

**HARRISON BOARD OF
ZONING APPEALS MINUTES**

April 23, 2019

7:00 P.M.

The meeting of the Harrison Board of Zoning Appeals was called to order at 7:00P.M.

ROLL CALL: *Mr. Wilson, Present; Mr. Montgomery, Present; Mr. Boerger, Present; Mr. Ross, Present; Mr. Samuels, Present.*

A motion to approve the minutes from the March 26, 2019 was made by Mr. Boerger and seconded by Mr. Ross.

ROLL CALL: *Mr. Wilson, Yes; Mr. Montgomery, Yes; Mr. Boerger, Yes; Mr. Ross, Yes; Mr. Samuels, Yes. Motion passed.*

VISITORS:

Joseph Hendel, 301 N Hill St.
Stephen Harris Sr., 316 Weathervane
Jerome Mosley, 301 N Hill St.
George & Dixie Shumway, 10910 Campbell

OLD BUSINESS:

None

NEW BUSINESS:

Case #1090 - 301 N Hill St.

Zoning request to allow a six (6) foot high fence within the front yard setback which is not permitted in an M-1 zoning district.

Mr. Wong - reading of staff report: *Applicant - Joseph Hendel, 301 N Hill St. has a zoning request to allow a six (6) foot high fence within the front yard setback which is not permitted in an M-1 zoning district. The current zoning M-1 Restricted Industrial, surrounding zoning R-4 Residential District to the South and East, M-1 to the North and West. Joseph Hendel has a house located at 301 Hill St. A vacant warehouse is located to the west with residential on the other sides. The residential property which is zoned industrial is a corner lot which is considered to have two front yards and two side yards. Joseph Hendel is looking to erect a six foot privacy fence on the property of 301 Hill St. The corner lot does not allow for fences in front yards. City ordinance 1147.16(F) states no fence, wall, hedge or plantings shall be located in a front yard except hedges and plantings not exceeding thirty six (36) inches subject to traffic visibility requirements.*

301 Hill St. is a Residential home in an industrial zoned district. The proposed fence setback would be similar to the warehouse building located behind the residence. Since this area is outside the DRD and an industrial zone, the Department of Building and Zoning could support a standard fence pending what design is proposed and that it meets the clear line setback required for intersections however, we can't support a solid fence in a front yard.

Mr. Wilson – *Applicant here, do you have any comments?*

Mr. Hendel – *Plans show the fence is going halfway down the house to the front stairs. There is plenty of room for visibility. The main reason for the fence is because of my dog, he likes to chase things going by and gets out. It's a high traffic area, all the fence will be along Dair Ave. The fence will sit about five to six feet off the*

sidewalk and not obstruct traffic. There's a gate and a four foot slant giving more clearance. The fence will stop between the windows. I also have multiple pictures of other fences of different types in the area.

Mr. Wilson – *Questions from the board?*

Mr. Montgomery – *Couple comments, why the fence and you said the dog is the biggest reason. The line of site concerns me; the six foot solid fence seems out of caricature.*

Mr. Hendel – *I'm doing it for people too that's walking near.*

Mr. Montgomery – *Six foot high is what I see as the problem. You own the property?*

Mr. Hendel – *I own and invest in the property, the furnace, roof, AC and plan other investments in the area.*

Mr. Ross – *Walter Miller case has kind of the same situation. Set a precedence for these cases.*

Mr. Wilson – *I think the problem the board is having with this is it being a solid fence. The board understands your problem though.*

Mr. Montgomery – *Does anyone oppose the fence?*

Mr. Wilson – *Is there anyone in the audience that's here to speak? Nobody.*

Mr. Montgomery – *Problem is the request for the privacy fence. A proof of burden hasn't been presented it seems.*

Mr. Samuels – *Does the property sit higher than the sidewalk?*

Mr. Hendel – *Yes.*

Mr. Montgomery – *I think you're on the right track but six foot high is the Problem. If an open fence possibly, but a request can't be for "a dog". Living and going down in the area I still think of the traffic line of site. A neighbor could be approved for different reasons but a corner is different.*

Mr. Samuels – *I'm in agreement with what you said and if something different could work. My thought is a kid flying down the walk and the line of site.*

Mr. Mosley – *I walked the corner and there's no problem with seeing things.*

Mr. Wilson – *Any further questions?*

Mr. Ross – *I feel Walter Miller case has set a precedence for cases like this.*

Mr. Hendel – *So if it's six foot high and see through?*

Mr. Montgomery – *I'm open to approving with a condition that it's not a solid fence.*

Mr. Wong – *Whatever is installed in the front yard would still need approval by the board due to the ordinance not allowing fences in a front yard. You can deny the variance or table until something different is presented for discussion.*

Mr. Wilson – *Mr. Hendel, do you want to table this?*

Mr. Hendel – *Yes.*

Mr. Montgomery – *I'll motion to table.*

Mr. Wilson – *Motion to table is a non-debate, roll call.*

ROLL CALL: *Mr. Wilson, Yes; Mr. Montgomery, Yes; Mr. Boerger, Yes; Mr. Ross, Yes; Mr. Samuels, Yes. Case tabled.*

Case #1093 - 316 Weathervane.

Zoning request to extend an accessory structure into the required setback of an R-3 Residential Zoning District.

Mr. Wong - reading of staff report: *Applicant - Stephen Harris Sr., 316 Weathervane. Current zoning R-3 Residential District, surrounding zoning R-3 Residential District on all sides. Stephen Harris Sr. is the homeowner of several years at 316 Weathervane. The residential lot is also set up with a 24' x 24' detached accessory structure on it. Mr. Harris would like to add an additional eight (8) feet to the existing accessory structure towards the rear of the property. The addition would put the accessory structure one (1) foot off the property line. City ordinance 1147.06A6 states an accessory structure must be five (5) feet off the property line. Mr. Harris is asking a variance of four (4) feet for his addition.*

Mr. Harris says he needs the additional accessory structure space to store additional items and his wife's car indoors. The total square footage with the addition would be 768sf under the maximum 900sf allowed by code. The Department of Building and Zoning can support the addition as long as all outside storage is brought indoors and that it doesn't impede on surrounding lot drainage. Accessory units shown on the rear of the structure should not be located within the one foot setback also.

Mr. Wilson – *Applicant, Mr. Harris, you have any comments?*

Mr. Harris – *I need the extra space, I think the extra space would bother someone about as much as what is there. I considered a shed but they deteriorate faster than this garage. I already have this garage, pool and could be shed but felt and extension is less clutter. The yards are all big and would not bother anyone.*

Mr. Wilson – *Questions from the board?*

Mr. Samuels – *The structure is an extension not just a roof?*

Mr. Harris – *Yes*

Mr. Samuels – *There's a fence all around?*

Mr. Harris – *Yes*

Mr. Ross – *Did you say there was another garage there?*

Mr. Harris – *No there isn't, just this garage I'm extending on.*

Mr. Wilson – *The one foot space, how you going to get back there and keep it clean/trimmed?*

Mr. Harris – *There will be a strip of rubber there like what's out there now. Nothing grows through it.*

Mr. Boerger – *Will there be gutters, what about this AC and stove pipe?*

Mr. Harris – *The AC is coming out, I hardly used it and not worth the trouble. Stove pipe would extend through.*

Mr. Boerger – *Pipe will extend up or get rid of?*

Mr. Samuels – *Will the AC go back in?*

Mr. Harris – *The pipe will stay where it is and extend through the roof. AC will not go back in.*

Mr. Montgomery – *So the back of the building is all that we'll see? And the gutters?*

Mr. Harris – *Yes and the gutters will be put on and ran towards the house.*

Mr. Wilson – *Any other comments; if none what's the pleasure of the board?*

Mr. Montgomery – *I'll motioned to approve as presented*

Mr. Samuels – *I'll second the motion.*

Mr. Wilson – *Motion presented, any further discussion from the board; if none roll call.*

ROLL CALL: *Mr. Wilson, Yes; Mr. Montgomery, Yes; Mr. Boerger, Yes; Mr. Ross, Yes; Mr. Samuels, Yes. Motion passed.*

Case #1101 - 10910 Campbell Rd.

Zoning request to allow the finish side of a privacy fence to face in towards the homeowner in an R-3 zoning district.

Mr. Wong - reading of staff report: *Applicant George & Dixie Shumway, 10910 Campbell Rd. Current zoning R-3 Residential District, surrounding zoning R-3 Residential District on North and East, township to the West and South. George and Dixie Shumway have a home at 10910 Campbell Rd. near the corner of West Rd. Their place of residence has pools adjacent to them on two sides fenced in. The Shumway's obtained a permit to install a privacy fence along the adjacent property lines that have the swimming pools. George and Dixie Shumway installed the privacy fence with the finished side facing towards their home. City ordinance 1147.16A states supporting members of a fence shall be installed so as not to be visible from any other property which it adjoins. The Shumway's say they need the fence for the safety of their grandchildren, one of whom has special needs.*

This property has several code issues. A homeowner of a swimming pool is required by code to have and maintain a fence enclosure. Installing a fence against another can create a maintenance issues and because of that, zoning no longer allows a fences against another. Installation of wood privacy fences also creates a situation because fastening is done from the finished side. When installing against another structure such as another fence the assembly can create challenges. Everything considered, in this situation the Department of Building and Zoning can support this case considering the safety and special needs of the children.

Mr. Wilson – *Applicant, you have any comments?*

Mrs. Shumway – *Information is pretty much as what was said. The neighbors fences with the pools are rotting and we worried about the conditions. At the time I asked for the regulations and was told if it was in the backyard we should be ok. It's been up since June-July and we assumed it was ok.*

Mr. Montgomery – *How long has this been up and who told you?*

Mrs. Shumway – *I'm not sure but it was a woman at the front window. These aren't panels, it's built piece by piece so it took a while. We wanted something stronger for the kids.*

Mr. Montgomery – *Well the woman up front may not understand the issue.*

Mr. Samuels – *Did you get a permit?*

Mrs. Shumway – *Yes.*

Mr. Montgomery – *So I understand, you have a permit but the problem is that it's up the wrong way?*

Mrs. Shumway – *Yes and we had to get it up, the neighbors fence felt rotten.*

Mr. Montgomery – *The neighbors have split rail fences?*

Mrs. Shumway – *Yes on the one side, the other has an in ground pool with a vinyl fence. The fence has been up and we understood we didn't need anything. The guy came by when the fence was being built and told us we needed a permit. He didn't say anything about the work and the permit didn't mention anything.*

Mr. Samuels – *A permit was approved, the text seems to be some of the burden and unjust.*

Mr. Wilson – *Whole things a mess.*

Mr. Wilson – *Any other comments; if none what's the pleasure of the board?*

Mr. Montgomery – *I'll motioned to approve as presented*

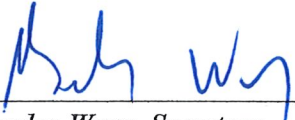
Mr. Ross – *I'll second the motion.*

Mr. Wilson – *Motion presented, any further discussion from the board; if none roll call.*

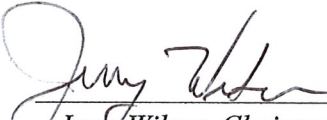
ROLL CALL: *Mr. Wilson, Yes; Mr. Montgomery, Yes; Mr. Boerger, Yes; Mr. Ross, Yes; Mr. Samuels, Yes. Motion passed.*

Mr. Wilson – *With there being no further business before the Board, the meeting is adjourned*

With all in agreement and being no further business before the Board, the meeting was adjourned at 7:20P. M.



Gordon Wong, Secretary



Jerry Wilson, Chairman