

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
TUESDAY, JUNE 4, 2019, 4:00PM**

DOCKET 1271

33 Narragansett Drive

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, June 4, 2019 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw  
Ms. Laura Long  
Ms. Kristen Holton  
Mr. Lee Rottmann  
Ms. Elizabeth Panke

Also present were: Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; Councilman John Fox and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:03 PM.

**Approval and Adoption of the Agenda**

Ms. Panke made a motion to adopt the agenda. Ms. Long seconded the motion. All those present were in favor.

**Approval of the Minutes from the January 8, 2018 meeting**

Ms. Panke made a motion to approve the Minutes as submitted. Mr. Rottmann seconded the motion. All those present were in favor; the minutes were approved.

Docket 1271 Petition is submitted by John Stevenson for the property at 33 Narragansett Drive. Petitioner is requesting relief from the Building Commissioner denying a fence in the front yard. The fence is taller than 42" and not 40% open. This is in violation of Ordinance 1175, Section IV, C-1 (a), fence regulations in required front yard or required yards abutting a street or private road.

Mr. Stewart stated the applicant requests a variance to height requirement, openness requirement and the finished side placement. The ordinance limits the height to 42 inches and requires at least 40 percent of the area to be open. In addition, the finished side of the fence is supposed to face outward.

Chairman Forshaw introduced the following exhibits to be entered into the record:

Exhibit A – Zoning Ordinance 1175, as amended;

Exhibit B – Public Notice of the Hearing;

Exhibit C – Letter of Denial dated May 07, 2019;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated May 06, 2019;

Exhibit F – Entire file relating to the application

Exhibit G – Additional letter presented at the meeting

John Stevenson, 33 Narragansett Drive, took the oath and explained his request. He lives on a dead-end street that is off a dead-end street. His proposed fence, which would replace a dilapidated old fence, would not be visible to neighbors. The purpose of the fence is to block the view of the unsightly condition of a creek behind his property, where trash and debris accumulate; and to block deer and other wildlife from accessing his property. An existing chain-link fence which does not belong to him serves as a barrier to a concrete retaining wall. He would prefer the finished side to face in, as no one else can see the fence. The creek runs on some sort of common or public ground and is not under the petitioner's control. That area is in a wild, overgrown state.

The petitioner previously came before the Board of Zoning Adjustment in early 2019 and was denied. Since then, the compliant portion of the fence has been installed. The petitioner made some new arguments to the Board concerning the need for a variance for the remainder of the fence.

A height variance is requested for a short portion of the fence in the front yard, for consistency with the rest of the fence and to keep deer from jumping over the fence. An openness variance is requested because the view through a more open fence would be unsightly, especially with the unattractive chain-link fence right behind it. A finished-side-placement variance is requested because having the finished side of the fence face the creek would not improve anyone else's view and would be less attractive to the homeowner's view. Furthermore, installation of the fence with the finished side facing the creek would necessitate removal and reinstallation of the chain-link fence, which does not belong to the petitioner and also would be costly.

Gay Goessling, 1005 S. McKnight, neighbor and designer, said the 8' retaining wall constitutes a hardship.

After discussion of the facts presented, including the remote location of the property, its isolation from the neighbors' views, the unattractiveness of the creek area and the chain link fence, the problem of deer emerging from the wilderness, and the difficulty of installing the new fence with posts facing the house (due to the slope and the presence of the chain-link fence), Ms. Long made a motion to overturn the decision of the Building Commissioner and grant the variance for all three issues, based on practical difficulties. Ms. Panke seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Mr. Lee Rottmann	"approve"
Ms. Laura Long	"approve"
Ms. Kristen Holton	"approve"
Ms. Elizabeth Panke	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the variance was granted for height, openness and finished-side placement, and the ruling of the Building Commissioner was overturned.

**Adjournment**

At 5:20pm Ms. Holton made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1271

DATE OF HEARING

June 4, 2019

NAME

John Stevenson

DESCRIPTION OF PROPERTY

33 Narragansett Drive

CAUSE FOR APPEAL

Petitioner is requesting relief from the Building Commissioner denying a fence in the front yard. The proposed fence is taller than 42" and not 40% open and the finished side would face the house. This is in violation of Ordinance 1175, Section IV, C-1 (a), fence regulations in required front yard or required yards abutting a street or private road.

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist, the decision of the Building Commissioner is overturned, and the variance is granted.

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Ms. Liza Forshaw, Chairman