

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

DOCKET 1369

12 WILD ROSE

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

The following members of the Board were present:

Chairman Liza Forshaw
Ms. Laura Long
Ms. Elizabeth Panke
Mr. Lee Rottmann
Mr. Dan Welsh

Also present were Mayor Nancy Spewak; Anne Lamitola, Director of Public Works; Erin Seele, City Attorney; Roger Stewart, Building Commissioner; Andrea Sukanek, City Planner; and Lori Mullins, Deputy City Clerk.

Chairman Forshaw called the meeting to order at 4:00 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 September 6, 2022 meeting were approved unanimously upon motion by Ms. Panke and second by Ms. Long.

Docket 1369 Petition is submitted by Andrea Jacobs for the property located at 12 Wild Rose Drive. The petitioner is requesting relief from the City Planner prohibiting replacement of a nonconforming six-foot privacy fence in the front yard. This is in violation of Ordinance #1175, Section IV-C-1 and IV-C-10.

Mr. Sukanek reported that the applicant is requesting a variance to replace an existing 6' privacy fence in a secondary front yard. The fence would be a replacement for an existing nonconforming pool enclosure. The proposed fence requires a variance because it exceeds the maximum 42" in height and the ordinance requires it to be 40% open.

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 August 31, 2022;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter requesting the variance dated September 5, 2022;

Exhibit F – Entire file relating to the application

Ms. Andrea Jacobs took the oath and addressed the Board, describing the request to replace a 23-year-old pool enclosure that sits on a corner lot. The fence runs along the back of the property with one end post facing Lindworth Drive. The fence is adjacent to a permitted 6" privacy fence pool enclosure in a rear yard on Ellsworth Lane. Only 20-25' of the length of the proposed fence would lie in the front yard. The proposed fence will be double sided new cedar, attractive on both sides, in contrast to the old fence. The proposal is supported by neighbors and trustees, and there is no opposition. The stated practical difficulties are primarily safety and privacy.

Discussion ensued. It was noted that both the existing fence and the proposed replacement fence run perpendicular to Lindworth Drive, which mitigates the visual impact of a fence in a secondary front yard.

After discussion, Ms. Panke moved to overturn the decision of the City Planner and grant the variance as requested. Ms. Long seconded the motion. The vote was as follows:

| | |
|-----------------------|-----------|
| Chairman Liza Forshaw | "approve" |
| Ms. Laura Long | "approve" |
| Ms. Elizabeth Panke | "approve" |
| Mr. Lee Rottmann | "approve" |
| Mr. Dan Welsh | "approve" |

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the City Planner is overturned and the variance granted.

Adjournment

The meeting was adjourned unanimously upon motion by Ms. Panke and second by Ms. Long at 6:25p.m.

DOCKET 1369

DATE OF HEARING

OCTOBER 4, 2022

NAME

Andrea Jacobs

DESCRIPTION OF PROPERTY

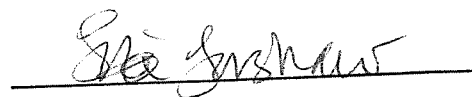
12 Wild Rose

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner prohibiting replacement of a nonconforming six-foot privacy fence in the front yard. This is in violation of Ordinance #1175, Section IV-C-1 and IV-C-10.

RULING OF THE BOARD

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



Ms. Liza Forshaw, Chairman