CITY OF BLOOMINGTON

BOARD OF ZONING APPEALS

AUGUST 27, 2015 @ 5:30 p.m.
CITY OF BLOOMINGTON,
UTILITIES BOARD ROOM
600 E MILLER DRIVE

CITY OF BLOOMINGTON
BOARD OF ZONING APPEALS
August 27, 2015 @ 5:30 p.m.

Utilities Service Board Room
City of Bloomington Utilities Admin. Building - 600 E. Miller Drive

ROLL CALL

MINUTES TO BE APPROVED: June 25, 2015

REPORTS, RESOLUTIONS, AND COMMUNICATIONS:

PETITIONS:

- V-21-15 **CRTM Realty**
  2300 S. Walnut St.
  Request: Variance from front yard parking setback and landscaping standards for a new 32,000 sq. ft. car dealership.
  Case Manager: Eric Greulich

- V-22-15 **Mesha Philley**
  508 W. 3rd St.
  Request: Variances from side and rear yard building setback standards to construct an addition to an existing residence.
  Case Manager: Eric Greulich

- CU/V-23-15 **City of Bloomington Parks and Recreation**
  545 S. Adams St.
  Request: Conditional use approval for a communication facility. Also requested are variances from maximum number of drive-cuts, fence and landscaping requirements, and setback standards.
  Case Manager: Eric Greulich

- V-26-15 **Martha Sattinger and Steve Stroup**
  4333 E. Stephens Dr.
  Request: Variance from fence height standards.
  Case Manager: Beth Rosenbarger

- V-27-15 **Phillip Hill and Judy Williams**
  930 S. High St.
  Request: Variances from driveway width and sidewalk requirements.
  Case Manager: Eric Greulich

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-21-15**
STAFF REPORT **DATE: August 27, 2015**
Location: 2300 S. Walnut Street

PETITIONER: CRTM Realty
2200 S Walnut Street, Bloomington, IN

CONSULTANT: Bynum Fanyo & Associates, Inc.
528 N Walnut St, Bloomington, IN

REQUEST: The petitioner is requesting a variance from landscaping and front parking setback standards to allow the construction of a 32,000 sq. ft. car dealership building and vehicle display area.

BACKGROUND:

Current Zoning: Commercial Arterial (CA)
GPP Designation: Community Activity Center
Existing Land Use: Vacant/Vehicle Sales
Proposed Land Use: Vehicle Sales
Surrounding Uses: North – Vehicle Sales
West – Switchyard Park
East – Bank/Pet Food Supply
South – Taco Bell/Walnut Park shopping center

SUMMARY: The property is located at 2300 S. Walnut Street and is zoned Commercial Arterial (CA). This parcel is currently vacant with an open pasture along the front and some mature trees along the back portion of the property. The Clear Creek floodplain encroaches onto the west side of this site. Surrounding land uses include a bank and pet food store to the east, a Taco Bell and shopping center to the south, vacant land and the future Switchyard Park to the west, and other automobile dealerships owned by the petitioner to the north. This site, as well as several other properties to the north, are all owned by the same entity (CRTM Realty) and have been developed with automobile dealerships.

The petitioner is proposing to construct a new Chrysler automobile dealership on this lot. This proposal includes an expansion of an adjacent vehicle display area along the front as well as the construction of a 32,000 sq. ft. sales office building with a two-story service bay in the rear. The display area in the front is proposed to be a seamless expansion of the existing display area from the dealership to the north. There are 4 rows of display area proposed between the building and the street with other areas of display to the side of and behind the building. In total there are 86 parking spaces and 127 display spaces proposed to be installed with this petition. There is an existing drivecut on Walnut Street that would be utilized for access. There is currently a 5' wide sidewalk along the street frontage, and new street trees would be installed with this petition. New landscaping will also be installed throughout the site and the petitioner has provided all of the required number of interior parking lot islands. All of the required interior islands

meet the 324 sq. ft. minimum size requirement. A stormwater detention pond is proposed in the rear of the property to meet stormwater quality and detention requirements.

The UDO requires parking to be located 20' behind the front of a building, as well as tall canopy trees to be planted within interior islands adjacent to the parking areas. With the adoption of the UDO, there was a specific goal desired of creating a "building forward" design within the City of Bloomington. However, the City recognized that a building forward site design may not be achievable for all businesses, especially those with a substantial amount of outdoor merchandise such as an automobile dealership. The City also expected that there would need to be flexibility in accommodating landscaping requirements for automobile dealerships in order to address the required interior large, canopy trees that can be problematic for the display and maintenance of vehicles for sale.

In an attempt to accommodate a more building forward design than is typical of an automobile dealership use, the petitioner worked with the Plan Commission to reduce the amount of display area in the front from the original proposal. The existing dealerships to the north have approximately 4 rows of parking between the street and the building and the petitioner is proposing to continue that same arrangement on this site. This aligns the building setback from the street and still allows for a display area that is visible from the street. To mitigate the amount of parking between the building and the street, staff worked with the petitioner to create an easily accessible pedestrian sidewalk system to the building. Since there are proposed display areas between the building and the street, the petitioner is requesting a variance from the front yard parking setback requirement to allow the proposed display areas. The petitioner is also requesting a variance from landscaping standards to not require large, canopy trees to be planted within the interior islands. All of the required landscaping has been proposed within the islands, except a shorter tree has been proposed rather than a large, canopy tree. Staff has worked with the petitioner to provide all of the required quantity and species of landscaping plantings on the site.

The Plan Commission heard this case (SP-15-15) at the July 13, 2015 hearing and voted 7-0 to approve the site plan contingent upon the granting of the requested variances.

SITE PLAN ISSUES:

Landscaping: Street trees are required with this petition and have been shown. The location of the proposed street trees has been adjusted to provide the necessary site distance at the drive entrance. The proposed street trees will be a tall, canopy species and are required to not be more than 40' apart from center. Based on the 340' of frontage, a total of 9 street trees are required. Some minor modifications are needed to the proposed landscape plan to meet the street tree requirements. Based on the proposed 213 parking spaces, there are a total of fourteen, 324 sq. ft interior islands required and have all been shown. The petitioner has requested a variance from landscaping standards in order to allow flexibility in the location and species of the required landscaping. Specifically they are requesting to not require tall, canopy trees in the landscaping islands and to not require the parking lot canopy trees to be installed

within 10' of the parking areas. The petitioner is proposing to install a columnar birch tree in place of tall, canopy species within the interior islands and along the areas immediately adjacent to the display areas. The required tall canopy trees have been planted elsewhere on the site. As mentioned previously, even though the petitioner is requesting a landscape variance to allow flexibility in the location of the required landscaping, staff is requiring that all of the required landscaping be installed on the site.

Parking: There are 213 display parking spaces proposed to be installed with this petition. The UDO allows for a maximum of 32 parking spaces for the dealership building (1 space per 1,000 sq. ft. of display area) and 54 for the 18 service bays (1 space per employee plus 2 spaces per service bay) for a total of 86 maximum parking spaces allowed. The additional parking spaces are for the display of vehicles for sale, which is to be expected with this use.

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:

   Front Parking Setback: The granting of a variance from this standard will not be injurious to the public health, safety, morals or general welfare of the community. There are no safety issues associated with expanding the existing parking area to the south and creating the 4 rows of additional display area. Although having building forward designs for commercial properties is more consistent with the community's general development goals, this particular land use needs more flexibility in having a front yard vehicle display area in order to be viable. As a result, staff finds no injury to general welfare.

   Landscaping: The granting of a variance from this standard will not be injurious to the public health, safety, morals or general welfare of the community. The use of a shorter interior tree within the islands and adjacent to the parking areas will still provide shading and buffering as intended and will not be injurious to the public health, safety, morals, or general welfare of the community.

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:

   Front Parking Setback: Staff finds no negative effects from this proposal on the use and value of the areas adjacent to the property as a result of the reduced

front parking setback. There are several large parking areas along this section of Walnut Street with no known problems. In addition, there is a similar vehicle sales lot immediately to the north of this property.

Landscaping: Staff finds no negative effects from this proposal on the use and value of the areas adjacent to the property as a result of the request to utilize a different species for interior plantings and adjacent to the parking areas. There will still be landscaping installed within the interior islands and around the perimeter to meet the goal of providing landscaping for parking areas.

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.*

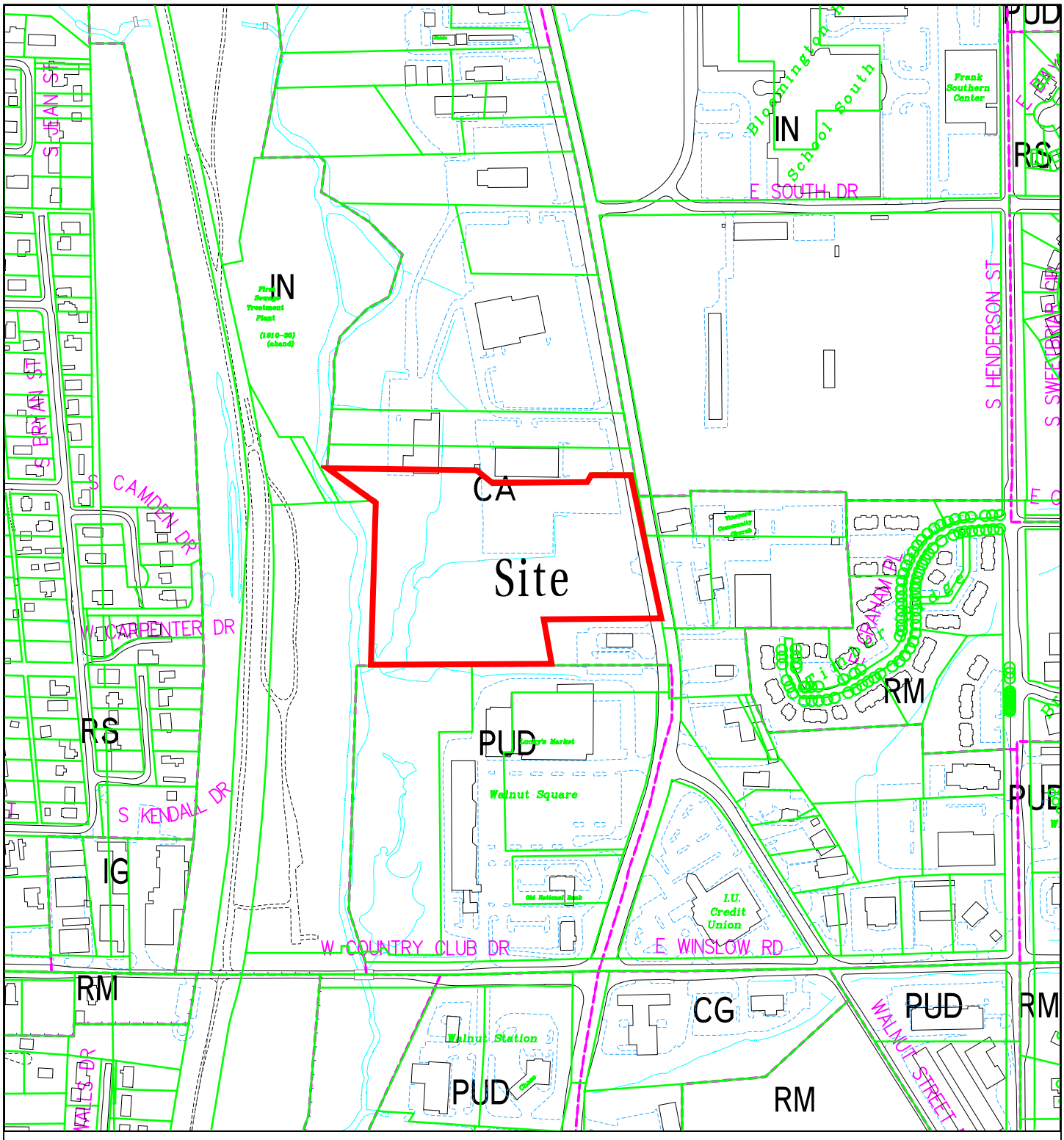
STAFF FINDING:

Front Parking Setback: The strict application of the UDO would result in practical difficulties in the use of the property because it would not allow for a reasonable display area to be created similar to other lots adjacent to this property. The UDO does not distinguish between typical parking lots and vehicle sales display lots. Although a building forward design is required, it cannot be realistically achieved with this use. It is not feasible to construct a building large enough to adequately store the vehicles for sale. The practical difficulties are peculiar to the property in question in that the property is zoned for this type of land use and is an expansion of existing display area. The granting of the variance will relieve the practical difficulties by allowing a minimal amount of parking between the street and building to accommodate the expected needs of this use.

Landscaping: The strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that it would require the petitioner to install landscaping that would have negative impacts on the merchandise being displayed. The practical difficulties are peculiar to the property in that the property is zoned to allow this land use and Staff expected there would need to be flexibility in regards to interior landscaping requirements with the adoption of the UDO. The granting of the variance will relieve the practical difficulties by allowing the required tall, canopy trees to be planted elsewhere on the property, while still requiring shorter trees to be installed within the interior.

RECOMMENDATION: Staff recommends approval of the requested variance with the following conditions:

1. Approved per terms and conditions of Plan Commission case #SP-21-15.
2. This approval is for this site plan only. Any future development must meet all zoning standards.



V-21-15 CRTM Realty

2300 S Walnut Street

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

20 Aug 15

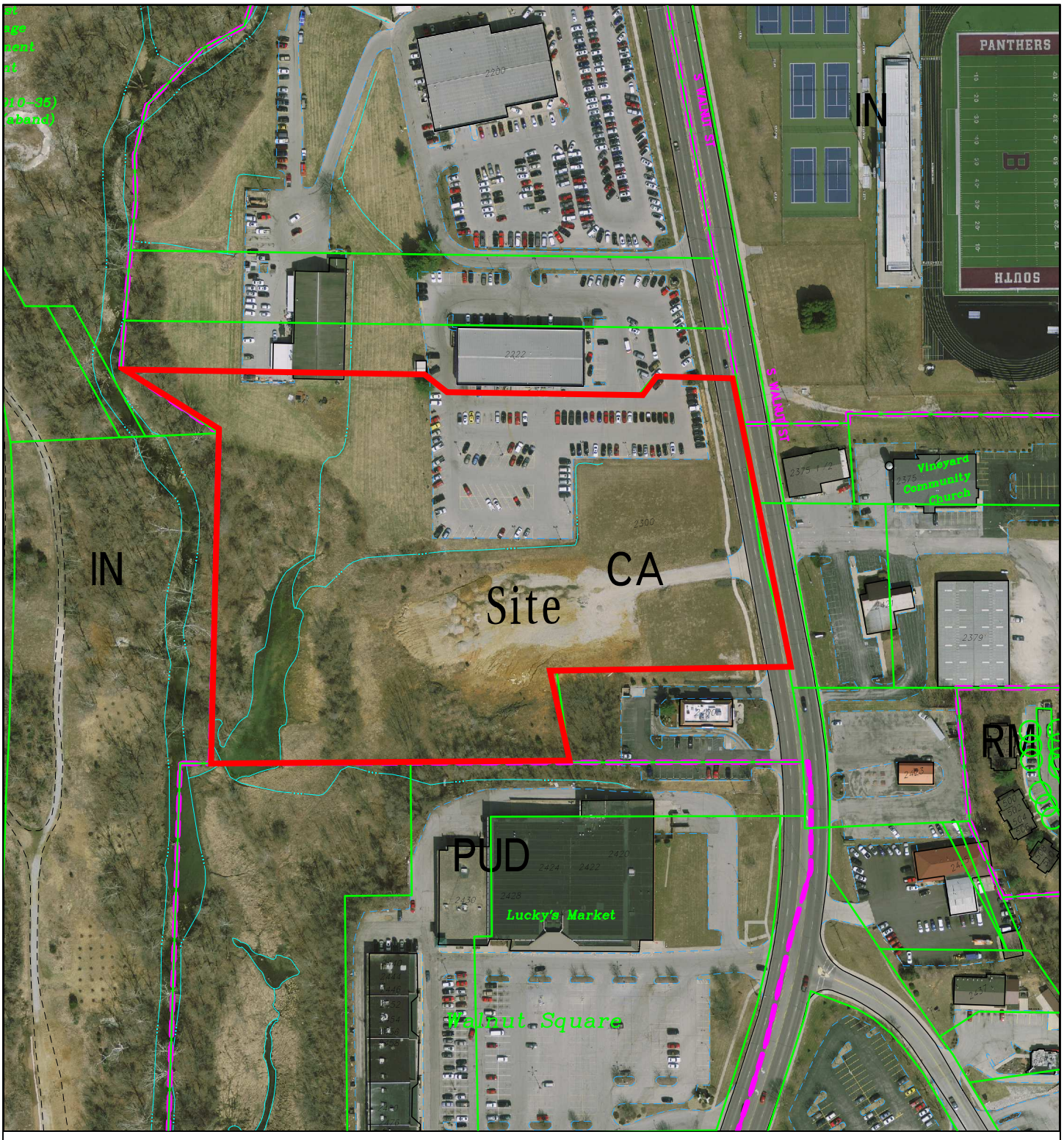
400 0 400 800 1200

N

City of Bloomington
Planning & Transportation

Scale: 1" = 400'

For reference only; map information NOT warranted.



V–21–15 CRTM Realty
2300 S Walnut Street
Board of Zoning Appeals
2014 Aerial Photograph

By: greulice
20 Aug 15

200 0 200 400 600

N

City of Bloomington
Planning & Transportation

Scale: 1" = 200'

For reference only; map information NOT warranted.

BYNUM FANYO & ASSOCIATES, INC.

ARCHITECTURE
CIVIL ENGINEERING
PLANNING

July 27, 2015

City of Bloomington Planning Department
And Plan Commission members
401 N. Morton Street
Bloomington, Indiana 47403

RE: CRTM Realty Chrysler Dealership
2300 S. Walnut St., Bloomington, IN 47401
Revisions per Plan Commissioners Comments

Attention Eric Greulich:

Attached please find our revised site, landscaping and grading plans to accommodate the comments offered at the July Plan Commission hearing. These revisions include the following items:

1. Placed 4 curbed islands between the existing dealership to the north and the proposed dealership.

2. Widening two curbed islands in front of the proposed dealership to contain 324 square feet achieving the 14 required curbed islands per the UDO.

3. Placed foundation landscaping in front of the new building.

4. Adding the required shrubs along the Walnut Street frontage to comply with the parking perimeter landscape requirements.

5. Realign street trees along Walnut St. to accommodate the required sight distance exiting our site. This allows us to use larger species of tree since we are no longer under the overhead lines.

6. Added a curbed island with ADA ramp in front of new building and realigned the pedestrian route from the new building to Walnut Street.

7. Complied with the UDO bufferyard requirements between this commercial use and the institutional use to west of this property.

8. Placed groupings of coniferous trees at the entrance and corners of the property.

528 NORTH WALNUT STREET
812-332-8030

V-21-15
Petitioner Statement

NA 47404
339-2990

Also attached are the revised elevations and rendering of the Chrysler Building. The Architect has added windows, metal canopy and wall projections to the area facing Walnut Street that did not meet the UDO requirements.

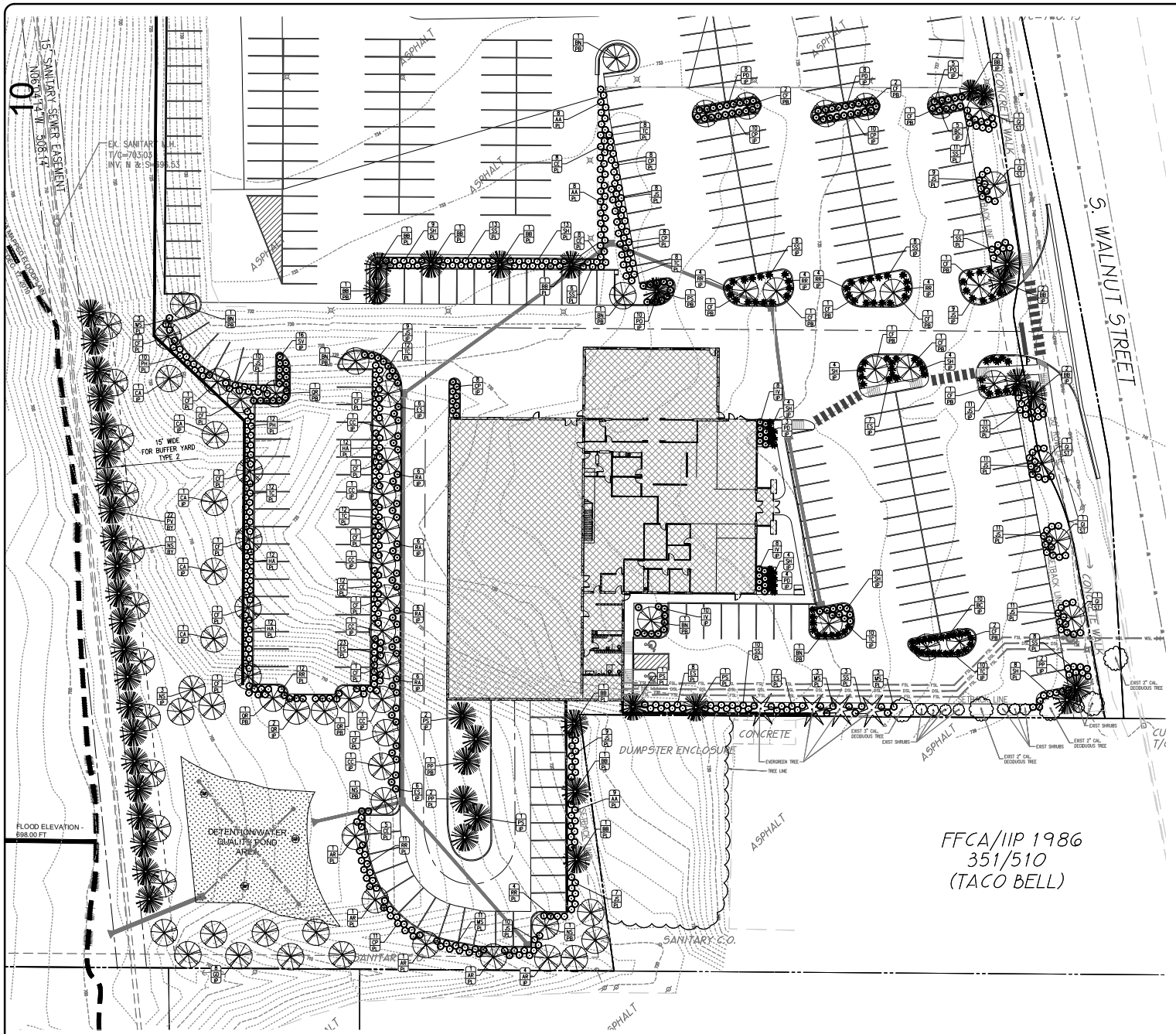
After you have had a chance to review our revisions please feel free to contact me at any time with questions of clarifications.

Sincerely,

Jeffrey S. Fanyo, P.E., CFM
Bynum Fanyo and Associates, Inc.
Phone 812 332 8030

COPY: BFA FILE #401517

V-21-15
Petitioner Statement



SCALE: 1"=20'

PLANT LIST

LARGE CANOPY DECIDUOUS TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	AG	ACER GINNALA	AMUR MAPLE	10	2" CAL.; B & B
	QR	ACER RUBRUM	RED MAPLE	9	2" CAL.; B & B
	QR	QUERCUS RUBRA	RED OAK	5	2" CAL.; B & B
	CF	BETULA PLATYPHYLLA	COLUMNAR PINNACLE BIRCH	28	2" CAL.; B & B
	GD	GYMNOCLADUS DIOICA	KENTUCKY COFFEE TREE	8	2" CAL.; B & B
	GI	GINKGO BILOBA	GINKGO	5	2" CAL.; B & B

SMALL / MEDIUM DECIDUOUS TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	CA	CORNUS ALTERNIFOLIA	PAGODA DOGWOOD	5	2" CAL.; B & B
	BN	BETULA NIGRA	RIVER BIRCH	6	2" CAL.; B & B
	CC	CERCIS CANADENSIS	EASTERN REDBUD	6	2" CAL.; B & B

EVERGREEN TREES

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	PS	PINUS STROBES	WHITE PINE	6	6' HEIGHT
	BB	PICEA PUNGENS 'BABY BLUE EYES'	DWARF BLUE SPRUCE	14	6' HEIGHT
	PP	PICEA PUNGENS	BLUE SPRUCE	5	6' HEIGHT
	PV	PINUS VIRGINIANA	VIRGINIA PINE	22	6' HEIGHT

DECIDUOUS SHRUBS - PARKING LOT PERIMETER

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	CI	ILEX VERTICILLATA	WINTERBERRY HOLLY	33	18" HEIGHT
	PH	PHILADELPHUS	MOCKORANGE	22	18" HEIGHT
	MS	MATTEUCCIA STRUTHIOPTERIS	OSTRICH FERN	20	18" HEIGHT
	SH	SPOROBOLUS HETEROLEPSIS	PRAIRIE DROPSEED	30	18" HEIGHT
	SS	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	69	18" HEIGHT
	AA	ARONIA ARBUTIFOLIA	BLACK CHOKEBERRY	25	18" HEIGHT
	HA	HYDRANGIA ARBORESCENS	WILD HYDRANGIA	36	18" HEIGHT

EVERGREEN SHRUBS - PARKING LOT PERIMETER

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	TC	TAXUS CANADENSIS	CANADIAN YEW	52	18" HEIGHT
	JS	JUNIPER SPECIES	COMMON JUNIPER	86	3 GALLON CONTAINER
	ES	ILEX GLABRA	INKBERRY	38	3 GALLON CONTAINER
	CP	TSUGA CANADENSIS 'PENDULA'	WEEPING HEMLOCK	31	3 GALLON CONTAINER
	RR	RHODODENDRON	RHODODENDRON SPECIES	27	3 GALLON CONTAINER

DECIDUOUS SHRUBS - INTERIOR PLANTINGS

LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	IV	ITEA VIRGINICA 'SPRICH'	LITTLE HENRY® VIRGINIA SWEETSPIRE	26	3 GALLON CONTAINER
	PO	PHYSOCARPUS OPULIFOLIUS	NINEBARK	15	3 GALLON CONTAINER
	SV	SYRINGA VULGARIS	LILAC	16	3 GALLON CONTAINER
	RA	RHUS AROMATICA	FRAGRANT SUMAC	24	3 GALLON CONTAINER
	SH	SPOROBOLUS HETEROLEPSIS	PRAIRIE DROPSEED	26	18" HEIGHT
	SS	SCHIZACHYRIUM SCOPARIUM	LITTLE BLUESTEM	16	18" HEIGHT
	PD	PHLOX DIVARICATA	BLUE PHLOX	23	18" HEIGHT
	BC	BOUTELOUA CURTIPENDULA	SIDE-OATS GRAMMA	15	18" HEIGHT

EVERGREEN SHRUBS - INTERIOR PLANTINGS

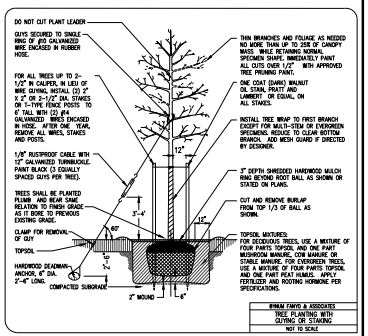
LEGEND	KEY	BOTANICAL NAME	COMMON NAME	QTY	SIZE & CONDITION
	TC	TAXUS CANADENSIS	CANADIAN YEW	20	3 GALLON CONTAINER
	JS	JUNIPER SPECIES	COMMON JUNIPER	31	3 GALLON CONTAINER
	ES	ILEX GLABRA	INKBERRY	19	3 GALLON CONTAINER
	CP	TSUGA CANADENSIS 'PENDULA'	WEEPING HEMLOCK	28	3 GALLON CONTAINER
	RR	RHODODENDRON	RHODODENDRON SPECIES	16	3 GALLON CONTAINER

(10) PLANT QUANTITY
PC PLANT KEY (TYPE)
PERIMETER DESIGNATION (AS SEEN BELOW)
PL=PERIMETER LOT TERMINER PLANTINGS
IP=INTERIOR PLANTINGS
PL=PARKING LOT PLANTINGS
BY=BUFFER YARD PLANTINGS
(NOTE: BACK OF BUILDING SLOPE PLANTINGS WITH "PL" OR "PB" DESIGNATION ARE LOCATION SUBSTITUTION PLANTINGS REQUIRED AROUND OF IN FRONT PARKING LOT)

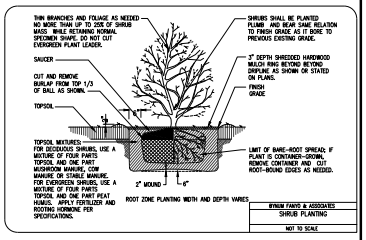
*CONTAINER OR BALL AND BURLAP CONDITION ACCEPTABLE

NOTE: SPECIES SHOWN THAT ARE NOT LISTED IN THE CITY OF BLOOMINGTON ZONING ORDINANCE CHAPTER 20.05 TABLES OF RECOMMENDED PLANT MATERIALS ARE OVER BOTANICALLY COMPARABLE DENSITY VALUES.

PROPOSED LIGHTING LOCATION - REFER TO THE SITE LIGHTING PLAN FOR MORE INFORMATION AND SPECIFICATIONS.



BYNUM FANYO & ASSOCIATES
TREE PLANTING WITH GUYING OR STAKING
NOT TO SCALE



BYNUM FANYO & ASSOCIATES
SHRUB PLANTING
NOT TO SCALE

LANDSCAPE LEGEND

NATIVE GRASS/FORB SEED MIX - REFER TO EROSION CONTROL DETAILS FOR SPECIFICATIONS AND MIX TYPE (PERMANENT)

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR UTILITY DESTRUCTION OR UNDERGROUND CHANGES REQUIRED DUE TO CONFLICTING ELEVATIONS.

revisions:

V-21-15
Site Plan

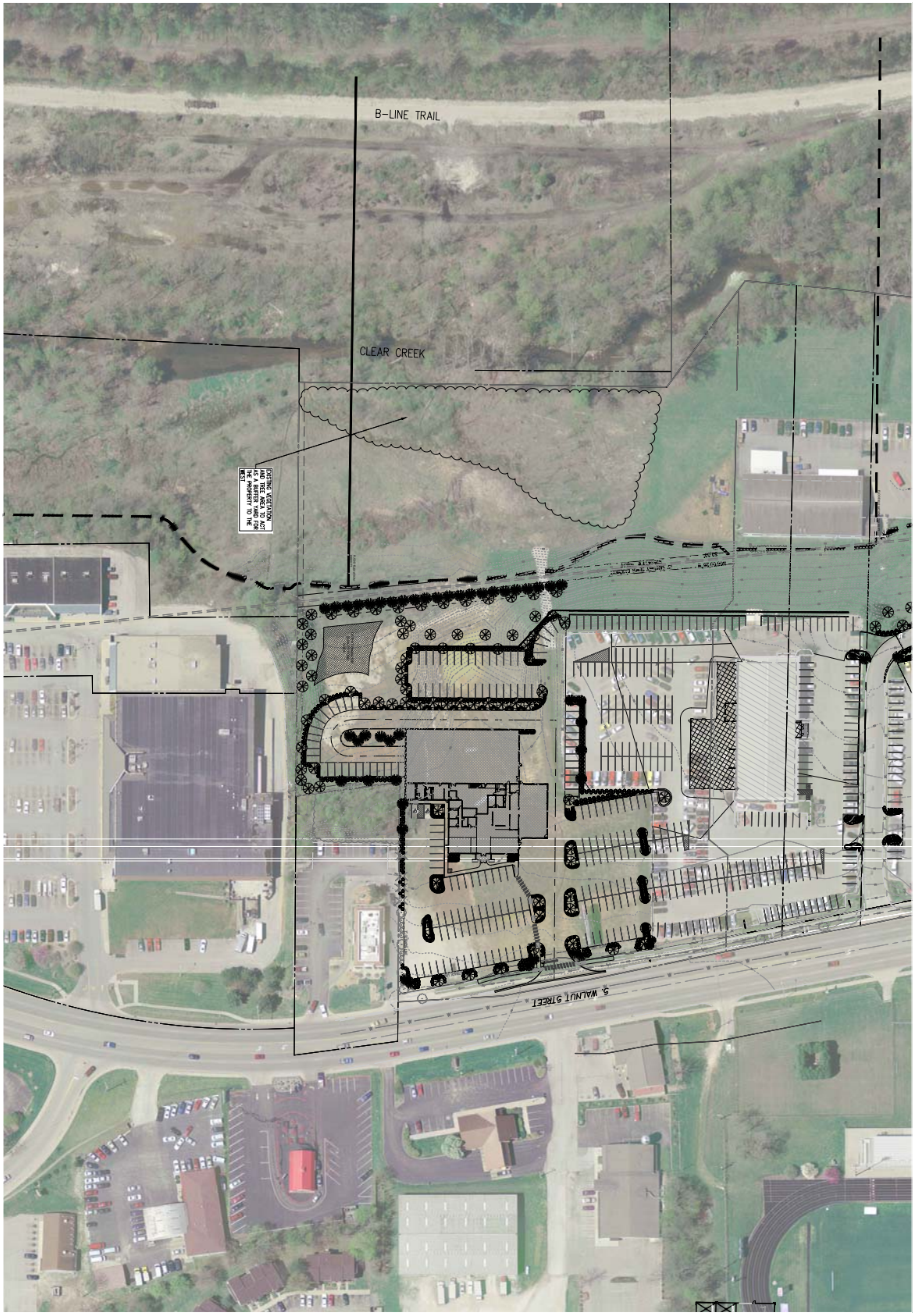
BYNUM FANYO & ASSOCIATES, INC.
528 north walnut street
(812) 332-8030
(812) 339-2990 (fax)

certified by:

PROPOSED
BLOOMINGTON CHRYSLER
DEALERSHIP
2200 S. WALNUT STREET
BLOOMINGTON, IN 47401

title: SITE LANDSCAPING PLAN

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C501
project no.: 401517



SCALE: 1"=50'

NOTE TO CONTRACTOR

CONTRACTOR SHALL VERIFY ALL UTILITY LOCATIONS & DEPTHS AND NOTIFY ENGINEER OF ANY INACCURACIES IN LOCATION OR ELEVATION OR ANY CONFLICTS PRIOR TO & AFTER ANY EXCAVATION. NO PAYMENT SHALL BE MADE TO CONTRACTOR FOR EXCAVATION OR BACKFILL REQUIRED DUE TO CONFLICTING ELEVATIONS OR UNDERGROUND CHANGES

designed by: DJB
drawn by: DJB
checked by: JSF
sheet no: C2
project no.: 401517

title: BUFFER YARD EXHIBIT

PROPOSED
BLOOMINGTON CHRYSLER DEALERSHIP
2200 S. WALNUT STREET
BLOOMINGTON, IN 47401

certified by:

BYNUM FANYO & ASSOCIATES, INC.
528 north walnut street
(812) 332-8030

V-21-15
Landscape Plan

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-22-15**
STAFF REPORT **DATE: August 27, 2015**
LOCATION: 508 W. 3rd Street

PETITIONER: Mesha Philley
508 W. 3rd Street., Bloomington

REQUEST: The petitioner is requesting a variance from side and rear yard building setback standards to allow an addition to the existing residence.

REPORT SUMMARY: The subject property is located at 508 W. 3rd Street and is zoned Residential Core (RC). This 0.08 acre (3,484 sq. ft.) property has been developed with a single family residence and is located within the Prospect Hill Historic District. There is a 12' platted alley that runs along the west side of the residence.

The petitioner would like to remove a dilapidated one-story portion of the north side of the existing residence to construct a new 14'x20' addition in the same location. The addition would match the existing house and will be two-stories to provide a carport below with a new kitchen and deck above. The petitioner has a survey of the property and the house is located 1.5' from the side property line to the west and 6.5' from the rear property line to the north.

The Unified Development Ordinance requires a 10' side yard setback from the west property line and a 10' rear yard setback from the north property line. The petitioner is requesting a side and rear yard setback variance to allow a two-story addition to the existing house. Since the current house is only 1.5' from the side property line to the west and 6.5' from rear property line to the north, it is not possible to construct an addition that utilizes the existing setbacks that meets the setback requirements. There are several properties in this area that are adjacent to alleys that have been constructed within the setback areas in a similar manner. The Historic Preservation Commission approved this project under a Certificate of Appropriateness #COA-36-14.

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 this variance request will not be injurious to the public health, safety, morals, or general welfare of the community. There are other residences in this area with similar setbacks with no negative impacts.

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.*

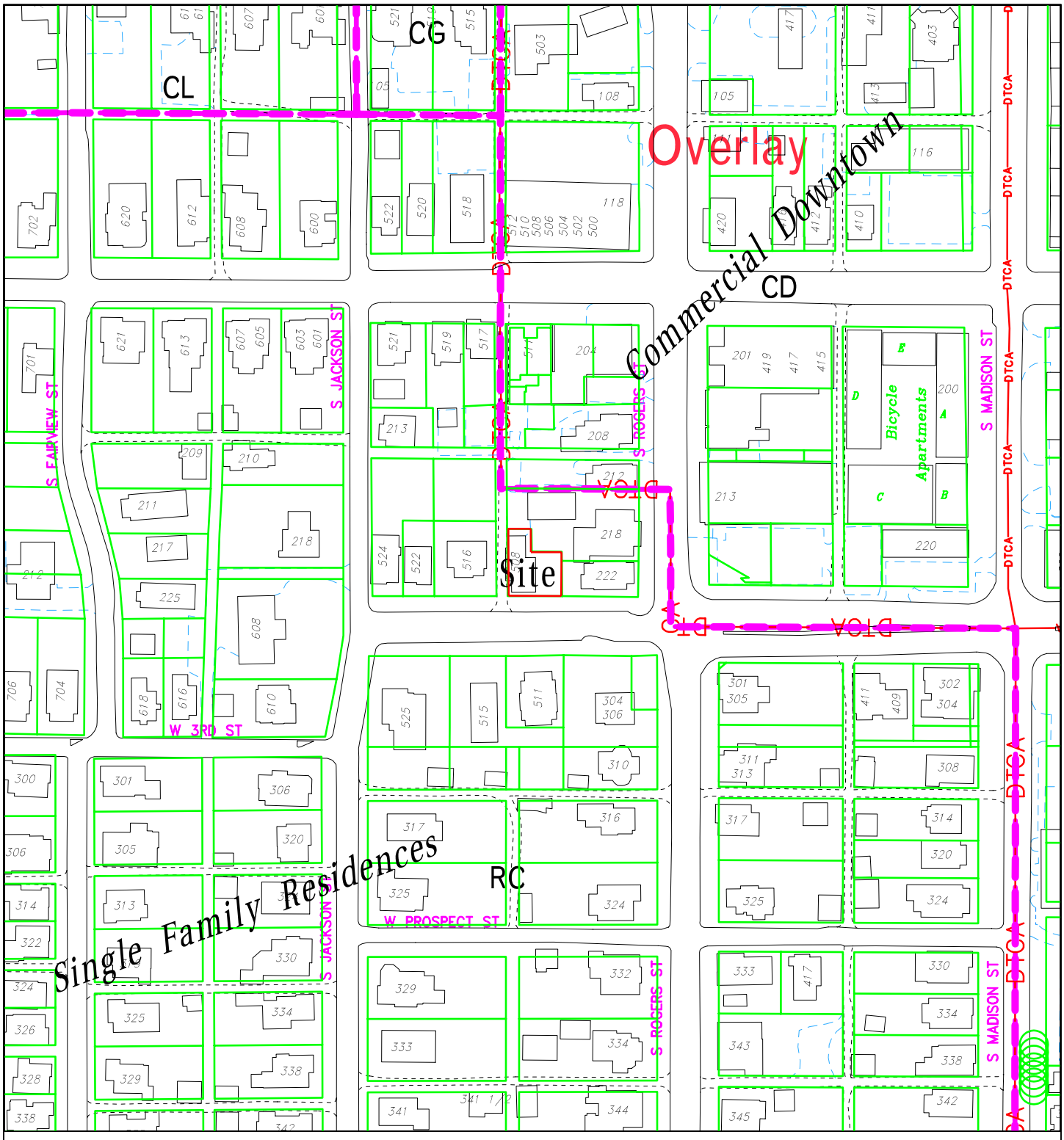
STAFF FINDING: Staff finds no adverse impacts to the use and value of the surrounding area associated with the proposed variance. Once again, there are other residences in this area in the setback with no negative impacts. In addition, a Certificate of Appropriateness was approved by the Historic Preservation Commission and the neighborhood subcommittee that reviewed compatibility with the neighborhood. Staff has also received a letter of support from an adjacent property owner.

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 peculiar condition in that the house is located only a few feet from the property lines and it is not possible to utilize the existing setbacks of the house to replace a portion of the existing residence. The presence of the alley along the side provides the open space area that is intended to be achieved with typical setback requirements. The house's existing setbacks provides a difficulty with doing a reasonable addition to the residence. The size of the lot is less than half the minimum lot size of this district and which provides less area to work within as compared to a typical lot. Without the granting of the variance, it is not possible to replace the portion of the house requested in a manner similar to other houses in the neighborhood.

RECOMMENDATION: Based upon the written findings above, staff recommends approval of this petition with the following conditions:

1. A building permit is required prior to construction.
2. Approved per terms and conditions of COA #COA-36-14.



V-22-15 Mesha Philley

508 W 3rd Street

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

20 Aug 15

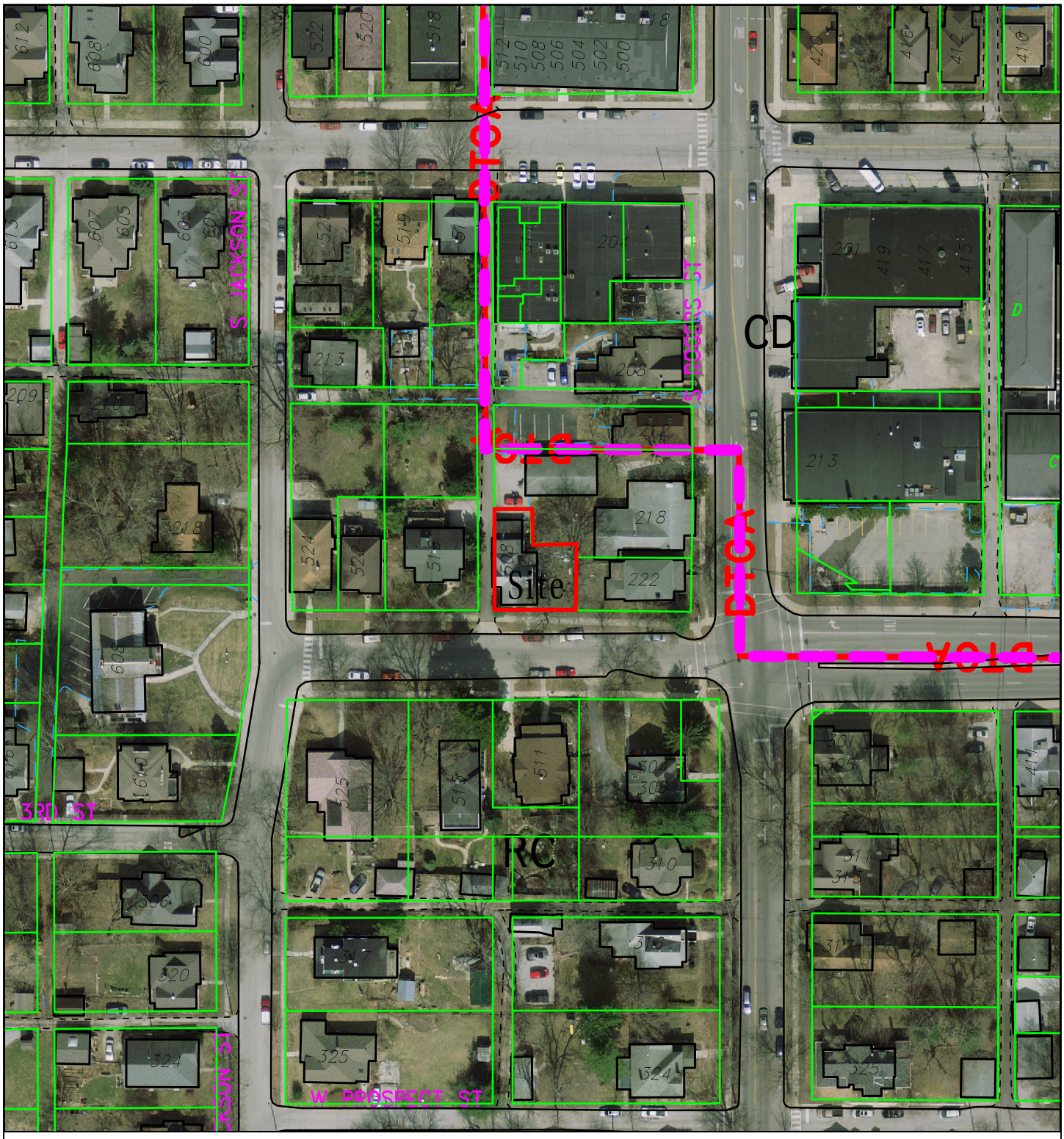
150 0 150 300 450

N

City of Bloomington
Planning & Transportation

Scale: 1" = 150'

For reference only; map information NOT warranted.



V–22–15 Mesha Philley

508 W 3rd Street

Board of Zoning Appeals

2014 Aerial Photograph

By: greulice

20 Aug 15

100 0 100 200 300

N

City of Bloomington
Planning & Transportation

Scale: 1" = 100'

For reference only; map information NOT warranted.

Petitioner's Statement

508 W. 3rd St., Bloomington

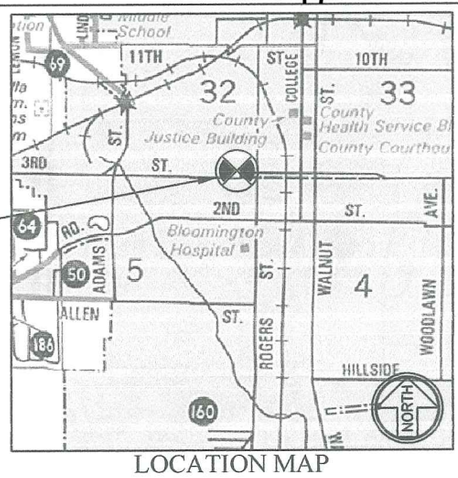
The property sits in the SW corner of lot 65 in the Historic Preservation District of Prospect Hill. The property is irregularly shaped and the the rear/north of the property is parallel to the adjacent alley which slopes to the north and effectively makes the 950 sq. ft. single story/w basement home a two story to the rear of the property which overlooks the rear parking areas of all homes with Rogers St. Addresses. The home has an existing attached carport which is approximately 280 square feet and is located 6.5 feet from the rear property line. The proposal for the variance is to replace the carport with a carport that includes the additional 6.5 feet to the rear and would then add living space above the carport addition which would effectively add approximately 30% more functional space to a very small home. This would allow for the home to have a reasonable sized kitchen, small dining area, and reasonable size living room. The attached drawing shows the floor plan in the existing and proposed state. Without the addition, the combined kitchen and living room may not even fit both a normal sized couch and adn kitchen island for dining. If the carport and additional space is allowed, a complete kitchen, living room and small dining area could be accomplished. If only the carport square footage is approved, a dining area could not be created, but a full kitchen and living space would at least be possible. Additionally, the current design of the carport has the supports dissecting the available parking space to an nearly unuseable space for that purpose; allowing for the full exterior area to be used for covered parking would allow it to be useful for parking rather than storage which would ease street parking and create a less-cluttered view for the neighborhood.

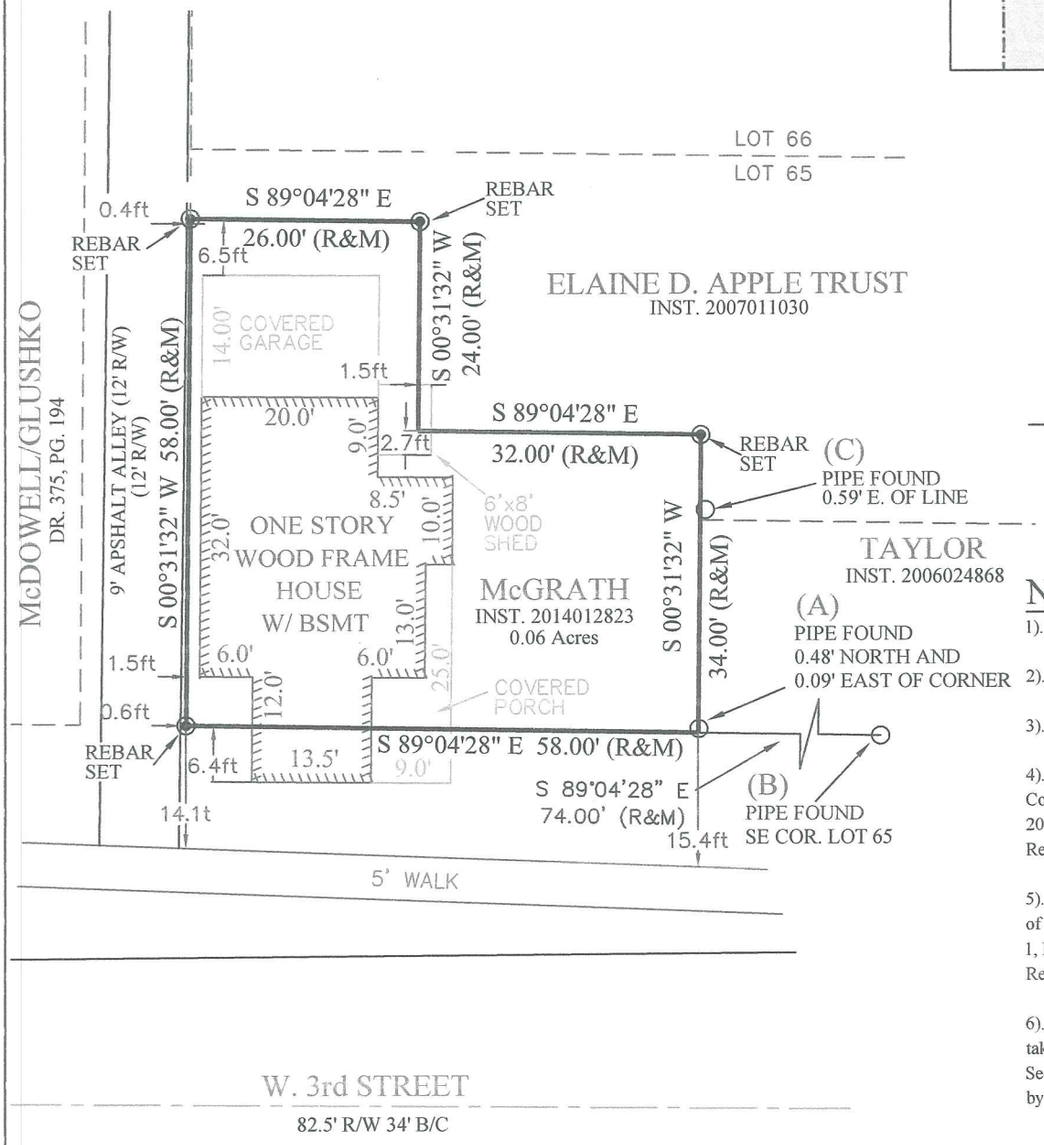
As the space proposed does not encroach on any other homes' living spaces, only parking spaces, which it already overlooks, we feel that the addition would greatly improve the function of the home and property value without limiting any other residences in the area, which would then only increase their value as well.

In addition to this change, proposed roofing changes would allow for a small deck to the east of the home if the deck could be extended to the side property line as drawn. This would also allow for covered storage for gardening equipment as the slope would be maintained under the deck. The roofing changes do not fall under the need to request a variance, but taking the side deck to the extent of the property line may. This property line backs to the rear of adjacent properties and would minimally alter their view and in no way should it otherwise limit their use and enjoyment of their property.

V-22-15
Petitioner Statement

A PART OF LOT NUMBER 65 IN THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA





LEGEND

- STONE FOUND
- UTILITY POLE
- REBAR FOUND
- REBAR SET
- PK NAIL FOUND
- RR SPIKE FOUND
- PIPE FOUND
- FENCE
- MAG SPIKE SET
- (R) RECORD
- (M) MEASURED

NOTES:

1). 5/8" Rebar will be set at all property corners.

2). Fieldwork completed November 2014.

3). Basis of bearing (Assumed).

4). Source of title Now or Formerly owned by Colin T. McGrath as found in Instrument No. 2014012823 in the Office of the Monroe County Recorder.

5). Reference is made to a plat of the Original Plat of the Town of Bloomington as found in Plat Book 1, Pages 3-4 in the Office of the Monroe County Recorder.

6). I affirm, under penalty for perjury, that I have taken responsible care to redact each Social Security Number in this document, unless required by law.

- ERIC L. DECKARD

CERTIFICATION

The within survey was performed without benefit of source of title and is subject to any statement of facts revealed by the same.

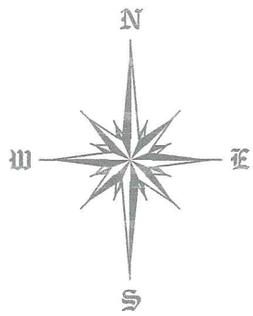
Easements have been located in the field and prepared with this survey drawing. This qualification will be removed upon receipt and inspection of current title work.

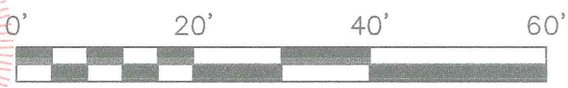
Subject to the above reservation, the survey work shown hereon was performed either by me or under my direct supervision and control and to the best of my knowledge and belief was performed according to the survey requirements in 865 IAC 1-12-1 through 19.

Certified this 20 day of November 2014.

Eric L. Deckard
Registered Surveyor LS29900012
State of Indiana

ERIC LEE DECKARD REGISTERED No. LS29900012 STATE OF INDIANA LAND SURVEYOR



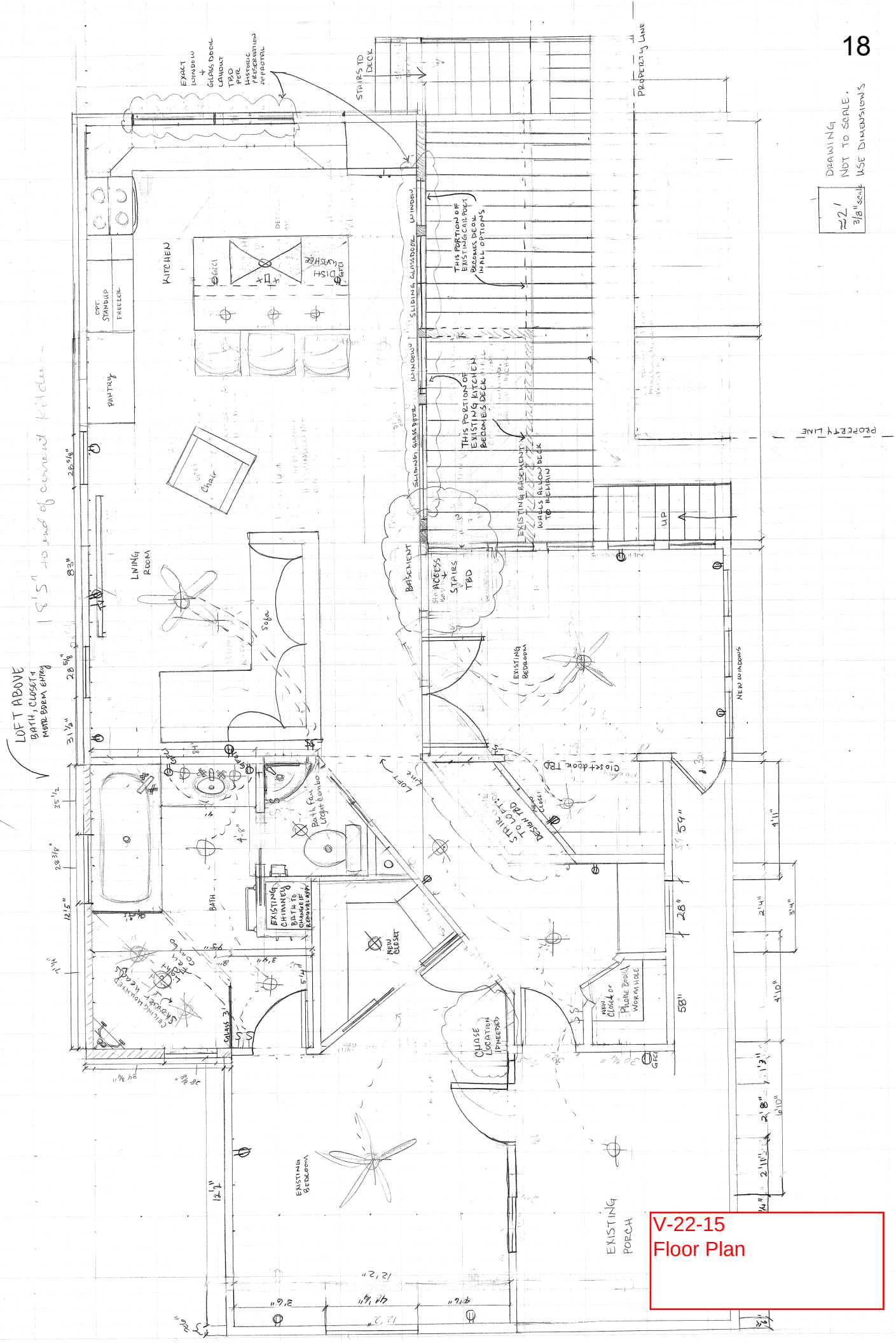


SCALE 1" = 20'

COLIN McGRATH		DECKARD LAND SURVEYING 1604 S. HENDERSON ST. BLOOMINGTON IN. 47401
BOUNDARY SURVEY	SHEET 1 OF 3	
DRAWN BY: ERS DATED:11/20/14	CHECKED BY: ELD	SCALE 1"=20'

V-22-15
Survey

S:\Carlson Software 2006\2014 WORK\MCGRATH 14-141.dwg



V-22-15
Floor Plan

CERTIFICATE OF APPROPRIATENESS

Issued by
The
Bloomington Historic Preservation Commission

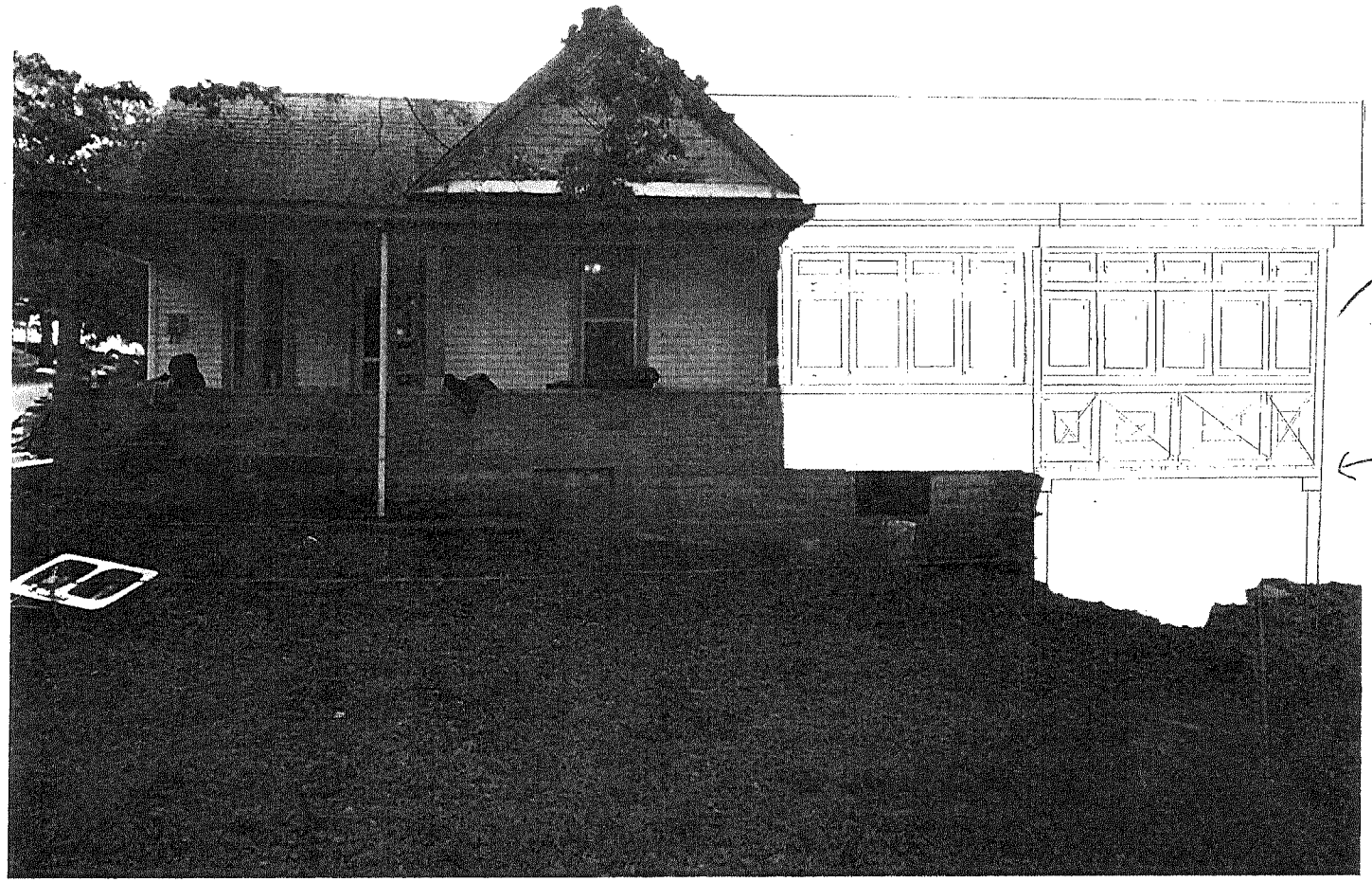
ADDRESS 508 West 3rd Street: Prospect Hill Historic District
For the following work:

Construction of a rear addition as depicted, with the following modifications:
1. Removal of the new gable facing west from the design,
2. All windows to be double hung on the sunroom rather than casements,
3. Original gable vents to remain and be restored,
4. Skylights approved on east and north elevations,
5. Larger window approved on south facing gable, work with staff to design.

A copy of the complete approved plans may be obtained from the City of Bloomington, 401 N. Morton, Department of Department of Housing and Neighborhood Development under case number COA-36-14
This Certificate is effective for two years following the date of issue.
Exterior work outside the scope of this approval is not permitted and subject to fines outlined in Municipal Code, Title 8, Chapter 8.16.020.

Dave Harstad
Chairman
Bloomington Historic Preservation Commission

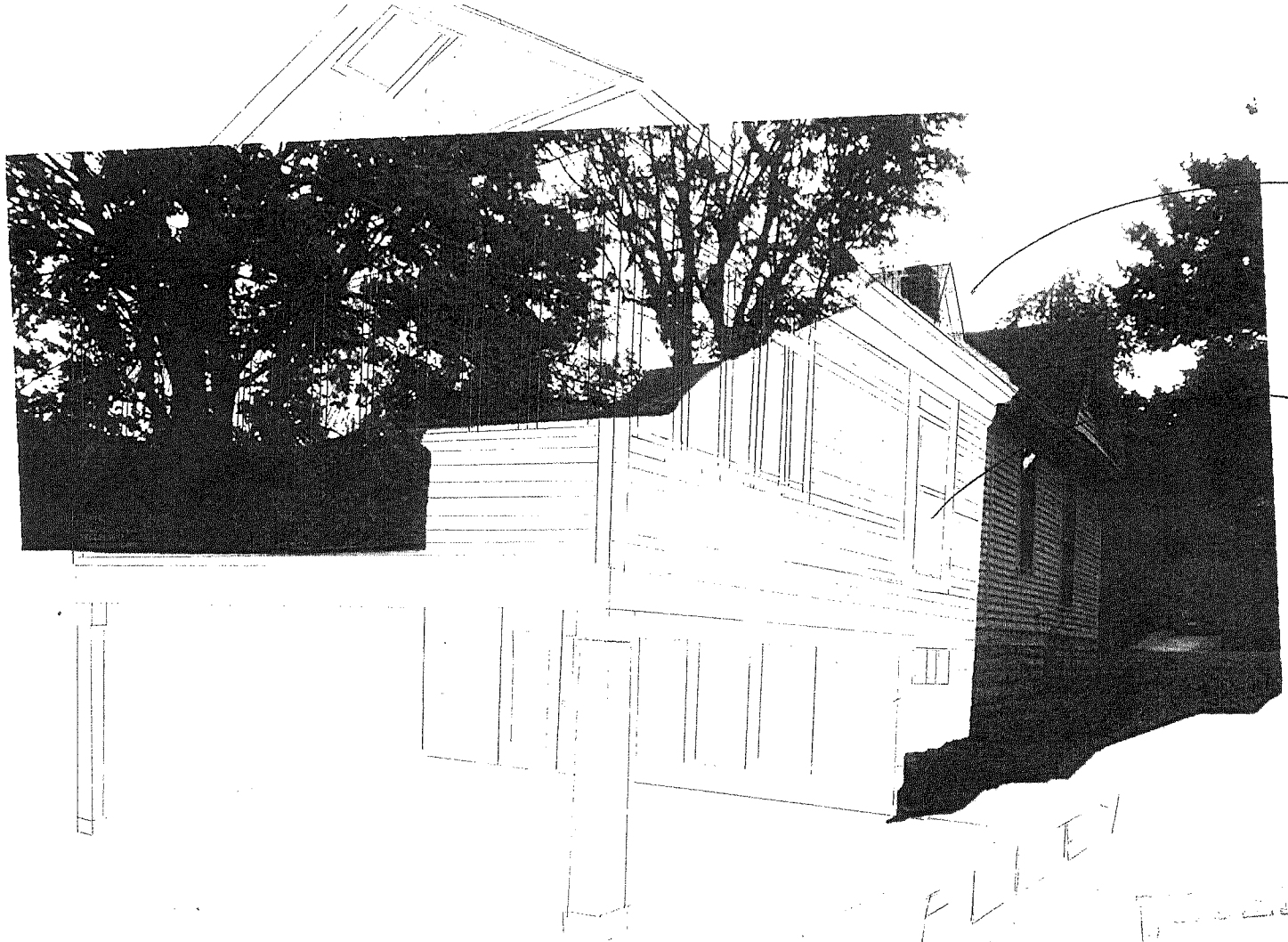
Approved October 23, 2014



USE
DOUBLE HUNG
WINDOWS ON
ADDITION

DESIGN FOR
BALUSTRADE
APPROVED

EAST ELEVATION



BY:.....

NORTH ELEVATION
(REAR)

WEST ELEVATION
(ALLEY)

RESTORE VENTS (DO NOT ENLARGE)

ALLOW SKYLIGHTS NON-VISIBLE ELEVATIONS

SOUTH ELEVATION
3RD STREET

Eric Greulich <greulice@bloomington.in.gov>

508 W. 3rd Street in Prospect Hill

Lewis, Richard M. <rmelewis@iu.edu> Mon, Aug 10, 2015 at 7:16 PM
To: Eric Greulich <greulice@bloomington.in.gov>
Cc: Mesha Philley <mesharene@hotmail.com>

Eric,

Good evening. I live in the Prospect Hill neighborhood and have met and spoken with new homeowners Colin McGrath and Mesha Philley about their home at 508 W. 3rd Street (between Rogers and Jackson Streets). As I understand it, Mesha and Colin wish to renovate or replace the existing carport on the ground level at the back of their house and add an additional story above the carport. As I understand it, they have already received design approval from the Bloomington Historic Preservation Commission (HPC) and now need zoning approval to make these changes to their home.

I speak as an individual and a homeowner in the same neighborhood as Mesha and Colin. I support their efforts to expand their home to a more practical square footage (since they are currently at something less than 950 square feet) and to make a more attractive and usable space out of what is currently a very dilapidated carport. The homes in Prospect Hill often present a challenge – many of us who live in this neighborhood are interested in retaining the historic character of our homes and of the neighborhood but also need to face the realities of day-to-day living in an older home and make it as practical as possible. The carport clearly needs repairs and is currently an eyesore. They wish to improve on that to the benefit of their property, which will also be a benefit to their neighbors' properties. The design is reasonable and well-thought out.

I think Colin and Mesha are striking a very reasonable balance in balancing historic character with practicality and are working very carefully to stay within the existing footprint of their home. I think their proposed improvements will benefit the house and the neighborhood. The fact that they already have approval from the HPC is an important point.

I support their efforts and hope that Zoning will support their efforts as well. Please let me know if you need any additional information; my contact info is shown below.

With best wishes,

Richard Lewis

720 W. 3rd Street, 47404

Cell: 917-449-5284

V-22-15
Letter of Support

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: CU/V-23-15**
STAFF REPORT **DATE: August 27, 2015**
Location: 545 S. Adams Street

PETITIONER: City of Bloomington Parks and Recreation Department
401 N. Morton Street**,** Bloomington

REQUEST: The petitioner is requesting conditional use approval to allow a "communication facility" in a Commercial Arterial (CA) zoning district. Also requested are variances from cell tower setback, paving, fence, and landscaping standards to allow a new cell tower to be installed.

SITE DESCRIPTION: This property is located at 545 S. Adams Street and is within the Commercial Arterial (CA) zoning district. The property has frontage on Patterson Drive to the east and Adams Street to the west. Surrounding land uses include a school and multi-family residences to the north, multi-family residences to the east, office building and mixed-use to the west, and offices and a single family residence to the south.

The property has been developed with an office, fuel station, and warehouse facility that are owned and used by the City of Bloomington. Portions of this property serve as a parking area for the City's seasonal employees who park here and then use City vehicles parked at this location to perform maintenance on City properties. The property also has a fuel center and an operations office that is used by the Parks Department.

The petitioner is requesting conditional use approval for a "communication facility" to allow a 125' monopole cell tower to be constructed. The new tower and related appurtenances would be located on the southern portion of the property inside an existing fenced compound where vehicles are parked. All of the ground based communication equipment would be inside an existing building. The compound has a 6' tall privacy fence along both street frontages. As part of the this petition there will be several improvements to the existing site including reducing drive cuts on Adams Street, installing new on-street parking and street trees on Adams, installing new bike racks, and paving and striping an existing parking area. New landscaping will also be installed on the property where feasible.

The petitioner is requesting variances from certain requirements of the UDO in regards to the cell tower and the improvements to the property that are required with the conditional use approval. The petitioner is requesting a variance from:

> **Buffer Requirements [20.05.020(b)]:** The UDO requires an evergreen screen consisting of a hedge, planted at a maximum of three (3) feet on center, or a row of evergreen trees planted at a maximum of ten (10) feet on center shall be planted around the entire communication facility and each of the guy wires and anchors, if used. The height of all plants at the time of planting shall be no less than five (5) feet. An eight (8) foot high wood fence or brick masonry wall is also required to completely surround the entire communication facility, excluding the guy wires and anchors.
>
> **Setbacks [20.05.020(e)]:** The UDO requires that communication towers be

setback from any property line a distance equal to at least 80% of the height of the tower, which would require a 100' setback from property lines for the proposed 125' tower. The UDO also prohibits any tower from being placed 500' from any residential structure. The proposed tower would be 250' from the recently constructed multi-family residences to the east, 300' from a single family residences to the south, and 220' from the multi-family residences to the west.

Paving [20.05.070(m)]: With the conditional use approval, the UDO requires that all areas used for parking must be paved. The petitioner is requesting a variance to not pave the interior compound area that is used by the heavy equipment trucks.

Criteria and Findings for Conditional Use Permits

20.05.023 Standards for Conditional Use Permits

No Conditional Use approval shall be granted unless the petitioner shall establish that the standards for the specific Conditional Use are met and that the following general standards are met.

1. The proposed use and development must be consistent with the Growth Policies Plan and may not interfere with the achievement of the goals and objectives of the Growth Policies Plan;

Staff Finding: The Growth Policies Plan identifies this area as "Public/Semi-Public/Institutional". The use of the property as a government operations center matches the goals and objectives of the Growth Policies Plan for this area.

2. The proposed use and development will not create nuisance by reason of;

Staff Finding: The proposed use will not create any nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights. There are no noise, smoke, odors, vibrations, or objectionable lights that have been identified with this new tower.

3. The proposed use and development will not have an undue adverse impact upon the adjacent property, the character of the area, or the public health, safety and general welfare;

Staff Finding: Staff finds no adverse impacts to the adjacent properties or character of the area as a result of this petition. The use is surrounded by other commercial businesses, schools, office buildings, and industrial uses. The location of the equipment inside of an existing enclosed and fenced compound greatly reduces the visual impact.

4. The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, stormwater management structures, and other services, or that the applicant will provide adequately for such services;

Staff Finding: The use requires no additional infrastructure services. There is adequate utility service in this area and no improvements are needed.

5. The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

Staff Finding: There will not be any traffic associated with the proposed cell tower.

6. The proposed use and development will not result in the excessive destruction, loss or damage of any natural, scenic, or historic feature of significant importance;

Staff Finding: There are no natural, scenic, or historic features on this site.

7. The hours of operation, outside lighting, and trash and waste collection must not pose a hazard, hardship, or nuisance to the neighborhood.

Staff Finding: No special lighting or waste collection needs are proposed. This use is also not located within any residential neighborhoods. The tower is not tall enough to require special lighting.

8. Signage shall be appropriate to both the property under consideration and to the surrounding area. Signage that is out of character, in the Board of Zoning Appeal's determination, shall not be approved.

Staff Finding: No signage is proposed or approved for the cell tower.

9. The proposed use and development complies with any additional standards imposed upon the particular use by Chapter 20.05; CU: Conditional Use Standards.

(a) The proposed communication facility shall comply with *Chapter 20.05; §CF: Communications Facility Standards* of this Unified Development Ordinance.

Staff Finding: The petitioner meets the requirements of the Communication Facility Standards, with the exception of the standard of a setback from a property line and setback from a residential structure from which the petitioner is seeking a variance.

(b) The communication facility shall minimize land use impacts by accommodating future collocation by at least five (5) other users.

Staff Finding: The tower has been designed to accommodate at least 5 future users.

(c) The tower shall be masked to blend with surroundings and reduce negative visual impact.

Staff Finding: The proposed tower will be a white monopole design.

Staff does not feel that any special modifications should be made to the antennae's appearance. The location of the tower adjacent to existing buildings and distance from the road will minimize any negative visual impacts.

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:

   Paving: Staff finds that allowing the interior courtyard to remain as gravel will not be injurious to the public health, safety, morals, or general welfare of the community. The public parking areas will be paved and only the interior courtyard that serves as a parking area for heavy equipment trucks would remain as gravel. The ADA parking spaces will be paved with this petition.

   Setback: Staff finds no injury to the public health, safety, morals, or general welfare of the community with the variance request. The reduced setback is buffered by another property owned by the City to the south.

   Buffer Yard: Staff finds no injuries to the public health, safety, morals, or general welfare of the community by not requiring the landscaped area around the base of the tower and building.

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:

   Paving: Staff finds that the use and value of the area adjacent to the property will not be affected in a substantially adverse manner by not requiring the interior courtyard to be paved. The impacts from this variance only impact the petitioner.

   Setback: Staff finds that the use and value of the area adjacent to the property will not be affected in a substantially adverse manner by the reduced setback. The location would meet the sideyard setback requirements and would be 59' from the south property line. A portion of the adjacent property to the south is shared by another City owned property and the other adjacent use to the south is an outdoor storage yard and building trade shop.

   Buffer Yard: Staff finds that the use and value of the area adjacent to the property will not be affected in a substantially adverse manner by not requiring

the landscaping around the base of the tower. The base of the tower and equipment will not be visible from the public right-of-way due to being inside an enclosed building and the existing privacy fence that surrounds the compound.

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:

Paving: Staff finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that since the interior courtyard is used for parking heavy equipment trucks, the use of asphalt would not be appropriate to withstand the turning movements of the trucks. Concrete or gravel are the best materials that can function in these situations. The gravel parking areas have not caused any negative impacts. The practical difficulties are peculiar to the property in question in that the existing use of the property functions with the gravel in place and the gravel is contained to the center courtyard, and not in the public parking spaces. The granting of the development standards variance will relieve the practical difficulties by reducing the burden on taxpayers to fund the required improvements that would not have a direct benefit to the public. Allowing the existing gravel to remain will allow the interior courtyard to continue to function in its current state.

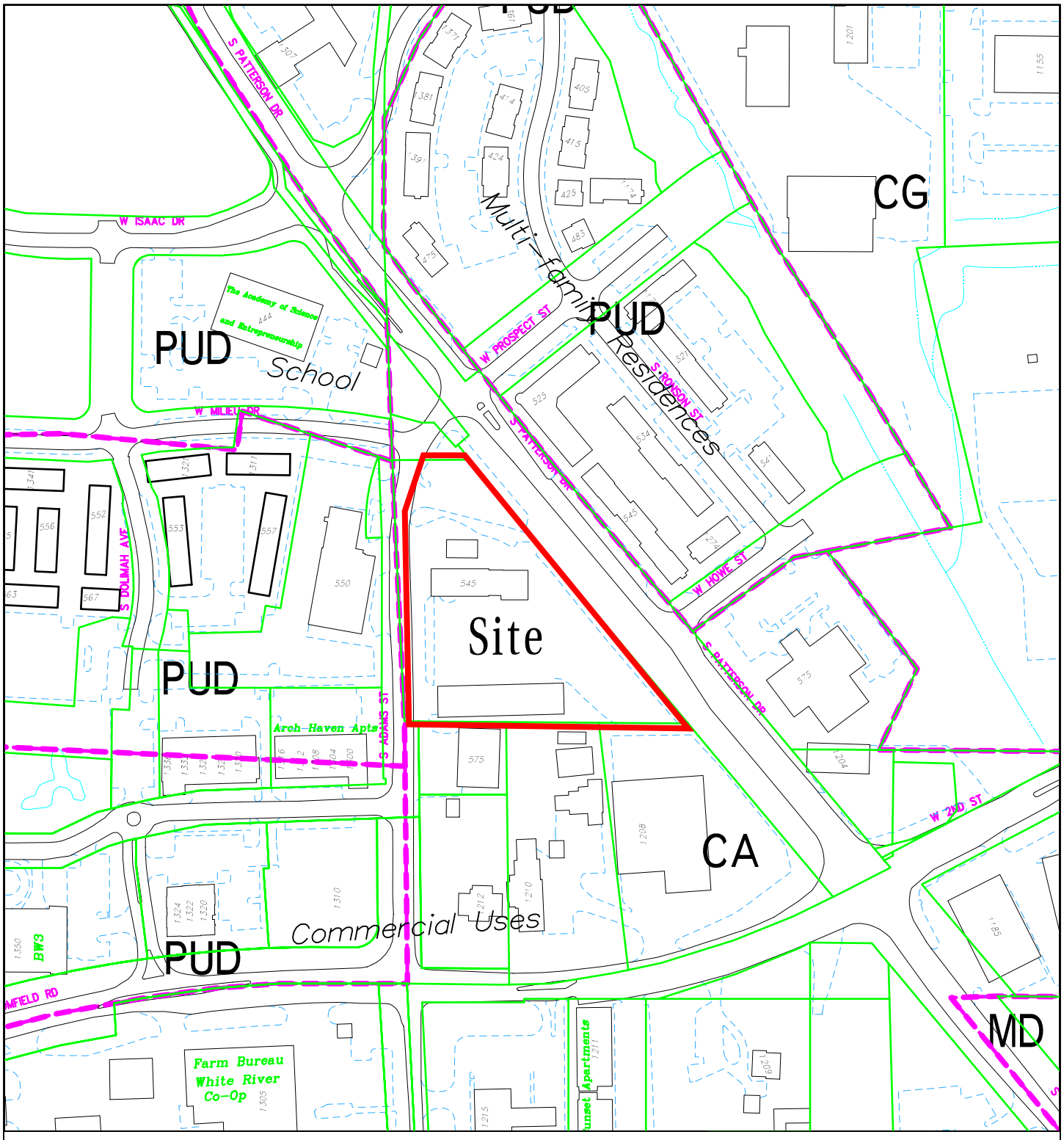
Setback: The Staff finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that it would require the tower to be located in the center of the courtyard which would restrict interior traffic flow. The location and elevation of this site provides an ideal location for a cell tower to serve this area. The presence on a City property mitigates negative impacts to private properties and allows the tower and appurtenances to be adequately screened from public view by an existing building and fence. The practical difficulties are peculiar to the property in question as the need for a cell tower in this location only allows a few areas to be potential sites. With the construction of several mixed-use buildings in this area, it is difficult to find a location that does not have a residence within 500’ and still meets geographic requirements for appropriate elevations for a tower. This property’s location and elevation relative to other towers is unique to meet the needs of the community. The granting of the development standards variance will relieve the practical difficulties by allowing the tower equipment to be located inside an existing enclosed building which best screens the equipment from view.

Buffer Yard: Staff finds that the strict application of the terms of the Unified Development Ordinance will result in practical difficulties in the use of the property in that it would require landscaping to be installed inside an existing storage yard that is already screened from view. The practical difficulties are peculiar to the property in question in that there is an existing building and fence

that will adequately screen the equipment and a duplicate fence and landscaping would not have any benefit. The granting of the development standards variance will relieve the practical difficulties by not requiring a landscaped area to be installed within the existing enclosed courtyard, which is not visible from the public right-of-way.

RECOMMENDATION: Staff recommends approval of CU/V-23-15 with the following conditions:

1. All site improvements must be installed with the building permit for the new tower.



CU/V-23-15 City of Bloomington Parks and Recreation

545 S Adams Street

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

20 Aug 15

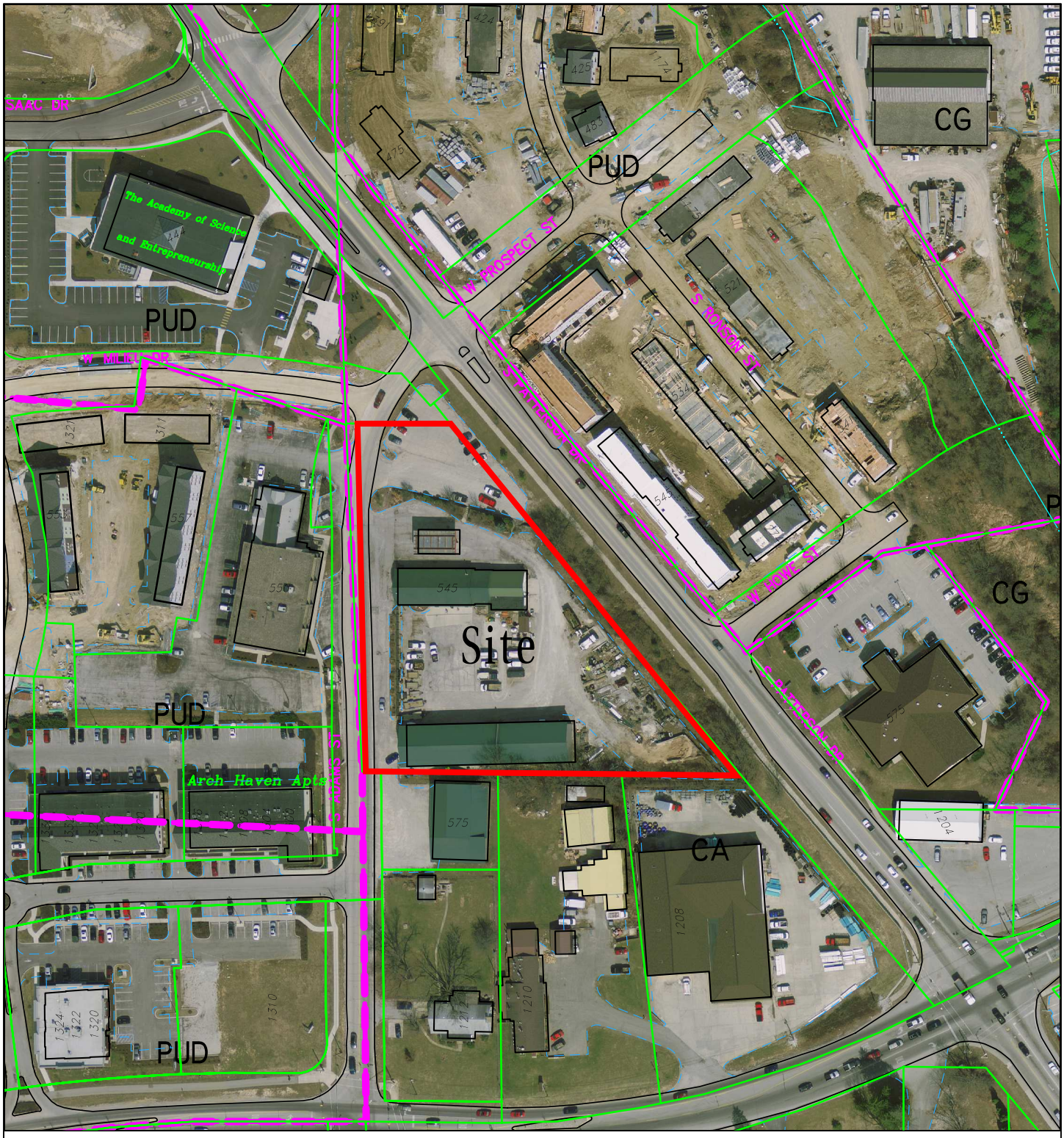
200 0 200 400 600

N

City of Bloomington
Planning & Transportation

Scale: 1" = 200'

For reference only; map information NOT warranted.



CU/V-23-15 City of Bloomington Parks and Recreation

545 S. Adams Street

Board of Zoning Appeals

2014 Aerial Photograph

By: greulice

20 Aug 15

150 0 150 300 450

N

City of Bloomington
Planning & Transportation

Scale: 1" = 150'

For reference only; map information NOT warranted.

CITY OF BLOOMINGTON
parks and recreation

Date: July 22, 2015

To: Tom Micuda
Eric Greulich
City of Bloomington
Planning Department

From: Dave Williams, Operations Director
City of Bloomington
Parks and Recreation

Re: **Petitioner's Statement - Conditional Use Approval and Variance Requests**
Cell Tower Installation - BP&R Operations Center (545 S. Adams St.)

Gentlemen,
The City of Bloomington, Department of Parks and Recreation, wishes to file a request for Conditional Use Approval for a new communication facility at the department's Operations Center located at 545 S. Adams Street. We are also seeking variances from the 500' setback from a residential structure, setback from the property line, maximum number of drive cuts, paving of the maintenance compound, and fencing and landscaping of the cell tower.

The department has received a proposal from Verizon Wireless to install a 120' monopole cell tower in the maintenance compound of the Operations Center. There were several proposed locations at this facility; some of which were rejected due to storage and vehicle mobility requirements. The site plan proposal (attached) calls for a 65' x 20' leased area and utilizes one bay of an existing open sided pole barn building in the maintenance compound. A 22' x 11.5' prefabricated building would be set in the pole barn bay, with the monopole located approximately 14.5' from the edge of the pole barn.

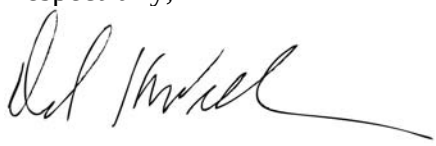
If BZA approval is granted, Verizon Wireless has agreed to pay the Department $80,000 to cover costs of required site improvements on Adams St., to include construction of a 5' concrete sidewalk, reducing the width of existing drive cuts to 34', paving and striping of the employee parking lot (corner of Adams and Patterson), and the installation of bike racks and street trees.

CU/V-23-15
petitioner statement

As you are aware, the character of this area of the city is rapidly changing with substantial commercial, multi-family, and office development projects underway or nearing completion. A monopole cell tower installation at this location, as evidenced by the location photos supplied recently, would be fairly discreet and screened within the Operations Center fenced compound.

It is our department's position that the proposed 120' monopole cell tower at this location meets the Use Variance and Conditional Use Criteria and request full consideration of our project request. Please let me know if any additional information is required.

Respectfully,



Dave Williams
Operations Director
Bloomington Parks and Recreation

cc: Mick Renneisen
JD Boruff
Dan Coots/Verizon

Attachments:
Verizon Site Plan ("Anna Lee" - Site I.D.: 268852)
Aerial photo-Required site improvements

CU/V-23-15
petitioner statement

August 11, 2015

RE: Proposed Verizon Wireless Communications Facility
Site Name: **WS Anna Lee**

To Whom It May Concern:

As a radio frequency engineer for Verizon Wireless, I am providing this letter to state the need for a Verizon Wireless site called ***WS Anna Lee***.

The WS Anna Lee site is proposed with the below objectives:

1. Offload 4G traffic from busy site to the North West.
2. Offload 4G traffic from busy site to the North East.
3. Offload 4G traffic from busy site to the South East.
4. Offload 4G traffic from busy site to the South West.
5. Improve 4G throughput to existing heavy data users.
6. Improve 4G network reliability by increasing the amount of time our customers operate on 4G instead of 3G.

Currently the area is experiencing high demand for wireless high-speed data. Growth forecasts have triggered the need for an additional site in the area. The tower is needed to provide all Verizon customers in the area with the best experience on their 4G wireless devices.

Raw Land – Design plans for a new tower would provide an antenna height of 120'. The new structure height was decided upon to best cover the offload area and interact with the existing Verizon sites. If we are limited to building a structure less than the proposed height, another tower would be needed in the vicinity in the near future. In addition, building a structure that is too short can cause existing taller sites to transmit over the proposed site and building a site that is too tall can cause the proposed site to transmit over existing sites. Both situations create a poor experience from a user perspective. The new structure will be placed near the center of the area with high traffic demand and offload the surrounding sites greatly. The new tower design meets stated objectives.

CU/V-23-15
petitioner statement

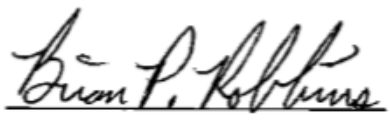
Verizon Wireless cares about the communities as well as the environment and prefers to collocate on existing structures when available. It can be noticed from the map that Verizon Wireless is currently collocated on existing structures in the area. We prefer collocation due to reduced construction costs, faster deployment, and environment protection. However, Verizon Wireless was unable to find a suitable structure within the center of demand area to collocate the proposed **WS Anna Lee** site.

Verizon Wireless design engineers establish search area criteria in order to effectively meet coverage objectives as well as offload existing Verizon cell sites. When met, the criterion also reduces the need for a new site to cover the area in the immediate future. Each cellular site covers a limited area, depending on site configuration and the surrounding terrain. Cell sites are built in an interconnected network; which means each cell site must be located so that their respective coverage areas are contiguous. This provides uninterrupted communications throughout the coverage area.

Since collocation is generally the most cost-effective means for prompt deployment of new facilities, Verizon Wireless makes every effort to investigate the feasibility for using existing towers or other tall structures for collocation when designing a new site or system expansion. However, collocation on an existing tower or tall structure is not always feasible due to location of existing cell sites. Cell sites are placed in a way so they provide smooth hand off to each other and are placed at some distance from each other to eliminate too much overlap. Too much overlap may result in a waste of resources and raise a system capacity overload concern.

This cell site has been designed, and shall be constructed and operated in a manner that satisfies regulations and requirements of all applicable governmental agencies that have been charged with regulating tower specifications, operation, construction, and placement, including the FAA and FCC.

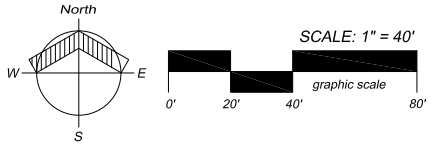
Sincerely,
Brian Robbins



RF Engineer, Verizon Wireless

CU/V-23-15
petitioner statement

Vicinity Map



LEGEND

⊠	POWER POLE	UGT	UNDERGROUND TELEPHONE
℄	LIGHT POLE	GAS	UNDERGROUND GAS LINE
□	UTILITY PEDESTAL	H2O	UNDERGROUND WATER LINE
	FIRE HYDRANT	(m)	MEASURED
W	WATER VALVE	(r)	RECORDED
OHP	OVERHEAD POWER LINE	(c)	CALCULATED
UGP	UNDERGROUND POWER LINE	(s)	EXISTING SURVEY INFORMATION
OHT	OVERHEAD TELEPHONE		

D TOWER COORDINATES:

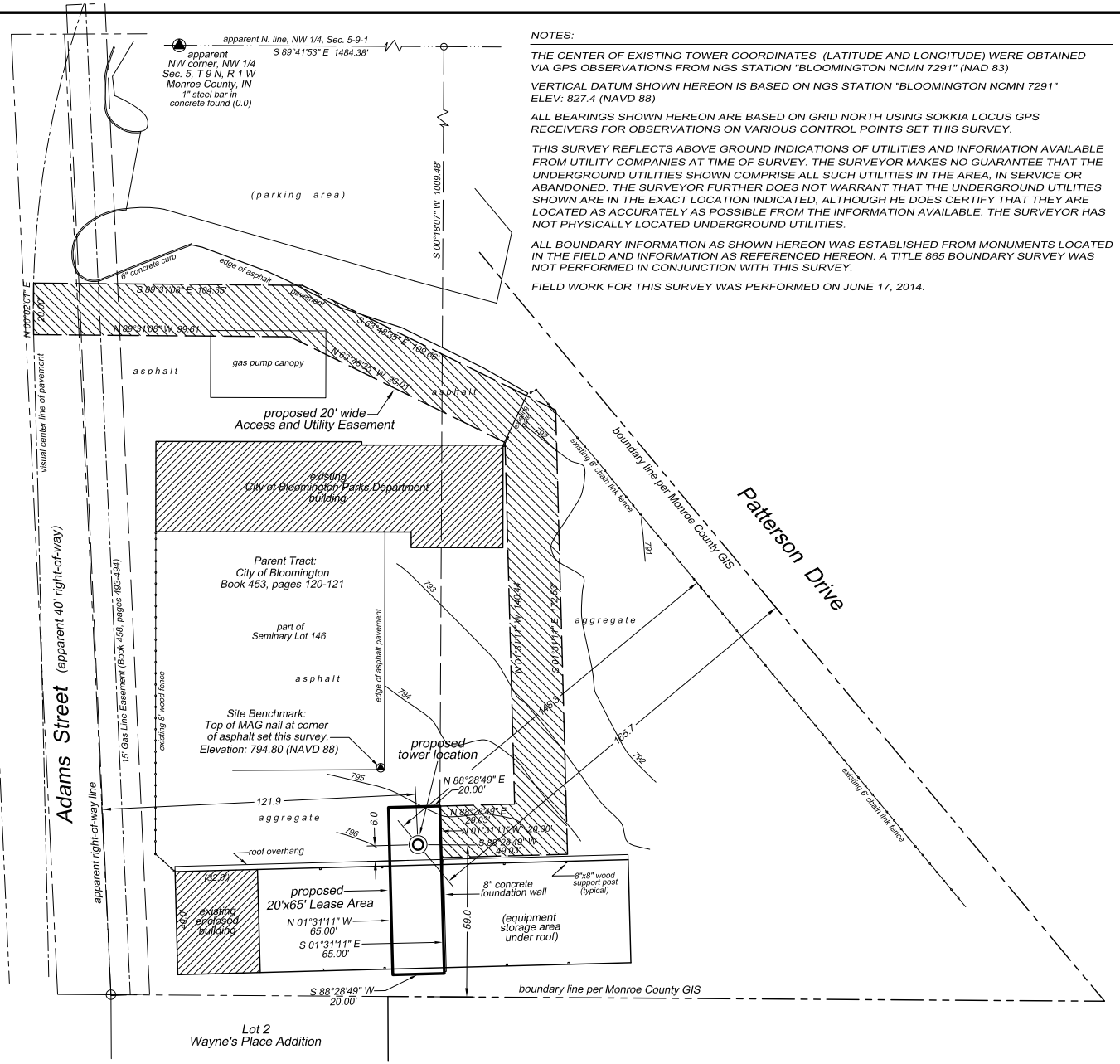
DEGREES 09 MINUTES 41.59 SECONDS (NAD 83)
DEGREES 33 MINUTES 01.15 SECONDS (NAD 83)
796.0 FEET AMSL (NAVD 88)

REBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR,
OF THE STATE OF INDIANA, AND THAT THE INFORMATION SHOWN
RATE TO THE BEST OF MY INFORMATION, KNOWLEDGE AND BELIEF.
JULY, 2014.

3500017)

TIMOTHY C. GOULOFF REGISTERED No.29500017 STATE OF INDIANA LAND SURVEYOR

CU/V-23-15
site plan



NOTES:

THE CENTER OF EXISTING TOWER COORDINATES (LATITUDE AND LONGITUDE) WERE OBTAINED VIA GPS OBSERVATIONS FROM NGS STATION "BLOOMINGTON NCMN 7291" (NAD 83)

VERTICAL DATUM SHOWN HEREON IS BASED ON NGS STATION "BLOOMINGTON NCMN 7291" ELEV: 827.4 (NAVD 88)

ALL BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH USING SOKKIA LOCUS GPS RECEIVERS FOR OBSERVATIONS ON VARIOUS CONTROL POINTS SET THIS SURVEY.

THIS SURVEY REFLECTS ABOVE GROUND INDICATIONS OF UTILITIES AND INFORMATION AVAILABLE FROM UTILITY COMPANIES AT TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED, ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED UNDERGROUND UTILITIES.

ALL BOUNDARY INFORMATION AS SHOWN HEREON WAS ESTABLISHED FROM MONUMENTS LOCATED IN THE FIELD AND INFORMATION AS REFERENCED HEREON. A TITLE 865 BOUNDARY SURVEY WAS NOT PERFORMED IN CONJUNCTION WITH THIS SURVEY.

FIELD WORK FOR THIS SURVEY WAS PERFORMED ON JUNE 17, 2014.

PROJECT NO. 20130200
DATE: 10/03/2013
SCALE: 1" = 40'
DRAWN: TMJ
CHK'D: TCG

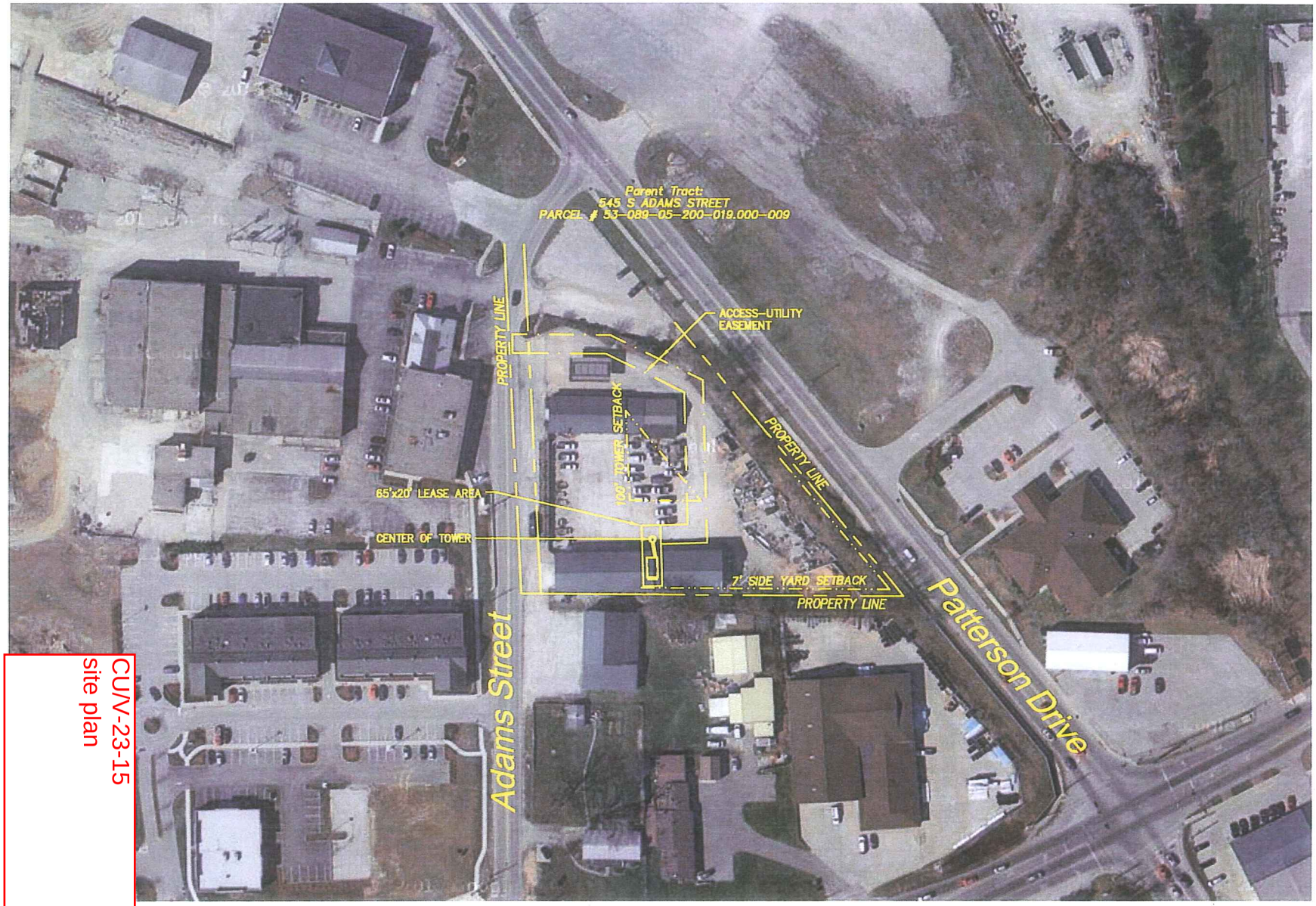
GTE Mobilnet of Indiana Limited Partnership d/b/a verizon wireless

GOULOFF - JORDAN SURVEYING AND DESIGN, INC.
1133 BROADWAY FORT WAYNE, IN 46802
PH (260) 424-5382 FAX (260) 424-4916

TOWER SITE RAW LAND SURVEY
Site Name: ANNA LEE
Site I.D.: 268852
LOCATED IN THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 8 NORTH, RANGE 1 WEST PERRY TOWNSHIP, MONROE COUNTY, INDIANA

REVISIONS		
REV. NO.	DATE	DESCRIPTION

DRAWING NO. 20130200(ALT)(1)
SHEET 1 of 2



Site Plan

NORTH

50 0 50 100

1 inch = 100ft.

CU/V-23-15
site plan

GTE MOBILNET OF INDIANA LIMITED PARTNERSHIP, d/b/a

verizon wireless

MAGTECH SERVICES INC.
AN AFFILIATE OF FORTUNE WIRELESS INC.
1715 MAGNAVOX WAY, FORT WAYNE, INDIANA 46804
(260) 436-2658 • (260) 436-2422 FAX

CERTIFICATION:

PRELIMINARY NOT FOR CONSTRUCTION

RELEASE DATE	
01-11-14	OWNER SITE SKETCH
10-17-14	CONSTRUCTION DWGS - REV A

THIS DRAWING IS COPYRIGHTED AND IS THE SOLE PROPERTY OF THE OWNER. IT IS PRODUCED SOLELY FOR USE BY THE OWNER AND ITS AFFILIATES. REPRODUCTION OR USE OF THIS DRAWING AND/OR THE INFORMATION CONTAINED IN IT IS FORBIDDEN WITHOUT THE WRITTEN PERMISSION OF THE OWNER.

DRAWN BY: CJM
CHECKED BY: MJA

SITE NAME:

WS ANNA LEE CELL SITE

SITE ADDRESS:

S. ADAMS STREET
BLOOMINGTON, IN 47403

SHEET TITLE:

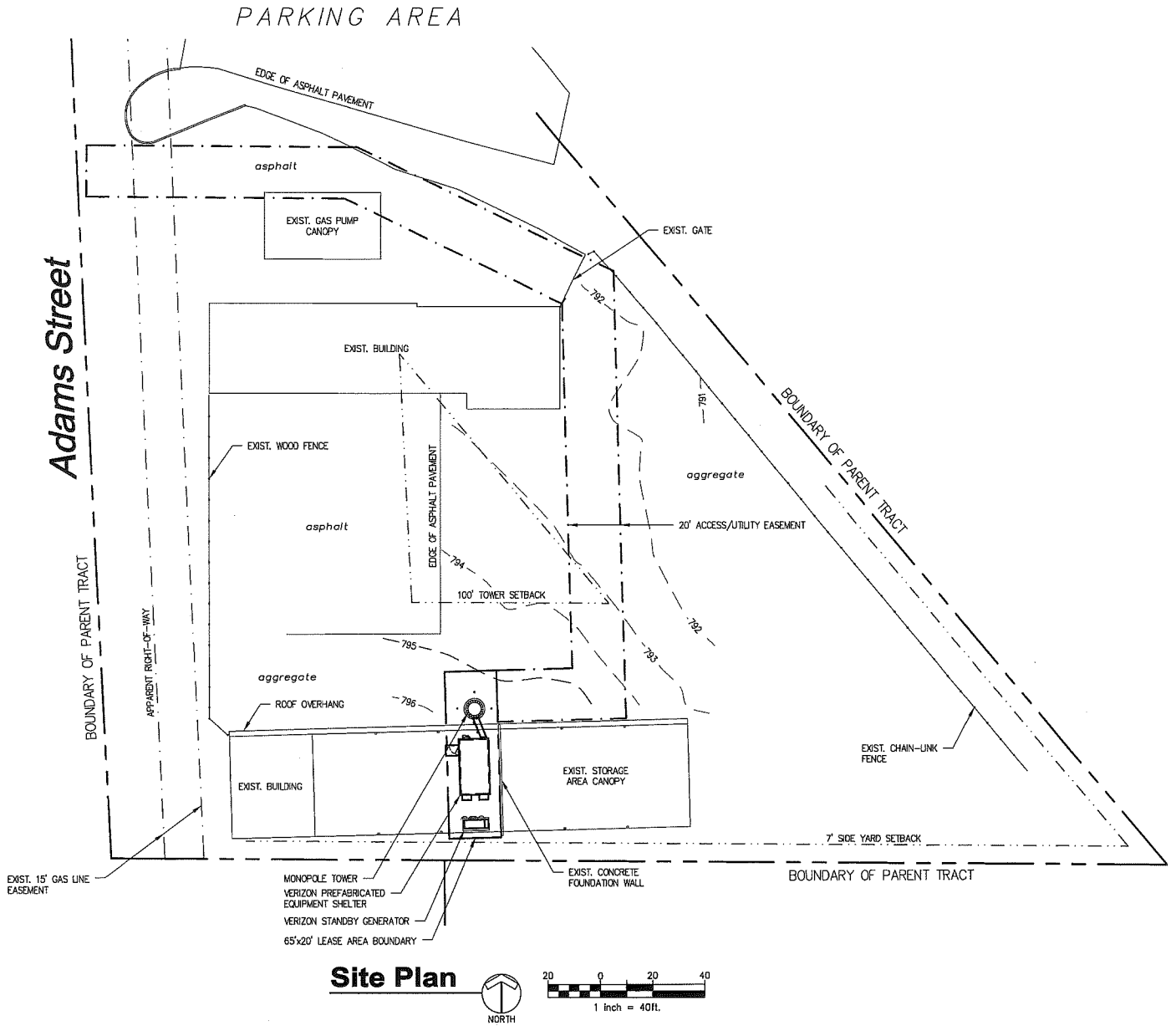
SITE LOCATION PLAN

A&E PROJECT NO.:

001-1436

SHEET NO.:

C-1



Site Plan

CU/V-23-15
site plan

GTE MOBILNET OF INDIANA LIMITED PARTNERSHIP, d/b/a

verizon wireless

MAGTECH SERVICES INC.
AN AFFILIATE OF FORTUNE WIRELESS INC.
1715 MADHAVEN WAY, FORT WAYNE, INDIANA 46804
(260) 436-2668 • (260) 436-2402 FAX

CERTIFICATION:

PRELIMINARY NOT FOR CONSTRUCTION

RELEASE DATE	
01-11-14	OWNER SITE SKETCH
10-17-14	CONSTRUCTION DWGS - REV A

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DRAWN BY: CJM
CHECKED BY: MJA

SITE NAME:

WS ANNA LEE CELL SITE

SITE ADDRESS:

S. ADAMS STREET BLOOMINGTON, IN 47403

SHEET TITLE:

DEVELOPED SITE PLAN

A&E PROJECT NO.:

001-1436

SHEET NO.:

C-2

verizon wireless

Looking North From Patterson and 2nd Street

Anna Lee
Bloomington, IN

Looking South From Patterson And 3rd Street

Anna Lee
Bloomington, IN

verizon wireless

Looking South From Patterson St. and Isaac Dr.

Anna Lee
Bloomington, IN

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-26-15**
STAFF REPORT **DATE: August 27, 2015**
LOCATION: 4333 E. Stephens Drive

PETITIONER: **Martha Sattinger and Steve Stroup**
4333 E. Stephens Dr., Bloomington

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

	Fence Height
Proposed:	8 feet
Permitted:	4 feet

REPORT SUMMARY: The petitioners own a single family home at the southwest corner of Stephens Drive and Kinser Drive. The property is zoned Residential Single-family (RS). The front of the house faces Kinser Dr. and the driveway is accessed from Stephens Dr. The property is surrounded by other single family homes and two grandfathered duplexes.

The petitioners have constructed an 8-foot tall fence in their front yard. The petitioners believed that what they were constructing complied with the code. They were aware of the 4-foot maximum, but did not consider the top portion to be "fence" due to the design.

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 are avid gardeners and want to utilize the property to its maximum capacity with the goal of producing food. The petitioners have established a front yard garden space featuring perennial fruit and nut trees, flowering plants, and annual vegetable crops. The petitioners have utilized their backyard as a garden and wished to expand to the front yard. As a corner property, a larger proportion of their lot is comprised of front yard; in this case, the front yard accounts for 65 percent of the property's yard area.

The petitioners contend that fencing taller than 4 feet is necessary because of the combination of their urban agricultural activities and the corresponding need to protect the property against deer. To that end, the petitioners have installed approximately 250 feet of fencing to protect the front yard space of this 0.56-acre property.

The fence design focuses on keeping deer out while allowing clear views of the front yard and of the street for vision clearance. This contrasts starkly with a typical privacy fence; the bottom half of the petitioners' fence utilizes a gridded chicken wire to prevent animals from trespassing while the top half is open air, with one 2x4 beam at the top to discourage deer from jumping into the yard (see photos). There are no sidewalks in the neighborhood, but the fence is setback from the street, which allows space for walking. The petitioners have also added a bench in their front yard where they often place produce in a basket

with a small note instructing neighbors to take the food and enjoy it. The fence has four gates, where the petitioners have posted signs encouraging neighbors to enter the garden and walk around on their property.

In the past, the Board of Zoning Appeals has made few exceptions to the fence standards. These cases usually involve corner lots. Past criteria utilized include: located on a corner lot, designed to be open above 4 feet, distanced from the sidewalk, adjacent to a higher-traffic street, and constructed on the functional side or rear of the property. This property meets three of the five criteria listed above.

The fence was discussed at an Eastern Heights neighborhood meeting. The neighborhood did not vote, but simply discussed the fence and the variance petition. To date, staff has received 35 letters of support, predominantly from neighbors but also from friends, family, and local food supporters. Staff also received photos from neighbors documenting deer in their neighborhood. No letters of remonstrance have been received.

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 Eastern Heights 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 recently adopted Bloomington Food Policy Charter encourages home gardening and local food production.
4. By utilizing an open fence, their yard and active, flowering garden is visible to the community. The fence allows the petitioners to beautify their corner of the neighborhood. Without the fence, most landscaping is impractical because it will be consumed by deer.

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 fence proposal. The fence allows clear views of the property. When the BZA has reviewed previous fence height variance cases, ensuring such visibility has been considered an important factor to allow taller fence structures. Letters of support have been submitted from 35 people, predominantly neighbors.

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 style 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 are no sidewalks on either Kinser Dr. or Stephens Dr., and no sidewalks are planned in the near future, this safety issue does not apply. Furthermore, the fence is setback from the street a considerable distance to allow for walking in the grass adjacent to the streets. In several of the letters of support, nearby residents commented on the beauty of the petitioners' yard and the joy they receive from viewing it while walking.

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 the use of the property, the proportion of front yard, and the design of the fence. 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 not compatible. This creates the required practical difficulty.

The proportion of front yard area to side and rear yard is much higher for corner lots. In this case, the home garden use is encouraged by the city but only 1/3 of the yard area can utilize a fence to restrict deer, which makes it very difficult to cultivate a successful home garden using only 1/3 of your yard.

Finally, the design of the fence and the resulting visibility make this a peculiar case. The fence is not designed to be a privacy fence, but rather to deter deer and to encourage people to enter the property. Instead of detracting, the fence and the front yard garden serve to enhance the pedestrian realm.

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

1. The approval is for the current design of the fence. The fence may not be altered at a later date to be less transparent without a variance. Maintenance of the fence is permitted.

Board of Zoning Appeals
Request for Front Yard Fence Variance

Filed July 27, 2015

Martha Sattinger and Stephen Stroup
4333 E Stephens Drive
Bloomington, IN 47408

V-26-15
Petitioners' Statement

At issue is the fence which we installed around our front yard (roughly 5,000 sq. ft) in the spring of this year, 2015. We installed the fence in order to convert the property from a lawn, which serves primarily as pasture for the local deer (see below), into orchard-garden space capable of producing fruits and vegetables for our own consumption and for sharing with our neighbors. The opportunity to beautify the area through the growth of a wide array of flowers and flowering shrubs is a secondary though not insignificant consideration.

Our back yard (< 4,000 sq. ft.) consists of partial yard-partial garden. We have discovered, however, that the 4' fence which surrounds it is hardly protection from the marauding deer. We have attempted to reinforce it through the use of bamboo canes, though we find this only moderately effective and very unattractive.

V-26-15
Petitioners'
Statement

In the case of the front yard fence, we have been very inspired and encouraged by the growing movement in our community to enhance food security and productivity within the limits of town. This development has been led recently by the Bloomington Food Policy Council; its precepts have been shaped by extensive discussions between private citizens and the leadership of such organizations as the Community Orchard, Mother Hubbard's Cupboard, and the Indiana University Office of Sustainability's Food Working Group. Most recently, the charter it produced enjoyed unanimous passage by the Bloomington City Council. Among other things, the charter urges us to "Encourage community gardens, home gardens, rooftop gardens, orchards, and edible landscaping to increase food self-reliance and

enhance the development of community." And as Councilman Marty Spechler stated at the meeting, "I think the best answer to food insecurity is personal action, action by neighbors to secure their own food security. And if there are impediments, we need to know about it." As was pointed out by several individuals who spoke in support of the charter on the evening of its passage, the document is not intended to be so much an end unto itself as it to serve as a guide to future policy and decision making throughout the community. These are sentiments which we fully endorse, and we believe the current situation is just one of many for which the charter was designed to provide guidance.

We would like to frame our appeal within the context of the three findings necessary for approval of our request:

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

Approval of this variance to the fence ordinance will, in fact, enhance public health and welfare as perimeter security will allow for food production not possible without excluding deer. The fence is 4' in height, with taller upright posts at 8' intervals, and includes a single "decorative" top board. It was very carefully and specifically designed for deer exclusion, based on models we have studied both here in Bloomington and in other communities we have visited.

Because we value our neighbors, the design is as open and welcoming as we could contrive, with four pedestrian gates and the corner set back substantially from the street to ensure no visual obstruction to traffic. The fence is quite permeable to the eye: the wire is almost transparent against the backdrop of the green of the yard and gardens, and the uprights present virtually no visual barrier to the yard.

Setback at Corner of Stephens and Kinser

Beans climbing the upright.

This fence permits us to grow clean, nutritious food without the harmful herbicides and pesticides which are actually applied in profusion to no small number of the yards in the neighborhood. Toward that goal, we now have flourishing in the yard: three cherry, two pear, two plum, one pecan, and one hazelnut tree. Additionally, we have two gooseberry, one elderberry, one jostaberry, and one goji berry bush, four grape vines, a host of black raspberry bushes, plus the normal array of common vegetables and flowering plants one can only grow successfully in the absence of predatory herbivores. Little of this nutritional bounty or floral beauty would be possible without the fence. As for the impact of this project on public morals, we can perhaps do no better than to quote the esteemed Thomas Jefferson, who observed that: "Agriculture is our wisest pursuit, because it will in the end contribute most to real wealth, good morals, and happiness." Or, even more succinctly, as Voltaire's Candide observed in response to the philosophical ramblings of his friend, Pangloss: "'Tis well said, but we must cultivate our gardens."

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.

The structure is well within our property lines. We perceive no adverse potential to the value of adjacent properties. Indeed, we believe that the beauty and productivity of the entire neighborhood are significantly enhanced by the developments which the fence will make possible. We are, in fact, very aware of the importance of maintaining property values, and throughout the 18 years that we have owned this property, we have invested in numerous improvements designed to enhance its value, both economically and aesthetically, as well as to make it more sustainable. For instance, we removed over-mature trees, installed energy-efficient windows, and, most recently, installed a metal roof and an array of 15 solar panels (see back yard picture, below). We are confident that these many investments have not only enhanced the value of our property, but have contributed to the attractiveness and value of the entire neighborhood. The fence and the orchard-gardens it permits are our latest investment.

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.

There is no debate whether deer impact our community. Throughout much of Bloomington, lawns are little more than pastures to our flourishing deer herd, and everything growing is simply a dish on the banquet table. (As we were shooting the picture of the fawns, above, the neighbor across the street called out to us that there were two more in her back yard at that very moment, and that she had entirely given up trying to grow anything.) In the absence of effective barriers, growing fruits, vegetables, and most flowers is largely impossible. Debate, rather, focuses on how to address the situation in a manner that is respectful of the highly varied positions and opinions held by our citizens. For years the community has argued and proposed a variety of possible actions, yet to date it has been challenged to arrive at a community-wide resolution to the problem.

This issue is made doubly trying given that our community is simultaneously committed to making progress toward greater food security, as reflected most recently in the unanimous adoption in April, 2015 by the Bloomington City Council of the Bloomington Food Policy Council's charter. Among the recommendations of this document are that our community "protect agricultural land, particularly in periurban areas," and "encourage home gardens." How then to resolve this apparent conundrum? In the current situation, there is no intent to flout the regulations governing property in Bloomington. Rather, we seek a creative and effective compromise to the problem of an exploding deer population whose presence will inevitably foil our efforts to act in harmony with our community's goal of greater food security. We believe the simple, elegant structure we've erected is an effective compromise.

A final point to be made in this petition concerns a concept often referred to as "aging in place." We are now both in a state of semi-retirement, and it is our goal to spend a growing percentage of our time in our garden, on this land that is our home. We love Eastern Heights. Increasingly in recent years it has become a more neighborly place to live, with an active neighborhood association, neighborhood gatherings, a free little library, growing pedestrian traffic, and thriving social interaction between the residents. This is a trend which our gardening efforts seems to nurture, and we find great personal gratification in making a contribution to the enrichment of our neighborhood, our community. We can think of no more valuable contribution we can make in the final third of our lives than to create and maintain a garden space that can serve as a source of food, beauty, and, we hope, inspiration, for our entire neighborhood.

It is within the context of these considerations and arguments that we request our variance.

Thank you.
Martha Sattinger
Steve Stroup

V-26-15
Petitioners' Statement

Additional Images

Mid-summer 2015 reveals the lushness possible in the absence of deer.

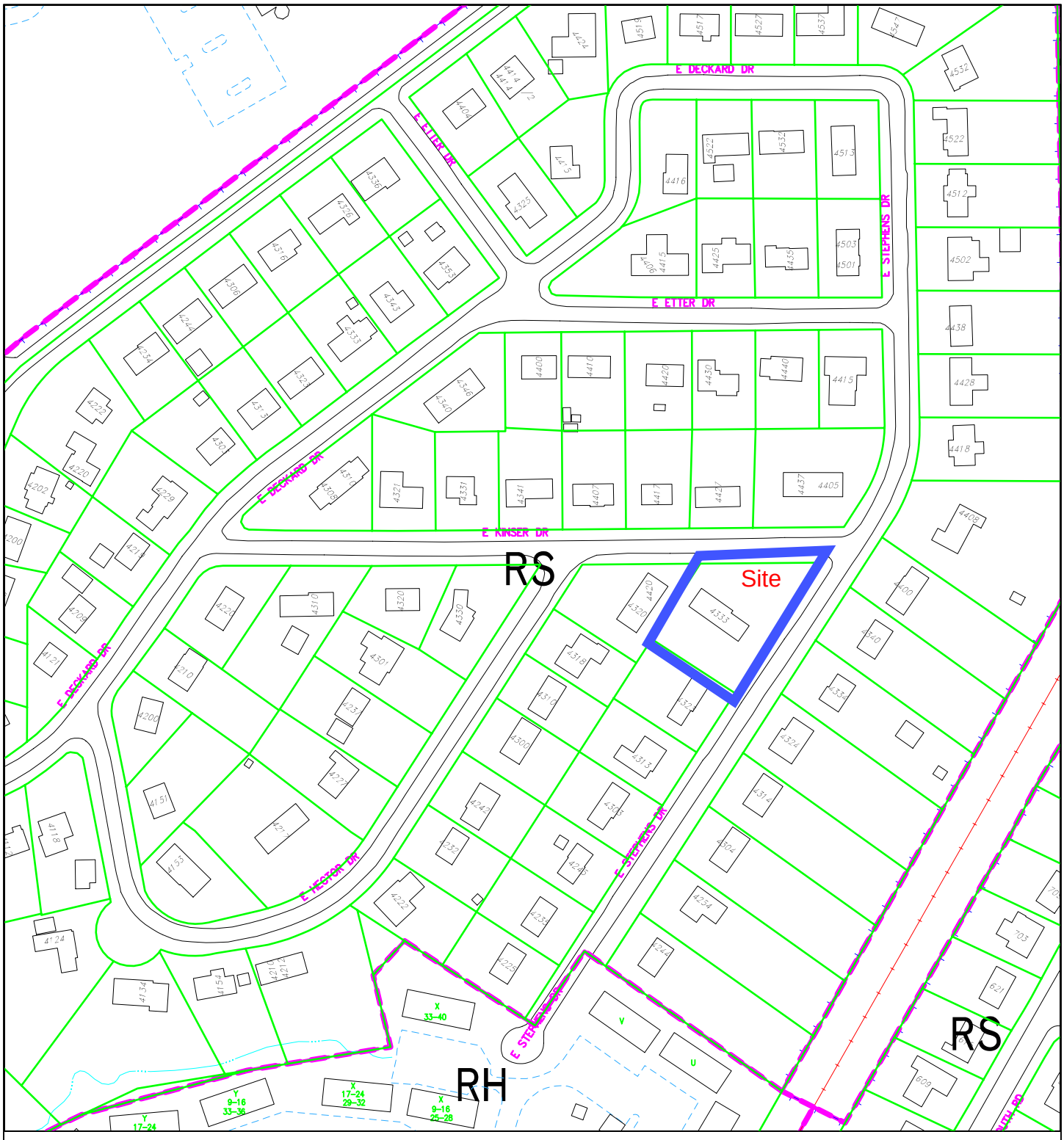
First fruit, one small pear

Providing alternative routes for a wide array of local residents

First year cherry tree, unpruned by deer

Habitat for at-risk local pollinators

V-26-15
Petitioners' Statement



V-26-15 Board of Zoning Appeals

4333 E. Stephens Drive

Location, Parcels, Zoning, Land Use, Buildings

August 27, 2015 Hearing

By: rosenbab

20 Aug 15

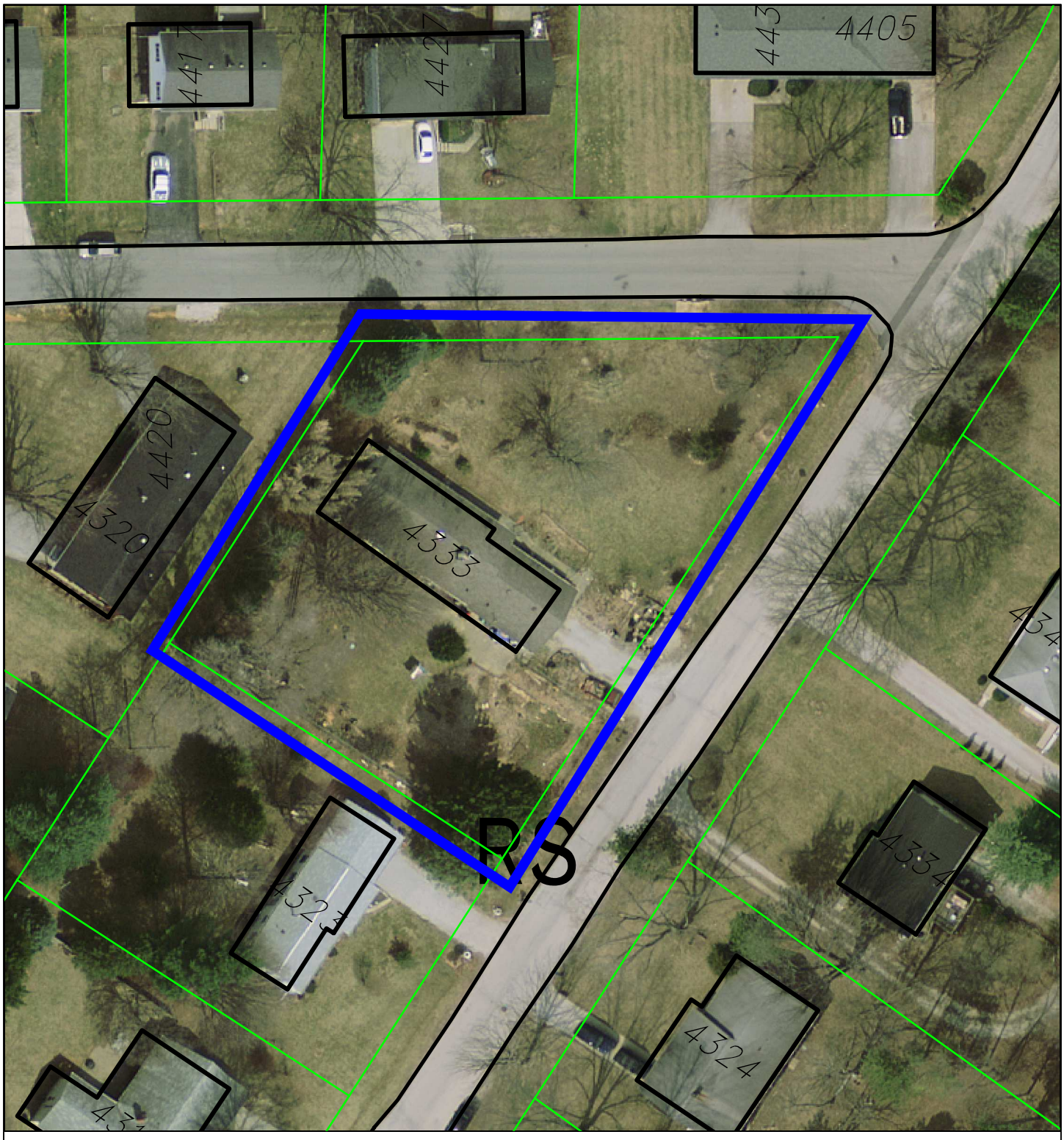
200 0 200 400 600

N

City of Bloomington
Planning & Transportation

Scale: 1" = 200'

For reference only; map information NOT warranted.



V-26-15 Board of Zoning Appeals

4333 E. Stephens Drive

2014 Aerial Photography

August 27, 2015 Hearing

By: rosenbab

20 Aug 15

50 0 50 100 150

N

City of Bloomington
Planning & Transportation

Scale: 1" = 50'

For reference only; map information NOT warranted.

View from Stephens Drive facing north

At the intersection of Stephens Drive and Kinser Drive

V-26-15
Site Photos

Facing west on Kinser Drive

On Kinser Drive, facing the petitioners' home and front yard, take from in the street

V-26-15
Site Photos

BLOOMINGTON

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Sattinger and Stroup Fence Appeal

1 message

Mallory Alekna <maalekn@gmail.com> Tue, Aug 11, 2015 at 7:05 PM
To: rosenbab@bloomington.in.gov

Dear Beth Rosenbarger,

I am writing in support of Martha Sattinger and Steve Stroup and the fence they have installed to protect their garden. It is my understanding that the fence is being evaluated through an appeal process and I would like to assert that their fence is a beautiful addition to the neighborhood that allows the tenants to use their property in the way that they desire without disturbing other neighborhood residents.

The appeal process requires that they address the following three points, on which I would like to give my feedback:

1) **That approval of the variance will not be injurious to the community:** The fence is a benefit to the community because it is well designed and attractive, while allowing for food to be produced locally. This is aligned with the new Food Policy Charter that was unanimously approved by the Bloomington City Council on April 1, 2015. Also, the fence keeps deer from eating all of the plants, which are a beautiful addition to the neighborhood.

2) **Use and value of adjacent property will not be adversely affected by approval of the request:** The fence is well constructed and the design minimizes the impact on the community. The fence uses a unique design resulting in very little visual disruption when looking at the house. You can see the beautiful garden and still see all the way around the house. Compared to traditional fences that block the view of a home and create a barrier between properties, this fence tastefully protects the vegetation while keeping the neighborhood visually open and connected.

3) Strict enforcement of the 4' fence code results in difficulties in use of the property, the variance relics the difficulty: The owners of the home wish to grow local food for themselves by protecting their plants from deer. Deer can easily jump over a 4' fence. If the variance is not allowed, the tenants will not be able to use the property in the way that they desire.

Thank you for your time and please contact me if you have any questions.

Sincerely,

Mallory Alekna

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Fence variance

1 message

amy countryman <ajcountryman@hotmail.com> Thu, Aug 6, 2015 at 12:47 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>

Hi Beth,

I hope you are well and getting settled in your new place. I am writing to lend my support to a request for a fence variance by my friends Martha Sattinger and Steve Stroop.

Martha and Steve have a wonderful garden, which contributes to the local food supply, as well as providing a source of beauty for the neighborhood. It would help them in their gardening efforts significantly if they were allowed to build a fence greater than the maximum 4 foot height. As I'm sure you know, deer find it no problem to jump a fence of 4 feet, which impacts Martha and Steve's food-growing efforts. I think the benefits of providing this variance outweigh potential negatives.

Thank you for your help and consideration!
Amy Countryman

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Please allow the fence at 4333 E Stephens

1 message

cbergeon@gmail.com <cbergeon@gmail.com> Wed, Aug 5, 2015 at 8:01 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>

Dear City of Bloomington Board of Zoning Appeals,

I'm writing to support the petition of Martha Sattinger and Steve Stroup for a variance from the fence height standards to be allowed at their home at 4333 E. Stephens Dr. in Bloomington. My husband and I purchased a home at 4430 E. Etter Dr. in January of this year. Since moving here, we have enjoyed walking the neighborhood and have found Martha and Steve's home and yard to be very inviting and a source of neighborhood pride. Their new fence is remarkable in its beautiful design and its function in protecting an impressive urban garden. It appears to be about 4 feet tall with a decorative rafter above to deter deer which are a very real problem in this neighborhood. I'm surprised to learn that the height has been contested at all, because I don't think of it as a tall fence. Only the lower half has mesh, and it's very easy to see through. The top is very open. It actually draws the eye in to the gardens. It is the opposite of an eyesore and does not obstruct views for pedestrians or drivers. Please approve this variance request.

Sincerely,
Christy Bergeon Burns

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

BZA hearing August 27

1 message

Darrell Boggess <tomm22@comcast.net> Wed, Aug 5, 2015 at 10:53 AM
To: rosenbab@bloomington.in.gov

I am writing in support of approval of a variance to allow Martha Sattinger and Steve Stroup to keep their nice yard fence on Stephens Drive. The fence will make the neighborhood more desirable if it demonstrates an ability to favorably affect the movement patterns of deer. Protection of their well maintained corner lot has no effect on adjoining property. Value of nearby homes may be enhanced by demonstrating that damage caused by deer browsing can be mitigated.

An update of the current fence code has been discussed during review of several options for controlling deer. A four foot fence will control rabbits and small dogs. Fences less than six feet tall may slow deer movement by causing them to jump over the fence. Accepted practice for effective protection of plants from deer encroachment is to have a fence more than 6 feet tall. Martha's fruit and vegetables are desirable food for wildlife. Her well designed attractive fence may allow some of the garden produce to be used for human consumption.

We tried growing vegetables for a few years after moving into our Park Ridge East home in 1977. When the rabbit population increased we switched to flowers. Now our choices are limited to varieties that are deer resistant. We would like to have locally grown vegetables again but that's impossible without protection from deer. The deer are a dominant species with an adverse effect on our lifestyle.

Our previous pleasure from gardening has been diminished by deer eating blooms on flowers when they begin to show color. Seeing an effective fence offers encouragement and hope that our neighbors will get more enjoyment from their beautiful and bountiful yard.

Darrell Boggess

812 334-3678

V-26-15
Letters of Support

BLOOMINGTON

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Please Allow the Sattinger-Stroup Fence!

1 message

Sarah Bosk <bosk.sarah@gmail.com> Tue, Aug 11, 2015 at 2:37 PM
To: rosenbab@bloomington.in.gov
Cc: mjsattinger@gmail.com

Dear Ms. Rosenbarger,

I am writing on behalf of Martha Sattinger and Steve Stroup in regards to their request for a variance for their fence that surrounds their property.

My husband and I are neighbors of Martha and Steve and have come to know them through their generosity with food and knowledge about the the food and plants they grow on their property. My family has gratefully received produce and plant starts from their garden on a number of occasions.

We walk and drive by their home countless times in a day and have seen how helpful the fence has been for their garden. I myself have just removed my raised garden beds due to the deer that are so prevalent in our neighborhood. It is simply not possible to have a prosperous garden without added protection, and honestly many of our neighbors (myself included) have given up due to the effort and ugliness that netting and chickenwire entail. A fence is a much more logical and beautiful solution.

One of the attributes that drew us to Bloomington 4 years ago was the community of folks who value local, healthy food and lifestyles. It would be a shame to put an end to Martha and Steve's efforts - a true embodiment of the the urban gardening movement.

Please allow Steve and Martha to maintain their fence and the beautiful garden that it surrounds!

Sincerely,

Sarah and Andy Bosk
4313 E. Stephens Dr.
Bloomington, IN
47408

V-26-15
Letters of Support

BLOOMINGTON

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Martha Sattinger and Steve Stroup's fence

1 message

Glenda Breeden <glendabreeden@gmail.com> Wed, Aug 12, 2015 at 3:48 PM
To: rosenbab@bloomington.in.gov

Please allow the variance for Martha and Steve's fence. They've done a fine job of creating a beautiful, well-thought-out boundary to try to discourage the deer from eating their garden and still flow with the beauty of their neighborhood. Both Martha and Steve are long-time community members who take sustainability very seriously as is evidenced by their garden. They also take seriously the fact that deer jump four feet fences as if they aren't even there. No one wants to put money and hours of labor (even if it is a labor of love) into a garden that is free game to the deer and other critters. A tall fence is necessary to protect their garden from trespassing deer just like windows and doors are necessary to protect their household goods from trespassing humans. It's just good common sense. My husband Bill and I are gardeners and have had different levels of success with keeping wildlife out of our gardens through the years. This year has been the most successful because we finally bit the bullet and built a suitable fence around our entire garden space. We can't do anything about the weather, but we can try to deter the critters. We are totally supportive of Martha and Steve in their bid for this variance. Thank you for your thoughtful consideration, Glenda and Bill Breeden

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance for Martha Sattinger and Steve Shroup

1 message

Laura Brown-Cano <sweetpeadesigns.in@gmail.com> Wed, Aug 12, 2015 at 9:20 AM
To: rosenbab@bloomington.in.gov

Dear Ms.Rosenbarger,
I am writing in support of the fencing variance for Martha Sattinger and Steve Shroup. They have created a yard that is functional and beautiful. The fence allows them to grow a wide variety of food for themselves, gardening that would not be possible within our deer populated city. The fence's open structure invites neighbors to share in that beauty. They are a perfect example of a how a balance between wildlife and humans can happen in our community.

Sincerely,

Laura Brown-Cano
Bloomington

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Zoing Appeal Aug. 27, 2015

1 message

Kgkcrum@aol.com <Kgkcrum@aol.com> Fri, Aug 14, 2015 at 10:53 PM
To: rosenbab@bloomington.in.gov

We are in support of the fence our neighbor has installed. It is well built and helps them with a problem our neighborhood has with the deer. At this time the city has not found a way to address it except to do nothing and allow the herds to grow larger. I have just given up on my plants. The deer have taken over our yard and plants. At this time we have two mothers with twins each living in our yard. Last year one mother had triplets. Last winter a herd of 11 deer used the plowed road to move around. Please allow the fence to remain until the deer problem has been solved.

RE: Martha Sattinger and Steve Stroup Property
Eastern Heights Addition on East 10th St.
City of Bloomington, In 47408

Thank You for your attention to this matter,
Property owners: Gary and Karen Crum
4154 E. Hector Dr. and 4210 E. Hector Dr.
Bloomington, Indiana 47408

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Support for variance for fence belonging to Martha Sattinger and Steve Stroup

1 message

ellen michel <ellenkmichel@gmail.com> Thu, Aug 6, 2015 at 4:32 PM
To: rosenbab@bloomington.in.gov
Cc: Martha Sattinger <mjsattinger@gmail.com>

to: Beth Rosenbarger

Dear Beth, and others considering this variance:

I am writing in support of the variance requested by Martha Sattinger and Steve Stroup for the garden fence they built in their yard. I think both the fence and the garden within it are not only aesthetically pleasing, but also a practical solution to the very common problem caused by deer hoping to feast on the contents of our urban vegetable and flower gardens. Those of us who love both the garden and the deer know that fences need to be tall in order to deter the deer.

Martha and Steve are wonderful members of this community and their neighborhood, showing resourcefulness, resilience, ingenuity and dedication in the effort to not only leave less of a footprint on the earth but also to show how we can gain local food, exercise, and peace of mind through the activities of gardening and cooking. They've created a household and a yard where bees can pollinate, birds can visit, and plants can thrive. They themselves are models of healthy aging, finding joy in continuous improvements to their garden, and sharing its bounty with others.

We allow so many not-beautiful structures to mar our landscapes—this fence is something useful, attractive, safe, and secure. It should be allowed to stand, supporting as it does our City's support for urban gardeners.

Sincerely,

Ellen Michel
2204 So. Fairmount Ct.
Bloomington IN 47401
812-345-6654

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Stephens & Kinser Dr.

1 message

Glenda Fishel <gfishel@co.monroe.in.us> Fri, Aug 7, 2015 at 9:20 AM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>

Dear Beth Rosenbarger;

I live at 4437 E. Kinser Drive, in the Eastern Hgts addition. My neighbors across the street Steve Stroup and Martha Mattinger (corner of Stephens & Kinser Dr.) have put around their property a fence. Evidently, someone complained, for what reason I dont know. I do not find this fence offensive in any way. They are within the guide lines of 4ft. and the upper part is decorative. No different if they had scupltures in their yard. Please, leave them be. They are trying hard to protect their greenery, garden, flowers by the pesky deer that eat & destroy everything. But because the University has a project going on with the deer... And another thing... why dont those people that are offended complain about the people who have tall grass, and junk cars on their property in the same neighborhood? That is definitely an eye sore and it encourages varmits to inhabit. The good thing in all of this, Steve and Martha's property looks like a little park. They have also added stone benchs in which they leave fresh vegetable for their neighbors. To tell you the truth, I moved into my duplex last summer and their yard was one big eye sore with overgrown weeds, shrubbery and trees. They have definitely improved the neighborhood and added value to the properties. Thank you.

Glenda Fishel

812-322-6432

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance for Martha Sattinger and Steve Stroup, 4333 E. Stephens Drive

1 message

Haynes, Anne J <anhaynes@indiana.edu> Tue, Aug 11, 2015 at 4:16 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>
Cc: Christopher Haynes <chaynes56@gmail.com>

To: Beth Rosenbarger, Utilities Service Administration, City of Bloomington, IN

From: Chris and Anne Haynes, 626 N. Grandview Drive, Bloomington, IN 47408

Subject: Variance for Martha Sattinger and Steve Stroup, 4333 E. Stephens Drive

We are writing in support of Martha Sattinger's and Steve Stroup's appeal for a variance to have taller uprights and a decorative cross piece above the 4-foot tall fence in their front yard on E. Stephens Drive in Bloomington.

We have served on the Bloomington Food Policy Committee in the past and we fully support the principles stated in the Food Charter that was unanimously endorsed, with all favorable comments, at the April 1, 2015 Bloomington City Council meeting. (see http://bloomingtonfpc.org/sites/default/files/documents/BFPC%20Food%20Charter_2.pdf) and also just endorsed by the Monroe County Council.

In particular, we emphasize this principle:

- "Encourage community gardens, home gardens, rooftop gardens, orchards, and edible landscaping to increase food self-reliance and enhance the development of community; "

A major deterrent to growing food on one's property is the presence of deer in Bloomington neighborhoods. Without adequate deer fencing, food cannot be grown successfully. A single 4-foot tall fence does not keep deer out.

A tall fence that was opaque or substantially so would indeed be intrusive, but fortunately a far less substantial fence suffices for deer exclusion. The fence in question appears to be at least 90% transparent, as well as attractively designed. It is hardly the sort of imposing fencing for which there could be legitimate objection.

Please allow a variance for the fencing on this property.

Thank you.

V-26-15
Letters of Support

I am taking a moment to pen a quick note to express my support for granting a variance for the fence constructed by Martha Sattinger and Steve Stroup at 4333 E. Stephens Dr. The fence is an attempt to enhance their property and its ability to create food and beauty for themselves and their neighbors. Urban agriculture, food security, a more sustainable lifestyle are all topics that are important in today's world. Steve and Martha are doing a fine job of "walking the walk" in regard to these topics.

Predation of gardens is a problem for anyone who grows food and flowers. It is an especially tough problem in Bloomington lately. Our deer population has increased, and with it, an increasing frustration from those who garden. Studies and opinions on how to best deal with issue are in the news. Steve and Martha have taken a positive approach to practicing self-help and have come up with a solution that seems to work. Let's support it and learn from it.

The fence in question is visually appealing and allows friends and neighbors to enjoy a view of their gardens. It accomplishes this while deterring the deer.

Again, please consider granting a variance on this one, and allow Steve and Martha to continue educating themselves and their neighbors about ways we can all live in a more thoughtful and sustainable manner.

Thanks for you consideration.

George Huntington

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Statement on support of variance request

1 message

Johnson, Elizabeth L. <johnson1@indiana.edu> Thu, Aug 13, 2015 at 12:46 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>
Cc: "mjsattinger@gmail.com" <mjsattinger@gmail.com>

Dear Board of Zoning Appeals, I am writing in support of the request for variance by Martha Sattinger and Steve Stroup for the fence on their property. I live diagonally across from their lot on Stephens Drive. I think that the fence is attractive, is not injurious to the community, will not adversely affect the use and value of adjacent property, and that the variance greatly relieves the difficulty of using the property. We live in a neighborhood that is overrun by deer. Three of the deer collared in the Bloomington deer study this year were trapped in our back yard. They could have trapped a dozen more. It is impossible to have a landscaped yard or grow fruits and vegetables in this neighborhood without what seems at times to be excessive fencing. A regular chain link fence will not suffice. Deer eat everything in our yard they can get to except dandelions, irises, and certain invasive species such as fire bush. We have wasted several hundred dollars on plants and gardening before almost giving up. I believe that Martha and Steve have a beautiful solution to their desire to practice urban gardening. It would be I'm possible for them to continue in this practice without a higher than 4 foot fence. Their practice also supports the Food Policy Charter adopted by the Bloomington City Council last April. The space is lovely and they share the bounty with the neighborhood. The corner of Kinser and Stephens is much safer now that they have improved the vision lines of the landscaping and is lovely with the low limestone bench. It would be wonderful if Bloomington could agree on a way to control the urban deer population, too. That seems highly unlikely. We all have to be creative to live with these overgrown rats.
Please feel free to contact me if you have any questions about my statement of support, either by email or telephone (812-339-8210).
Sincerely,
Elizabeth L. Johnson
Home owner at 4408 E. Stephens Drive

Sent from my iPad

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance Application for 4333 E Stephens Dr, 47408

1 message

Amanda Jones <amandajones78@gmail.com> Thu, Aug 13, 2015 at 3:30 PM
To: rosenbab@bloomington.in.gov

Hello Beth,

I am writing to you in regards to a variance application being submitted to the Board of Zoning Appeals by Martha Sattinger and Steve Stroup. I do not live in their neighborhood, but would rejoice if a neighbor of mine installed an identical fencing arrangement.

Bloomington is at odds with itself in that we are home to a busy population of urban deer, and many of our human residents have an interest in urban agriculture. I find that Martha and Steve's solution to their desire to cultivate their garden and remain within the '4 foot fence' guidelines was innovative and lovely to look at. The addition of uprights with crosspieces is not a visual burden, and yet they effectively keeps the deer at bay. I would not consider their addition a detriment to the property value, but a visible investment in the community and a gentle visual reminder that urban agriculture for food security is not unattainable.

with best regards,
Amanda Jones

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Zoning regarding a fence

1 message

Kathryn Street <kbfloss@hotmail.com> Sun, Aug 2, 2015 at 6:40 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>

Dear Beth Rosenbarger,

I want to voice my support for the fence, and the way of living that Martha Sattinger and Steve Stroup have in Eastern Heights on the corner of Kinser and Stephens Drives.

I stopped recently while walking to tell Martha what an attractive job they had accomplished with such a big fence. She sadly told me that someone had made a complaint, and that this was going before the Board of Zoning and that they may possibly be forced to remove it. It is a very nice fence, and what they are doing for the neighborhood is so nice. They want to grow their own food, but without a fence in this neighborhood, that is absolutely impossible with the deer overpopulation problem. I can't even grow a tomato plant since I don't have a fence.

I thought the City had adopted some plan to encourage people to grow their own food and become more self sustaining?
This is what Martha and Steve are trying to accomplish, and in addition to that, they share with us neighbors by putting food out on a stone bench for anyone to take (if the deer don't get it first).

I hope the Zoning Board doesn't decide to make them take down their fence! It is not an eyesore, and doesn't bother anyone. There are many other unattractive problems in this neighborhood than a fence in one's own yard. There are several rental houses that have junk outside, and unkempt landscaping. No one made the guy with the purple house change the color, but I know many of us would like to see that!

Please take my support into consideration.

Very respectfully,
Kathy Street

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance request at 4333 E. Stephens Drive

1 message

Bruce Kell <bruce_kell@yahoo.com> Thu, Aug 6, 2015 at 1:18 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>
Cc: "mjsattinger@gmail.com" <mjsattinger@gmail.com>, "laoban1954@yahoo.com" <laoban1954@yahoo.com>

Dear Ms. Rosenbarger,

I am writing in support of allowing Martha Sattinger and Steve Stroup to keep the fence they have constructed at 4333 East Stephens Drive as it is.
I am a neighbor. We have a very eclectic neighborhood community which is a source of pride to its residents. I believe that the diversity in our neighborhood adds to its character. As I stroll around the neighborhood I am delighted and entertained by the many unique and wonderful approaches our residents have taken towards expressing themselves through their yards. Martha and Steve have made efforts to ensure that their fence is an attractive and ascetically pleasing addition to this catalog of personal expression.
The deer are rampant in our neighborhood and have eaten pretty much everything in my yard except for the boxwoods, herbs and yuccas. Martha and Steve wish to live in a more sustainable fashion, but the deer have other plans. Without effective fencing their urban garden is not possible. Along with the solar panels which they have recently installed on their house, this fence demonstrates their commitment to this lifestyle. Please allow them to live as they see fit.

Bruce Kell

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Support for variance 4333 East Stephens Drive a Bloomington

1 message

Mary Kinney <Mary.Kinney@uwci.org> Wed, Aug 12, 2015 at 7:20 AM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>

Dear City of Bloomington Board of Zoning Appeals,

I'm writing to support the petition of Martha Sattinger and Steve Stroup for a variance from the fence height standards to be allowed at their home at 4333 E. Stephens Dr. in Bloomington. We recently visited the homeowners and were impressed with the beauty of their property and its productivity. The extent to which they have gone to protect their investment in planting edibles while paying attention to the aesthetics of living in a neighborhood was striking to us.. We have neighbors who have no fencing at all, but we have often wished they did because their lack of concern over what is in view of all passersby (old cars, trash, broken toys) is detrimental to everyone's property value. Germinating seeds, perennials, fruit-bearing trees and other plants that have both environmental and human return on investment should not be discouraged. We would be proud to be their neighbors. Please approve their variance request.

Sincerely,
Mary and Alan Kinney
31749806347

Sent from my iPad

We're seeking nominations by August 10 to honor the best and brightest volunteers in Central Indiana. Visit uwci.org/VolunteerAwards for details.

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Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

4333 E. Stephens Dr: Letter in support of fence variance for Martha Sattinger & Steve Stroup,

1 message

Lauren Dula <ldula@umail.iu.edu> Tue, Aug 11, 2015 at 11:18 AM
To: rosenbab@bloomington.in.gov

Dear Ms. Rosenbarger,

I am writing to encourage the City to approve the variance for 4333 E. Stephens Dr: While I am the current President of our Neighborhood Association, I am writing in the capacity of an individual and neighbor.

The fence itself is not higher than allowed, though I understand the concern is about the arbor along the top. I would like to speak on behalf of this fence for three main reasons: first, their garden is a community treasure and is impossible without this fence; secondly, the fence allows Martha and Steve to pursue compliance with the new Food Policy Charter; and finally, I find it aesthetically appealing and it shows a true investment in caring for and improving their property and our neighborhood.

Martha and Steve's garden is SUCH a benefit to our neighborhood, the fence is the only way for this to happen. They open their garden to neighbors, we reap the benefits in blackberries, yellow squash, zucchini, cherry tomatoes, sunflowers, herbs, garlic, cucumbers and more. The deer in our neighborhood are out of control, and this has ruined many yards, landscaping, and gardens. Please see the attached photos. These are from my neighbor's and my yard alone. We have 4 fawn in our yards daily, and neighbors actually argue about in whose yard the deer hang out in the most! The Ball State research team comes through regularly and has said, and I quote, that our neighborhood is "a city hotspot" for deer. Please feel free to contact them for confirmation: 765-285-8842

Fences are not an affordable option for most of us. Martha and Steve have been working to establish their garden for years--over a decade--and have made a very large investment in pursuing their goal. The City and County are clearly aware of the need for residential and local food production, having now approved the Food Policy Charter. Discussion of the progress of this Charter was even in today's newspaper: http://www.heraldtimesonline.com/news/local/monroe-commissioners-support-local-food-charter/article_1abc09b4-aa4b-5317-a743-14a5e4d8cb87.html

The fence on their property aligns with these goals of the Charter:

> - Champion the right of all residents to adequate amounts of safe, nutritious, accessible, and affordable food without the need to resort to emergency food providers;
> - Regard sustainability as essential to all aspects of food security planning;
> - Protect local agricultural land, particularly in periurban areas, and support both rural and urban agriculture, including animal husbandry.

among others.(http://bloomingtonfpc.org/sites/default/files/documents/BFPC%20Food%20Charter_2.pdf)

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Letters of

As a young mother and student, buying organic produce is often not economical, and we cannot create a safe garden on our own property due to the deer population. Martha and Steve place out baskets of organic produce for walking neighbors to take as they please. My 2 year old son actually ate his first cherry tomato which was grown in Martha and Steve's garden. The fence and arbor have made this possible.

I find the fence to be decorative, aesthetically pleasing, and a clear indicator to those living and visiting in our neighborhood that our community cares about food policy issues and the condition of our properties. As more properties are bought-up by landlords who often put in minimal effort in caring for the property, I fully support the care and investment Martha and Steve put into their property. It is beneficial to housing values and to our sense

of community.

As President of the Eastern Heights Neighborhood Association, I made it clear at our last meeting, held on July 28th, that we are taking no formal position, but provided a forum for this issue to be discussed. The majority of the ~18 property owners and renters in attendance expressed their support for Martha and Steve.

I hope that the City can make this process as stress-free as possible for these exemplary neighbors and local farmers.

With sincere thanks,

Lauren Dula
Adjunct Instructor, Indiana University, SPEA
Research Assistant, Indiana University, Center for Survey Research
Ph.D. Student, Public Affairs and Policy Analysis,
Indiana University, School of Public and Environmental Affairs (SPEA)

9 attachments

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3155K

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Letters of Support

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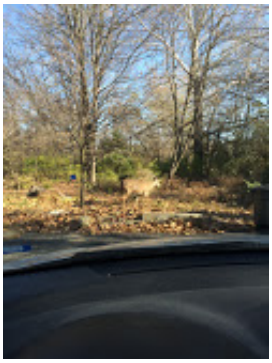

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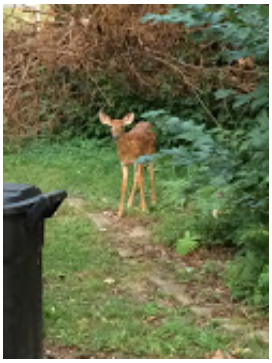

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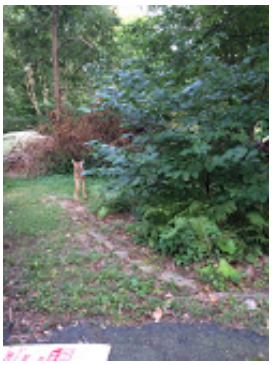

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Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Fwd: Fence

2 messages

Martha Sattinger <mjsattinger@gmail.com> Thu, Jul 30, 2015 at 9:02 AM
To: Beth Rosenbarger <rosenbab@bloomington.in.gov>

From a neighbor, for the file.

------ Forwarded message ------
From: "Linda Woods" <lawoods4330@gmail.com>
Date: Jul 29, 2015 11:10 PM
Subject: Fence
To: "Martha Sattinger" <mjsattinger@gmail.com>
Cc:

Hi, Martha and Steve,

Just wanted you to know how much my friends admired your fence as we bicycled past your house recently. They all noted that it was tall enough to keep the deer out, yet it's openness allowed a clear view of your garden. Perfect!

Linda

Beth Rosenbarger <rosenbab@bloomington.in.gov> Thu, Jul 30, 2015 at 11:28 AM
To: Martha Sattinger <mjsattinger@gmail.com>

Thanks, Martha. I will add this to the file. Also, thank you for the update about the neighborhood meeting. I will be in touch. Additionally, you inquired about the report. It will be on the website about a week or less before the hearing. Here is a link to the BZA's website. Packets with reports are linked on the bottom right side of the page.

Cheers,
Beth
[Quoted text hidden]

–
Beth Rosenbarger, AICP
Zoning & Long Range Planner
City of Bloomington Planning and Transportation Dept.
PO Box 100 / Showers Center City Hall / 401 N. Morton Street, Suite 130 / Bloomington, IN 47402
p: 812.349.3423 / fax: 812.349.3520 / e: rosenbab@bloomington.in.gov

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance in fence height for 4333 E. Stephens Drive

1 message

Carolyn Madvig <camadvig1@comcast.net> Fri, Jul 31, 2015 at 6:18 PM
To: rosenbab@bloomington.in.gov

Dear Ms. Rosenbarger,

As a resident of Eastern Heights (4313 E. Deckard Drive), I am writing in support of the recently applied for variance in fence height for 4333 E. Stephens Drive.

I wanted to comment on the fence that was built by the owners in their front yard. As an avid dog-walker, I go by that property usually twice a day, and generally it is among the highlights of my stop. The owners have done a wonderful job of creating a barrier against deer and other invasive animals, while still allowing wide open access to see their beautiful garden...to me, this is the distinction to be made between that fence and others that might rise to similar height, but that actually block views, and provide an off-putting demeanor. The owners have a lovely and unusual garden that has wide varieties of everything from flowers to vegetables to grapes. The fence design they have used provides a practical approach to ensuring that their hard work is not all eaten by the neighborhood deer or other wildlife, while still keeping it open and not at all or "closed off" from neighbors. In fact, there is a bench outside the confines of the garden which invites one to sit a spell and enjoy the lovely flowers, butterflies, birds, etc. attracted to it. From my perspective, it is frankly a neighborhood beautification project, not just a homeowner's personal interests come to life.

It would be a shame if one could not see the garden fully, and the current fence does an admirable job of that. It adds aesthetic appeal to a large corner lot, making it a garden centerpiece of that portion of the neighborhood. It is not uncommon for walking neighbors to stop there and talk and enjoy the view, and the owners have been very welcoming to neighbors in offering extra plants, vegetables, etc.; as well as to share their knowledge of gardening with others who have an interest in pursuing it more fully.

As a result, I'd like to give my wholehearted support behind a variance that would allow said fence to stay as is, and continue to allow the residents of Eastern Heights a glimpse into truly wonderful species of plants, as well as the gardening expertise of the owners.

Respectfully submitted,

Carolyn P Madvig

4313 E. Deckard Drive

Bloomington, IN 47408

(812)-650-3949

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Letters of Support

Carolyn Madvig

camadvig1@comcast.net

www.sleepingdogsstudio.net

V-26-15
Letters of Support

AUG 12 2015

Chris McGary
1668 N. Russell Rd
Bloomington, IN

Beth Rosenbarger
City of Bloomington Planning and Transportation Dept.

Dear Ms. Rosenbarger

I am writing to support the variance to the 4 ft. fence at 4333 E. Stephens Dr. I live approx. ½ mile away and walk my dog through the neighborhood about twice a week. I have observed the property and the fence.

The fence is relatively open above the 4 ft. level allowing one to see the property. The fence is set back from the road and the yard is clear in front of the fence allowing for clear visability for motorists approaching the intersection. The fence is as understated as a fence can be, blending with the property.

I have observed the positive changes in the

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landscaping of the property prior to and particularly since the fence has been erected. One can easily observe the plantings through the fence. Walking around the property and viewing the plantings has become the highlight of my dog walk.

A fence of this height is required to exclude deer and allow one to landscape, planting fruit trees, berry bushes, vegetables and most shrubs and flowers. Unless the deer are eliminated, which is not going to happen, fencing is the only way to grow these plants.

I support the Bloomington City Council's unanimous adoption of the Food Policy Charter which explicitly encourages home gardens, orchards and edible landscaping. The property at 4333 E. Stephens Dr. is a great example of home gardening / orchard / edible landscaping in an urban / suburban setting.

Sincerely,
Chris Mott

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Voicing Support for Fence Variance for Martha Sattinger and Steve Stroup

1 message

bmoses49@aol.com <bmoses49@aol.com> Mon, Aug 10, 2015 at 3:20 PM
To: rosenbab@bloomington.in.gov

To Whom It May Concern:

I am writing to support the fence variance for Martha Sattinger and Steve Stroup on Kinser Drive in Eastern Heights neighborhood.
It is attractively built and constructed and provides a beautiful appearance in the neighborhood. It is clear that Martha and Steve are stewarding their land with consciousness and care. Isn't this the goal?

Their beautiful yard (and fence!) have been an inspiration to others in Eastern Heights. We are a close community and we work together as residents to improve the area both individually and collectively. When people model ingenuity, others follow.

I urge you to approve the variance on August 27th.

Best.
Beth Moses
Resident for 23 years.
4321 East Kinser Drive.
Bton IN

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

variance for fence height for Martha Sattinger

1 message

Alice Oestreich <alice1948o@yahoo.com> Sat, Aug 1, 2015 at 12:29 PM
Reply-To: Alice Oestreich <aoestreich0830@outlook.com>
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>

Hello Beth Rosenbarger,
We have lived on the corner of Stephens and Etter Streets in the Eastern Heights neighborhood since December 1971. We have witnessed the upsurge of deer population in our neighborhood in the past few years and have had our flowers demolished by their voracious eating habits. We have given up efforts to grow a vegetable garden because of the problem. Even our four foot high fence does not prevent the deer from coming around to the back of our house to forage.
So, we support Martha Sattlinger's efforts to keep deer out of her lawn garden. She wishes to grow flowers as well as garden produce (both of which she willingly shares with her neighbors), and since the deer population in our area is so large, I see no other alternative for her besides the fence. Actually, we see Martha's fence as being four foot high with a decorative top. It is certainly not an eyesore, and I'm saddened that someone made a complaint to the city about it's being built.
Since we will not be able to attend the August 27th meeting, we wanted to voice our support for the variance approval through this email.
Thank you,
Alice and Arthur Oestreich
4415 E Stephens Dr
Bloomington, IN 47408

V-26-15
Letters of Support

BLOOMINGTON

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Martha Sattinger and Steve Stroups' Fence

1 message

Paul Orlando <porlan3@gmail.com> Wed, Aug 12, 2015 at 9:51 PM
To: rosenbab@bloomington.in.gov

Dear Beth Rosenbarger,

I am writing on behalf of Martha Sattinger and Steve Stroup regarding their fence. I am a neighbor who lives near to them. I can assure you that their fence is absolutely innocuous and it serves a good purpose and it looks great. Perhaps the strongest argument for the fence is its utility. It keeps the deer out such that the property can be used for a garden. The fence elegantly accomplishes this task without creating an imposing visual barrier or an eye sore. This is because the fences is completely see-thorugh, which gives the property and open a welcoming feel. The fence itself is beautiful and it frames their garden, creating a sanctuary like asthetic. If anything the fence represents a progressive and elegant style of landscaping that sets a great example for how Bloomingtonites can coexist with overabundant deer. The overwhelming majority of people in our neighborhood understand and appreciate this last point.

Best Regards,

Paul Orlando
4341 E Kinser Dr
Bloomington, IN 47408

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

4333 E. Stephens Dr. fence height variance

1 message

Kate O'Shea <fedbymyfriendships@gmail.com> Mon, Aug 10, 2015 at 7:15 AM
To: rosenbab@bloomington.in.gov

Dear City of Bloomington Board of Zoning Appeals,

We are writing to support the petition of Martha Sattinger and Steve Stroup for a variance from the fence height standards to be allowed at their home at 4333 E. Stephens Dr. in Bloomington.

Martha and Steve have created a corner of beauty and nourishment on their corner. Protected from the deer by a transparent barrier, flowers are free to bloom through their life cycle providing a critical sanctuary for pollinators and a wealth of edibles thrive.

The bountiful produce not only feeds Martha and Steve, but for three years we (a 60 year old working couple who live below the federal poverty line) have benefited from their generosity, receiving 25-50% of our fresh produce weekly. We are not the only ones. Martha has a small group of others she shares with, in addition to the baskets of veggies and plant starts that are often set out in from of their garden with signs asking passersby to help themselves.

Martha and Steve are clearly putting into action the Mission of The Bloomington Food Policy Council by increasing and preserving access to sustainably produced, locally grown, healthful food for residents in Monroe County.

We hope you will support Martha and Steve, and the many others like them, who are investing their time and resources in creating a more healthy and sustainable world for all of us.

Please grant this variance and work to craft a new vision which embraces tasteful, environment enhancing deer damage mitigation.

Thank you for your time and consideration.
Sincerely,
Kate O'Shea and Michael Radford
1170 E Carnaby St
Bloomington 47401

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance from the fence height standards (4333 E. Stephens Drive)

1 message

Pettit, Jonathan EE <jeep@purdue.edu> Thu, Aug 6, 2015 at 12:14 PM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>
Cc: Martha Sattinger <mjsattinger@gmail.com>, "laoban1954@yahoo.com" <laoban1954@yahoo.com>

Dear Ms. Rosenbarger,

I am writing on behalf of our neighbors, Martha Sattinger and Steve Stroup, the residents of 4333 E. Stephens Drive. I learned from Martha and Steve that the City of Bloomington was considering making them remove their deer fence in front of their house. I strongly oppose the City's decision to make Martha and Steve remove their fence. In fact, when my family & I were looking at buying houses (we moved from West Lafayette last month), the fence at 4333 E. Stephens was one of the most attractive parts of the neighborhood. It made me feel that Eastern Heights was a neighborhood of people dedicated to urban farming, and this social movement (as described in Bloomington's recently passed Food Policy Charter) was one of the top reasons why we moved to Bloomington from W. Lafayette. We really like how Bloomington puts environmental awareness and social harmony at the fore of its policy making. If the City were to remove this and other deer fences, I think such a decision would hinder rather than help Bloomington's chance to become a state- and nationwide leader in food sustainability. This decision will also **directly** impact my decision when voting in local elections this fall. I hope that the Planning and Transportation Department will make an informed and conscious choice on this matter.

Sincerely,

Jonathan Pettit
4428 E. Stephens Dr.

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Front yard fence variance

1 message

Pierce, Richard <ripierce@indiana.edu> Wed, Aug 12, 2015 at 11:22 AM
To: "rosenbab@bloomington.in.gov" <rosenbab@bloomington.in.gov>
Cc: Steve Stroup <laoban1954@yahoo.com>

Hello Beth Rosenbarger,

This is in support of the variance being requested by Martha Sattinger and Steve Stroup, with a hearing scheduled for August 27.

I hope that whoever has the power to decide this issue allows the variance. Martha and Steve are urban farmers, growing food on the property. The fence is to keep out the deer that are a well documented problem in Bloomington. I hope that the city does everything it can to encourage urban farmers, including allowing them to build fences to keep out the deer. Urban farmers grow healthy food for themselves and the community and strengthen our food security.

Unlike whoever anonymously reported the fence to the city, I believe it looks fine and should be allowed.

Thank you,
Rich Pierce
1026 Manor Road, Bloomington
812.331.7871

V-26-15
Letters of Support

August 2015

Ms. Rosenbarger,

This letter is written in support of Martha Sattinger and Steve Stroup's home improvement efforts.

It is my opinion that these improvements are done well and improve their property and the general aesthetic of the neighborhood.

It is disturbing to me that a concern has been raised anonymously causing undue stress for Martha and Steve.

An example of a fence NOT done well is located at 4425 Etter Drive. This homeowner built a fence that is not aesthetically appealing and that spans two properties. The homeowner does own both properties but it isn't appealing and looks odd across two yards. Why is this fence n0t being questioned? Why is the homeowner not being asked to defend their fence?

Martha and Steve are good neighbors in every way. The improvements to their home are clearly thoughtful and done well.

Best,

Dru Presti-Stringfellow

4512 E. Stephens Drive

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Fence at 4333 E. Stephens Drive

1 message

Rachel Sattinger <rsatting@gmail.com> Wed, Aug 12, 2015 at 5:43 PM
To: rosenbab@bloomington.in.gov
Cc: Martha Sattinger <mjsattinger@gmail.com>, Steve Stroup <laoban1954@yahoo.com>

Dear Bloomington Board of Zoning Appeals,
I am writing in support of the fence built by Martha Sattinger and Steve Stroup at 4333 E. Stephens Drive in Bloomington.

Martha is my mother, and one of her most exemplar qualities is the way she fosters a sense of community where ever she goes. Her project, with her partner Steve, is one that aspires to create an environment that grows not only food, but community as well.

Together they have been a part of other projects that benefit the community, from working in co-op organizations, volunteering at church, as well as being stewarts to their neighborhood's little free library.

Having grown up in Bloomington I know the damage that deer can do to ones garden. In fact, the last time I was in Bloomington to visit, I inquired about the
"franken-fence" that my mom and Steve had constructed, and she responded that it was the only way to keep the deer from eating the day lilies, and that if they could they find a way to keep the deer out they would like to grow food in the front and back yards both.

Having seen the previous day lily franken-fence, I have to say that this new fence far exceeds that one in both beauty and function.

Living in Santa Cruz, California, I am no stranger to delicious produce. My family eats fresh, local, organic food year round. I am often taunted by Facebook photos and text messages from my mom showing the bounty that is produced from their gardens. Given the distance, my consumption from their garden has been limited, but my family has been the recipeint of both fresh heads of garlic as well as dehydrated garlic, tinctures for immune building, and other dried herbs and spices. On the aforementioned visit, my infant son ate his first green beans and zuccini from "grandma's garden." My mom and Steve are generous with the bounty from their gardens, and if the deer can be kept at bay, then the neighborhood, and extended community may well be the recipeints of some of what they are able to grow.

What better way to continue to nurture and grow a sense of community than with food grown in your own neighborhood?

Thank you for your consideration in this matter. Please let the fence stand!

Best regards,

Rachel Sattinger
507 Grant St.
Santa Cruz, CA
95060

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Eastern Heights Fence Variance

1 message

Kim Shoemaker <kishoema08@gmail.com> Mon, Aug 3, 2015 at 10:39 AM
To: rosenbab@bloomington.in.gov

Hi Beth,

My name is Kim Shoemaker, and I am a new resident to the Eastern Heights neighborhood. It was obvious that there is a deer overpopulation problem when I noticed two fawns in my backyard on my first morning in the neighborhood. As such, the four-foot fence code does not prevent deer from entering yards. If one wanted to have a garden, that would require a fence taller than 4'. Although I don't garden, the deer get into the bird feeders every night, and I am greeted by fresh deer scat in the morning. On two sides of the house, the surrounding properties have fences taller than 4' which doesn't allow deer into the yard. However, on another side of the property, there is a 4' fence, and the deer easily clear that to get into the backyard and create a mess.

I walk by the residence of Martha Sattinger and Steve Stroup often. They have a lovely garden, and the garden requires a fence which is greater than 4-foot in total. Their fence is very tasteful and artfully well-made. It is not an eye sore as some wooden fences can be; on the contrary, I believe it adds beauty to the property. They should be granted their variance request. Their fence has no impact on the adjacent properties. If urban gardening is to be encouraged in areas with uncontrolled deer population, requests like this must be granted as it is well known that deer will ruin attempts to garden. Otherwise there must be efforts to directly deal with the deer overpopulation problem.

I hope the City of Bloomington makes the right decision and grants the variance request for Martha and Steve.

Regards,
Kim Shoemaker

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Fence Variance - Sattinger/Stroup

1 message

Leah Simoni <leah.simoni@gmail.com> Wed, Aug 12, 2015 at 10:50 AM
To: rosenbab@bloomington.in.gov

To whom it may concern,

My name is Leah Simoni and I live in the Eastern Heights neighborhood. Martha Sattinger and Steve Stroup are my neighbors. I am writing in regards to their fence that they installed. I 100% support the installation of the fence. The fence allows Martha and Steve to use their land in a productive manner and does not harm anyone or anything in the process. They grow much of the produce that they eat. Without the fence that would be nearly impossible because of the high deer activity in the community. In addition, they often set fruits, vegetables, and herbs that they grow out for neighbors to take and use for free. They have also provided my family along with other families prod Thus, the installation of the fence has not only benefited Martha and Steve but also the other neighbors. Please approve of the variance and allow Martha and Steve to keep their beautifully crafted and much needed fence.

Thank you for your time,
Leah Simoni

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

non-violent deer control

1 message

Rosalee Trimble <rosalee.trimble1@comcast.net> Sun, Aug 9, 2015 at 11:23 PM
To: rosenbab@bloomington.in.gov
Cc: mjsattinger@gmail.com

Hello Beth Rosenbarger,

Please allow me to introduce myself. My name is Rosalee Trimble, and I live in Eastern Heights Addition. I have been a resident of Bloomington for 30 years and have lived in Eastern Heights for 20 years. Through the years I have watched the community flourish and become a home to a variety of professional and layman people. Eastern Heights Addition is an 'all-time best' for a place to live with its relaxed atmosphere, friendly residents, and ' live and let live philosophy'.

One of my favorite things to do is my daily walk throughout the neighborhood. For years I have strolled past Steve and Maratha's lovely home. I have watched them work every day to grow, compost, and make a beautiful yard. They have been a shining example of people who toll the land to live and grow their own food. I have stopped many times at their place while walking and have either Steve or Maratha hand me free vegetables or berries that are grown in their own garden. The taste and flavor is always out of this world.

As all Bloomington people know, the deer population has come to town to live because the food supply is so much more abundant than in the country. These animals are living creatures that raise their young in our community and walk around the neighborhood in the twilight hours. I, as do many others, have no problem with sharing our community with these animals. However, we are all aware of the fact that the deer eat from our gardens and destroy all our beautiful flowers or plants that we have worked so hard to grow. The best solution for containing the deer and stopping them from grazing on our plants, is to build a hardy fence. A short fence will not deter deer since they can jump anything 4 feet or under. Steve and Maratha have attempted to build an attractive looking fence around their yard and garden. The fence only adds to the beauty of their place plus keeps the deer at bay. Since most people of Bloomington do not believe in the mass slaughter of these animals, a fence is the only way to keep out the deer and grow our own food and decorate with beautiful flowering plants. The Town needs to reconsider its stance for fencing and participate in a program that will help all involved.

V-26-15
Letters of Support

I hope to continue to walk past Steve and Maratha's place and observe the beauty of nature kept intact and away from deer.

Best Regards,

Rosalee Trimble

V-26-15
Letters of Support

BLOOMINGTON

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Martha Sattinger & Steve Stroup

1 message

John Trisler <jet306@att.net> Thu, Aug 6, 2015 at 7:52 PM
To: rosenbab@bloomington.in.gov

To the planning and transportation department.

I understand that Martha and Steve have filed for a variance to their fence on Stephens Drive, Eastern Heights.

I want to express to you that I have no problem with the height of their fence. We all have problems with the deer eating our gardens, shrubby, flowers etc. I understand they are wanting to protect their gardens. I certainly understand that problem. The deer have eaten my holly bushes. I am not sure if one will even live.

I am sorry this has come to this.

Barbara Trisler
4410 E. Etter Drive
Bloomington, Indiana 47408

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance for Martha Sattinger and Steve Stroup

1 message

Pamela Voliva <stouteporter1972@gmail.com> Wed, Aug 5, 2015 at 7:52 PM
To: rosenbab@bloomington.in.gov

My name is Pamela Voliva and I live directly across the road from Martha Sattinger and Steve Stroup in Eastern Heights Subdivision at 4405 E Stephens Drive at the corner of Stephens and Kinser Dr. and I am in favor of the fence they have had constructed to keep the deer off the property to be able to produce fruits and vegetables which they share with their neighbors. The fence is not obstructing or obtrusive in any way to me. I feel that they have every right as a property owner to have the fence. Speaking from a personal stand point my boyfriend Jerry Stoute who also resides at 4405 E Stephens Dr. have purchased numerous amounts of flowers for our flower gardens and the deer run rampid in our yard eating our flowers and although the deer are a part of nature and are beautiful to look at they are a nuisance to us with our flower gardens.

Thank you for time and please allow the variance for Martha Sattinger and Stever Stroup.

Eastern Heights SubDivision
Pamela L. Voliva
4405 E Stephens Dr.
Bloomington, IN 47408

V-26-15
Letters of Support

Beth Rosenbarger <rosenbab@bloomington.in.gov>

Variance approval

1 message

Ann Woods <acwoods1@yahoo.com> Mon, Aug 10, 2015 at 4:57 PM
To: rosenbab@bloomington.in.gov
Cc: mjsattinger@gmail.com

I have been a member of the Eastern Heights neighborhood for about four years. I have absolutely no problem with granting a variance to the fence on 4333 East Stephens Drive in Bloomington. This fence is constructed ecologically and with the neighborhood in mind. When I walk by, which I do often, I get a since of openness and caring, not a feeling of "go away" like many fences.
Martha and Steve are great neighbors concerned with the land, the environment and the wildlife. As far as I'm concerned their fence is not a problem.
Thank you
Ann Woods
4134 E.Hector Dr.
Bloomington, Ind.
47408

V-26-15
Letters of Support

BLOOMINGTON BOARD OF ZONING APPEALS **CASE #: V-27-15**
STAFF REPORT **DATE: August 27, 2015**
Location: 930 S. High Street

PETITIONER: **Phillip Hill and Judy Williams**
2032 S. Hawksmoore Dr., Bloomington

REQUEST: The petitioners are requesting a determinate variance from sidewalk requirements.

SITE DESCRIPTION: This 1.2 acre property located at 930 S. High Street is zoned Residential Single-family (RS). The property is currently vacant and the petitioners are proposing to construct a two-story, 7,698 sq. ft. single family house on the property. Surrounding land uses include single family residences on all sides. The property has several large, mature trees scattered along the front and on the interior. The petitioners would like to save as many of the existing trees as possible and have placed the proposed house in the center of the lot to avoid the existing trees.

The petitioners are requesting a determinate variance from sidewalk requirements. Construction of a new house requires the construction of sidewalks on all adjacent street frontages. This property has approximately 140' of frontage along High Street. A combined curb and sidewalk is already in place along the east side of High Street. The petitioners are required to construct either a 5 foot wide concrete sidewalk or a 6 foot wide combined curb and sidewalk along High Street.

The City of Bloomington's Bicycle and Pedestrian Transportation & Greenways System Plan calls out for bike lanes along High Street at this location. At this time, the City has only preliminarily identified the costs associated with such an improvement and no detailed plans have been designed. Due to the unknown amount of future right-of-way that might be needed for these improvements, it is not possible to definitively direct the petitioner where to install the required sidewalk. The City is planning other alternative transportation improvements in this area and has included a plan in the 2016-2019 Transportation Improvement Program to install an 8' wide asphalt sidepath along the east side of High Street further south from this location. The proposed path would extend south from Southeast Park along the east side of High Street to connect to the multi-use path at the High Street and Rogers/Winslow roundabout. This would further extend south to connect to Jackson Creek Middle School. The City Transportation and Traffic Engineer has recommended that we delay requiring the installation of a sidewalk at this location until such time as a more detailed study can be done of the High Street corridor along this area.

CRITERIA AND FINDINGS FOR SIDEWALK VARIANCE

Determinate Sidewalk Variances 20.05.010(b)(3)- Pursuant to IC 36-7-4-918.5, the Board of Zoning Appeals or Hearing Officer may grant a determinate sidewalk variance from Section 20.05.010(b)(3) of the Unified Development Ordinance 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: The granting of the variance will not be injurious to the public health, safety, morals, or general welfare of the community since there is an existing sidewalk on the east side of the street.

(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; and

Staff Finding: The use and value of the area adjacent to the property will not be substantially affected since there are not sidewalks on either of the adjacent properties. The installation of an alternative transportation system along the corridor is best implemented by the City after a thorough review is made.

(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 questions; that the development standards variance will relieve the practical difficulties; and

Staff Finding: The strict application will result in practical difficulties because requiring the sidewalk to be installed without a plan for the corridor as a whole could result in the City having to remove the sidewalk. The practical difficulties are peculiar to this property because the property is located along an area where the City has not yet been able to design the desired alternative transportation system. The granting of the determinate variance will allow the City the opportunity to devise a plan for the corridor as a whole and can require the sidewalk to be installed at a future date after a study can be done.

(4) The adjacent lot or tracts are at present undeveloped, but it appears that at some future date these lots or tracts will be developed, increasing the need for sidewalks for the protection and convenience of pedestrians; or

Staff Finding: The adjacent parcels to the north and south have all been developed with single family lots without sidewalks along the street. There are no vacant lots adjacent to or along this block.

(5) The location of the lot or tract is such that the present pedestrian traffic does not warrant the construction of sidewalks, but it appears that in the future the pedestrian traffic may increase; or

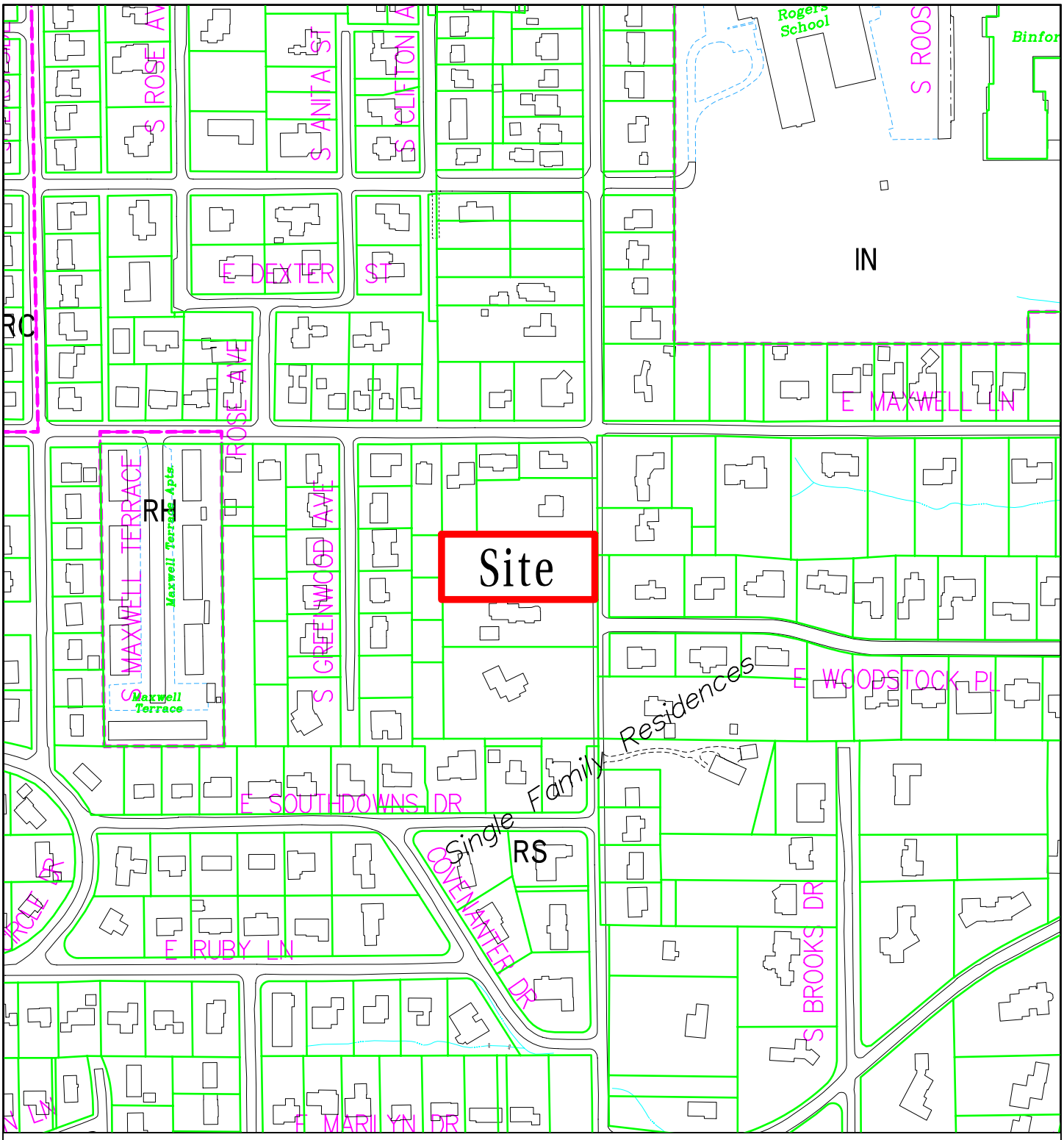
Staff Finding: There is currently a 5’ wide monolithic sidewalk along the east side of High Street. The City is currently working on other alternative transportation routes further south that will include extending the Jackson Creek Trail from Southeast Park to the High Street/Rogers Road roundabout and then further south to Jackson Creek Middle School. This would involve installing an 8’ asphalt sidepath along the east side of High Street.

(6) Uniformity of development of the area would best be served by deferring sidewalk construction on the lot or tract until some future date.

Staff Finding: Construction of a sidewalk on this property should be delayed until such time as it is possible to determine the most appropriate forms of public improvements along the entire High Street corridor. Given the topographic constraints and presence of trees along the corridor, a unified plan for the corridor as a whole would best be served by a City project rather than on an individual lot basis.

RECOMMENDATION: Based upon the written report, staff recommends approval of the sidewalk variance with the following conditions:

1. Prior to release of a building permit, the petitioners shall execute and record a zoning commitment which states that a determinate sidewalk variance has been approved, and at some time in the future a concrete sidewalk along S. High St. may be required.



V–27–15 Phillip Hill & Judy Williams

930 S. High Street

Board of Zoning Appeals

Site Location, Zoning, Land Use, Parcels

By: greulice

20 Aug 15

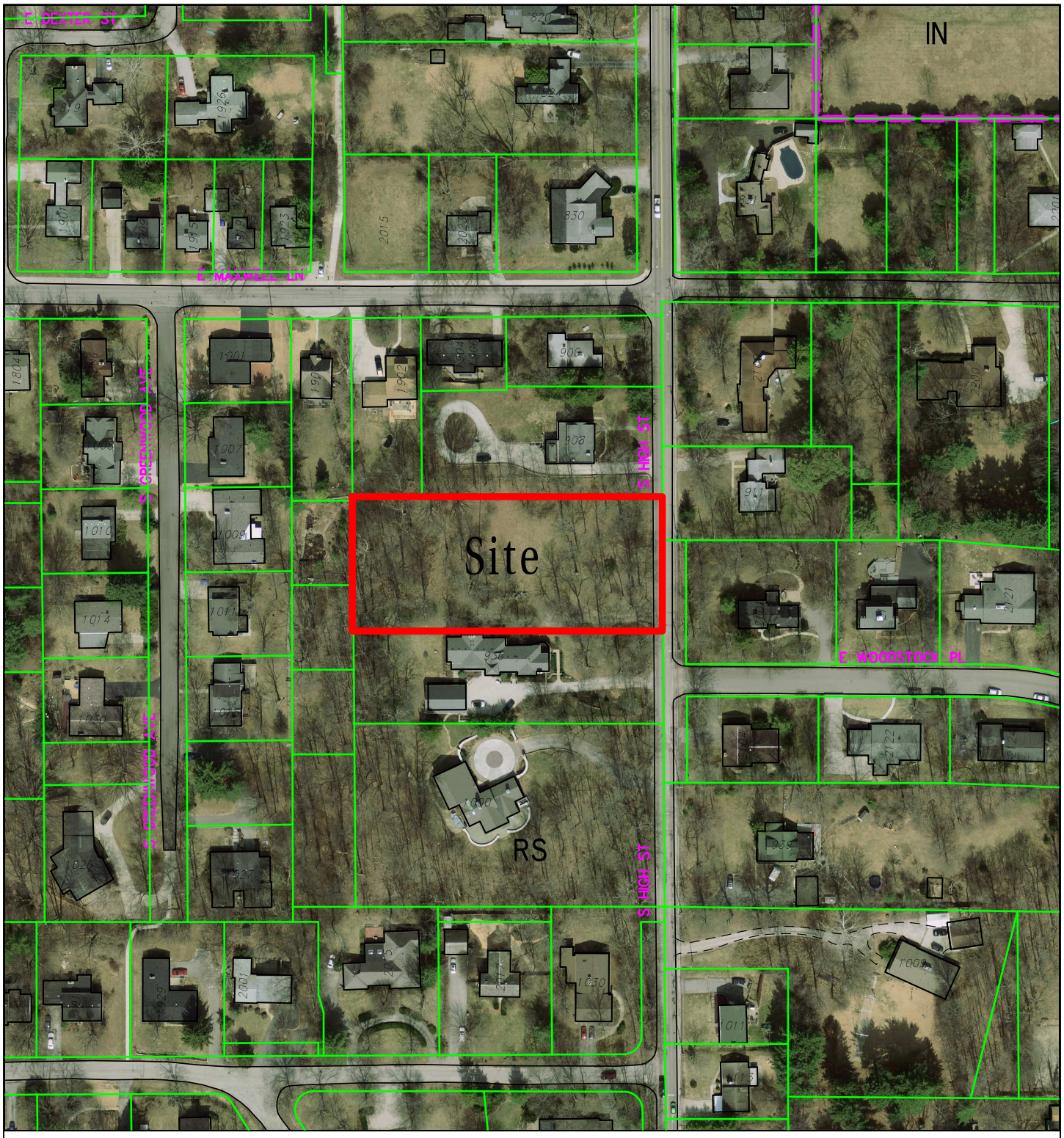
300 0 300 600 900

N

City of Bloomington
Planning & Transportation

Scale: 1" = 300'

For reference only; map information NOT warranted.



V–27–15 Phillip Hill & Judy Williams

930 S High Street

Board of Zoning Appeals

2014 Aerial Photograph

By: greulice

20 Aug 15

150 0 150 300 450

N

City of Bloomington
Planning & Transportation

Scale: 1" = 150'

For reference only; map information NOT warranted.

Driveway Variance

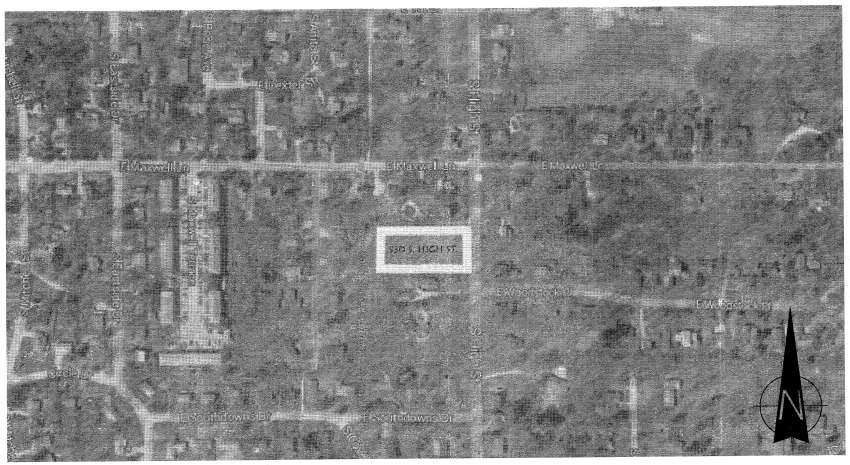
The driveway proposed will allow us to turn around in front of the house, over 100 feet from High Street. If the variance is not granted, we will have to back down over 100 feet of a slightly curved and hilly drive to then back out onto High Street. The purpose of the ordinance preventing this type of paving is to prevent parking cars in front yards on small lots (student rentals) where the result would be ugly and leaving very little green space. Due to the unusual size of our lot, this turn around will not result in an unsightly appearance from High St. and will leave a very large amount of green space. We would like to keep the woods behind the house, and large trees in front of the house, thus keeping the house placed as shown so that trees could be preserved. We believe the drive turn around will promote a safer entry onto High St, not only for us, but also for others driving on High St., while not having any adverse effects on the neighbors or the public.

Sidewalk Variance

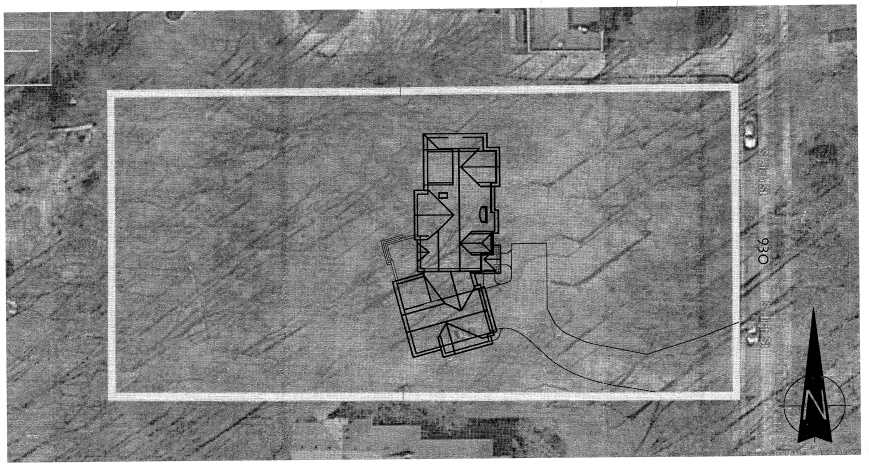
We strongly support the concept of sidewalk and pedestrian/bicycle passageways. However, a sidewalk in this location will not be used, and will require the remove of several trees and will be of no benefit.
The topography of the front of the lot as it relates to High street will prevent a safe and usable sidewalk from being reasonably constructed. A large number of steps will have to be included on both ends to have the sidewalk lowered/raised to the level of the street.
There is no connecting sidewalk for a great distance to either the north or south. The area has been developed for many years, and new sidewalks will not be required of lot owners unless their houses are totally torn down and a new residence constructed.
There are alternative paths for students living west of High St. to walk to Rogers Binford elementary schools via easement pathways as shown on the attached exhibit, which are much safer than walking next to highly trafficked High St.
Due to the topography of the lot, and the lack of sidewalks on the west side of High St, and the safer alternative pathways to the local schools, we believe the lack of a sidewalk would not harm the community or neighbors.

V-27-15
Petitioner Statement

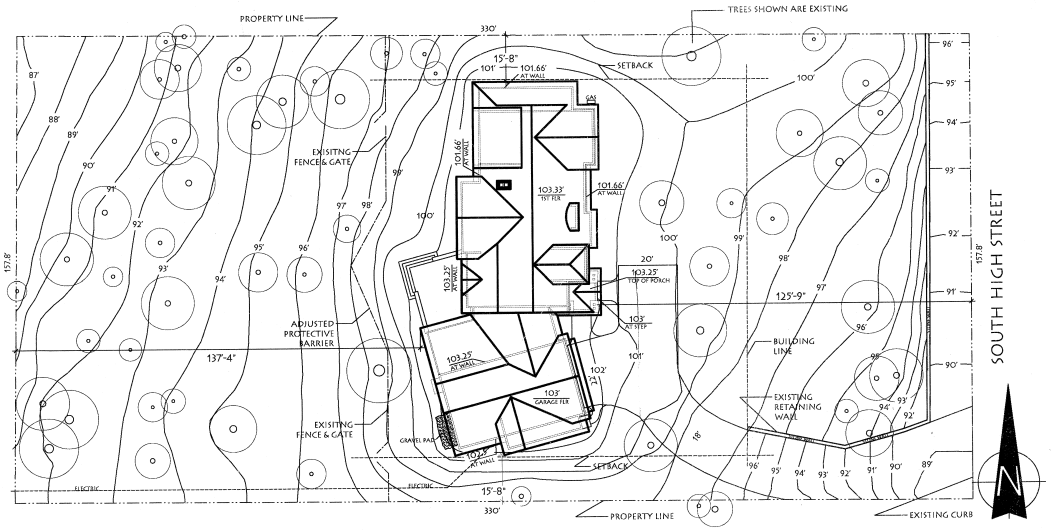
Philip C Hill



SITE LOCATION
NTS



ARIAL VIEW OF SITE
NTS



SITE PLAN
1" = 20'-0"

V-27-15
Site Plan

SLW
Smith, Lake and Watters
Architects

Smith, Lake and Watters
SLW Inc.
170 South Main Street
Zionsville, Indian

HILL RESIDENCE

930 SOUTH HIGH STREET
BLOOMINGTON, IN

HILL, PHILLIP
Project - HILL-SFR-930
Address - 930 HIGH ST S
Parcel - 53-08-03-300-022.000-009
App # - 56042 Twp - PR-3

SUBMISSIONS	
11-13-13	PRELIMINARY REVIEW
11-25-13	FOR REVIEW
06-04-14	FOR REVIEW
02-23-15	FOR REVIEW
03-02-15	FOR REVIEW

SITE PLAN

103
1

V-27-15
Site Photo