

MINUTES OF MEETING
ZONING BOARD OF ADJUSTMENT
TUESDAY, AUGUST 07, 2018, 4:00PM

DOCKET 1252

1 Indian Hill

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, August 7, 2018 at City Hall.

The following members of the board were present:

Chairman Liza Forshaw
Ms. Laura Long
Mr. Dan Welsh
Mr. David Schlafly
Ms. Elizabeth Panke

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

Chairman Forshaw called the meeting to order at 4:00 PM. She stated that there would be four hearings taking place.

Approval and Adoption of the Agenda

Ms. Long made a motion to approve the agenda. Mr. Welsh seconded the motion. All those present were in favor and the agenda was approved.

Approval of the Minutes from the June 5, 2018 meeting

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

Docket 1252 Petition submitted by Bill Dewitt for the property located at 1 Indian Hill. Petitioner is requesting relief from the Building Commissioner denying a Fence due to exceeding a maximum of 42" in height as measured from the topmost point in a required front yard as stated in Zoning Ordinance #1175, Section IV-C-1(a).

Chairman Forshaw asked the Building Commissioner for an explanation of the denial.

Mr. Stewart stated that the proposed plans for a 48" high fence exceed the maximum fence height in a required front yard by 6 inches. A 48" high fence is required for a swimming pool for safety reasons, but a 48" high fence is not allowed in a required front yard. The pool is not in the required front yard.

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 June 18, 2018;
- Exhibit D – List of Residents sent notice of meeting;
- Exhibit E – Letter from the resident requesting the variance dated June 26, 2018;
- Exhibit F – Entire file relating to the application

Mr. Dewitt, owner of 1 Indian Hill, and Richard Lusa, of Fence and Deck Depot, were sworn in and addressed the Board. During pool renovation, Mr. Dewitt had portions of the surrounding six-foot chain-link fence removed. The proposed change would replace the old fence with a four-foot wooden fence. Although the fence could be moved closer to the pool to stay out of the required front yard, the appellant would prefer not to do that. He asserted that the slope of the yard creates a hardship.

After a discussion of the facts presented, including the slope of the yard, past rulings and alternative solutions, Ms. Panke made a motion to overturn the ruling of the Building Commissioner and grant a variance. Ms. Long seconded the motion. The vote was as follows:

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

With two (2) votes in favor and three (3) against, the variance was denied.

DOCKET 1252

DATE OF HEARING

August 07, 2018

NAME

Bill Dewitt

DESCRIPTION OF PROPERTY

1 Indian Hill

CAUSE FOR APPEAL

Petitioner is requesting relief from the Building Commissioner denying a Fence due to exceeding a maximum of 42" in height as measured from the topmost point in a required front yard as stated in Zoning Ordinance #1175, Section IV-C-1(a).

RULING OF THE BOARD

After a discussion of the facts presented, the Board denied the variance.

A handwritten signature in cursive script, appearing to read "Liza Forshaw", is written over a horizontal line.

Ms. Liza Forshaw, Chairman