

## **MINUTES OF ZBA MEETING ON SEPTEMBER 11, 2017**

The meeting was convened at 10:00am.

Present: Norma Boyle, John Klein, Jim Thorburn, Walt Mikula, and Thomas Kizer.

Excused Absence: None

Chairman Jim Thorburn called the meeting to order.

Persons present included the above board members and applicant Rick Downs and his spouse, Nancy Downs; and visitors Mike and Kim Bolen, and Dan Cook. The building official Jason Jansen was also present.

The Pledge of Allegiance was recited.

The Minutes of August 9, 2017 were unanimously approved after motion to approve by Klein and seconded by Mikula.

The Chairperson then convened the hearing on the appeal and request for variance filed in No. 17.07 by Mr. Rick Downs. The appeal involved applicants request for a variance to allow applicant to retain a 6 foot high wood privacy fence which did not meet the set back requirement of the ordinance nor the air flow requirements per Section 20.15 A 3 and Section 20. 15A3.

The appeal was read into the record by the Chairman.

No Correspondence was received from anyone on the matter although during the hearing the persons in attendance voiced concern over the access to the replacement fence on the adjoining property line between applicant's lot and the Bolen lot. This concern was voiced during the public hearing portion of the meeting in which it was revealed that there was a previous decaying privacy type fence that separated the properties and crossed the line of each property to a minor extent. The new replacement fence was of a different style and shape but was constructed about 4 inches solely upon applicant's premises. Applicant did not seek a land use permit before constructing the new fence. He and his neighbor Mr. Bolen did agree on the need for a new fence. The applicant decided to install and pay for the new fence entirely himself.

After completing construction of the new replacement fence the applicant took exception to the effort by Mr. Bolen to hang a planter(s) of flowers on his side of the new fence as had been done on the prior fence. Apparently, applicant called the police about the effort of Mr. Bolen to attach a flower container(s) to the Bolen side of the new fence in the belief that the fence was a common boundary line fence. The difficulty arose when the police visited and saw the new privacy fence. Subsequently, the applicant applied for a variance which resulted in this hearing. No land use permit had been obtained to erect the new fence. After considerable discussion with the board, the Chairman ordered a recess of about 15 minutes to see if the neighbors (Applicant and Bolen) could resolve the current conflict. After that recess and upon resumption of the hearing, the applicant requested that the board table the hearing to a later date in order to permit applicant and Bolen to come to an agreement.

Thereafter, motion by Kizer to table the matter and second by Klein.

Motion to Table was carried on a 4 to 1 vote in favor, and the chairperson advised applicant that he would be required to obtain the new hearing date from the building official with notice to the persons present at this hearing of that date. Further, the chairperson specifically advised the applicant that even if the applicant and Bolen reach an agreement on the fence, this does not mean the board will automatically approve the application. That will be subject the completion of the hearing and discussion of the board after which a vote will be taken.

No further business to come before the meeting, it was adjourned at approximately 11:40 am.

Dated: September 11, 2017

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Thomas Kizer, Secretary