence. In this case, the fence would be constructed at grade, be perpendicular to Windsor Drive, and be 50 feet in length.

Finally, the petitioners are proposing to construct a 6-foot tall bamboo style fence that would run west of the wrought iron fence, be placed parallel to Arden Drive, and encompass 40 feet in length. It would also be situated to buffer a front patio area. The reason that this section of fence is proposed to be in a solid bamboo style is to provide privacy for the patio area.

In this request, the petitioners are requesting Board of Zoning Appeals support based on the following arguments:

1. That their project is a demonstration project for urban agriculture in the Arden Drive neighborhood. In other words, the agriculture element of the request makes it unique compared to typical privacy arguments that justify taller fences.
2. That the migration of deer through this front yard creates an impossible situation to realize the owner's vision of establishing a thriving forest garden,
3. A 4-foot tall front yard barrier is insufficient to prevent deer encroachment. Additionally, the petitioners are aware that both the Planning Department and the City's Deer Task Force are likely to recommend taller front yard fence heights to protect front yard gardens against deer encroachment.

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## CRITERIA AND FINDINGS

### **20.09.130 (e) Standards for Granting Variances from Development Standards:**

A variance from the development standards of the Unified Development Ordinance may be approved only upon determination in writing that each of the following criteria is met:

1. *The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.*

**Staff's Finding:** No adverse impact to adjacent properties is anticipated for the three different fencing proposals. Both the 8-foot woven wire fence and the 5-foot wrought iron fence will allow visibility into the property. When the BZA has reviewed previous fence height variance cases, ensuring such visibility has been considered an important factor to allow 6-foot tall fence structures. The woven wire fence is short in length, will be perpendicular to the street, and blend into a heavily treed area along the side of the house. The 5-foot tall wrought iron fence is an attractive design choice. Normally, staff might find adverse impacts associated with the 6-foot tall, solid bamboo fence because it restricts visibility into the property. However, the owners have submitted a petition of support from 25 nearby residents.

2. *The approval will not be injurious to the public health, safety, morals, and general welfare of the community.*

**Staff's Finding:** Staff finds no injury to the general welfare. Since no electrification or barbed wire is proposed, the chosen fence styles will not endanger public health. In terms of safety, taller, solid fences in front yards are considered undesirable because they can create barriers that make it uncomfortable for pedestrians. Since there is no sidewalk on either Arden Dr. or Windsor Dr., and no sidewalks are planned in the near future, this safety issue does not apply.

3. *The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property; that the practical difficulties are peculiar to the property in question; that the variance will relieve practical difficulties.*

**Staff's Finding:** Staff finds some peculiar condition, but not to justify the entire proposal. The property is peculiar in the sense that it will be used for a front yard forest garden. That property condition distinguishes it from other fence cases the BZA has reviewed to date which have been based on privacy concerns. In this case, the proposal to establish a front yard forest garden coupled with a deer encroachment problem creates a peculiar condition that negatively impacts a reasonable request to buffer the property. Since front yard gardens are permitted by code and desired by the City, the proposed use and code required fence height restriction are clearly not compatible. This creates the required practical difficulty.

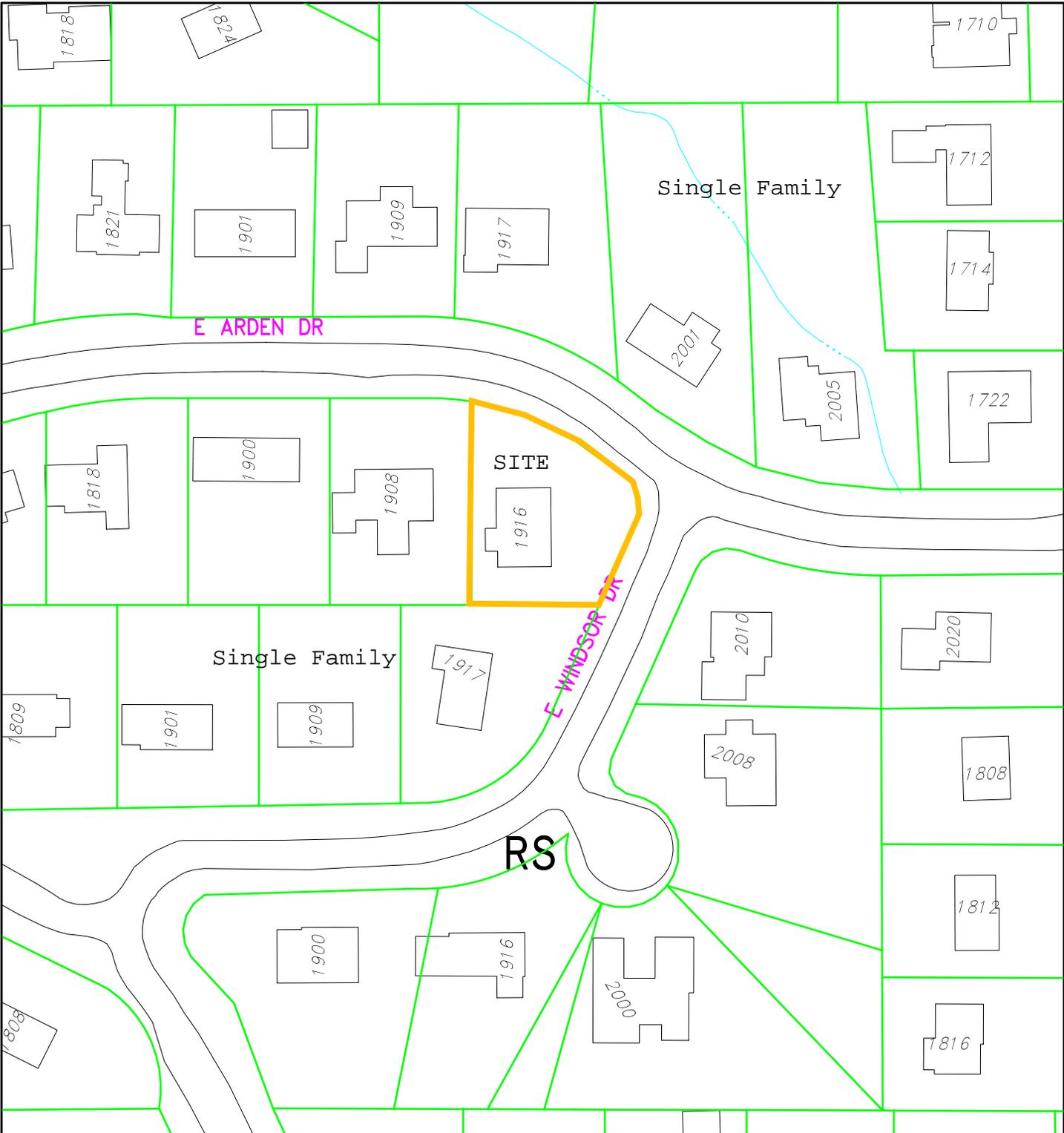
However, staff would note that practical difficulty does not extend to the entirety of the fence proposal. The 8-foot woven wire fence can be supported because it is the exact height needed to protect the property against deer yet located in a position where it is not positioned parallel to the street and tucked into a row of trees. The 5-foot tall wrought iron fence is also located along a portion of a 3 foot high retaining wall which creates the ideal barrier necessary to protect the proposed front yard garden against deer. If the wall was four feet in height, a 4-foot tall fence could be placed that would completely comply with code. As a result, there is no appreciable difference in those two fencing scenarios.

Staff cannot find practical difficulty in the proposed 6-foot tall bamboo style fence. Solid fences above the 4-foot height limit have not been traditionally approved by the Board of Zoning Appeals. In such cases, the Board has directed petitioners to use an open lattice of two feet above the 4-foot height limit. Staff recommends the same decision in this case, and the petitioners understand that such a lattice arrangement may be required.

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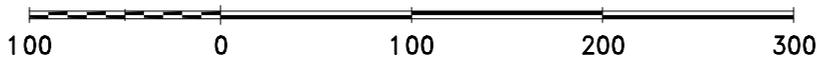
**RECOMMENDATION:** Based on the written findings, staff recommends approval of the variance with the following condition:

1. That the proposed 6-foot tall solid bamboo fence be replaced with a 4-foot tall fence containing a 2-foot high lattice pattern.

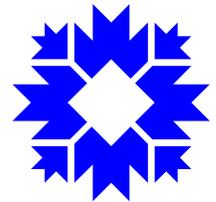


V-46-11, HABERMAN & DUCEY  
 1916 E. ARDEN DR.  
 SURROUNDING LAND USE AND ZONING

By: bannok  
 10 Nov 11



City of Bloomington  
 Planning



Scale: 1" = 100'

For reference only; map information NOT warranted.

October 15, 2011

Development Review Committee  
Planning Department  
City of Bloomington

Dear Committee Members:

We are applying for a variance to the City's rule that fences in front yards must be limited to a height of 4 feet. The address of our home property is 1916 Arden Drive, a residential site that consists of roughly 2/3rds of an acre located in the Arden Place Neighborhood at the intersection of Arden Drive and Windsor Drive (see attached plat map).

When we bought the property our front yard was covered with 23 lush spruce trees. All of these trees died over the past several years, as is the case with other spruce trees in Bloomington. After talking with Bloomington Urban Forester Lee Huss, we cut down the dead trees and began converting our yard into a forest garden, a Permaculture strategy for growing perennial fruit and nut trees along with flowering plants and annual vegetable crops. Since our yard was quite sloped, we built a limestone retaining wall to allow for more level growing surfaces. We now plan to add a fence on top of this wall to protect our developing forest garden from deer. We see deer in our yard most every day. Although we enjoy our routine interactions with the deer, we need to keep them out of the garden if we are going to have any chance of growing healthy plants. Thus the need for an effective fence, and a 4 foot fence will not be high enough to keep the deer out.

The City of Bloomington has been encouraging the development of more urban farming in a variety of ways (e.g., see the section on "Food" in the *Report of the Bloomington Peak Oil Task Force*), and we are hoping that this project will be regarded in this light. If we are to grow more food within Bloomington, fence heights will have to be raised in order to protect gardens from deer. Even if the present deer population within the city were to be reduced, deer would still be a threat, as we have seen deer in our yard since we first moved into our home over seventeen years ago. It is our understanding that the current Deer Task Force is preparing to make a recommendation to the Planning Department to raise the allowed height of fencing in front yards to 8 feet. We plan to install no fence higher than 8 feet, and most of fencing that that we propose would only be 5 feet high.

In total, we are proposing to install approximately 200 feet of fencing to protect our front yard property from deer. 110 feet of this would be black aluminum (wrought iron style – see attached photo) open fencing that would be 5 feet high, 50 feet would be an 8 foot high woven wire fence stretched along a side tree line, and 40 feet would consist of a 6 foot high bamboo fence (see attached photo) wrapped around a patio area. The attached color map of our property indicates the location of this fencing.

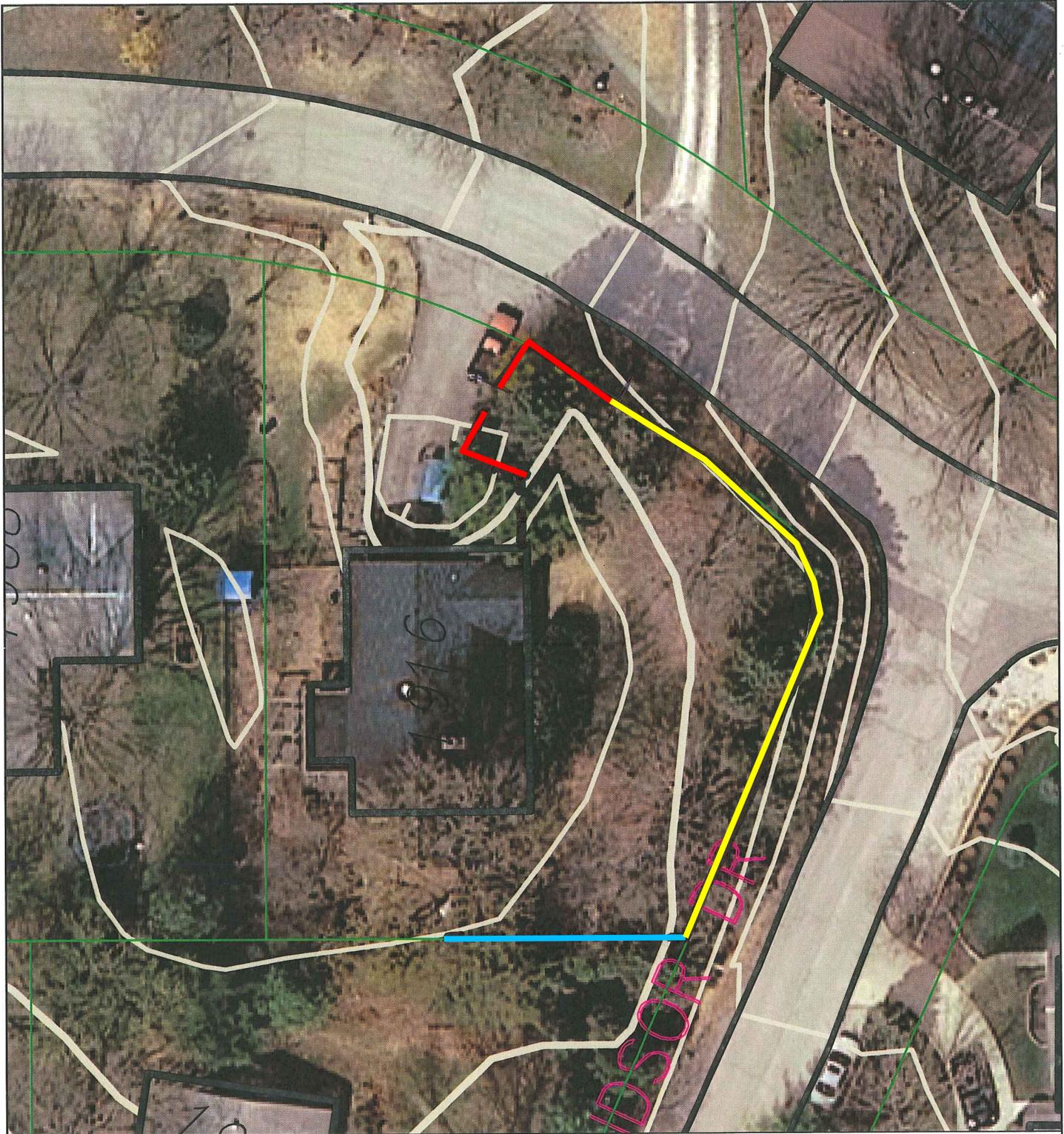
As proud residents of the Arden Place Neighborhood, we are very concerned to maintain a front yard appearance that is both attractive to our neighbors and serves as a demonstration site for urban agriculture within such residential areas. Our neighbors who walk by our property these days unanimously and enthusiastically express their delight with the development of our project, and we plan to do everything we can to continue this positive interaction. With this in mind, we have selected a fence that we think will make our property even more attractive and only increase the value of real estate in our neighborhood.

After considering these issues, we very much hope that your committee will see fit to recommend a variance that will allow us to install the fence we have planned so that we can proceed to plant our forest garden. Many thanks for your time and consideration.

Sincerely,

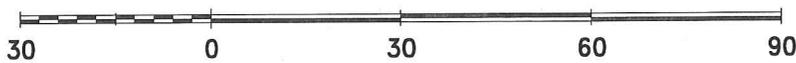
Handwritten signatures of David Haberman and Sandy Ducey in cursive script.

David Haberman and Sandy Ducey  
1916 Arden Drive  
Bloomington, IN 47401



aluminum - 5' —  
 waver wire - 8' —  
 bamboo - 6' —

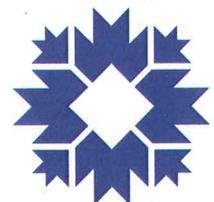
By: micudat  
6 Oct 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 30'

Fencing Home

### Picture Frame Bamboo Fencing Gallery

[Return to main gallery >](#)

Bamboo Se

FAQs

Residential

Commercial

How To Inst

LEED

Request Q

Photo Gal

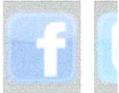
Installation

Contact

Questions about products or sh

Toll Free: 1.888.788.0

M-F 8am-6pm  
9am-9pm



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PROJECT OF THE MONTH  
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1st Place 2nd Place  
October 2011

View Winners!



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Calistandard Natural Bamboo Fence

Not yet rated



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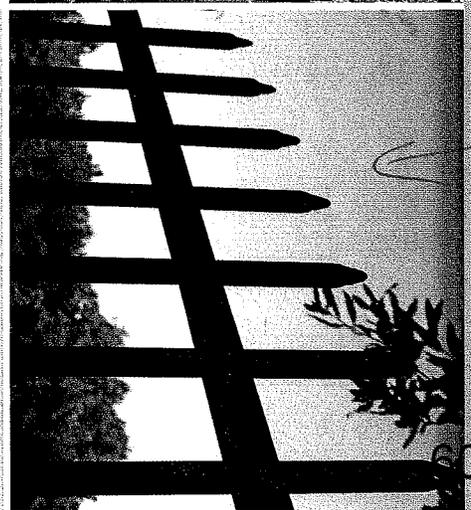
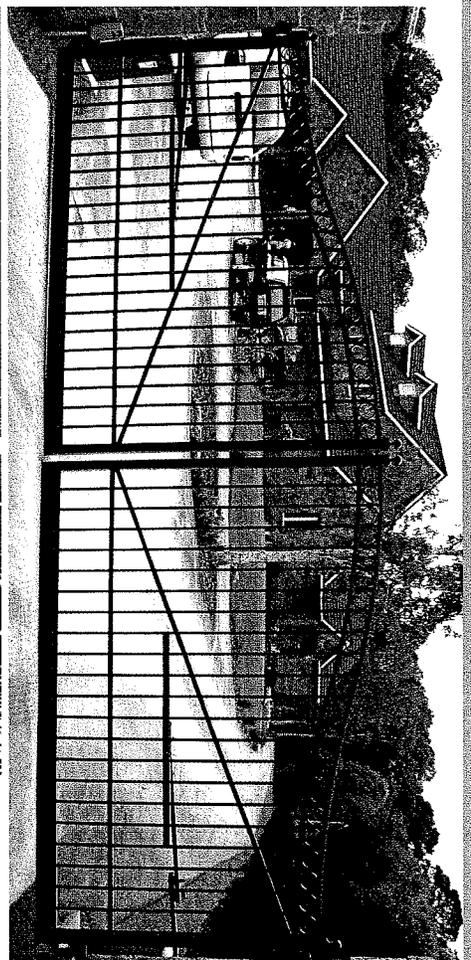
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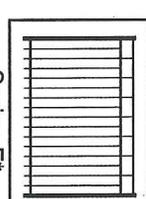
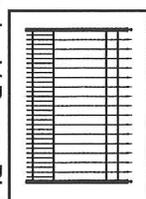
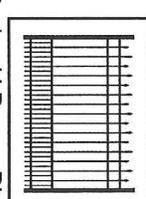
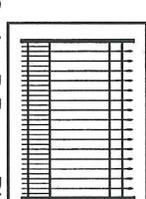
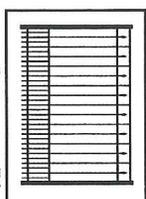
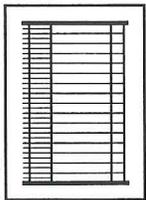
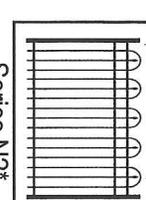
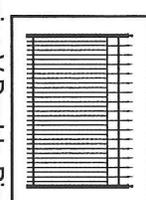
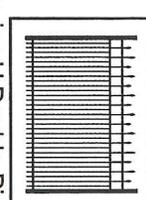
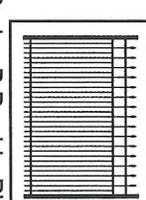
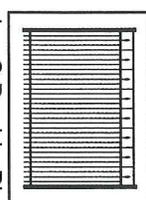
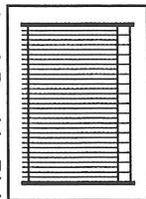
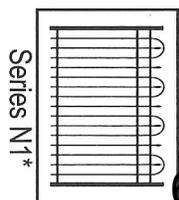
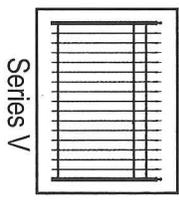
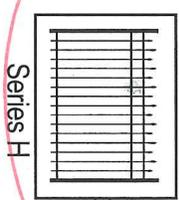
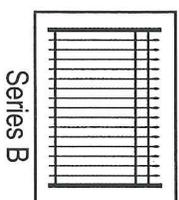
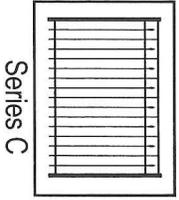
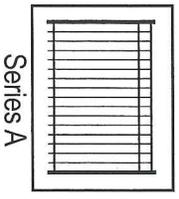
*The Superior Alternative*



# ALUMINUM FENCE SUPPLY

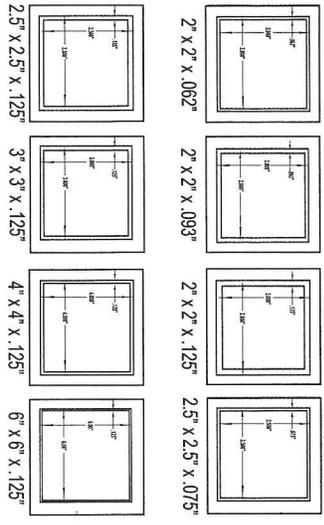
The Superior Alternative

## STYLES

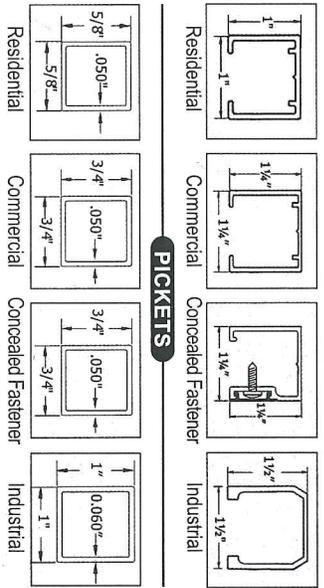


*This is the style we use plans to install.*

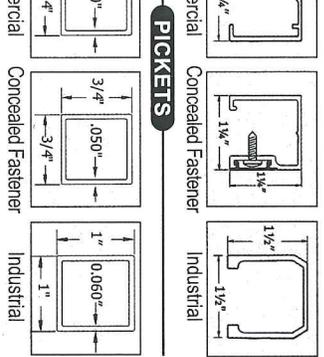
## POSTS



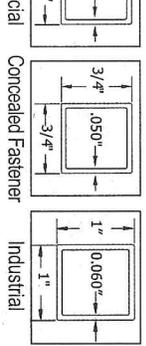
## GRADES



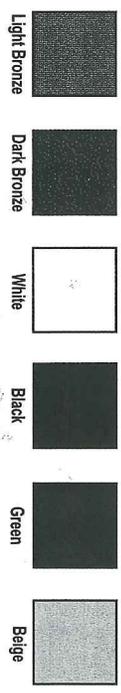
## CHANNELS



## PICKETS



## COLORS

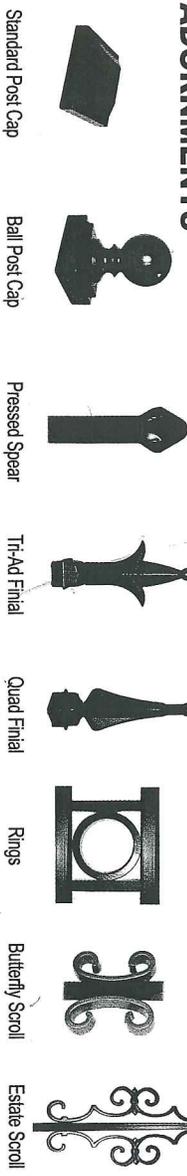


# ALUMINUM FENCE SUPPLY

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Your Local Authorized Aluminum Fence Supply Dealer:

## ADORNMENTS



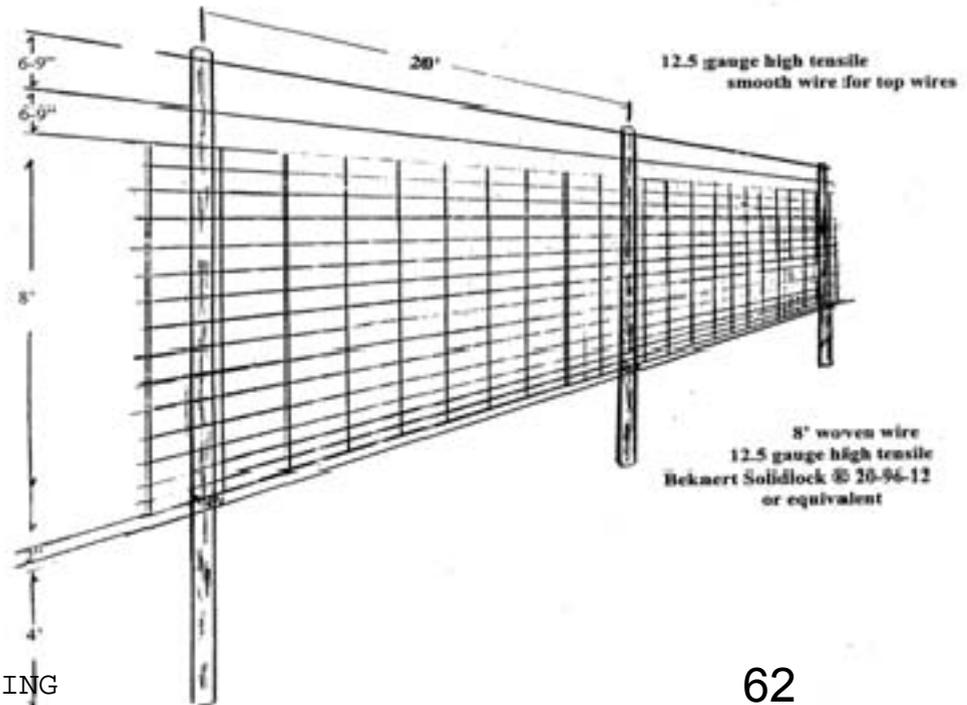
Classic Series

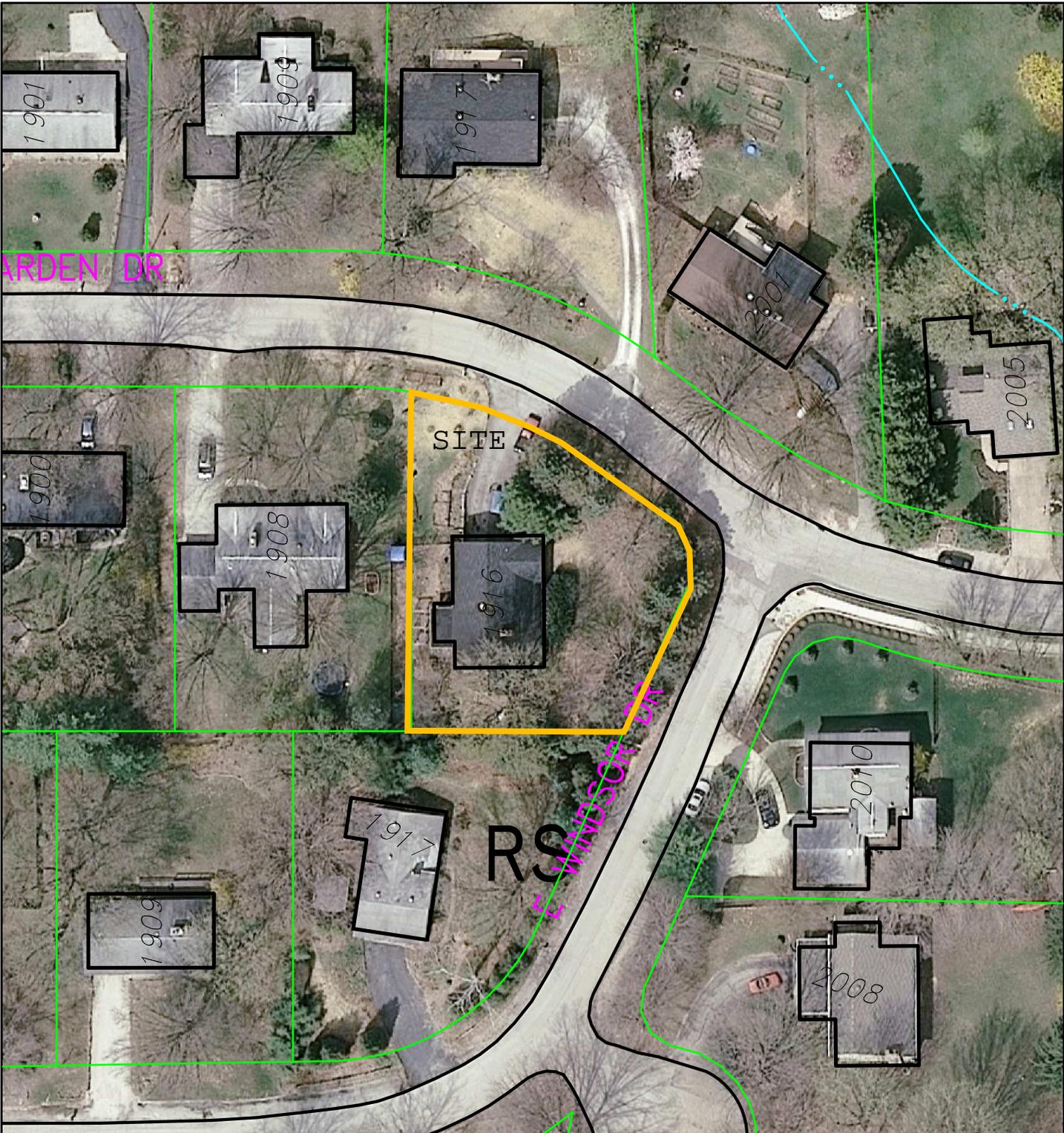


**Figure 3.** High Tensile wire, strung 3' above ground and stretched from corner to corner, aids in post layout and alignment.

**Figure 4. Line Post Detail**

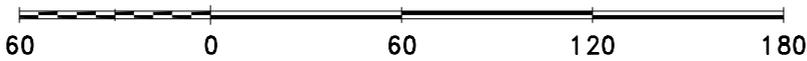
Pressure treated line posts (4" x 14') are set a minimum of 4' deep, 20' on center, and plumb to the outside (wire side) of the fence.





V-46-11  
2010 AERIAL PHOTO

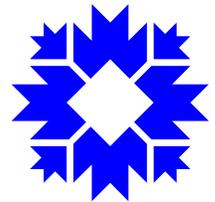
By: bannok  
10 Nov 11



For reference only; map information NOT warranted.



City of Bloomington  
Planning



Scale: 1" = 60'

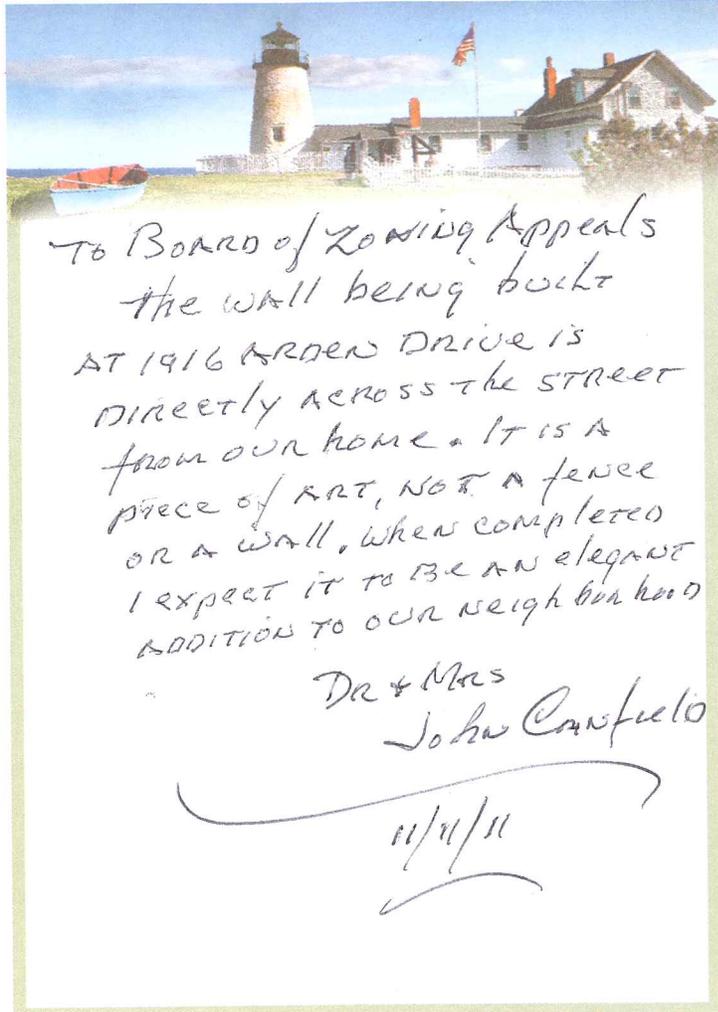
## PETITION OF SUPPORT

We, the undersigned members of the Arden Place Neighborhood Association support David Haberman and Sandra Ducey's request for a variance from the maximum fence height for their front yard (1916 Arden Drive). We understand that they plan to plant a forest garden in their front yard, and that the maximum height of 4 feet is not sufficient to keep deer out of the garden. (October 2011)

<u>Name</u>	<u>Address</u>
1) <u>Richard Linnemann</u>	<u>1900 E Arden Dr.</u>
2) <u>Robert E Flynn</u>	<u>1917 E Arden Dr</u>
3) <u>Jaura Mozimmer</u>	<u>1800 E Windsor Dr</u>
4) <u>Carol Ebeling</u>	<u>1724 E. Windsor Dr.</u>
5) <u>BJ Innis</u>	<u>1901 E. WINDSOR DR.</u>
6) <u>Anne Owens</u>	<u>1902 S. Wilton Dr.</u>
7) <u>Dick</u>	<u>1716 G Windsor Dr.</u>
8) <u>Elizabeth DeVoe DeVoe</u>	<u>1805 S. Wilton Dr</u>
9) <u>Alspeter Thibos</u>	<u>1809 W. Drive Bloomington</u>
10) <u>Wong Venz</u>	<u>2001 E ARDEN</u>
11) <u>Donald K. Bay</u>	<u>1700 E Arden Dr</u>
12) <u>Allan Edwards</u>	<u>1714 S Wilton Dr</u>
13) <u>Christine Linnemann</u>	<u>1900 E. Arden Dr.</u>
14) <u>Ryan</u>	<u>1911 E Wilton Ct.</u>
15) <u>Terry E. Carpenter</u>	<u>1901 E. Arden Dr.</u>
16) <u>Ruth M. Carpenter</u>	<u>1901 Arden DR.</u>
17) <u>Juni Smith</u>	<u>1908 Arden Dr.</u>
18) <u>John</u>	<u>1908 E Arden Dr</u>
19) <u>Katherine J. Berry</u>	<u>1700 E. Arden Dr</u>
20) <u>Bob Dwyer</u>	<u>2020 E. Arden Dr.</u>

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Name	Address
1) <u>Ben Ball</u>	<u>1917 E Windsor Dr.</u>
2) <u>[Signature]</u>	<u>2008 E Windsor Dr.</u>
3) <u>William S. Fox</u>	<u>2000 E. Windsor Dr.</u>
4) <u>John Campbell</u>	<u>2010 E Arden Dr.</u>
5) <u>Phyllis R. Summers</u>	<u>1909 E. Windsor Dr.</u>
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____
10) _____	_____
11) _____	_____
12) _____	_____
13) _____	_____
14) _____	_____
15) _____	_____
16) _____	_____
17) _____	_____
18) _____	_____
19) _____	_____
20) _____	_____



To Board of Zoning Appeals  
the wall being built  
at 1416 Garden Drive is  
directly across the street  
from our home. It is a  
piece of art, not a fence  
or a wall. When completed  
I expect it to be an elegant  
addition to our neighborhood

Dr & Mrs  
John Casafello

11/11/11

Y095445