**VILLAGE OF EVENDALE**

**BOARD OF ZONING APPEALS**

**MEETING MINUTES**

**SEPTEMBER 26, 2019**

Pursuant to written notice, the meeting of the Board of Zoning Appeals (the “BZA”) was called to order by Chairman Dave Harwood at 7:30 pm on Thursday, September 26, 2019, in the Council Chambers of the Village of Evendale Municipal Building. Attending were members Dave Harwood, Rhett McGregor, and Tom Shanks. Supporting the BZA was Andrew E. Rodney (Building, Planning, & Zoning Manager).

Those present who planned on providing testimony were duly sworn in by Mr. Harwood.

New Business

**V-19-07: Scott Dockery, 10068 Carpenters View Drive (611-0020-0380). Applicant proposes to construct a fence at 10068 Carpenters View Drive within a Single-Family Residential zoning district. The Applicant is requesting the following Variances from Chapter 1266 of the Village Codified Ordinances:**

1. **Variance #1 – To construct a fence within the front yard along Carpenters View Drive. Per Schedule 1266.04(A), fences are prohibited in a front yard.**
2. **Variance #2 – To construct a fence five (5) feet in height within ten feet of the south property line. Per Schedule 1266.04(A), fences are limited to a maximum height of four (4) feet within ten feet of a property line.**
3. **Variance #3 – To construct a fence six (6) feet in height along the east property line. Per Schedule 1266.04(A), fences are limited to a maximum height of four (4) feet within ten feet of a property line.**
4. **Variance #4 – To construct a privacy fence along the east property line. Per Section 1266.09(h)(1)(A)(i), perimeter fences shall have an open face area of at least 70 percent.**

Prior to the meeting, the Applicant distributed letters from the residents of 3273 Brinton Trail and 10067 Carpenters View Drive expressing support for the requested Variances.

Scott and Kathy Dockery appeared before the BZA. They summarized the original request for a six-foot privacy fence along the east property line to match an existing fence, and a five-foot Kentucky cross-buck board fence along both the west edge of the rear yard and the south property line. Their stated desire for the fencing was to enclose the rear yard for their personal enjoyment as well as protect their two small dogs from predation by coyotes from the adjacent Gorman Heritage Farm.

While summarizing the original request, the Applicant requested two additional Variances: 1) To allow a privacy fence along the south property line, and 2) to allow the privacy fence to be six-feet in height within 10 feet of the south property line.

The Applicants approached the BZA to share a site plan of their proposal. They stated a preference to construct the privacy fence along the southern property line, but expressed a willingness to have a five-foot setback to match the rear line of the existing storage shed at the southeast corner of the rear yard.

At the request of Mr. Harwood, Mr. Rodney summarized the staff analysis as written in the Staff Report which stated support for Variances #1, #3, and #4 finding the Standards for Non-Sign Variances could be met in this case. He noted an existing six-foot privacy fence along the east property line that was legal and permitted at the time it was constructed though would not be under the current zoning code, as well as existing hardscaping that protrudes into the front yard along Carpenters View. Both of these unique conditions were present at the time the property was purchased by the Dockerys. Mr. Rodney noted Staff support for Variance #2 was lacking as the minimum necessary to achieve the desired height would be to setback the fence the required 10 feet from the south property line. As stated by Mr. Rodney, there was no hardship preventing such a setback. Mr. Rodney further stated two (2) recommended conditions of approval for BZA consideration.

Mr. Rodney expressed concern with approving any newly requested Variances given they were not part of the original public notification.

Mr. Harwood requested the Applicant determine how to proceed: whether to approve the Variances as requested or return with an amended request reflective of their desires at the next scheduled meeting.

Mr. Dockery asked if they switched back to the Kentucky board fence, could it be six feet tall along the south property line.

Mr. Rodney responded the fence would have to meet the required setback for that height.

Mr. McGregor noted the location of the south property line was not definitively defined. He further offered an opinion that the Gorman Farm likely would not have an issue with either a five- or six-foot fence along their shared property line.

Mr. Shanks asked if the requested Variances as noted could be approved. Mr. Rodney answered in the affirmative.

Mr. Shanks expressed support for Variances #1, #3, and #4.

Mr. McGregor asked if the newly requested Variances could be approved contingent on no objections from surrounding property owners.

Mr. Rodney repeated his recommendation the case be re-advertised if the desire is for a six-foot privacy fence along the south property line.

The Dockerys stated their willingness to delay the proceedings to amend their request to include a six-foot privacy fence along the south property line. The Applicants did not believe they could construct their desired fence under the existing application.

A motion to table the application was made by Mr. Shanks and seconded by Mr. McGregor. There was no further discussion. The motion passed by a 3-0 vote.

**V-19-08: Donna Ivins, 3480 Glendale-Milford Road (611-0010-0016). Applicant proposes to construct a privacy fence at 3480 Glendale-Milford Road within a Single-Family Residential zoning district. The Applicant is requesting the following Variances from Chapter 1266 of the Village Codified Ordinances:**

1. **Variance #1 – To construct a fence six (6) feet in height within ten feet of the west and north property lines. Per Schedule 1266.04(A), fences are limited to a maximum height of four (4) feet within ten feet of a property line.**
2. **Variance #2 – To construct a solid privacy fence along portions of the west and north property lines. Per Section 1266.09(h)(1)(A)(i), perimeter fences shall have an open face area of at least 70 percent.**

The Applicant summarized the request to extend an existing six-foot privacy fence along the north property line and add a matching six-foot privacy fence along the west edge of the rear yard adjacent to the driveway for the neighbor to the north. The stated desire was to further separate the pets on the subject property from those on the adjacent property to the north to minimize disturbances and for enhanced privacy. The Applicant approached the BZA with a site plan illustrating their request. The Applicant noted their immediate neighbors in the audience, Ian Miller and Pat Casey, support the requested Variances. These neighbors acknowledged their support for the application but did not make formal comments.

Mr. McGregor stated the request made sense.

At the request of Mr. Harwood, Mr. Rodney summarized the staff analysis as written in the Staff Report which stated support for the requested Variances finding the Standards for Non-Sign Variances could be met in this case. Mr. Rodney noted the unique nature of the property, including the narrow rear yard which created a hardship if the fence were setback to the prescribed 10-feet, as well as the adjacency of the driveway along the western edge of the property.

Mr. McGregor noted general support for the Variances as requested.

A motion to approve the application without conditions was made by Mr. McGregor and seconded by Mr. Shanks. There was no further discussion. The motion passed by a 3-0 vote.

Internal Business

**Approval of the August 22, 2019 meeting minutes.**

A motion to approve the minutes without changes was made by Mr. McGregor and seconded by Mr. Shanks. There was no further discussion. The motion passed by a 3-0 vote.

A motion to adjourn the meeting was made by Mr. McGregor and seconded by Mr. Shanks. There was no further discussion. The motion passed by a 3-0 vot.

The meeting was adjourned at 7:56pm.

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

David Harwood, Chairman

Board of Zoning Appeals

Meeting Minutes prepared by Andrew E. Rodney, Building, Planning, & Zoning Manager for the Village of Evendale.