

CITY OF GRAND LEDGE ZONING BOARD OF APPEALS

Minutes from Regular Meeting held on September 17, 2015

Attendance

Members present: Tim McClung, Ben Tobias, Ray Evert, Tom Nelson, Ben Cwayna, Lynne MacDowell & Dave Whaley. Absent: Ron Graber & Carol Weigel. Also present: Zoning Administrator, Susan Stachowiak & Council Representative, Chris Bartholomew.

Call to Order

Vice-Chairman Tim McClung called the Zoning Board of Appeals meeting to order at 7:00 p.m.

Pledge of Allegiance

Tom Nelson led the members in the pledge of allegiance.

Approval of Agenda

Mr. Cwayna made a motion, seconded by Mr. Nelson to approve the agenda as printed. On a voice vote (7-0), the motion carried unanimously.

Approval of Minutes

Mr. Nelson made a motion, seconded by Mr. Whaley to approve the minutes from the meeting held on July 16, 2015, as printed. On a voice vote (7-0), the motion carried unanimously.

Business from the Floor - None

NEW BUSINESS

Variance Request –6 Foot High Front Yard Fence at 609 Liberty Street

Ms. Stachowiak stated that this is a request by Logan McAnallen and Robert McAnallen for a variance to permit a 6 foot high, wood, privacy fence in the E. Kent Street front yard of the property located at 609 Liberty Street. The subject property has frontage along Liberty and E. Kent Streets. All yards that abut a street are considered front yards for Zoning Ordinance purposes. Section 220-68 of the Zoning Ordinance restricts the height of fences in residential front yards to a maximum of 3 feet. A variance of 3 to the height limitation for a front yard fence is therefore, being requested.

Ms. Stachowiak said that the Zoning Ordinance considers all yards that abut a street to be front yards. She said that the subject property has frontage along both E. Kent and Liberty Streets and given its trapezoidal shape, there is not really any area that could be enclosed with a privacy fence since almost the entire lot is considered front yard. Ms. Stachowiak said that although there are a

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few other lots in the City that do not have a side or rear yard of any significance in which to enclose with a privacy fence, it is certainly not the norm. She also said that while the applicant may be at a disadvantage with respect to privacy fencing in comparison to most other properties in the City, this does not outweigh the potential negative impacts that the fence may have on the neighbors from an aesthetic as well as a safety standpoint.

Ms. Stachowiak said that the fence could create a visibility problem when exiting the driveway on the adjoining property at 607 Liberty Street. She said that it could make it difficult to see pedestrians or children on bicycles/skates using the sidewalk in time to react properly when pulling out of that driveway. She also said that the proposed fence will be contrary to the intent of the ordinance as it will create a "wall" effect that will diminish the appearance of the residential neighborhood in which it is located and block the views from some of the other properties in the area.

Ms. Stachowiak said that she received 3 communications about this request. One was from the property owner at 515 Liberty in support of the variance. One was an email from the owner of 212 E. Kent Street in opposition to the variance and one was an anonymous call from another neighbor along E. Kent Street, also in opposition to the variance.

Ms. Stachowiak stated that there are 2 motions in the staff report. The first one reflects the staff recommendation which is to deny the variance based on its inconsistency with the basic criteria contained in the Zoning Ordinance for evaluating variances. She said that in case the Board decides to approve the variance, it is important that certain conditions are attached to the approval (does not extend into the public right-of-way, preserve a clear vision area for the driveway at 607 Liberty and protect the open space at the street intersection). To that end, she provided a motion to approve the variance to ensure that these issues are addressed.

Mr. McClung opened the public hearing at 7:07 p.m.

Logan McAnallen, 609 Liberty Street, spoke in support of his request. He stated that he and his wife just recently purchased the property and the purpose of the fence is to provide them with some privacy and also to enclose the backyard for their dog. Mr. McAnallen read a letter from his next door neighbor at 607 Liberty supporting the variance.

Mr. McClung asked about the style/appearance of the fence.

Mr. McAnallen provided a picture of the fence which is a standard 6 foot high, wood plank fence. He also said that they get a lot of trash dropped in their yard and are hoping that the fence will help to curtail the littering as well.

Seeing no one else wishing to speak, Mr. McClung closed the public hearing at 7:15 p.m.

Mr. Nelson said that the fence request seems very reasonable given the characteristics of the lot (no side or back yard in which to enclose with a privacy fence, lack of privacy given the amount of road frontage surrounding the property).

Mr. Nelson made a motion, seconded by Mr. Tobias to approve a variance of 3 feet to the height limitation to permit a 6 foot high privacy fence in the E. Kent Street front yard at 609 Liberty Street with the condition that the fence does not extend into the public right-of-way, does not extend closer to the intersection of E. Kent Street and Liberty Street than the existing garage and is not located within a 15 foot clear vision area where the driveway at 607 Liberty Street intersects the inside edge of the sidewalk , based upon the findings of fact as detailed in the staff report, and to give immediate effect to the approval of the variance, as necessary for the preservation of property and hereby certified on the record.”

On a roll call vote (7-0), the motion carried unanimously.

OTHER BUSINESS

Comments from the Zoning Administrator - None

Comments from the Chairman - None

Comments from Council Representative

Councilmember Bartholomew thanked the Board for their work.

Adjournment - Mr. McClung adjourned the meeting at 7:17 p.m.

Respectfully submitted,

Susan Stachowiak
Zoning Administrator

Ben Tobias, Secretary
Zoning Board of Appeals