

June 10, 2020

The Ellettsville, Indiana, Board of Zoning Appeals met on Wednesday, June 10, 2020, at Ellettsville Town Hall. Russ Ryle called the meeting to order at 6:13 p.m. and Fred Baugh led the Pledge of Allegiance.

Roll Call: Members present were Russ Ryle, Vice President; Fred Baugh and Pat Wesolowski. Zach Michael was late. Terry Baker was absent.

Election of Officers

Pat Wesolowski made a motion to maintain the same officers. Fred Baugh seconded. Motion carried.

Approval of Minutes

Approval of the minutes for the regular meetings on November 13, 2019.

Russ Ryle made a motion for approval of the minutes. Pat Wesolowski seconded. Motion carried.

New Business

Request for a Variance from Development Standards to Allow a Parking Area; 4501 N. Outback Road, Bloomington; Petitioner: Jeff Van Horn, on behalf of Wilber P. Properties, LLC; Case No. BZA2020-03

Kevin Tolloty, Planning Director, explained the Petitioner is seeking a variance from development standards to allow a new parking area that would directly back in to public right-of-way which is not expressly permitted by the zoning ordinance. There will be three parking spaces. The buildable portion of the property has been maxed out so there is not anywhere else to build additional parking. A variance to reduce the side yard setback was granted in 2017. Property is zoned Commercial 1. The six criteria required to approve a variance was reviewed. Mr. Wesolowski asked how far the building is from the street. Mr. Tolloty answered 30' from the sidewalk against the building. Mr. Wesolowski asked why more parking is needed.

Jeff Van Horn, Petitioner, explained there are 15-17 spaces with one of them being accessible. He has six employees and sometimes 8 – 10 customers or 12 – 15 vehicles a day. Three spaces are needed for the upstairs tenants. Mr. Ryle is concerned about the speed limit and visibility. Mr. Wesolowski doesn't think visibility is an issue because the big church is off of State Road 46 and Mr. Van Horn's business is in a residential district which will slow down traffic.

Russ Ryle entertained a motion. Pat Wesolowski made a motion to approve the variance for Case No. BZA 2020-03. Fred Baugh seconded. Roll call vote: Russ Ryle – yes; Fred Baugh – yes; Zach Michael – yes; and Pat Wesolowski – yes. Motion carried.

Request for an Administrative Appeal of Staff's Interpretation of §152.054, Residential Fencing; 421 S. Ridge Springs Lane; Petitioner: Daniel Burton; Case No. BZA 2020-02

Kevin Tolloty, Planning Director, welcomed new BZA member, Zach Michael.

Kevin Tolloty, Planning Director, explained this petition is for an appeal of an administrative decision regarding the height of a fence. Town code allows for a maximum height of 6' in residentially zoned areas and this property is zoned Residential 1. Portions of the fence were measured to be in excess of 6' in height. The property owner has applied for a permit to build a porch and according to Town code a permit cannot be issued if the property has an outstanding violation. The state does not provide specific criteria for granting an appeal. The Board's decision will be final. Mr. Wesolowski asked if the Petitioner built the fence and does the height of the fence vary.

Dan Burton, Petitioner, built the fence eight years ago the height varies because of the slope of the land. There is a swimming pool and the fence is almost 6' from the ground to the pool deck. The fence was built to keep children from falling off the pool. Some of the fence appears to be tall because the land drops off. When the pool was built and additional fence was built, it made the fence taller. Mr. Wesolowski asked how tall the fence was from the steps to the top. Mr. Burton answered 6' and then the corner is 8' to 8.5'. Although a portion of the fence was removed to lower it to 6', the poles remain to hold decorative lighting. He wants to finish the fence on the side so children don't fall of the pool. There was a discussion on state requirements

for fencing around pools. While not a part of the appeal, Mr. Tolloty mentioned a permit was never obtained for the deck around the swimming pool. The Planning Department received a complaint about the property which resulted in finding the fence in violation of Town code. The building permit for the porch is being held until the violation is resolved. The roof of the house can be worked on without a permit. While the Planning Department has not stopped replacement of the roof, the builder said they need to construct the porch roof in order to do the roofing. There was a discussion on the porch roof. Mr. Wesolowski asked if the pool faces the road. Mr. Burton replied the pool has a diameter of 18' and showed the location of the pool on a map. Mr. Ryle asked the height of the original fence. Mr. Burton answered approximately 11'. Mr. Wesolowski asked if the neighbors complained about the fence. Ms. Line answered yes. Mr. Wesolowski asked why they were now complaining about the fence. Ms. Line explained the objection was to the fence height which was 12' to 14' at the time. Mr. Tolloty added the thought is if the posts remain the fence could go back up without the Town knowing so. Fence height is measured from the ground before grading begins including fill. It is a non-conforming fence. There was a discussion on fencing, state pool requirements, lighting and issues on the property.

Larry Mullinix

Board of Zoning Appeals Update

Russ Ryle announced the next meeting is scheduled for December 11, 2019. At this time, there is not any new business so the meeting will likely be canceled.

Adjournment

Pat Wesolowski made a motion to adjourn. Fred Baugh seconded. Motion carried. Meeting adjourned at 6:25 p.m.

Terry Baker, President

Russ Ryle, Vice President

Fred Baugh

Pat Wesolowski

Denise Line, Secretary