

MINUTES OF THE REGULAR MEETING  
BOARD OF ZONING APPEALS

May 3, 2012

**A. Call to Order – 7:30 p.m.**

1. Roll Call - the following members present: B. Seitz, L. Reibel, J. Sauer and C .Crane.  
Also present was D. Phillips, Chief Building Inspector.
2. Pledge of Allegiance
3. Motion made by Ms. Reibel to approve April 5, 2012 minutes. Mr. Seitz seconded the motion and all members voted “aye” thereon.
4. Affirmation/swearing in of witnesses.

**B. Items of Public Hearing**

1. Variance – Front Yard Setback – Arbor & Fence – 636 Plymouth St. (Robin Patton)  
BZA 11-12

Discussion:

Mr. Phillips reviewed the staff memo.

Ms. Crane asked the applicant to address the Board.

Robin Patton, 636 Plymouth St., said they have made several repairs to the fence and it now just needs replaced. The arbor is before the Board so it can remain where it is. Susan Patton, 636 Plymouth St., said they would like to move the fence out a little, because currently there is a tree pushing against the fence on the east side.

Ms. Crane asked for questions from the Board.

Mr. Sietz asked if the fence were moved, would it be in line with the garage and Mr. Patton replied the fence would not come out that far.

Mr. Sauer suggested moving the fence the other direction to avoid the tree and Mr. Patton replied there is landscaping in that direction. Mr. Sauer suggested the fence to be replaced as it is, so not to project further into the setback and Mr. Patton agreed.

Ms. Crane stated that there is no one in the audience to speak for or against this proposal.

Findings of fact:

1. This property is an existing lot of record in an R-10 district with a front yard setback of

30. A front yard setback variance to construct the existing attached garage was granted in 1992.
2. The applicant requests an existing arbor, approximately 5 feet wide by approximately 3 feet deep by approximately 7 feet 6 inches tall located 13 feet from the right of way, be allowed to remain. The requested variance is 17 feet for front yard setback.
3. The applicant further proposes the replacement of an existing fence 17 feet from right of way with a new 4 foot tall, open style fence in the same location. The requested variance is 13 feet.

Conclusions:

1. No record of permits for the fence and arbor were found and the 1992 variance record did not indicate an arbor and fence was proposed. Residential building permit drawings are retained for only 3 years. Staff has no record of inquiries regarding the arbor or the fence.
2. The arbor is not further into the front yard setback than the existing garage and is a much less imposing structure. These factors mitigate the substantial nature of the variance request.
3. Similarly, the fence is not closer to the right of way than the garage, not proposed to be a solid 6 foot privacy fence but a 4 foot fence with a 3 inch spacing between the pickets. These factors mitigate the substantial nature of the variance request.
4. The essential character of the neighborhood should not be substantially altered.
5. The delivery of governmental services should not be affected.

Mr. Sauer moved:

**THAT THE REQUEST BY ROBIN PATTON FOR A VARIANCE FROM CODE REQUIREMENTS FOR FRONT YARD SETBACK TO ALLOW THE REPLACEMENT OF THE EXISTING FENCE IN ITS EXISTING LOCATION AND ARBOR IN ITS EXISTING LOCATION AT 636 PLYMOUTH ST, AS PER CASE NO. BZA 11-12, DRAWINGS NO. BZA 11-12 DATED APRIL 6, 2012, BE APPROVED, BASED ON THE FINDINGS OF FACT AND CONCLUSIONS IN THE STAFF MEMO AND/OR PRESENTED AT THE MEETING.**

Mr. Seitz seconded the motion and all members voted “aye” thereon.

Ms. Reibel moved and Mr. Seitz seconded to adjourn. The meeting adjourned at 7:46 P.M.