

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

DOCKET 1370

SOMERSET DOWNS

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 1370            Petition submitted by Clifford Adkins for the property located at Somerset Downs Drive (subdivision). The petitioner is requesting relief from the City Planner denying a 60" fence on Somerset Downs Drive. The fence on Somerset Downs exceeds maximum height requirements (42") and is in violation of Ordinance #1175, Section IV-C-1.

Mr. Sukanek reported that the applicant is requesting a variance to erect a 60" tall metal fence along both sides of Somerset Downs Dr. to connect the city-approved subdivision gate, which will be set back 72' from Warson Road, to the city-approved 60" tall metal fencing along Warson Road. The maximum permitted height along Somerset Downs Dr. without a variance is 42".

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 July 26, 2022;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter requesting the variance dated September 7, 2022;

Exhibit F – Entire file relating to the application

Mr. Clifford Atkins took the oath and addressed the Board, stating that the requested fencing along Somerset Downs Dr. is for the purpose of enforcing the boundary of the gate. The zoning code was recently amended to allow subdivision gates if there is an indication of particular security concerns in a neighborhood. Crime has been a major issue in the subdivision, as confirmed by Police Chief Andreski at the November 2021 meeting of the Zoning & Planning Commission. Some intruders come on foot and others come in vehicles. After much effort, city approval for a gate was granted. The gate will be much more effective at deterring unwelcome entry if it is combined with a fence that cannot be easily stepped over. The stated practical difficulty is safety. The residents have been paying for private security at great expense and are planning to spend some \$115,000 on the gate and related fencing, because they feel so strongly about the crime problem. A quarter of the subdivision residents attended the meeting to show their support. There are other 60" tall fences in the vicinity including at 9914 Litzsinger and 28 Twin Springs.

Discussion ensued regarding safety, crime, the gate and fence. It was noted that the proposed fencing would provide a unified appearance to the subdivision entrance, beginning along Warson Road and continuing to the gate, with consistent deterrence to intruders along the whole entrance area.

After discussion, Ms. Long moved to overturn the decision of the City Planner and grant the variance as requested. Ms. Panke 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 1370

DATE OF HEARING

OCTOBER 4, 2022

NAME

Clifford Atkins

DESCRIPTION OF PROPERTY

Somerset Downs

CAUSE FOR APPEAL

The petitioner is requesting relief from the City Planner denying a 60" fence on Somerset Downs Drive. The fence on Somerset Downs exceeds maximum height requirements (42") and is in violation of Ordinance #1175, Section IV-C-1.

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.



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Ms. Liza Forshaw, Chairman