

Board of Zoning Appeals
June 17, 2021
Minutes

Meeting called to order:

Vice Chairman Dan Delahunt called the meeting to order at 4:35pm. The following voting members were present: Bill Semans, and Gregg Peugeot. Thomas Horsman and Alec Ochs represented the Community Development Department. City Commission liaison Dave Waddington and clerk Kristen Barone were also present.

Review of minutes from May 20, 2021:

Dr. Semans moved to approve the minutes as submitted and Mr. Peugeot seconded. All members were in favor of the motion and the minutes were approved.

Swearing in of audience and staff members offering testimony on any agenda items:

Mr. Delahunt swore in everyone wishing to do so.

Adjudication Hearing:

1) 208 & 214 Perry St. – Area Variance

Mr. Ochs stated that the owner at this address is requesting a variance to allow construction of a 6-foot fence in the front and side yards. The code only permits up to 4 feet in side yards and 3 feet in front yards. The applicant states that the proposed work is to provide safety and privacy to the residents. Staff believes that visual consistency and a welcoming residential atmosphere is important. Furthermore, staff does not believe that the strict implementation of the zoning code would create a practical difficulty for this property and thus is not able to give a recommendation for the variance. Applicant Ziad Lababidi shared an email with the board that he sent to staff and the clerk read it allowed for those that were participating in the meeting virtually. The email stated "I have been dealing with a lot of issues with this property since I took over the buildings are open in the front and the back and it's an invitation to all proper and nonproper acting individuals to say the least to walk through or run away from some kind of improper act not to get into details. I am afraid to say sir that the good and decent people in those buildings need to feel safe and secure walking in the court yard at night without having to deal with a bunch of strangers who are crossing through or an individual who is possibly trying to market something unregulated. I would really appreciate it if the City would reconsider the installation of the fence I proposed. I am sure it is for the benefit of everybody." Mr. Peugeot stated that he feels that the height that is permitted by code should be able to accomplish a good separation between the street and the property and meet the owner's goals. Mr. Lababidi stated that he agrees, but if the fence were 6 feet on all sides, people would not be able to see behind it and people would not be able to jump over it, so it would create a little more protection for the people living there. Dr. Semans said that he gets Mr. Lababidi's points, but he also wants the place to have an inviting feel and a six foot fence would impede on any view residence on the first floor may have now, especially if it is a privacy fence that you cannot see through. He then asked the other board members what they think about allowing a four foot fence. Mr. Peugeot stated that he would feel comfortable with a four foot fence all around, but

asked the applicant to clarify if the fence he wants to put up is indeed a privacy fence that would not be see through. Mr. Lababidi replied that yes he wants to put in a privacy fence that you would not be able to see though, and it would be white. Mr. Delahunt stated that he agrees that a six foot fence in the front would be too obtrusive, but would be fine with the four foot fence. Mr. Horsman stated that if the applicant wanted to move the front yard fence line to be in line with the buildings, staff would be more supportive of a six foot fence in that case. Mr. Peugeot stated that would then limit the amount of fenced in yard they would have to play in though if kids want to kick a ball around in that front yard. Dr. Semans made a motion to approve a four foot fence in the front and a six foot fence on the sides. Mr. Peugeot seconded the motion. All voting members were in favor.

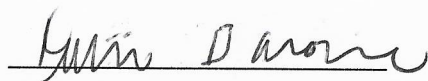
2) 715 Dorn Dr. – Area Variance

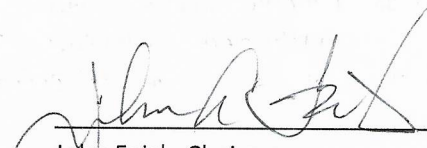
Mr. Ochs stated that the owner at this address is requesting a variance to allow construction of an attached garage with a 3-foot side yard setback. The combination side yard setback of both sides would be 9 feet, whereas the code requires 15 feet. Staff does not believe the garage addition would bring a negative impact to the surrounding properties, so staff recommends granting of the variance. Dr. Semans made a motion to approve the variance and Mr. Peugeot seconded. All voting members were in favor of the motion.

Adjournment:

Dr. Semans motioned to adjourn and Mr. Peugeot seconded. The meeting ended at 5:05pm.

APPROVED:


Kristen Barone, Clerk


John Feick, Chairman