

**NORTH RIDGEVILLE BOARD OF ZONING AND BUILDING APPEALS
MINUTES OF
REGULAR MEETING – THURSDAY, AUGUST 22, 2024**

CALL TO ORDER:

Chairwoman Masterson called the meeting to order with the Pledge of Allegiance at 7:00 PM.

ROLL CALL:

Present were members James Cain, Paul Graupmann, Vice-Chairman Shaun Kimble and Chairwoman Linda Masterson.

Also present were Chief Building Official Guy Fursdon, Planning and Development Director Kimberly Lieber and Deputy Clerk of Council Tina Wieber.

Council Liaison Cliff Winkle was excused.

MINUTES:

Chairwoman Masterson asked if there were any corrections to the minutes of the regular meeting on Thursday, July 25, 2024.

None were given.

Minutes were approved as submitted.

PLANNING COMMISSION REPORT

OTHER REPORTS OR CORRESPONDENCE

PUBLIC HEARINGS:

PPZ2024-0278 Hampton Place, Phase 8, PPN: 07-00-029-000-515

Owner: Valore Properties, Inc., 23550 Center Ridge Rd, Avon, OH 44011. Requests:

1. A 319.83 square foot variance for minimum lot area of a single-family lot. Applicant shows 12,480.17 square feet for subplot 388, code requires 12,800 square feet, Section 1282.11(c)(1).
2. A 1,671.53 square foot variance for minimum lot area of a single-family lot. Applicant shows 11,128.47 square feet for subplot 389, code requires 12,800 square feet, Section 1282.11(c)(1).
3. A 8.4-foot variance for rear yard setback of a single-family dwelling. Applicant shows 21.6 feet for subplot 388, code requires 30 feet, Section 1282.11(c)(5).

Application was read.

Chairwoman Masterson asked if there was a representative for the application.

Maria Craciun Dinu, Valore Builders, 23550 Center Ridge Rd, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber explained that the applicant was requesting variances to yard requirements for two

sublots of Phase 8 of Hampton Place and that Planning Commission granted preliminary approval of Phase 8 in September of last year. She explained that there was a lot of discussion at the time about stormwater management but at the time that it was approved by the Planning Commission, the project was completely zoning compliant. She added that once it passed through Planning Commission and went to detailed Engineering review, the Engineering Department had some concerns regarding to the property line that would abut existing residences along State Route 83 and as part of their review and requirements, they asked the developer to provide a separation, a 20-foot easement area between sublots and that boundary of those residential lots to create some open space to ensure that when you have a subplot, homeowners feel pretty free to make changes to their own property and they wanted to avoid any situation where a property owner was making landscape, grading or other changes that would negatively impact stormwater and potentially cause that stormwater to travel on to those abutting properties. She discussed that by maintaining that area as open space that would be under the HOA control, and they thought it would be easier just to deal with HOA to ensure that those changes weren't wrongly made to that area versus individual property owners would also provide for access in that area in order to ensure drainage would be maintained. She stated that as a result that 20-foot easement area along two sides of those various sublots cause that area of the subplot to shrink and in the Board's packets there they had the variance request that showed that 20-foot area and she also included the Planning Commission original approval. She explained that they could kind of see the difference of what she meant when she said 20-foot buffer that has been added and that that buffer had shrunk. She stated that now two sublots, 388 and 389 were thrown out of compliance with the minimum lot size. She stated that also the building envelope had shrunk, since they had to maintain setbacks from both the side and the rear property line. She mentioned that that was the origin of those variance requests and why originally it was a zoning compliant plat and now, due to engineering requirements, it was in front of the Board for those two sublots and for the three variances.

Chairwoman Masterson asked the applicant to explain the application.

Ms. Craciun Dinu stated that it was for Phase 8, which was the last phase of that development and those two lots that building envelope had shrunk down and was basically not buildable. She explained that the request was due to the minimum building requirement of 12,800 square footage on both sublots 388 and 389, as well as have the 8.4 variance request basically going from the 30-foot requirement to 21.6 feet, so that it would make it buildable on both sublots. She stated that they did have the HOA in place, and they were maintaining anything that was common area and common space. She discussed that it was all going to go into the plat, and then the Homeowner's Association would be required to maintain anything that was part of their requirement.

Chairwoman Masterson asked if any Board members had any questions, comments or concerns.

Vice-Chairman Kimble asked that on the third part of their request, the 8.4-foot variance for the rear yard setback, why were they not able to build a home that could fit in that envelope.

Ms. Craciun Dinu commented that she thought just having the open area of the building envelope and that be in the setback area would be beneficial for anybody who builds or bought the lot.

Chairwoman Masterson stated that generally the Board asked for a review of the Duncan factors regarding applications and that Director Lieber made a good point that the project was compliant originally, however, when it went to engineering, they determined that it needed a bigger area and that everyone was aware of how important maintaining everything for flood and drainage control was,

especially with as many storms as there had been recently. She asked regarding subplot 375 looked like it's pretty much half of the lot where the house would be built was wetlands.

Chief Building Official Fursdon stated that they would have to speak to Engineering because the wetlands may have been mitigated but he didn't have the answer for that.

Ms. Craciun Dinu stated that she saw what they were referring to, but it had been mitigated.

Chairwoman Masterson asked if she knew for sure that it had been mitigated.

Ms. Craciun Dinu commented yes. She stated that the only issue was with 388 with the rear setback because all of the other lots could fit the building envelope. She explained that originally the plans were approved with the 10-inch drainage easement, and it was changed to 20 and that really only affected that one lot more than any of the other lots.

Chairwoman Masterson read the Duncan Factors and stated that the first question was "Could the property yield a reasonable return?" She stated that she thought regarding subplot 388, that they could build a different house and not need the variances, but for subplot 389 what they were asking for was minimal. She read the second question, "Was the Variance substantial?" She stated that again, regarding subplot 388, it was entirely possible to put a house in that envelope, but the variances were minor. She then read, "Would the essential character of the neighborhood or adjoining properties be altered?" She stated that she didn't think that anybody would visibly be able to see any difference driving down the road. She read, "Would it adversely affect the delivery of government services?" and commented on that government services as the reason why they were there. She read the next question, "Did the property owner purchase the property with the knowledge of zoning?" She commented that yes, but they were also approved and once again they were back. She read, "Could it be fixed through a different way other than a variance?" She remarked that it would cost a lot of money to fix that, but they were not supposed to take money into consideration. She read, "Would the spirit and intent behind the zoning requirement be observed and substantial justice be done by granting the variance?" She stated that drainage was a big concern, and they wanted to make sure that they didn't impede any of the drainage issues.

Chairwoman Masterson asked if the Administration had other questions or concerns.

None were given.

Chairwoman Masterson asked if there was anybody in the audience that wants to speak on behalf of this matter.

Gary and Georgia Misener, 6068 Avon Belden Rd, North Ridgeville, OH 44039, were sworn in.

Mr. Misener stated that he and his wife were there to just say that they were firmly opposed to any annexation of their property by Valore or any other builder and that the answer was no. He commented that he was sure that all adjoining residents wanted to see proper water management and drainage, but they were going to have to accomplish that by some other means other than taking it from their property.

Chairwoman Masterson asked how would they be taking property that they owned?

Mr. Misener asked if subplot 388 wasn't directly behind their address.

Chairwoman Masterson stated that no one by law could build on their property.

Mr. Misener read, "Item number 3, an 8.4-foot variance of rear yard setback".

Chairwoman Masterson pointed to the map and explained that the variances would be on the builder's property.

Mr. Misener asked if there was any encroachment.

Chairwoman Masterson stated, no, by law they couldn't do that.

Mrs. Misener asked if they were talking about the field that was behind them.

Chairwoman Masterson commented that where the subdivision was going to be going, that was correct. She asked if they had any other questions.

Mrs. Misener stated that they did not and that that was a good outcome.

Mr. Misener apologized for the misunderstanding.

Director Lieber stated that just to add a little extra context, the area that was required by engineering to become an easement was intended to protect their property and their neighbors from stormwater flow. She added that the requirement was that there would now be common space between their property line and the privately owned subplot, so there wouldn't be a neighbor who owned property right up against their backyard. She discussed that that way they had the ability to ensure that the HOA was maintaining drainage in that area properly and that if they didn't, the City could come in and clear obstructions or things that might be blocking stormwater. She stated that Engineering made that requirement to protect them and their neighbors.

Mr. Misener asked what part of the parcels the variances affected if it wasn't encroaching on his property.

Chairwoman Masterson stated that it only effected the subdivision itself.

Vice-Chairman Kimble stated that the request for the 8.4 feet was to be closer to the rear property line. He explained that the home was supposed to be 30 feet from the rear property line, and they were asking to be 8.4 feet closer, and it was just the house being shifted just a little bit more.

Chief Building Official Fursdon stated that the Engineering Department had asked the developer to move the rear property line of that subplot that they were developing 20 feet away from their property line and by doing so, they had shrunk the size of that lot, so they were asking if they could build the house 8 feet closer to the rear property line instead of the 30 feet that the code required them to and had nothing to do with their property.

Chairwoman Masterson stated that by law no one was allowed to build on someone else's property. She asked if anyone else had any questions, comments or concerns.

None were given.

Moved by Masterson and seconded by Graupmann to approve variance request number one.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Moved by Masterson and seconded by Cain to approve variance request number two.

A roll call vote was taken and the motion carried.

Yes – 4 No – 0

Moved by Masterson and seconded by Cain to approve variance request number three.

A roll call vote was taken and the motion carried.

Yes – 3 No – 1

PPZ2024-0289 Chris & Linda Rogers, 35303 Downing Ave, PPN 07-00-019-000-072

Proposal consists of RV Storage. Property is zoned R-1 Residence District. Request:

1. A variance for an RV stored in the front yard, code does not permit, Section 1294.02(b)(2).
Application was read.

Chairwoman Masterson asked if there were representatives for the application.

Chris & Linda Rogers, 35303 Downing Ave, North Ridgeville, OH 44039, were sworn in.

Chairwoman Masterson asked Director Lieber to give her review of the application.

Director Lieber stated that the property owners were requesting a variance that would allow them to park and store their recreational vehicle, which was a camper, and in their case the front yard. She explained that the case came to the Board as a result of a property maintenance enforcement or zoning enforcement action. She discussed that the zoning code only permitted parking or storage of RVs on residential property to the rear of the front building line. She added that the applicant had indicated in their petition that such parking would take place during camping season and that perhaps they could provide dates as to when they proposed that would be.

Mr. Rogers stated that they kept saying front yard and he was aware that it was listed that way, but he just wanted to leave it in his driveway towards the back of the driveway.

Mrs. Rogers stated that it would be close to the garage and was a 21-foot camper. She discussed that they had campers for the last 15 years in the driveway and the current camper had been in the driveway since 2021. She stated that last year someone made a complaint about it, and they talked to all of their neighbors, and they all knew them, and they all said that they didn't really care that the camper was there. She stated that about four years ago they spent \$10,000 to put in a nice new driveway with a new

pad for it.

Mr. Rogers stated that last year when the complaint first came in, they did push it around back, but they could not physically put it to the side. He mentioned that all that they could do was leave it in the driveway at that house or drag it around to the back. He stated that he had talked to his neighbors, and he could push it between their two houses, but he would be partially on their property. He said that they had no problem with that, but even doing that he was coming close to the house and he hated to keep moving in and out of that area for fear of damaging the house. He stated that last year while moving the camper around back he put big ruts in the side of the yard and that there was a brick patio that the camper was sitting on, and he ruined the brick patio by parking it back there. He mentioned that he fixed it this year and would hate to have to keep doing that. He stated that again he put a new pad in there and he had a camper parked there for 15 years without a problem but now it was a problem. He commented that he could walk up and down his neighborhood, and it was common in their neighborhood and the whole city to park in driveways, but he can't do it.

Mrs. Rogers stated that if they could just leave it there for at least the camping months so that they didn't have to keep pulling it back and forth and back and forth they could store it.

Mr. Rogers stated that he would push it back and store it for the for the winter but pushing it in and out and in and out he was taking a chance of damaging his house.

Chairwoman Masterson asked Director Lieber how she found out about the complaint.

Chief Building Official Fursdon stated it was anonymous.

Chairwoman Masterson stated that there were an awful lot of houses that had the exact same thing and her big area of concern regarding granting a variance when clearly in that area where they lived as well as throughout the city, was common practice. She asked if she could make an inquiry into each one of those pictured and lodge a complaint in regard to that. She asked if she was allowed to do that as the Chair of the Board.

Director Lieber stated that anyone could lodge a complaint if they observed a zoning infraction certainly.

Chairwoman Masterson stated that those were clearly zoning infractions in that submittal.

Director Lieber stated that the result would be that then there would be an inspection, followed up on, notices of violation sent.

Chairwoman Masterson asked if that would be done.

Director Lieber commented that if she would like to provide specific street addresses.

Mrs. Rogers stated that that wasn't what they wanted to do.

Mr. Rogers stated that he didn't want to do that to all of his neighbors and wished he had the money to go store it someplace, but it was \$1,600 a month.

Mrs. Rogers stated that since they had written the letter to the Board, they had seen another camper that

was twice the size of theirs, but they didn't care. She added that if they went around the corner from them, there were two gigantic campers parked in the driveway. She stated that they didn't care what people did and their neighbors didn't seem to care either.

Chairwoman Masterson stated that the problem was that they were asking the Board for a variance.

Mrs. Rogers stated that it was just for those few months though and not for a year-round thing, just for the summer months.

Mr. Cain commented that it seemed that the code favored those houses with attached garages where they could put those vehicles to the rear of sight line. He stated that for certain neighborhoods and certain homes they could not follow those guidelines and to him that was an instance that maybe they should review the guidelines a little bit, because those particular homes could not follow the code that they were asking for a variance for. He commented that they couldn't follow the guideline that stated it had to be to the rear sight line of the house, one recreational vehicle and it had to be to the rear sight line of the house. He said that it was impossible to do when a home did not have a detached garage, because now he would be putting a camper or recreational vehicle in a yard where it didn't belong. He added that if he moved it to the yard or he had it stored behind his house back there and somebody complained again, was he now in violation again. He stated that not all of the homes could follow the guideline that was set past the rear sight line of the house for a camper.

Member Graupmann stated that he took a drive to that neighborhood yesterday and there were literally seven Class A trailers just in a quick drive by as well as boats. He stated that his concern would be that this was some kind of a selective enforcement on their part because they weren't doing anything about the other ones. He commented that he knew they probably were not supposed to take that into consideration, but it was hard for him to see that if they didn't grant that variance or if they made the gentleman move his trailer, well what do they do about the other ones.

Chairwoman Masterson stated that that was definitely her concern. She asked Director Lieber if it would be her responsibility to go down there and get the addresses and the properties and submit a complaint for each and every individual one.

Director Lieber stated that what she was suggesting didn't sound like that was what the applicant would like to happen. She mentioned that as the Board was aware, she was in the process of overhauling the zoning code and as they came up with the list of issues that needed to be tackled in the code updates, RVs were definitely one of those. She discussed that RVs were one of the most challenging things to regulate in zoning because they moved, anything with wheels. She stated that it wasn't a structure that they could easily regulate, and issue permits for and then it was good because RVs come and go. She stated that some of the comments in her report were also the challenge that they were allowed to park in their driveway for certain periods of time for loading and unloading. She explained that there was a huge challenge with Building staff to then document when those vehicles come and go, because it's not just going out and seeing it once, they would then have to come back in 48 hours and assume that it hadn't moved. She stated that it was super challenging, and they knew they needed to tackle that in the zoning code, but she didn't know that a massive enforcement at this point on the eve of reviewing the zoning code seemed like the right direction to go in her mind but to know that it was on their radar to do so.

Chairwoman Masterson asked if they were looking to remove it from the zoning code.

Director Lieber stated that she was sure there would continue to be some type of regulation of location of RVs, they just haven't gotten to the point where they had those recommendations in place yet. She said that they were still in the diagnosis phase where they had diagnosed that that was an area of the code they needed to revisit and come up with regulations that fit more different types of lots.

Chief Building Official Fursdon stated that the hard part was that the setback requirements in different areas of the city varied and mentioned that they could get into certain areas where the 21-foot vehicle was going to be 9-foot off that sidewalk and it was going to be there seven days a week, when they were not using it. He discussed that now it became a sight line issue for kids and pedestrians on the sidewalk. He explained that in the applicant's particular case, it was maybe not that close and not that great a hazard, but when they got into certain areas it could be, so as the director said, it was a challenge trying to come up with an ordinance because they just couldn't come up with a one-size-fits-all.

Vice-Chairman Kimble stated that he went by the property as well and as it had been mentioned, in their particular neighborhood, there was a large abundance of trailers in driveways and boats and RVs, however the actions of the Board could affect the entire City. He stated that as mentioned by Mr. Fursdon and Ms. Lieber regarding different lengths of driveways and trailers and sightline, there was a reason the ordinance was in place. He mentioned that he did understand and was sympathetic to the fact that they had been doing that for so long and that some neighbor somewhere got upset and made an anonymous complaint.

Mr. Rogers stated that they believed it was the neighbor that lived in the rental house next door that got evicted.

Mrs. Rogers stated that it wasn't just like that in her neighborhood but also in the City and she felt like they were being targeted.

Vice-Chairman Kimble stated that it went without saying that two wrongs did not make a right and definitely hundreds of wrongs did not make a right. He commented that he completely understood what they were saying but there was a reason why that ordinance was in place, and they were in violation of that at that time.

Mr. Rogers stated that that was why he was only asking for the minimal and just from Memorial Day to Labor Day, so that he didn't have to take that risk of damaging his property.

Vice-Chairman Kimble asked what the side yard setback was on his house, from the edge of his home to the property line on the east side, how wide was that. He stated that he didn't see that in the application anywhere.

Mr. Rogers stated that he didn't have an exact measurement of it, but they could see the yellow line on the map.

Mrs. Rogers stated that if they weren't going camping until July, they didn't pull it out until probably about four days before so that they could get it ready and load it and everything. She stated that now that they were back, they had it still sitting in the driveway because they were getting it all cleaned out and winterized to be put back again. She discussed that they didn't technically pull it out Memorial Day because they didn't go camping Memorial Day and only pulled it out when they were ready to go. She

remarked that they had done several camping trips this year and if they knew within like a month's time period that they were going to be camping, they would like to be able to leave it. She added that that way they could take things out, put things in, get it ready, and then when they were done it would go back again.

Mr. Rogers stated that in his particular case, it was sitting back there in the driveway up against the garage and was not blocking anybody's view of the sidewalk.

Vice-Chairman Kimble stated that just because there were dozens or potentially hundreds in the City that are in violation did not make it right. He commented that when purchasing an RV or a trailer or a boat, there were regulations that the City must abide by. He commented on if they being enforced and stated that no, they were not and agreed with them. He added that the Board was not there to enforce those policies, and it wasn't what they did. He explained that they just had to act on what was in front of them, on each individual application. He stated that he understood that they had been doing that for years and never had an issue and then suddenly, they had a neighbor that complained against just them and not everyone else in the neighborhood.

Director Lieber stated that they were in an intervening time where they had started the code update, and they had not come up with recommendations yet. She explained that they were in a challenging moment where a homeowner was looking for relief, but they didn't want it to become the pebble that rolled downhill and became a boulder and then all those other property owners were subject to potential inspection, citation and correction. She suggested that they might table the matter and let the administration consider a stay of enforcement until the code was updated, but it didn't mean that the property would become compliant. She added that at least in the meantime it allowed them more time to carefully consider those code updates without kind of treating different property owners differently. She stated that she would suggest just tabling the matter.

Chairwoman Masterson stated that they weren't saying that it may not change, but she had a really hard time granting a variance because pretty much a good 40% of their neighbors were doing the exact same thing. She discussed that she didn't think it was fair for her to turn them down and not go after those other people. She commented that she would prefer to table it. She asked Director Lieber if they were looking to get that done this year

Director Lieber stated they were not.

Chairwoman Masterson stated that they were looking at next year and asked if they would be allowed to do what they were doing.

Director Lieber stated that before she made any commitments, she was suggesting that they tabled it now and allow the administration time to regroup as to how they might approach the situation. She commented that that could be a stay of enforcement of all RVs for a period of time until the code was updated, or it could be some other measure.

Chairwoman Masterson asked if she would get back to them.

Director Lieber stated that she would.

Mrs. Rogers asked if they were ok for now.

Chairwoman Masterson explained that all that they were doing was tabling it. She explained that if they at least tabled it, they were not making a decision.

Vice-Chairwoman Kimble stated that if it was tabled, then they could just continue to do what they were doing for the time being, which sounded like it would be an extended period of time.

Moved by Masterson and seconded by Cain to table the application.

A roll call vote was taken and the motion carried.

Yes – 3 No – 1

PPZ2024-0291, James & Tammy Kovatch, 6329 Mills Creek Lane, PPN 07-00-005-108-075, -074

Proposal consists of a 6-foot high 100% closed fence. Property is zoned R-1 Residence District.

Requests:

1. A variance for a fence greater than 4 feet and 0% open in the front yard, Section 1294.01(h)(2). Note: Proposed fence is set back from the edge of sidewalk 48'6".

Application was read.

Chairwoman Masterson asked if there was a representative for the application.

James Kovatch, 6329 Mills Creek Lane, North Ridgeville, OH 44039, was sworn in.

Chairwoman Masterson stated that she had a question for Director Lieber before she gave her report. She stated that he was not on a corner lot and that there was a corner lot right next door. She asked if she would address that in her comments as well.

Director Lieber commented yes, the property owner owned those two residential lots on Mills Creek Lane, both that parcel ending in 075, which contained the dwelling, and then the parcel ending 074, which was the side yard to the north and had the frontage on the side street. She mentioned that effectively it was a corner lot when looking at those lots in combination. She explained that they wanted to install a privacy fence to screen their backyard from views from the side street and they did obtain a permit. She said that they were in the process of installing the fence when it was determined by building personnel that the height of the fence would exceed four feet, and also that segment parallel to Hickory Trail would be located within that required setback and was on the 074 property. She explained that the fence proposed was a total of 6 feet high, the bottom feet shadow box out the top two feet was horizontal rail. It would be set back close to the required property line, about 48 feet and change, so it was set back close to the requirement, but they didn't have an exact location of the right of way and where the post holes were, but they knew that it did encroach just a few feet to that front yard along Hickory.

Chairwoman Masterson asked if both houses on both ends, Block A and Block B belonged to the HOA.

Chief Building Official Fursdon stated not in that case, no.

Chairwoman Masterson she explained that that was where her misinterpretation was and was used to Bob Schmit homes subdivisions having common areas.

Chief Building Official Fursdon stated that if the fence were entirely on the parcel where the house was, they wouldn't be having that discussion, but they believed it was crossing that property line. He stated that they didn't believe it was substantially crossing the line, but it was enough to require a variance.

Chairwoman Masterson asked Mr. Kovatch to discuss his application.

Mr. Kovatch stated he was kind of surprised and thought the problem would be with the HOA when they went through the process of getting a privacy fence. He stated that when they bought the home in 2020, and at the time there was a pine tree back there, which they thought gave them a little bit of privacy on Hickory Lane. He stated that everyone would laugh because they could see right into their living room, so they had to start putting things up their windows because people could see by driving down the road, right through the house. He discussed that this year they hadn't even entertained on the deck or anything because now they felt like everybody was watching them when they walked down the street, and they never used it. He stated that they decided they needed to do something, and the remaining pine tree was taken down in the spring and the thought came to have a privacy fence to give them a little room. He mentioned that they contacted the HOA to see what they could have and what their rules were and submitted all the paperwork and got the approval from the neighbors. He stated that they had something about it running off the corner of the house, but he came out and said, no, I could come out, I owned that and that I could bring it out. He stated that the reason he brought it out from the house was because there was a walkway up the side of the garage that was already poured and he just envisioned being able to walk up the walkway and open a gate. He mentioned that he asked them to just give him enough so that he could have a gate. He stated that they just marked off a flat measurement from the house and they submitted it to the HOA and turned out to be 10-feet from the house, so that it gave him enough room for a three-foot gate and a little room so the gate wouldn't hit the fence when opening and closing. She discussed that that was why, it was just an arbitrary gave him this and on they went to the meeting, and they approved it, got the neighbors to OK it. He stated that he hired a contractor, and he came out. He said that they started to do the post holes, but they were stopped and had to figure out what and why. He stated that then it came down to the two parcels and he thought, well, if they changed everything, he thought it was Shane, who had suggested that if he wanted to go through with it that day that he could just move the fence. He mentioned that he didn't want to do that and wanted the extra room and if it was a variance he needed to do, then he was willing to wait. He stated that they were just hoping that they could continue on with what they got. He stated that he came out and they were looking for the property line and like she said it was very close and if they needed to squeeze it in, which he hoped they didn't because of the reasons it's, you know, I asked for the reasons the ordinance existed and he understand it was a corner home, and for most people it had to do with sight lines, like if somebody put a fence off the side of their house and all of a sudden that corner blocked vision. He added that it wasn't going to hurt any sight lines.

Chairwoman Masterson asked if any of the Board members had any questions.

Vice-Chairman Kimble stated that in this case he did think it was better to be safe than sorry. He commented that like Mr. Fursdon said, it seems like the fence could be over the property line, potentially not but who knew. He stated that he wasn't going to hire a surveyor to see exactly where the line was for the fence that could be a couple inches to a foot or so over, but it was better to be safe than sorry. He said that he appreciated them coming there that evening to address the Board. He stated that

as they had mentioned in their presentation, the major concern with fences on a corner property is visual obstruction, safety hazards, and such like this. He commented that theirs was extremely unique in that they had the separate parcel which is the real corner lot, and they could really be trying to abuse that and go all the way over and be asking for that type of request. He added that theirs was minimal, and he thought the fence was in place that was not going to stand out by any stretch. He commented that it was going to match the rest of the neighborhood, and he understood across the street there was another empty parcel as well. He stated that it would still be balanced and matched. He said that it wasn't like their fence would be impeding all the way over and across the street. He stated that their plan seemed to make perfect sense.

Member Cain stated that he wanted to applaud him for applying the brakes and asking permission in this situation.

Chairwoman Masterson went through reading the Duncan Factors regarding the application.

Moved by Masterson and seconded by Cain to approve the application.

A roll call vote was taken and the motion carried.

Yes - 4 No - 0

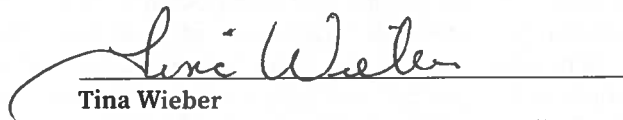
Chairwoman Masterson stated that she wanted it noted that there was no one in attendance in the audience to comment on that, which was the reason that she didn't ask for public comment.

ADJOURNMENT:

The meeting was adjourned at 7:55 PM.



Linda Masterson
Chairwoman



Tina Wieber
Recording Secretary/Deputy Clerk of Council

Thursday, October 24, 2024

Date Approved