

**LOWELL BOARD OF ZONING APPEALS MEETING
JUNE 11, 2015**

President David Shilling called the meeting to order at 6:35PM. The Pledge of Allegiance was recited. Recording Secretary Dianna Cade called the roll. Members answering the roll call were David Shilling, Rick Kelley, and Jim Konradi, David Foust and Sean Brady were absent. Also present were Town Attorney Nicole Bennett, Planning Consultant Jim Mandon, Building Official Tom Trulley, and two citizens.

APPROVAL OF MINUTES

Mr. Kelly made a motion to approve the May 14, 2015 regular meeting minutes, seconded by Mr. Konradi and carried by voice vote.

PUBLIC HEARING

Mr. Shilling stated the public hearing tonight was **BZA #15-008 James Schroeder, 5732 W. 172nd Ave.,- Variance from Developmental Standards** – to erect a fence that is more than three (3) feet in height as set forth in Ordinance #155.90 (B).

Mr. Shilling stated that in the front yard a three (3) foot fence is required and the petitioner is asking for a six (6) foot fence.

The petitioner, James Schroeder stated that he lives on a corner lot. Discussion followed on the lot location. Mr. Schroeder stated that he needed the six foot fence to accommodate his dogs.

Mr. Mandon stated that the staff feels that the request should be denied. Mr. Mandon stated that a fence is already permitted at a lower level. Mr. Mandon stated that the reason to not permit is that a six foot fence in one of the two front yards on a corner lot is disruptive to peoples' use of the adjacent properties. Mr. Mandon stated it is similar to placing a home in front of the building line. Mr. Mandon stated that the reason for having building lines is so that there is consistency in site lines from one block to another and from one lot within a block to another lot. Mr. Mandon stated if you allow structures that are beyond the line of site or higher than 3 feet in the front yard it tends to detract from the comfort and enjoyment to the surrounding houses. Mr. Mandon stated many communities do not allow front fences and that our ordinance is more understanding, permitting a three foot fence, and the staff feels that is adequate.

Mr. Konradi asked if the petitioner was asking for two variances. Mr. Mandon stated no. Discussion followed.

Mr. Shilling asked if there was a possibility of future homes in this area. Mr. Mandon stated yes. Mr. Schroeder stated that the surrounding area is not plotted yet, it will be years before any homes are built, we are at the end of a dead end road. Mr. Shilling asked if it would be possible to make the motion contingent on future homes. Mr. Mandon stated that would be problematic. Ms. Bennett stated she agreed with Mr. Mandon. Mr. Schroeder stated that he would make any compromise the Board

suggested, the three feet fence does not work for them and their dogs. Mr. Schroeder stated they did not realize when they purchased the property a six foot fence was not allowed on the corner lot. Discussion followed.

Mr. Shilling opened the public hearing. With no one to speak for or against the petitioner, the public hearing was closed.

Mr. Kelly stated that he can put a six foot fence in the back yard and a three foot fence on the side yard. Discussion followed on the existing fence that is currently on the property.

Mr. Kelly asked the petitioner why he is requesting a six foot fence on the side yard. Mr. Schroeder stated that they wanted more room in the backyard for them and their dogs. Mr. Shilling stated that it would be an extra sixteen foot of width. Mr. Schroeder stated that it does not seem like much but an extra sixteen feet makes a big difference. Discussion followed on a ramp that was installed by the builder.

Discussion followed on the language of the variance requested. Discussion followed by the petitioner on the restrictions a three (3) foot fence would put on his ability to allow his dogs in his back yard.

Mr. Konradi made a motion to deny the request for a variance to erect a fence that is more than three (3) feet in height, seconded by Mr. Kelly and carried with a roll call vote of three ayes.

Variance Denied.

Ms. Bennett stated the Findings of Facts would be ready for the next meeting.

NEW BUSINESS:

ANNOUNCEMENT:

ADJOURNMENT:

With no further comments or questions Mr. Kelley made a motion to adjourn the meeting at 6:50pm seconded by Mr. Konradi.

David Shilling, President

James Konradi, Secretary