

BOARD OF ZONING APPEALS MEETING  
JUNE 18, 2013  
7:00 P.M.

I CALL MEETING TO ORDER

The meeting was called to order at 7:00 p.m.

II ROLL CALL

Members Present: Lawrence Hawkins III, Ed Knox, Robert Weidlich,  
Carolyn Ghantous, Joe Ramirez and Jane Huber

Members Absent: Dave Nienaber

Others Present: Randy Campion, Building Inspector

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF FEBRUARY 19, 2013

Chairman Weidlich: We have the Minutes of the regular meeting from  
February 19, 2013; does anyone have any corrections or additions to those Minutes?

Mrs. Huber: I would move to approve, as written.

(Mr. Hawkins seconded the motion and with six "aye" votes from the Board of  
Zoning Appeals Members the Minutes of the February 19, 2013 meeting were  
accepted.)

V CORRESPONDENCE

Chairman Weidlich: Everyone should have received an updated zoning map in  
their correspondence, Ordinance 12-2013, Special Event Signs and  
Ordinance 16-2013, Regulations for Size of Recreational Vehicles.

VI REPORT ON COUNCIL

(Mr. Hawkins gave a summary report of the February 20<sup>th</sup>, March 6<sup>th</sup>, March 20<sup>th</sup>,  
April 3<sup>rd</sup>, April 17<sup>th</sup>, May 1<sup>st</sup>, May 15<sup>th</sup> and June 5<sup>th</sup>, 2013 City of Springdale  
Council Meetings.)

Mr. Hawkins: The only thing I will note is that you have your Ordinance regarding  
the R.V.'s and that Ordinance indicates that you can't have any R.V.'s in the front;  
you can have them on the side as long as you adhere to the setback of 5' and you  
can have them in the back yard. They took out the size requirements, there is no  
more size limitations so there will be no need to go back and look at industry  
standards over time.

Mr. Knox: As far as the R.V.'s, the people who have them in the front yard right  
now are grandfathered. If they move them for a specified period of time they will  
have to comply with the regulations.

VII REPORT ON PLANNING COMMISSION

(No report presented for Planning Commission at this meeting.)

VIII CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

IX OLD BUSINESS

(No Old Business presented at this meeting.)

X NEW BUSINESS

- A. Chairman Weidlich: Just for the applicant's reference, we are short one Member this evening so a tie vote is a denial of the request.  
Our first order of New Business is the owner of 455 West Kemper Road requests a variance for a fence to be installed in the front yard of the property. Said variance is from Section 153.482(A)(1) "No fence or wall other than a retaining wall shall project past the front building line of any principally permitted or conditionally permitted structure.

Mrs. Dawn Fish: I live at 455 West Kemper Road and I don't want to install a fence; there is already a fence there, it is an ugly wiry fence. Part of it is wiry and on the other side is wood that is painted, just one section. What I wanted to do is replace the fence with a white picket fence so that it looks nicer. Right now it has a bunch of trees and weeds growing all in it and I wanted to clean that up. I would rather have the white picket fence there. It would look much nicer than the wiry fence; I don't know how long that has been there.

Mrs. Huber: Years.

Mrs. Dawn Fish: Yes, it is grandfathered in.

Mrs. Huber: When I was little it was there.

Mrs. Dawn Fish: I also saw in the paper that you sent, it was said that the traffic is not as busy where I live as somewhere else; well, I live right by the businesses and people walk all day long through there to get to the businesses on Route 4. They throw their trash there. There was something else said about not knowing about the zoning code; when I moved here I had no idea. I didn't even know that you had to get a permit to do something. Also, when I moved here I was not told that I was in a flood zone. I know that is not any of this business, but it is very disturbing and it costs a lot of money to maintain that property.

Chairman Weidlich: We don't have anything to do with that.

(At this time Mr. Campion read the Staff comments.)

Chairman Weidlich: Is there anyone from the audience that would like to speak on this issue?

Ms. Susan Roschke: I am from 500 West Kemper, just a little bit further down the street and I am not really pro or con on this, I am just here to understand what is going on. I understand about having people walk through the yard and throw trash because they do that to everybody on the street. I have people tromping through and throwing ungodly crap in my yard all the time. I don't know what kind of fence it is but I am curious to how open it is. Nobody else has a fence along there and it would look pretty out of place. I am just curious how it will fit into the neighborhood.

Chairman Weidlich: Thank you for your comments. Is there anyone else who would like to speak on this matter?

(No one else came forward and the public portion of the hearing was closed for this issue.)

Mr. Hawkins: What is the height of the fence?

Mrs. Dawn Fish: I am not going to put it up as a privacy fence. It will probably be a regular white fence. If I need to get examples or pictures of the material then I could probably do that; if you would like to see it before it is actually put up.

Mr. Hawkins: So what you are proposing is shorter than the fence that is currently there?

Mrs. Dawn Fish: Yes, it is going to be shorter than the fence that is there.

Mr. Hawkins: And you heard Staff's comments; is there anything based on the lot line or topography that makes that land unique to anybody else's?

Mrs. Dawn Fish: I only have one neighbor and my other neighbor is a church; where I live is kind of back off the street and you can't really see our house because of all of the trees. Since the fence is already there, I am not going to take the fence down because I would feel like that would be opening up my yard. From my fence to my house is far, I am not right at the street so other than being a corner lot and being surrounded by trees. I don't have any neighbors who would say, "Well, since you have a fence then I want a fence". They already know that the fence is there, it has been there and I only have one neighbor.

Mr. Hawkins: And you said corner lot based on the fact that you have the church next to you?

Mrs. Dawn Fish: Yes, my house is here and the church sits back behind us. But there is no one on that side next to me except a creek and trees.

Mr. Hawkins: I just wanted to make sure for the record that it is clear, it is not technically a corner lot but it is in terms of the residential side of it.

Mrs. Dawn Fish: Right. If you put a sidewalk in, it would end there.

Mrs. Huber: Is the fence that you are going to use plastic coated, like they have now, that is probably more durable than just a wooden fence that has to be painted every three or four years?

Mrs. Dawn Fish: Yes. I don't want to paint the fence. I want to put it up and have it be there and I am done. Really, I am not particular on what kind of material it is. If you say to get a certain material then that is what I will do. I would rather have something that I didn't have to maintain every year.

Mrs. Huber: How far from the gully that comes into your yard will that fence be placed?

Mrs. Dawn Fish: I think it is the property line. The fence is already there.

Mrs. Huber: Yes, I know but it is an old fence and the right of way maybe has changed since that fence was installed. I remember that as a little girl. You have to ascertain where the right of way line is.

Mrs. Dawn Fish: I am not sure what a right of way line is.

Mrs. Huber: The Building Department can tell you how far away the fence, if you

get approved would be placed. I am on this Board to enforce the code but I love fences; I think fences make a sense of community.

Mrs. Dawn Fish: If the fence was to be torn down it would be really weird to me.

Mrs. Huber: You are getting rid of the honeysuckle?

Mrs. Dawn Fish: Yes. There are a lot of weeds and a lot of overgrown trees and stuff like that; and it is very hard to take care of because it is wiry and the vine gets all tangled up in it.

Mr. Champion: As far as the right of way, I don't know exactly where it is but if you look on your aerial map, it is probably pretty close to the line that Cagis is showing us. The right of way is the public right of way; it is not your land it belongs to public. In general it is about ten feet or twenty feet back from the road but it changes all over the City. This aerial picture has the right of way where I would think it is. If the Board gives you a variance for this fence, you would have to come and get a permit and we would not let you put your fence in the right of way, it would have to be on your property.

Mrs. Dawn Fish: Yes. That is fine.

Mr. Champion: And the other thing that I would ask is, because a variance is very specific, that you make a decision to the height of the fence and the type of fence that you want. The materials, we could work that out later or the Board could specify that.

Mrs. Dawn Fish: O.K.

Mrs. Ghantous: How long have you lived there?

Mrs. Dawn Fish: Eleven years.

Mrs. Ghantous: Has it been more recently that you have had more foot traffic go through there?

Mrs. Dawn Fish: Well, there has always been; not so much in the wintertime but when it is warm outside. The fence is there, that is the thing, I am not worried about the traffic but there are a lot of people that walk through there all the way down Kemper Road but when you get so far down Kemper Road you have sidewalk. Springdale doesn't have sidewalk on Kemper Road, so that kind of divides your property when you have sidewalks. This fence, to me, divides my property from the street.

Mrs. Ghantous: That is more of your desire, to keep that division as opposed to dealing with the foot traffic?

Mrs. Dawn Fish: Yes.

Mr. Knox: You said that you have people that go through your front yard, is that on the street side of the fence or the house side of the fence?

Mrs. Dawn Fish: Actually, that is a good question because it is both. Because we have no fence in the backyard there is a creek; we have had our car stolen out of our driveway from someone coming through our yard and getting in our car and driving it out of our driveway.

Mr. Knox: Because if somebody was just walking down Kemper Road on your side it gets very precipitous, it gets to be a great incline as you get toward the creek and then you have to go around the guard rails there. Personally, if I was walking down that street I would be on the other side of the road.

Mrs. Dawn Fish: Right, but I think you are supposed to walk towards the traffic.

Mr. Knox: Which would be the other side; it is all according to which direction you are going in.

Mrs. Dawn Fish: That would be my side; walking toward the traffic from the church would be on my side of the street, which is the side I live on. I live right past the guard rail is where the fence starts.

Mr. Knox: So the traffic going east bound would be facing the opposite side of the road, would be the other way. I personally am worried about setting a bad precedent; if we have one fence there, other people and that may not be right now, but eventually they will come along and say they have a fence, so I would like to have one too. That gives me great pause and I am thinking about it.

Mrs. Dawn Fish: The one thing is, right now it has a lot of trees and stuff growing up in it. You can't see it; you have seen the pictures that I brought in, you can't see the fence so if I tear all that down without tearing down the fence they are going to see the fence and know it is there, either way. Basically you can leave it as the ugly wiry fence or you can put in the white fence and make it look pretty and make it look nicer.

Mr. Ramirez: I see the fence set back from the road and is that where the traffic is between your fence and the road?

Mrs. Dawn Fish: Yes.

Mr. Ramirez: Does that fence also go down the side of the property or is it just parallel to the road?

Mrs. Dawn Fish: It is parallel to the road. There is no fence where the trees are.

Mr. Ramirez: So, they can walk on the other side of your fence, as well?

Mrs. Dawn Fish: Oh yes. They can go through the church and come up through the back which they have done. I have caught people coming through my yard that way.

Mr. Ramirez: So, you are proposing to run it parallel to the road and also down the sides, as well?

Mrs. Dawn Fish: No.

Mr. Ramirez: So, that traffic won't change?

Mrs. Dawn Fish: No, not really. But if you take the fence away it will.

Mr. Ramirez: Right, if you didn't have any fence at all. I have a little bit of concern of what this fence consist of and what it will look like, the height of the fence. You said that it would be no higher than the current fence and this fence looks to be crumpled down and it is only like three feet high?

Mrs. Dawn Fish: Well, I am 5'-5" so it is probably up like this (demonstrating from her height).

Mr. Ramirez: And also the design of the fence, is it a solid white fence or is it alternating board on either side; is it going to look intrusive to the people looking toward your house?

Mrs. Dawn Fish: Well see I didn't know that I had to know all of that when I came in here, I was told that I just come in and ask for a variance. All of that I can work out, as far as what it is going to look like and what materials are going to be used. I

am not picky about that; what material or how high it is. I don't think that is really going to make a difference, it definitely won't make a difference in traffic.

Mr. Hawkins: Here is the issue for me and Mr. Knox touched on one issue I have in terms of what kind of precedent may be set; right now a variance runs with the land forever so it stays with the land forever. It is not just with you but it will be with whomever you sell the house to and to whomever they sell the house to and so on. Variances get granted when there are unique exceptional circumstances for that land and so there are legal things that have to be shown, if we are granting a variance. The thing that I am wrestling with is I am not seeing anything that is unique or exceptional to the land. I understand where you are placed and I understand that there is a church next to you and you are getting foot traffic but everybody in theory is getting foot traffic, by definition, if they are going by you they are going by several neighbors.

Mrs. Dawn Fish: Yes.

Mr. Hawkins: The part that I wrestle with is would I rather have a nice new fence there or an old wiry one there; I think anyone would rather have a nice new fence there but that unfortunately is not what we can base a decision on for whether or not to grant a variance. It has to be based on, are there unique and exceptional things with that piece of land. If we don't base it on that then we really get into a problem in terms of precedent, as Mr. Knox was saying, because someone else comes through and says they don't want people to walk by our place either, that is not really a unique situation with the land.

Mrs. Dawn Fish: And see, I understand what you are saying but I don't look at it that way because those people do not have fences. They are asking to put a fence up that is not even there.

Mr. Hawkins: And I understand, and the fact that you have got a legally non-conforming situation right now is why we are here.

Mrs. Dawn Fish: Yes.

Mr. Hawkins: Mr. Champion, do we have a definition for repair?

Mr. Champion: You are allowed to maintain your property and you are allowed to repair the fence that is there.

Mrs. Dawn Fish: But doesn't it have to be with the wiry?

Mr. Champion: It would be with the same materials that she had. And the other point that I touched on earlier is that if you grant a variance it has to be very specific to her property and to what you are granting a variance for. This Board needs to know the height of the fence and what the fence is going to look like; whether it is vinyl or wood or picket, I don't think that is as important as whether it is a four foot fence or it is a five foot fence or it is a picket fence. These are the things that probably have to be decided before a decision is made.

Mrs. Dawn Fish: My husband drives a truck and he would have been the one to come here but I had to come because he is out of town. He did tell me if you guys have any questions we could call him. He said the white picket fence and I am not sure if he means three feet or four feet; I don't know.

Mr. Hawkins: Was the end that is closest to your driveway, the red, white and blue, the wood part?

Mrs. Dawn Fish: Yes.

Mr. Hawkins: How far back does that go?

Mrs. Dawn Fish: Well, we received a letter saying that we needed to paint that, so my husband painted it.

Mr. Hawkins: That was there when you bought the property?

Mrs. Dawn Fish: Oh yes, that was there.

Mr. Hawkins: Mr. Champion, was that part legally conforming, do you know?

Mr. Champion: Even if you have a non-conforming fence you have to maintain it so if you have exposed wood you have to continually paint it.

Mr. Hawkins: But what I am saying, is that part supposed to be there?

Mr. Champion: That section of fence?

Mr. Hawkins: That last section that is wood?

Mr. Champion: Is the last section in the right of way; is that what you are asking?

Mr. Hawkins: Since we grandfathered in as legally conforming, was that after the Code was changed, if you know?

Mr. Champion: I don't know when the fence was put in but any fence in the front yard would be non-conforming.

Mrs. Dawn Fish: Well, the lady that lived there before when we moved in there, that wooden fence was there and we haven't put up any fence since we moved in eleven years ago.

Mr. Hawkins: If someone is repairing the fence and part of the fence is wire and part of the fence is wood, if one were to repair the fence that is wire with wood are we still technically replacing the fence?

Mrs. Dawn Fish: You have a point there; if I were to repair the fence piece by piece I could put the wood up because there is already wood there.

Mr. Hawkins: Well, I am asking Mr. Champion if we are only limited to that section where that material is already there or if the fence is both materials, could that carry through? It wouldn't be a white picket fence.

Mr. Champion: I am not sure because it is non-conforming. The safest answer would be to replace the wood where there is wood and wire where there is wire. You do have to maintain it and that might be something for further discussion.

Mr. Knox: I like where Mr. Hawkins is going. Would it be out of the question to table this thing and then have a decision made on that question? I would prefer to see a fence there but the way the ordinance reads there can't be a new fence there; but if we can have an old fence repaired in the extreme I would be totally in favor of that.

Mr. Hawkins: If that is a motion to table then I will second that.

Mr. Champion: I don't want to tell you what to do but the applicant has to tell us exactly what she wants and then the Board has to decide what to do with that. It probably wouldn't be out of the ordinary to ask the applicant to check with her husband and come back next month and present what they want to put up and that would probably give me time to talk to Mr. McErlane about an interpretation of what is non-conforming and what isn't. If she was just going to replace the wire fence with new wire fencing or paint the wire that is there; we have chain-link fences all over the place and we make them paint them when they rust, but that is a different issue. That would be my advice.

Mr. Ramirez: Yes, my suggestion would also be that I would like to see, if we did approve a variance, what the fence would look like and the materials and how high before I make a decision.

Mr. Hawkins: If it can get to a place where you don't need a variance then so much the better. Right now, the way my thought is in terms of Staff's comments and what I heard, I probably would not be in favor of granting a variance just because I don't see the legally unique exceptional circumstance for the land but what I am trying to do is see if there is anything brainstorming wise that can get you to a place that you would like to be without us even having to grant you a variance.

Mrs. Dawn Fish: I understand. Thank you.

Chairman Weidlich: I go along with what Mr. Knox and Mr. Hawkins are saying about the fact that it goes with the land forever; we are setting a huge precedent along Kemper Road by granting a variance there and what is to say that if we grant the variance that all the neighbors up to Rose Lane don't come in and want a fence each of a different material, different height, different look. We could have a real hodge-podge of fencing going up the road there and everybody on Kemper Road could come in asking for a variance to have a fence then.

Mrs. Dawn Fish: Right.

Chairman Weidlich: If we would make a decision tonight, I would not be in favor of your variance. But it is the Board's decision and I will leave it up to the Board if we want to table it and get more information for next month.

Mr. Knox: I make a motion that we table this matter until next month, if Mrs. Fish agrees.  
(Mr. Hawkins seconded the motion.)

Chairman Weidlich: Do you agree, ma'am?

Mrs. Dawn Fish: Yes, that is fine.

Chairman Weidlich: We will table this issue until next month and you can get with the building department and see what is going on, and you and your husband can get the specifics of what you intend to do there.

Mrs. Dawn Fish: O.K., sounds good.

- B. Chairman Weidlich: The next order of business is the owner of 324 Cameron Road requests a variance to permit a 10' X 14' utility building to be placed with a 0' setback to the side property line. Section 153.067(B)(4) "All other structures must be at least 5' from any rear or side lot lines." Would the applicant come forward to the podium?

Mr. Chris Manis: I live at 324 Cameron Road. I have a letter from my neighbor; can I pass that out now?

Chairman Weidlich: You can go ahead and pass it out; that is fine. We will make it available with the Minutes.

Mr. Chris Manis: This is the old section of Springdale, built in 1940 or 1941 where it just looked like cookie cutter houses; the builder went through that area and put up a bunch of houses down that street that are almost the same. On my lot, right behind the house, the lot is a narrow lot and I measure in between my fences as 46' wide but it is a half acre, as you will see in the aerial photos. There was an existing garage when I bought the house and I didn't know about the zoning and having to get a variance. It was a dilapidated garage so I tore it down; it was a 10' X 22', and

what I want to put up is something even smaller on that concrete slab that is pre-existing on the property. If I set it off of that slab 5' it would put it towards the center of my yard and obstruct the use of my yard and I just think it would look weird to the next future buyer that wants to buy my house. They would want to know why I didn't use the existing concrete slab. I am like all of you guys, I am blue collar and I go to work, I get a small paycheck to pay the bills to put food on the table. I can't afford to tear out that slab that is there to pour a new one. With the yard, I saw in one of the arguments on the letter that I got back from the zoning code, is "why can't I put it in the back of my property?" One of the reasons I don't want to put it back there is just last week or two weeks ago my neighbor at 326, who wrote the letter, to the south of my property is an overgrown culvert back there in a wooded area; they found a family of five people living back there and then the police department came out and didn't find anybody. Another neighbor was back there, because I heard about it, and found the people actually back there. The cops came out and didn't make any arrests or anything and just basically told the people to pack up and leave. The reason I don't want to put it in the back is because my property is open, I can't afford to fence in the whole property, since it is such a long lot and the material costs would be way too much; so there is security concerns. I would not be able to keep an eye on my property in the very back from people coming in from that wooded section which backs up to the commercial division of Forest Park. I won't be able to see at night what is going on; where somebody even during the day could just walk up to the back and nobody knows what is going on and just cut open the back and take everything out of the back and nobody would be none the wiser. Another reason I need to have my full back yard is I have a working dog and I use him in the Fall but in the Spring and the Summer I train him and I use the whole aspect of my yard which was one of the reasons why I purchased the house because it is a nice big open yard and I can use it for my kids and future activities and not have obstructions in the way, so that I can work with my dog in my backyard. The main reason I purchased the utility building was to put yard equipment for maintaining the property and then also a place to store a motorcycle. It would be unfeasible to put it way back on my property because there is no access to it versus riding through the yard and now we have safety issues at that point.

(At this time Mr. Champion read the Staff comments.)

Mr. Champion: I would like to add that the zoning ordinance requires that every house have a two-car garage; this had a one car garage which the applicant tore down so at the present time it does not have a two car garage.

Chairman Weidlich: Is there anyone in the audience that would like to speak on behalf of this application?

(No one came forward and this portion of the hearing was closed.)

Mrs. Huber: The property behind you, does that not belong to Forest Park?

Mr. Chris Manis: That is Forest Park.

Mrs. Huber: Looking upon the drawings, the pictures that were provided us, your house doesn't sit five feet from the property line?

Mr. Chris Manis: No, it does not.

Mrs. Huber: It is right on the property line.

Mr. Chris Manis: Yes, it is.

Mrs. Huber: I was surprised; I lived here all my life and when I went to look for your home I never remembered all those houses being so close on Cameron Road. There was a farm several places from you, way in the back and a few up near Sharon Road but I just can't believe how many houses and how close they are.

Mr. Chris Manis: I didn't realize it myself when I bought it, until I moved in.

Mr. Knox: You have a fence in the back yard?

Mr. Chris Manis: Yes.

Mr. Knox: To obviously keep the dog in and keep people out?

Mr. Chris Manis: Correct.

Mr. Knox: So, you are working in a restricted space in that area. Your house does not have the minimum of nine foot between the property line and the house itself?

Mr. Chris Manis: No, it does not.

Mr. Knox: The people on either side of you have outbuildings that are closer than five foot to the property line?

Mr. Chris Manis: Each resident; the one to the right of me, they would be on the north side looking at the houses; they have an old garage similar to what I had right there on the property line. It is basically exactly where mine is. And my neighbors on the left, that wrote the letter, have a utility building that may be ten or fifteen feet past that.

Mr. Knox: It looks to be eighteen inches off of the property line.

Mr. Chris Manis: Which one?

Mr. Knox: The one at 326 Cameron Road.

Mr. Chris Manis: I have never measured.

Mr. Knox: You are in a restricted situation there; let's face it, these houses are unique in this City, the layout of them. I am looking for another situation where we can accommodate Mr. Manis but at the same time not violate the ordinance. Do you have to have a 10' X 22' shed back there?

Mr. Chris Manis: The shed or garage that was pre-existing on the property was 10' X 22' and I am just putting up a 10' X 14'; so something smaller than what was on the property before.

Mr. Knox: The ten foot goes from the property line out toward the center of your lot?

Mr. Chris Manis: Yes, sir.

Mr. Knox: Would you be amenable to an 8' X 14' or 8' X 12'?

Mr. Chris Manis: I don't think I would be able to park my motorcycle in there side by side with a riding lawn tractor and all my other yard utensils.

Mr. Knox: Do you really need the 10' X 14'?

Mr. Chris Manis: Yes, sir. I have already purchased it. It would fit perfectly on that slab.

Mr. Hawkins: You have heard, as with the other applicant, that these are things that run with the land forever. While I appreciate the letter from your neighbor to the south, there may be somebody else there at some point and time that would take exception to it being there. I do think you are in a somewhat unique situation with regard to these are narrow lots when you are taking into consideration the sizes of the house, in terms of that width. Staff indicates that there is a lot of space for you to put that shed, and that is true, but you do have your building sitting on the

property line which is not typical in the City. I would have an open mind to considering a variance for something that would not sit directly on the property line. Maybe we are not talking about five feet off, which I know that you have some other improved surface area back there?

Mr. Chris Manis: That is all getting torn out.

Mr. Hawkins: But to go exactly on the property line with a 0' setback; the reason we have that in the Code is we have concerns about being able to get back behind things, if you need to repair something, paint something or address something without going into somebody else's yard. I may be open if you will do a three foot setback or maybe even a two foot setback; something that is maybe not all the way out to five foot. I have an issue with the 0' setback because it is right there on the property line. In terms of a practical standpoint, you heard Mr. Knox making a suggestion in terms of a smaller shed. The other way you may address that is by pouring some more concrete or making another improved area further toward the north of that current slab so that you have some more space there on the backside of that.

Mr. Chris Manis: If we got into that aspect of it, it would be more toward the center of the yard and so that would obstruct my view into the back yard. When my daughter is older and hopefully we have more children later, I will not be able to keep an eye on them, as well. And, as I said before, when working with my dog, sometimes I use the full aspect of my whole property. I understand what you are saying with the variance of possibly setting it two or three feet off the property line but I think it would look out of place in the neighborhood if it wasn't on the property line because that is where everybody else's is placed which is grandfathered in. I didn't know about the zoning variance that I would have to get if I tore down the previous structure that was grandfathered in and now it is null and void since that structure is removed. But the concrete slab still exists on the property.

Chairman Weidlich: I share Mr. Hawkins comments too; we worked with other homeowners on this Board that have wanted to put their shed right on the property line and you're probably not going to own that house forever, just like the previous owner didn't and your neighbors are probably not going to be there forever and whoever owns each house may not get along. If you put your shed right on the property line and it needs maintenance or painting, the other home owner may not let them do it and that is the reason for the Code. So, you have room to construct it, to get on that side of the building because it appears that a split-rail fence is right up at the slab.

Mr. Chris Manis: Yes, there is. The nice feature about this shed is it is one that bolts together, pre-assembled kit from Lowes where you just put it up. I believe the package said it weighed 450 lbs. and it is going to be bolted to that slab, so if you send me a letter and say it needs painting, it would be too much of a pain to reach over my fence or if they hated me and wouldn't let me step on their property, then I would unbolt it and slide it over to do what I need to do and then slide it back.

Chairman Weidlich: We have to look at the initial construction of it and the placement of it and I am with Mr. Hawkins, I would be willing to entertain something in the order of a three foot setback from the property line for the construction and the maintenance of it; if you would be receptive to something like that.

Mr. Chris Manis: I understand what you are saying; I see that you need access to work on the side of the building, it is aluminum sided so it is very low maintenance and the paint will last years and years. But that shed will be there a long time after I leave the property and the exterior should last probably twenty to twenty-five years before it needs its first coat of paint. If you look to the north side, which would be 322 Cameron, there is a space between their garage and the fence line. The problem that we have there is honeysuckle and junk growing up, so it is more of a hassle to maintain that. I figure with it being tighter, it is more maintained because my

neighbor has a garden there and then if there is stuff growing up there you could just spray a little bit of Round-Up to take care of that problem.

Chairman Weidlich: So, I guess you are saying that you don't care to set it back a few feet from the property line?

Mr. Chris Manis: I really would not like to do that. I think it would be easier and look better if it set directly on that pre-existing slab. The way the driveway is it would go directly into where that old garage was; how the property is laid out, I believe it would look better versus being set off a few feet.

Chairman Weidlich: We are not going by appearances, we are trying to uphold the Codes and give everybody fair treatment, so that is why we are trying to work with you to approach you to get a few feet setback, not the total five foot.

Mr. Chris Manis: I understand.

Chairman Weidlich: You are not receptive to that idea, is that it?

Mr. Chris Manis: I would be if it were two feet or so but my concerns would be if we sold the house in five years and if I was a potential house buyer and I saw that then I would wonder why the utility building was set there versus up against the property line, not knowing the City zoning laws and all of that.

Mr. Knox: You could always blame it on the people at City Hall if it came to that. I would not be able to vote for this if you didn't move it two foot off the property line, as a minimum. The point that Mr. Hawkins was making is that somebody has to be able to get behind that on your property to do anything if a thunderstorm comes up and does damage to it, then you need to get to the structure, and not just to paint.

Mr. Hawkins: I agree. I would not support a variance with a 0' setback. I would be willing to go to two feet if you were willing to do that. I think a 0' setback is too intrusive on that neighbor. It is not you and it is not your shed because that could change. If you get a variance to put a building there then somebody else could move in and do a different type of shed that you can't unbolt and move over. A variance is a big deal because it is going to be there forever. I would support something that would deal with a two foot setback.

Mr. Chris Manis: Could we meet in the middle with a 1' setback?

Mr. Hawkins: I would support a two foot setback.

Mr. Chris Manis: If it would pass tonight, I would agree to a two foot gap between the fence and the shed. I would pour the amount of concrete that needs to be added off to that side to be within Code.

Chairman Weidlich: So, do you want to modify your application to a two foot setback?

Mr. Chris Manis: We could do that.

Chairman Weidlich: Since you are willing to work with us and set it back two feet, I will vote for that variance.

Is there any further deliberation from the Board Members?  
(No further discussion presented.)

Mr. Ramirez: I move to approve a variance on the property at 324 Cameron Road to allow a two foot setback on the side yard to build a utility shed on an existing slab; the new shed to be a size of 10' X 14'.

(Mr. Hawkins seconded the motion and with six "aye" votes from the Board of Zoning Members present, the variance request was approved.)

XI DISCUSSION

(No discussion presented at this meeting.)

XII ADJOURNMENT

Mr. Knox moved to adjourn, Mr. Ramirez seconded the motion and the Board of Zoning Appeals meeting adjourned at 8:10 p.m.

Respectfully submitted,

\_\_\_\_\_,2013\_\_\_\_\_  
Chairman Robert Weidlich

\_\_\_\_\_,2013\_\_\_\_\_  
Secretary Jane Huber