

CITY OF BLOOMINGTON



OCTOBER 30, 2013 @ 2:00 p.m.
CITY HALL -
KELLY CONFERENCE ROOM #155

CITY OF BLOOMINGTON
HEARING OFFICER
October 30, 2013 at 2:00 p.m.

*Kelly Conference Room #155

PETITION:

- V-49-13 **Abodes, Inc.**
700-864 Clarizz Blvd.
Request: Variance from fence height standards.
Case Manager: Patrick Shay

**BLOOMINGTON HEARING OFFICER
STAFF REPORT
LOCATION: 700-864 S. Clarizz Blvd.**

**CASE #: V-49-13
DATE: August 22, 2013**

PETITIONER: Abodes, Inc.
940 S. Clarizz Blvd., #25, Bloomington

REQUEST: The petitioner is requesting a variance from fence height standards to allow an 8' tall fence in the front yard.

REPORT SUMMARY: The subject property is located from 700 to 864 S. Clarizz Boulevard and is zoned Residential Multifamily (RM). The property has been developed with multi-family apartments, The Woods at Latimer. The property to the west and north is Latimer Woods, an old-growth forest managed by the City of Bloomington Parks and Recreation Department. The property to the south is zoned RM and has been developed with multi-family apartments. Properties to the east are zoned Residential Single Family (RS) and developed with single family houses.

The petitioner is proposing to construct an eight-foot tall fence in an open grassy area along S. Clarizz Blvd. The petitioner would like to start a community garden for apartment residents and believes that a tall fence is needed to protect the garden from deer. In the RM zoning district, the Unified Development Ordinance prohibits fences above four 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." The fence is proposed to be located forward of the front building wall.

The purpose of the front yard fence height limit is to provide a more pleasing pedestrian experience and to prevent obstruction of views along streets. The City's desire to encourage urban gardening and sustainable living needs to be balanced against the negative impacts to aesthetics and the pedestrian experience of tall fences along street frontages.

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's Finding: Staff finds no injury to the general welfare. Since no electrification or barbed wire is proposed, the chosen fence style will not endanger public safety. Taller, solid fences in front yards are considered undesirable because they can create barriers that make it uncomfortable or unsafe for pedestrians. Since the proposed fence will be set back approximately 27 feet from the edge of the sidewalk, buffered by heavy vegetation, and set up on a hill, the impacts of the taller fence on pedestrians will be minimal.

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

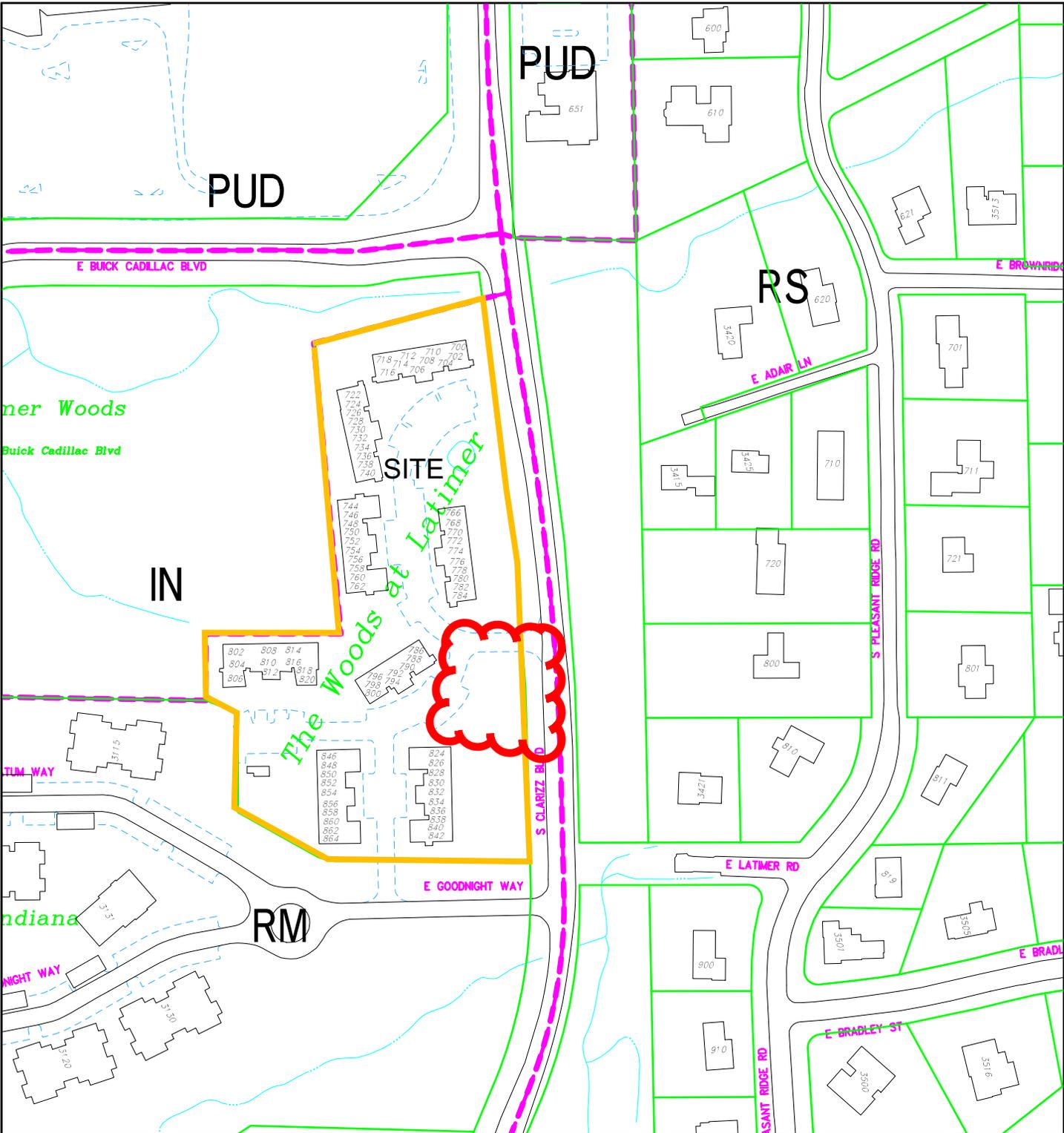
Staff's Finding: Staff finds no adverse impacts to adjacent properties from the eight-foot tall fencing proposed. The eastern side of the fencing which faces adjacent properties will be visually screened from the street by vegetation and trees. The adjacent properties' views will not be obscured.

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 peculiar condition in that other than the area proposed there are no un-forested or un-built portions of the property which would allow for a community garden. Peculiar condition is also found in the grade change along Clarizz Blvd and the dense landscaping between the fence and the street. Practical difficulty is found in that a fence taller than four feet is needed to protect gardens from deer. Since front yard gardens are permitted by code and fresh, local food is desired by the petitioners, their tenants and the community, the proposed use and fence height restriction are not compatible.

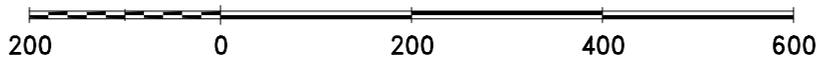
RECOMMENDATION: Based on the written findings, staff recommends approval of the variance with the following conditions:

1. The garden fence entrance shown on the elevations must be reduced to eight feet or less in height.
2. This variance only approves the proposed woven wire fence. A solid board primacy fence is not approved.
3. This variance only applies to the proposed garden area. Other future fences on the property must meet current UDO requirements.

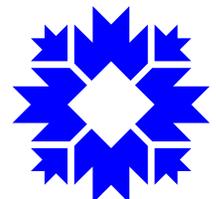


V-49-13
Location and zoning map

By: bannok
 23 Oct 13

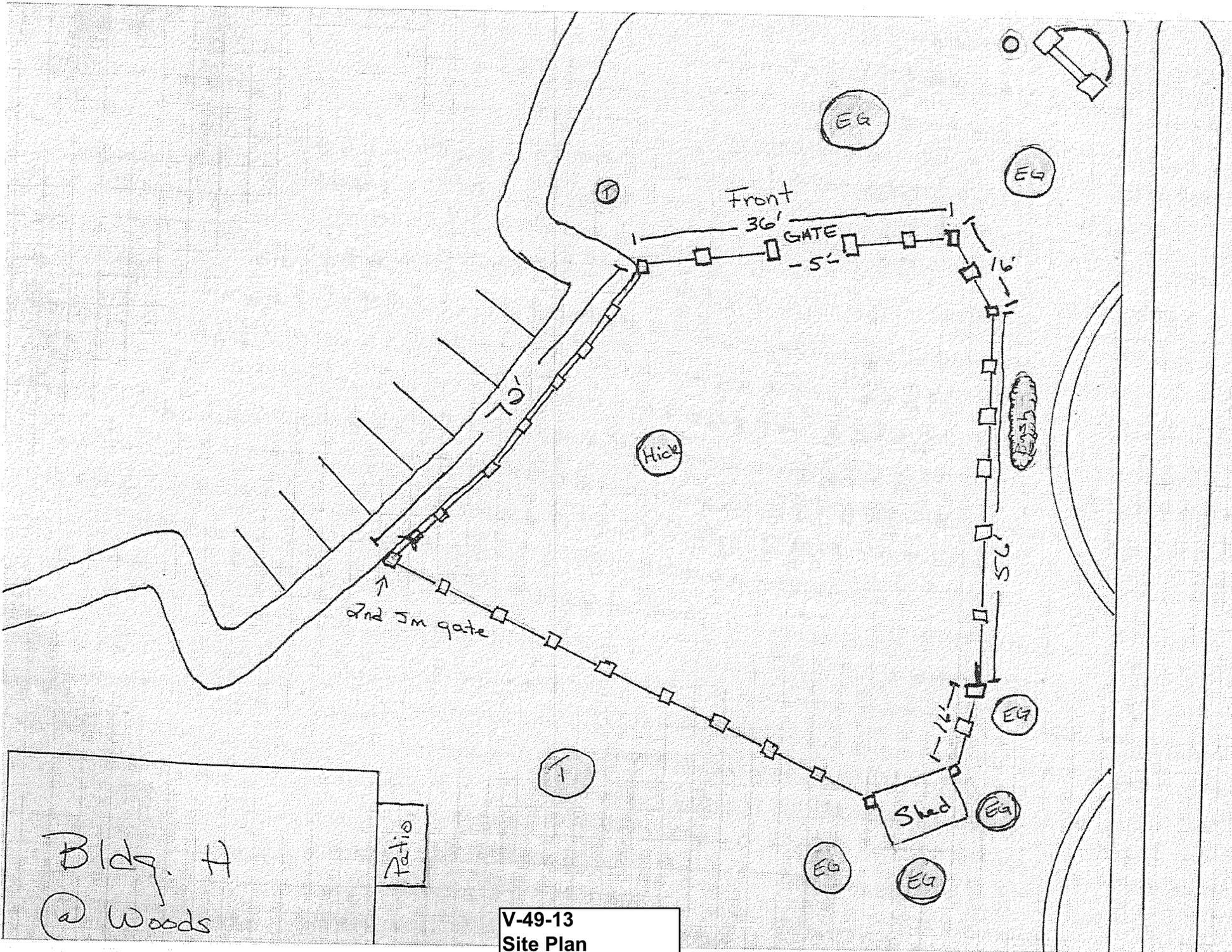


City of Bloomington
 Planning



Scale: 1" = 200'

For reference only; map information NOT warranted.



V-49-13
Site Plan

PETITION FOR VARIANCE FOR COMMUNITY GARDEN FENCE

Location: The Woods at Latimer

Owner's Agent: Abodes, Inc.

Date: October 10, 2013

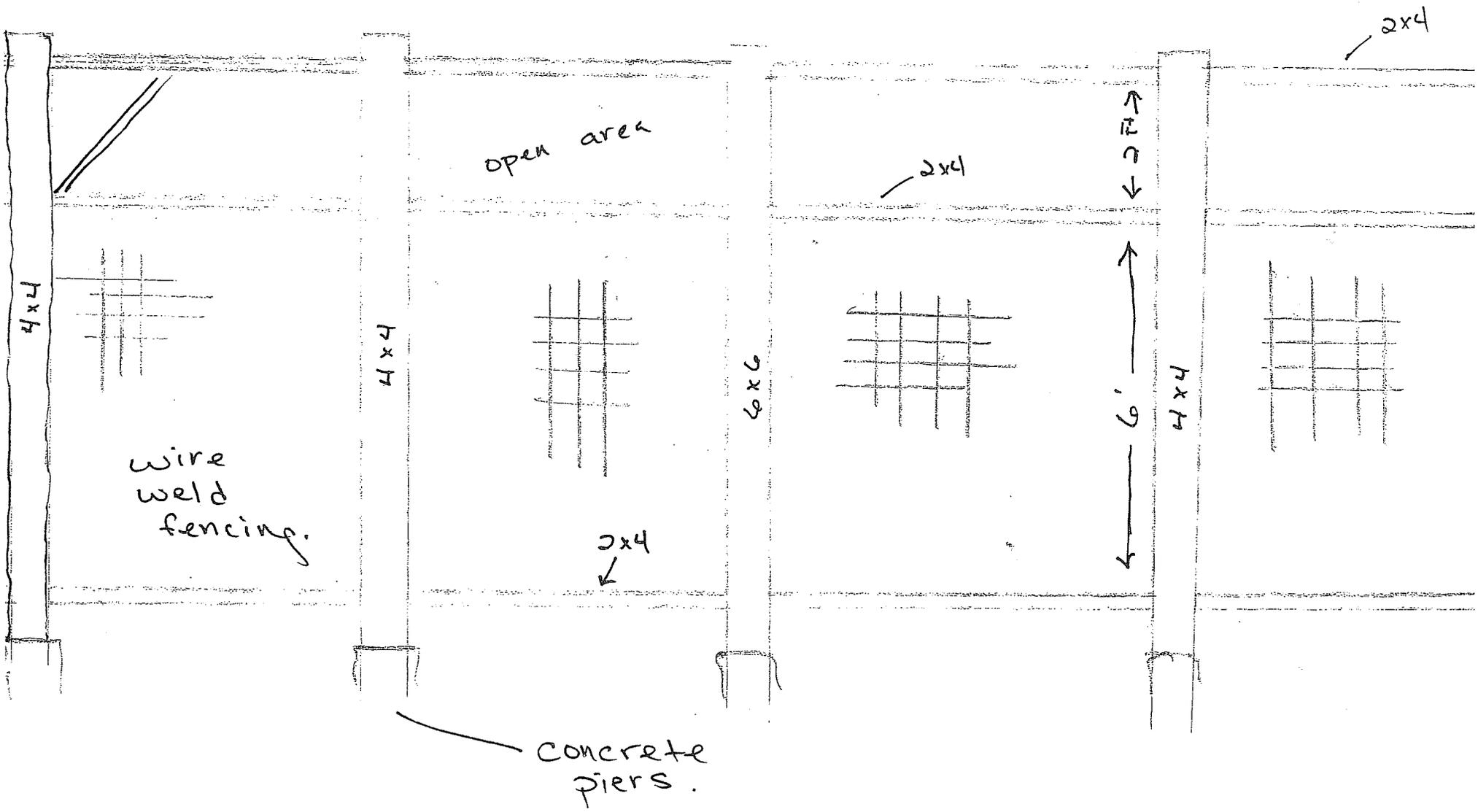
As a company, Abodes and The Woods at Latimer are committed to finding environmentally friendly alternatives whenever possible. We believe that everyone can benefit from a sustainable and environmentally-sensitive lifestyle, including people whose life-stage may not make it either possible or practical for them to be a homeowner. That is why we are dedicated to making it possible for our residents to lead a more sustainable lifestyle even as renters. Many of our residents have expressed enthusiasm about the possibility of having a place onsite to garden and grow their own natural produce.

We propose to create an organic community garden located at the apartment community known as The Woods at Latimer. The garden we envision would allow residents to grow their own healthy, organic produce while enjoying the out of doors. It would also promote sustainability and reduce emissions, eliminating the "farm to table" distance because the garden would be within a short walk from residents' home. We have partnered with Bread & Roses Gardens, local permaculture and edible landscape experts, in designing the community garden.

Due to the heavily wooded character of The Woods at Latimer, there is only one suitable location for creating a community garden. This conclusion has been reached after a comprehensive study of the property by gardening specialists. The location, as shown on the map, is situated between an apartment building and the interior curve of the entry into the complex. The location currently serves as an unused lawn area adjacent to the apartment building. It is set back from Clarizz Blvd. and shielded from the road by mature landscaping and trees. We are requesting a variance in order to construct the necessary fencing around the garden area. The fence has an attractive, custom design, and is the necessary height to prevent neighborhood deer from crossing it (see attached sketch). The fence will be chiefly visible from within the apartment community, where the entry to the garden will be located. The fence is expected to be minimally visible from Clarizz Blvd., due to the setback and the extensive landscape buffer already in place. Vehicular access is provided by adjacent parking spaces, though most access is anticipated to be by foot traffic.

We are requesting a variance for the fence as per the United Development Ordinance (UDO). (1) The proposed community garden would benefit residents and be supportive of their welfare; (2) the use and value of adjacent areas would be unaffected or even enhanced; (3) this is the sole viable location for a community garden. With regard to this last point, a strict application of the UDO would prevent the creation of such a garden and deprive community residents of its many benefits, while a Development Standards Variance would relieve these difficulties and make the community garden possible.

We are excited about this garden as a service and enhancement to the community, promoting sustainability, urban gardening, and a healthy contact with the out-of-doors for our residents.



3 sides
All Cedar.

V-49-13
Fence details



V-49-13
View from site



V-49-13
View from street



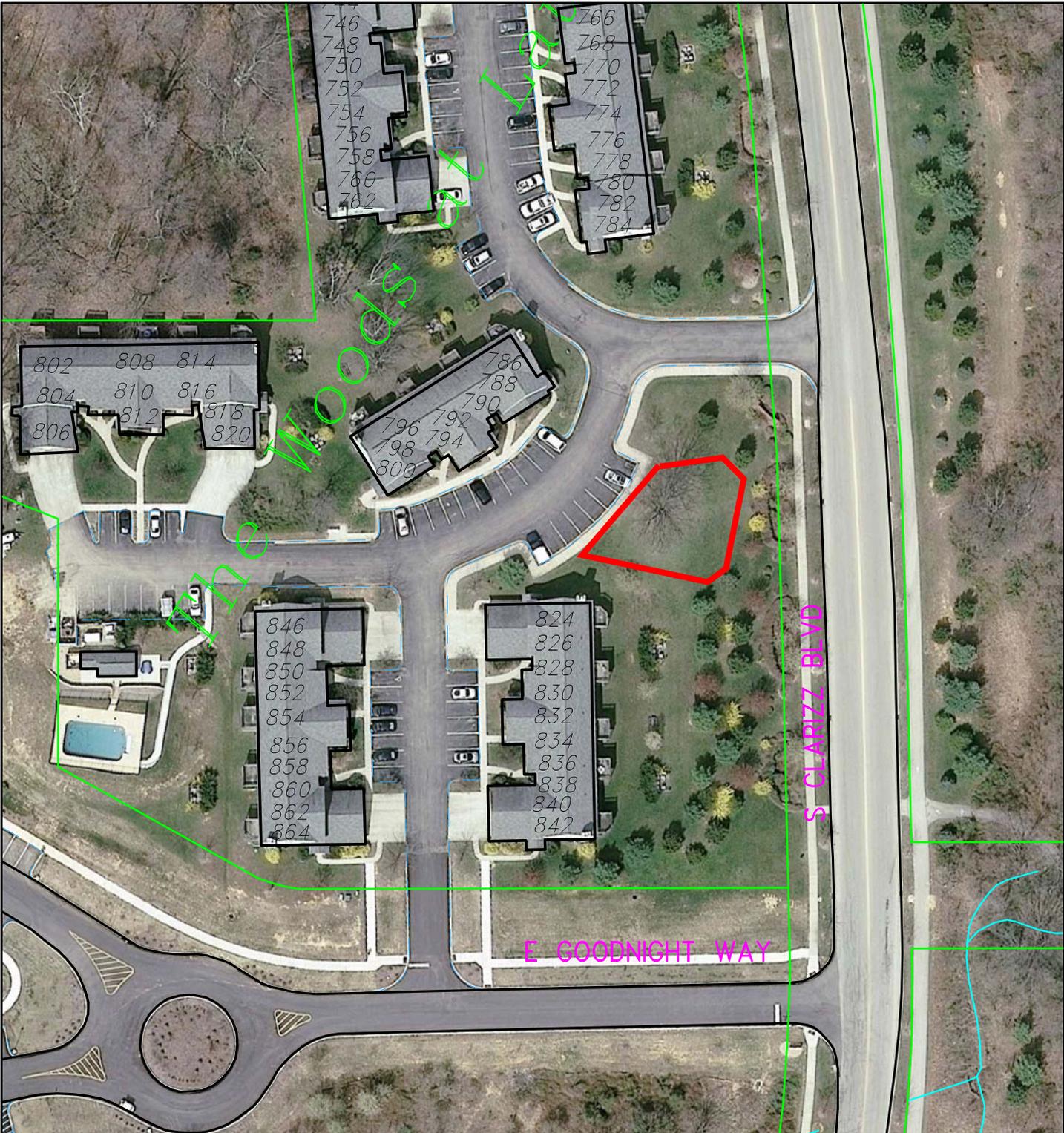
V-49-13
Site Photos





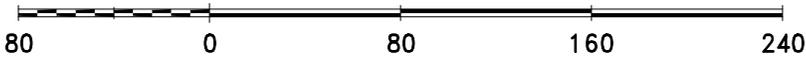
V-49-13
Site Photos



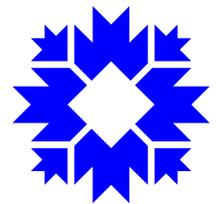


V-49-13
2010 Aerial Photo

By: bannok
 22 Oct 13



City of Bloomington
 Planning



Scale: 1" = 80'

For reference only; map information NOT warranted.