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The Board of Zoning Appeals (BZA) met in a virtual (Zoom) meeting at 5:30 p.m. Members present: Jo Throckmorton, Cassaundra Huskey, Flavia Burrell and Susan Sandberg (Barre Klapper absent).

REPORTS, RESOLUTIONS, COMMUNICATIONS:

Jackie Scanlan, Development Services Manager, stated there was a typo on the agenda pertaining to the Conway petition. The petition number should read V-01-21 and not V-01-20.

Scanlan reported the Plan Commission (PC) is currently working on an update to the zoning map and text amendments. Those PC meetings will start up again on Monday and Thursday of next week.

ELECTION OF OFFICERS:

****Burrell moved to elect Barre Klapper as President for 2021. Sandberg seconded. Motion carried unanimously by voice vote.**

****Sandberg moved to elect Jo Throckmorton as Vice President for 2021. Huskey seconded. Motion carried unanimously by voice vote.**

PETITION WITHDRAWN:

V-29-20 **The Standard at Bloomington, LLC**
301 E. Brownstone Dr.
Request: Variance from buffer yard setback requirements.
Case Manager: Eric Greulich

PETITION CONTINUED TO: April 22, 2021

CU/V-19-20 **Robert Iatarola**
1504 W. Arlington Rd.
Request: Conditional Use approval for a home occupation in the R2 zoning district. Also requested are variances to allow a home occupation to be located within an accessory structure and to allow deliveries (of pallets) to the property.
Case Manager: Ryan Robling

****NOTE:** Scanlan reported some of the text amendments going forward to the Plan Commission and then onto Council would affect this variance; therefore, Staff is

continuing it month-to-month until those amendments are rectified and a decision is made about what variances, if any, are needed.

PETITIONS:

V-01-21 **Dex and Kelly Conaway**
1358 E. Mercedes Dr.
Request: A variance to allow a fence in excess of 4 feet forward of the front building setback line along the lot frontage of the secondary front building wall.
Case Manager: Ryan Robling

Ryan Robling presented the staff report. The subject property is 0.30 acres in size and is zoned (R2)—Residential Medium Lot and has been developed with a single-family structure. Surrounding properties are zoned (R2) and also have existing single-family structures. The petitioners are proposing to construct an 8-foot tall fence intended to protect their existing food garden plot from animals. The fence is proposed to feature voids and solids and be of open construction. This fence will run along a portion of the western property line, north of the southern property line and 6 feet from the eastern property line. The fence will be even with the southern wall of the primary structure to the north. Robling noted that 9 feet of the proposed fence along the eastern property line will be forward of the front building setback line along S. Allendale Dr. The Unified Development Ordinance (UDO) allows a maximum 12-foot high fence in order to protect food garden plots from animals, unless otherwise restricted in the UDO. The proposed fence will encroach approximately 9 feet into the front building setback and will extend beyond the 4-foot maximum; therefore a variance is being requested to allow a fence in excess of 4 feet forward of the front building setback line along the lot frontage of the secondary front building wall. Peculiar condition is found in the location of a large Maple tree in the southwestern portion of the property. This large tree and the location of the house on the property combine to reduce the usable food garden plot area to the point where the petitioners needed to locate the plot in an area where a code-compliant fence could not protect the plot from deer and other animals. As a result, a variance is needed. Staff recommends approval of this petition based on the written findings outlined in the staff report, including the following conditions:

1. The entirety of the fence forward of the front building setback line along the lot frontage of the secondary front building wall will be of open construction as shown in the drawings.
2. The fence height of the fence forward of the front building setback line along the lot frontage of the secondary front building wall will not exceed 8 feet in height.
3. If the food garden plot is removed, the portion of the fence forward of the front building setback line along the lot frontage of the secondary front building wall that exceeds 4 feet shall be removed.

Kelly Conaway said she and her husband Dex moved to Bloomington approximately 4 years ago from Indianapolis. Both are IU Alumni and both of them have backgrounds in organic gardening and farming. There is tremendous pressure in Sherwood Oaks to keep the deer away. She talked about how they planted fruit trees and also about their existing 40 year old Maple tree which they would like to preserve. The only feasible area of the lot to grow food is on the southeast corner. Construction of the fence would start at the rear of the house. It's approximately 90 feet from Mercedes Dr. Conway said there should be no visual impairment because of the open design of the fence. Also, Mercedes Dr. is located on a cul-de-sac with only five houses so there is low traffic. The variance is being requested in order to have the fence closer to the property line and allowed to be 8 feet tall.

BZA Discussion: No questions from the BZA.

No public comments.

****Sandberg moved to approve V-01-21 based on the written findings and recommendation outlined in the staff report. Huskey seconded.**

Throckmorton suspended the rules to allow a brief public comment. The entire Board is in favor of allowing public comment.

Public Comment:

Renee Miller is an adjacent neighbor and she supports the proposed fence.

Back to the BZA:

Huskey asked if the existing fruit trees are part of the food garden plot. Robling said yes.

Huskey: So as long as the fruit trees are there they are allowed to have the fence?
Robling said yes.

Scanlan, Development Services Manager, clarified that this is a condition of approval because this petition is one of the first food garden plot-related variances. But code would require that if there is no food back there the fence would have to come down. If anyone put up a fence that didn't meet the 4-foot requirement and there was no food behind it, they would have to fix it.

ROLL CALL: 4:0—Approved.

Meeting adjourned.