

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
MARCH 1, 2022 4:00 P.M.**

DOCKET 1353

1300 LITZSINGER WOODS LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, March 1, 2022.

The hybrid meeting was held in person and via ZOOM.

The following members of the Board were present:

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

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Councilman John Fox; and Lori Mullins, Deputy City Clerk. Present via ZOOM, Anne Lamitola, Director of Public Works.

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

Approval and Adoption of the Agenda and Minutes

The agenda was adopted unanimously upon motion by Ms. Long and second by Ms. Panke.

The minutes of the January 4, 2022 Board meeting were approved unanimously upon motion by Ms. Panke and second by Mr. Rottmann.

Docket 1353 Petition is submitted by Rhoads Hall for the property located at 1300 Litzsinger Woods Lane. The petitioner is requesting relief from the Building Commissioner denying a fence located in the required front yard that exceeds the maximum allowed height of 42". This is in violation of Zoning Ordinance #1175, Section IV-C-1(a) and Section IV-C-1(b).

Ms Sukanek reported the applicant is requesting a variance to replace a 6-foot privacy fence along the north edge of the property. The fence would be installed along the side lot line. However, a portion of the fence in front of the front façade of the house is deemed to be in the front yard. Fences erected in front yards must be less than 42" in height and 40% open.

The code only allows for minor repairs to existing nonconforming fences. The applicant has removed the approximately 30-year-old privacy fence and would like to install a replacement fence of the same height. The fence that was removed was nonconforming. It is unclear whether that fence was permitted when it was installed. There is no record of a variance.

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 December 29, 2021;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated January 7, 2022;

Exhibit F – Entire file relating to the application

Mr. Rhoads Hall took the oath and addressed the Board stating that the fence runs about 100 feet along the side of the property. Most of the proposed fence meets the requirements. About 10 feet of fence do not meet the criteria. The previous fence was installed at the request of a neighbor who wanted privacy for her back yard when Litzsinger Woods Lane was developed. Her back yard faces the Litzsinger Woods Lane cul-de-sac. The neighbor wants the applicant to retain a privacy fence in that location. The previous fence was deteriorating, and the applicant removed it in order to replace it with a new privacy fence. The fence would be located on the crest of a hill.

Board discussion included the incline of the yard increasing the fence elevation, the rationale of the city ordinance prohibiting privacy fences in front yards, the aesthetics of a 6-foot-tall solid fence near the street in a primary front yard, and the applicant's ability to comply with requirements by constructing a 6-foot fence where permitted and a 42" high, 40% open fence in front of the front façade of the house. Board members did not see a practical difficulty.

After discussion of the facts presented; Ms. Panke made the motion to overturn the decision of the Building Commissioner and grant the variance. Ms. Long seconded the motion. The vote was as follows:

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

With zero (0) votes in favor and five (5) against, the motion failed, the ruling of the Building Commissioner stands.

Adjournment

At 7:05 p.m. Ms. Panke made a motion to Adjourn the meeting. Ms. Long seconded the motion. A unanimous vote in favor was taken.

DOCKET 1353

DATE OF HEARING

March 1, 2022

NAME

Rhoads Hall

DESCRIPTION OF PROPERTY

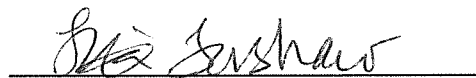
1300 Litzsinger Woods Lane

CAUSE FOR APPEAL

Petition is submitted by Rhoads Hall for the property located at 1300 Litzsinger Woods Lane. The petitioner is requesting relief from the Building Commissioner denying a fence located in the required front yard that exceeds the maximum allowed height of 42". This is in violation of Zoning Ordinance #1175, Section IV-C-1(a) and Section IV-C-1(b).

RULING OF THE BOARD

After discussion, on the basis of the evidence presented, the Board does not find that practical difficulties exist. The decision of the Building Commissioner stands.



Ms. Liza Forshaw, Chairman