

**MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
SEPTEMBER 3, 2019, 4:00P.M.
DOCKET 1273**

9549 Park Lane

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, September 3, 2019 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw
Ms. Laura Long
Mr. David Schlafly
Mr. Lee Rottmann
Ms. Elizabeth Panke

Also present were: Erin Seele, City Attorney; Anne Lamitola, Director of Public Works; Roger Stewart, Building Commissioner; Fire Chief Steven Lynn; Assistant Fire Chief Jeff Johnson; Councilmember Kamps; Mayor Spewak; and Lori Wrobel, Administrative Assistant.

Chairman Forshaw called the meeting to order at 4:00 PM.

Approval and Adoption of the Agenda

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

Approval of the Minutes from the August 6, 2019 meeting

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

Docket 1273 Docket 1273 Petition submitted by Hilary and Robert Orf for the property at 9549 Park Lane. Petitioner is requesting relief from the Building Commissioner denying a rear yard fence which is in violation of Ordinance #1175, Section IV-C-1-(a). The side sections of the fence for the distance of the required rear yard setback should not exceed 42" in height and should be 40% open when viewed perpendicular.

Mr. Stewart explained that 9549 Park Lane is a new build. A permit was incorrectly issued for the fence. The fence was built and was cited by the City in response to a neighbor complaint. The owner applied for a variance from the Zoning Board of Adjustment which was denied. The owner then trimmed down the fence to bring the height into compliance along Litzsinger. However, the other sections of the fence are still not in compliance.

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 April 30, 2019;

Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated June 20, 2019;

Exhibit F – Entire file relating to the application

Robert Orf took the oath, was sworn in and addressed the Board. He understands the need for uniformity, accountability and neighbor support. He cut down the most visible excess height, along Litzsinger, thinking he was bringing the fence into compliance. Some neighbors who previously objected to the fence are now okay with it. He presented signatures of owners of seven Park Lane homes in support of the fence. Acknowledging that the fence is a bit of an eyesore, he proposed adding some landscaping. The area was previously screened by honeysuckle – as are other fences along Litzsinger in the vicinity – but he removed the honeysuckle. As a result, the fence is more visible than other nonconforming fences nearby. The City encourages property owners to remove honeysuckle as an invasive species.

James Bond was sworn in and addressed the Board. He is the homeowner of 9560 Park Lane. He stated that Litzsinger has become a very busy street. The houses face inward and according to the indentures homes can only be accessed through Park Lane. Therefore, the yards along Litzsinger are not front yards. He is in favor of this variance.

After discussion of the facts presented, including the applicant's efforts to comply with City rules by obtaining a permit and then by cutting down excess height of the most visible portion of the fence, as well as the new evidence of support for the fence by a number of neighbors and the applicant's offer to add screening vegetation, the Board determined that practical difficulties exist. Mr. Schlafly made a motion to overturn the decision of the Building Commissioner and grant the variance subject to the condition: that the applicant plant vegetation to screen the fence from public view in accordance with a landscape plan to be submitted to the City for its approval within sixty days from the date of this hearing. Mr. Rottmann seconded the motion. The vote was as follows:

Chairman Liza Forshaw	“approve”
Mr. Lee Rottmann	“approve”
Ms. Laura Long	“disapprove”
Mr. David Schlafly	“approve”
Ms. Elizabeth Panke	“approve”

With four (4) votes in favor and one (1) against, the motion passed, the variance was granted, and the ruling of the Building Commissioner was overturned.

Adjournment

At 5:15pm Mr. Schlafly made a motion to Adjourn the meeting. Ms. Panke seconded the motion. A unanimous vote in favor was taken.

DOCKET 1273

DATE OF HEARING September 3, 2019

NAME Robert Orf

DESCRIPTION OF PROPERTY 9549 Park Lane

CAUSE FOR APPEAL Petitioner is requesting relief from the Building Commissioner denying a rear yard fence due to the sides for the distance of the required setback exceeding 42" in height and being less than 40% open when viewed perpendicular, which is in violation of Ordinance #1175, Section IV-C-1-(a).

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.

Ms. Liza Forshaw, Chairman