

Item 24-1264: The applicant proposes to erect a six-foot fence one foot from the front property line along N. Haymeadow Ave

Board of Zoning Appeals

Mon, Oct 21, 2024 7:30PM

Scott Engstrom (BOZ Member) 01:12

The next stage here of the Board of Zoning Appeals meeting here is the public appearances. Now I don't see anybody here, but for those at home, public appearances is the chance for anyone who is not a party to any of the items that are action items, that they can come and speak on them. Not seeing anybody, I will move us along to our action items. Kurt, would you please read the first action item for 232 East Stratford Lane. And the applicants, if you would like to you can move up and go ahead to the podium.

Supervisor Kurt Craanen (Inspections) 01:55

[His microphone was not turned on and most of his words were not picked up. He basically read the agenda description which was "The applicant proposes to erect a six (6) foot fence one (1) foot from the front property line along N. Haymeadow Ave. Section 23-44(a)(1)(a) of the Zoning Ordinance limits the height of fences in the front yard setback to three (3) feet"]

Scott Engstrom (BOZ Member) 02:06

Okay, thank you. Now, just to explain a little bit about the process here. Obviously, there is an application for a variance. The variance needs to have four aye votes to have it approved. You will know at the end of the night whether it's been approved or whether it did not pass. First step, would you please introduce yourself? I'm assuming you're the applicant. So, would you please introduce yourself, and then give us a little bit of background, then about the property?

Alex H. (Variance Applicant) 02:32

Sure. I'm [Alex H.] 232 East Stratford lane.

Melissa H. (Variance Applicant) 02:35

I'm his wife, [Melissa H.].

Scott Engstrom (BOZ Member) 02:38

Okay, thank you.

Alex H. (Variance Applicant) 02:40

And a little background about the property. So, our property is an odd shaped lot. It's a trapezoid shape, which, embarrassingly, I had to Google which shape it was. So, I learned that. So, most of the other lots on our block are rectangular shape. And I actually have a handout. Can I pass that around? That might help you.

Scott Engstrom (BOZ Member) 03:01

Absolutely. And the property we're looking at, that's the furthest, last left house, correct? Perfect.

Alex H. (Variance Applicant) 03:02

My printer worked very hard, but only got about seven copies, so we have to share.

Scott Engstrom (BOZ Member) 03:16

I will let the board know as well that we did receive two emails from neighbors that appear to support the fence. They don't appear to have any issues. Another email that's from the applicant, I believe, further describing the property as well. So, I can pass those along to you.

Kelly Sperl (BOZ Member) 03:32

Okay.

Scott Engstrom (BOZ Member) 03:33

You just pass them along.

Alex H. (Variance Applicant) 03:50

So, on this first page here, the blue rectangle that you actually see on the east side of the Stratford block here is a rectangle shape lot, and if you take that and overlay it with our lot, you can see that that would be bigger. So, ours is smaller by about 25—20%, and it's also our lot is also 25% smaller than all the normal lots that are non-corner lots, and our lot is 36% smaller than the neighboring property to the north. So basically point is, as a result of Haymeadow being a slanted road, our lot is abnormally small compared to other lots.

Alex H. (Variance Applicant) 04:43

One other aspect about our property is that the driveway, the front door, and the mailbox are all on the same side of the property, so it's on the south side. So, we have a true front yard. I know the city defines corner lots as having two but in our case, it's pretty obvious which one serves as the practical front yard, with the other being more of a side yard or backyard.

Alex H. (Variance Applicant) 05:13

One other note is most of the lots on this block have backyard lot lines 100 feet long. Ours is only 55 feet long. And another note, the—we do have a three foot fence along the west side of the property right now. It's set one foot off the sidewalk. It runs up to 25 feet from the sidewalk intersection, which is the vision corner. So, the vision corner's 25 feet away. Our—the back of our garage is 55—or sorry, 57 feet—from the sidewalk, and the back of our house, extended to the sidewalk, is 73 feet away from the sidewalk.

Alex H. (Variance Applicant) 06:02

Ideally, we would like a six-foot private privacy fence all the way around, so all the way up to the vision corner. But you know, we would at least like it up to the back of our garage or back of our house. And we've had some issues with large dogs, or, let's say, strange conversations with passer buys on occasion that we don't want to go into too much detail about, but that those are some of the reasons why we would like a little bit more privacy.

Alex H. (Variance Applicant) 06:39

The other issue with our lot being trapezoidal shaped is, if you're walking from the southwest corner there and you're going north, you can see basically our entire backyard, which you wouldn't be able to do on a normally shaped lot. So that takes care of page one here.

Alex H. (Variance Applicant) 06:59

The next page just kind of demonstrates where we currently have a fence. So, the orange line on the bottom there is a six-foot privacy fence that was already approved. We already have it built. And then the green and yellow sections are where we would like to upgrade a three-foot fence to a six-foot fence.

Alex H. (Variance Applicant) 07:26

Next page just shows the property bounds, which we already know here, and the reminder of what the vision corner is. And we think even if we built a six-foot privacy fence all the way around, it would not impact the vision corridor at all. We've got some pictures that show that later on in here.

Alex H. (Variance Applicant) 07:48

On the next page, I have—you know, I did a little research on what types of scenarios a variance would get approved, and there was one that happened to be on my home street where I grew up, Homestead Drive. There's a corner lot here that got a six-foot privacy fence approved up to the back of their house. And in my opinion, there wasn't that much that was irregular about this lot. I think ours is even more irregular than this one. And if you look at the over view shot here of this property, it shows where it was built, in relation to the sidewalk does—and with relation to the back of the house. And is **[Melissa says something off microphone]** Yep, it is a corner lot.

Scott Engstrom (BOZ Member) 08:42

Do you have the year that that variance was granted?

Kelly Sperl (BOZ Member) 08:44

I think the information said 2023, didn't it?

Alex H. (Variance Applicant) 08:52

1325 West Homestead Drive. Within four years or so. And is—I don't know if you've received any complaints about this fence you know, from vehicles going up to the corner, but if you drive by which or even if you look at this picture that we have here, the fence doesn't really block the vision onto Homestead Drive any more than the house that sits there already does

Kelly Sperl (BOZ Member) 09:26

2023 was when the code compliant fence was installed. I was mistaken on that.

Scott Engstrom (BOZ Member) 09:33

Thanks, Kelly.

Alex H. (Variance Applicant) 09:38

So then on the next few pages I did a little photo shop work to kind of give you a before and after of what we're proposing here. So, the first page shows the view from Stratford and Haymeadow intersection before and after. You can barely see any difference between the top and bottom section. So, we think that upgrading from three foot to six foot doesn't really create much of an impact from this view.

Alex H. (Variance Applicant) 10:07

On the next page is the view from the back of our house. So, this is where we do want the increased privacy for the most part. And one of the privacy concerns is passerbys, whether they be on foot or in a car, can see right into our house. Our house is a little bit elevated relative to the sidewalk, so even our three-foot fence doesn't really cover even the bottom of our patio door. People have waved to us, you know, just passing by all the time, which you know, it's great, but as a daily occurrence, you know, gets a little old maybe.

Alex H. (Variance Applicant) 11:00

So, on the next page—so still kind of driving south on Haymeadow. I'm trying to give you multiple snapshots here. Top section is what it currently looks like. Bottom section is with a six-foot privacy fence up to the back of

our house extended, and you can see that would not really block any more vision to Stratford Lane than our house already blocks. So there really wouldn't be much impact there.

Alex H. (Variance Applicant) 11:39

And then finally, on the last page is a view from the 25-foot vision corner extended into the road, and the before and after picture exactly the same, because there'd be no impact unless we did get approved for a full six-foot privacy fence all the way around.

Alex H. (Variance Applicant) 12:05

And then I also wanted to point out what some of the alternatives would be. We see a lot of neighboring properties plant large evergreen trees, which is fine when they're small, but over time, they grow and they grow into the sidewalk, and I think that causes more of a hardship to the community than a simple six-foot privacy fence would that kind of stays out of everybody's business going along the sidewalk. So, you can see here an evergreen tree creeping into the sidewalk there, or on the bottom picture, an evergreen tree that was planted right in the vision corner. So, I'm very familiar with this property as well, very close to my childhood home there, was very difficult to see around. And I think you know what we're proposing here doesn't create any visual obstruction to that vision corner like this property does.

Scott Engstrom (BOZ Member) 13:06

I know that you've used the language "hardship," so I think you're aware of the hardship being the standard that we have to look at. I know that you've referenced "privacy" a fair amount. Privacy isn't—it's not exactly a hardship concern that we can address as a Board of Zoning Appeals. Not saying that it's not something to be concerned about, but when we're talking about these hardships, these have to be a hardships kind of that attached to the land itself. So, if you could—I know that we're looking at it, it's trapezoidal in shape, but could you go a little maybe into the topography of it, elevation, grade, I mean, a little bit of this. Let us know a little bit more about—

Alex H. (Variance Applicant) 13:48

Yeah.

Scott Engstrom (BOZ Member) 13:48

—the property itself and how it's unique.

Alex H. (Variance Applicant) 13:50

Yeah, as far as the property shape goes, obviously, we discussed the trapezoidal shape makes it a smaller property than it otherwise would. So, if you did go with the 20-foot setback that would really chop up the yard. That's really not something that we're really even entertaining. The good thing about this lot shape is it makes a great baseball diamond. So, and we—so we wouldn't want to chop it up for the sake of our kids or the sake of the neighborhood kids that like to come over and play baseball on that west side lot there. So, we kind of did sacrifice our own privacy for the sake of our community who likes to come over and play baseball over there, and we want to make a nice home run fence for them. So, we did that. It's a three foot, and now they're ready for a challenge and make it a six-foot fence to hit home runs over.

Alex H. (Variance Applicant) 14:52

Yeah, and this, yeah. So, Stratford Lane, we are the top of the hill, and then it slants down as you go from west to east. So that's part of why, if as you're walking down the sidewalk, people can see over our three-foot fence and even our six-foot fence pretty easily. So really, we could, we could go for a nine-foot fence.

Scott Engstrom (BOZ Member) 15:20

So, and that kind of goes to your point about the three versus the six-foot fence is kind of the elevation of where the home is situated on the property and where the property itself is situated.

Alex H. (Variance Applicant) 15:31

Yeah.

Scott Engstrom (BOZ Member) 15:32

Okay.

Melissa H. (Variance Applicant) 15:35

This is probably not like anything that's valuable to anybody, really, but we do homeschool, and we are home all the time, and our backyard is just really like the place where we are. And I feel like when we're outside, it's nice to be able to just be with my kids, be with my family, and not have to worry about, you know, saying "Hi," to literally, everybody that walks past, and not that I don't want to, but, you know, in your backyard, it's just different than your front yard. I do think it would help the value of the property itself also, because it's on the corner lot, if there was some sort of privacy. We're very exposed on that corner specifically, and so I do think it would help the overall value of our house in the future.

Alex H. (Variance Applicant) 16:20

And then we'll pay higher taxes.

Kelly Sperl (BOZ Member) 16:44

What is the other street? That's Haymeadow? The street that comes off of JJ?

Alex H. (Variance Applicant) 16:47

Yep. That's Haymeadow.

Kelly Sperl (BOZ Member) 16:50

I did, I drove by it today too. People were looking at me like I was some kind of a stalker. But I drove by it a couple times trying to get a feel for what it was.

[Someone says something off microphone.]

Melissa H. (Variance Applicant) 16:59

Yeah, you could see it right from JJ. You don't even got to drive by.

Kelly Sperl (BOZ Member) 17:05

Yeah, and Haymeadow is a fairly busy street.

Melissa H. (Variance Applicant) 17:08

Yes, it's getting busier too.

Karen Cain (BOZ Member) 17:19

[She studies the Google maps images of the property and then asks a question which is not picked up by the microphone.]

Alex H. (Variance Applicant) 17:22

Right.

Kelly Sperl (BOZ Member) 17:28

It goes—there's a three foot fence that comes off the lower left corner of the garage, correct?

Kelly Sperl (BOZ Member) 17:32

And it goes out to the left towards the property line, then it goes all the way back to the upper left corner, turns the corner, and then the six-foot fence starts, I don't know, a third of the way in, I think?

Alex H. (Variance Applicant) 17:32

Yeah.

Alex H. (Variance Applicant) 17:44

Right.

Kelly Sperl (BOZ Member) 17:44

Probably at the 20-foot mark.

Alex H. (Variance Applicant) 17:46

Yep, 20-foot mark.

Michael Babbitts (BOZ Member) 17:52

Oh, yeah. You can see it.

Alex H. (Variance Applicant) 17:54

Yeah, on the right. Google Maps on the right is more updated.

Kelly Sperl (BOZ Member) 18:02

Yeah. There it is. Yeah. You can see the step up in the back.

Alex H. (Variance Applicant) 18:13

And I know one of the reasons I think the rule exists in the first place is aesthetics. Maybe some people have the opinion that fences don't look nice. I have the opposite opinion. I think a nice cedar-stained fence looks very nice, and it also cuts off the vision, you know, for people that are going down the sidewalk, we have a trampoline and kids toys everywhere that naturally exists in a family's backyard. So, in this neighborhood, I think neighbors would appreciate if we kind of block that off a little bit, just with a cleaner look of a cedar fence.

Scott Engstrom (BOZ Member) 18:54

Can you just point out the area that would be chopped up in your backyard?

Alex H. (Variance Applicant) 19:15

Sure.

Scott Engstrom (BOZ Member) 19:15

Kind of just kind of point out. If you touch the screen, it will move, because it's a touch screen, so just be careful. But.

Alex H. (Variance Applicant) 19:21

So 20 feet. You know we could go from the back corner of our garage here. Just [...]

Scott Engstrom (BOZ Member) 19:32

Okay.

Alex H. (Variance Applicant) 19:33

So, and the [...] right here.

Scott Engstrom (BOZ Member) 19:35

Yeah. So, then you get kind of a triangular, strange shape that's closer to the road, Haymeadow. Okay.

Alex H. (Variance Applicant) 19:51

Well, like I said, that's that's just not an option we're considering. The other option is plant, \$20,000 of arborvitaes which we got a quote on, could be at least that much because you're covering over 100 feet.

Melissa H. (Variance Applicant) 20:18

And I think you guys did get some emails from our neighbors. Our backyard and our side yard both have talked to us like in person about it, and said that they are cool with it. So.

Scott Engstrom (BOZ Member) 20:28

Yes, yeah, we—yeah. We do have emails from two neighbors that say they do not have a problem with it.

Michael Babbitts (BOZ Member) 20:45

Are there any properties that front on Haymeadow? I'm not seeing them in the map, but kind of beyond the scope of the image?

Alex H. (Variance Applicant) 20:54

No.

Kelly Sperl (BOZ Member) 20:55

I think those that's more of a thoroughfare. Comes right up off of Edgewood and.

Michael Babbitts (BOZ Member) 21:06

Not seeing any really in the vicinity.

Michael Babbitts (BOZ Member) 21:30

Yeah, that's plenty good. No.

Scott Engstrom (BOZ Member) 21:36

Let us know when you hit Black Creek.

Kelly Sperl (BOZ Member) 21:37

I guess I'm hearing one location, or possible locations, for a fence, and then seeing the sketch, it almost looks like you're just wanting to replace the three-foot section with a six-foot section. So, what are we supposed to look at there? I mean, is there a—you know, is it, is it supposed to be off that top left corner of the garage? Or what do we, you know...?

Alex H. (Variance Applicant) 22:17

Well, yeah, ideally we go.... [He walks over to the map so that he can point out on the map what he is talking about. In his new position, his words are not all picked up by the microphone.]

Alex H. (Variance Applicant) 22:26

Like I said, vision corner starts exactly where the point of this fence is. So ideally if approved, we'd like to go all the way up there [...] fence. We would at least like it to go six foot up to about here.

Kelly Sperl (BOZ Member) 22:45

And come into the garage.

Alex H. (Variance Applicant) 22:46

[...] back of our garage, and then keep that much more open. So that's about seven feet from the sidewalk. Over [...]

Kelly Sperl (BOZ Member) 22:57

Vision corner.

Alex H. (Variance Applicant) 22:58

[...] or even the back of our house would be 73 feet [...]

Alex H. (Variance Applicant) 23:08

The podium? Oh, you want me to talk into here? Okay. So, the current three-foot fence is 25 feet from the sidewalk. We would ideally like the six-foot fence to go all the way around there. The back of the garage is about 57 feet from the sidewalk. So that's a, you know, another—that would be a great help as well. And then the back of our house is 73 feet from the sidewalk.

Kelly Sperl (BOZ Member) 23:40

Are there any entrance doors or anything on the west side of your garage? Is there any service doors or any doors at all?

Alex H. (Variance Applicant) 23:46

No. There's a—off the north side of the garage there.

Kelly Sperl (BOZ Member) 23:50

Yeah, goes off the street to the backyard.

Alex H. (Variance Applicant) 23:52

Yep. And like I said, you know, I know the rule was made partially because a lot of corner lots have a front door on one side and their driveway on the other. That's not the case with ours. Our front doors right there, mailbox is actually over here, and driveway all on the same side, so there's no question what the front of our house truly is. So, I think that rules out a lot of corner lot candidates. And then the other is just the weird shape of our lot. There's not too many that are like this.

Michael Babbitts (BOZ Member) 24:46

[...] house is—do you have any issues with, like, headlights coming north on Haymeadow?

Alex H. (Variance Applicant) 24:59

I'd say actually that curve—just the fact that the street, yeah, turning in, yes, but the since the road is kind of angled away from our house, I haven't noticed that to be that big of an issue.

[Melissa H. says something off microphone.]

Karen Cain (BOZ Member) 25:19

But Hay—so Haymeadow to Stratford?

Melissa H. (Variance Applicant) 25:23

No, JJ to Haymeadow.

[There's some cross talk and off microphone talk as everyone studies the map.]

Scott Engstrom (BOZ Member) 25:54

Do the board members have any other questions on this? Go ahead. Okay.

[Aldersperson Patrick Hayden starts speaking off microphone.]

Aldersperson Patrick Hayden (District 7) 26:07

Thank you, Chair, I just wanted to voice my support for the work that the Haas's put in in this packet, and also thank the members of the committee who took the time to drive out and view the acute nature of their property that kind of creates the real challenge that they have with their backyard. So, thank you for taking the time to listen to the everything they have. And I just wanted to voice my support for what their variants that they're requesting here. Thank you, Chair.

Scott Engstrom (BOZ Member) 26:33

If there are no further questions, I'll entertain a motion.

[Karen Cain makes a motion off microphone essentially to approve the variance as requested.]

Scott Engstrom (BOZ Member) 26:57

Motion to approve. Do I have a second?

Kelly Sperl (BOZ Member) 26:59

I'll second that.

Scott Engstrom (BOZ Member) 27:01

Moved and approved to second and move to discussion. Ms. Cain.

[She speaks off microphone.]

Karen Cain (BOZ Member) 27:08

[...] and that would be [...] and also the [...] keep in mind. So, I think that's really important to have. So, thank you for doing that.

Kelly Sperl (BOZ Member) 27:15

I would like to add that I think you know, not only the irregular shape, but you got two street fronts here. So, the two street fronts make it difficult in challenging with that, that ruling there, the zoning ordinance on that. I would just like to see some further definition, I guess, of where that fence would go as part of, you know, amending the motion, I guess, because I think it's real—I mean, it is and it isn't, but there is some real awkward things about the lot.

Kevin Loosen (BOZ Member) 28:08
[He speaks off microphone.]

Kelly Sperl (BOZ Member) 28:15
Right.

Scott Engstrom (BOZ Member) 28:33
So, we got moved and seconded. Do we have any further discussion?

Scott Engstrom (BOZ Member) 28:43
Okay.

Kelly Sperl (BOZ Member) 28:40
I think we should determine if we're going to vote on this where that fence may be.

Kelly Sperl (BOZ Member) 28:45
My opinion, I think if you're going to go to a six-foot fence, I would, I would personally like to see it at least 50% weight back on the garage, or in that back corner of the garage, and go back out to Haymeadow and basically come around the corner at that point.

[Someone asks something off microphone.]

Kelly Sperl (BOZ Member) 29:07
Either that point, Michael, or up the middle of the garage out to the left, or the top left of the garage out to the left. Yeah, there, or there.

Michael Babbitts (BOZ Member) 29:16
Or A or B, A or B.

Kelly Sperl (BOZ Member) 29:18
Yeah.

Michael Babbitts (BOZ Member) 29:19
Okay.

Kelly Sperl (BOZ Member) 29:21
Because that'll help the sight lines. I know you're short of it, but I think anything we can do to keep that that sight line open, while still—I mean that that's a thoroughfare. There's a lot of traffic on there; I noticed that today when I was out there, and I was probably going faster than what it should have been. I think it's 25 I'm not...

[Crosstalk]

Kelly Sperl (BOZ Member) 29:52

I know I wasn't, because I was eyeballing the fence, but it's—I don't think it's a—I don't know what it is on Haymeadow. That might be 35, but the others are, I'm sure, 25. Why I guess I think we should maintain as much of that line of sight as we can.

Scott Engstrom (BOZ Member) 30:12

And if we were to do that, we would need to have some probably exact dimensions to incorporate. And because that's not exactly what was requested, I think we'd have to vote on what was requested first.

Alex H. (Variance Applicant) 30:26

So up to the back of the garage is 57 feet from the sidewalk. So, is that a hard number that we can discuss?

Karen Cain (BOZ Member) 30:37

You're saying here to here?

Alex H. (Variance Applicant) 30:39

Yep, yep. You take that the back of the garage and just extend it west.

Karen Cain (BOZ Member) 30:46

Is that? What the request was? Is that, what the dimensions?

Alex H. (Variance Applicant) 30:50

I put—as a very minimum, it was 73 feet, which was the back of the house, taking it west. So, the 57 feet would kind of be the middle scenario. I didn't know whether we were going to get it approved all the way up to the vision corner or somewhere in between. So, I didn't know exactly what to ask for.

Michael Babbitts (BOZ Member) 31:26

I guess outside of the realm of what was asked for or not, I kind of like the idea of it of limiting it to the back of the garage. Seems there's some precedent for that with the case that was brought forward—the 1325 Homestead, right? So, it seems like there's some logic there that we could at least adhere to it.

Kelly Sperl (BOZ Member) 31:46

I agree.

Scott Engstrom (BOZ Member) 31:52

Okay, so that's a direction we're thinking of going. I think we have to still vote on what was requested, and then there would be a motion on the modified version. So, we have a motion and a second on the variance as requested. So, we'll need to take a vote and finish our vote on that. So, we will take our vote on that now. Mr. Sperl?

Kelly Sperl (BOZ Member) 32:22

Aye.

Scott Engstrom (BOZ Member) 32:26

So, we're voting on the first—as requested, as originally requested, without the modifications,

Karen Cain (BOZ Member) 32:32

Which goes all the way to the—

Scott Engstrom (BOZ Member) 32:34

All the way.

Scott Engstrom (BOZ Member) 32:35

Because we have to, we have to resolve the—

Kelly Sperl (BOZ Member) 32:38

I'm sorry.

Scott Engstrom (BOZ Member) 32:39

Yeah. No, it's okay. So again, we're voting on the variance as requested and as read by Kurt at the beginning of this. So, Mr. Sperl?

Kelly Sperl (BOZ Member) 32:50

No.

Scott Engstrom (BOZ Member) 32:51

Mr. Loosen?

Kevin Loosen (BOZ Member) 32:52

Nay.

Scott Engstrom (BOZ Member) 32:53

Ms. Cain.

Karen Cain (BOZ Member) 32:54

Nay.

Scott Engstrom (BOZ Member) 32:54

Mr. Babbitts.

Michael Babbitts (BOZ Member) 32:54

Nay.

Scott Engstrom (BOZ Member) 32:55

Okay, so your variance is denied as requested. It did not have the requisite four aye votes. That said, I will entertain a motion to approve a modified version, if that's what a board member wishes to do.

Scott Engstrom (BOZ Member) 33:21

Okay? So, you're moving to approve the six-foot fence, one foot from the front property line, along North Haymeadow Avenue to extend from the back of the garage, which is—was it 57 feet?

Kelly Sperl (BOZ Member) 33:41

Northwest corner the garage.

Scott Engstrom (BOZ Member) 33:43

Northwest corner of the garage extending 57 feet from the sidewalk.

Michael Babbitts (BOZ Member) 33:51

Is that what the 57 is?

Alex H. (Variance Applicant) 33:53

57 feet from the south sidewalk.

Michael Babbitts (BOZ Member) 33:56

South sidewalk.

Scott Engstrom (BOZ Member) 33:57

South sidewalk. Okay.

Michael Babbitts (BOZ Member) 34:00

This is 57

Alex H. (Variance Applicant) 34:02

Yes.

Michael Babbitts (BOZ Member) 34:03

Okay. Where that aligns,

Kelly Sperl (BOZ Member) 34:12

Yeah, yep.

Alex H. (Variance Applicant) 34:14

And then take that point and drag it down to the sidewalk. Or—

[Some crosstalk.]

Kelly Sperl (BOZ Member) 34:20

Well, yeah, but you that's where the fence will be.

Michael Babbitts (BOZ Member) 34:22

That's where the fence would be. I think the measurement they're referring to is here.

Kelly Sperl (BOZ Member) 34:26

Oh, I got you. Sorry.

Alex H. (Variance Applicant) 34:37

Yeah, give or take.

Karen Cain (BOZ Member) 34:45

Is it cleaner—just to be cautious, I mean, is this what you [...] say, the southwest or the northwest corner of garage?

Kelly Sperl (BOZ Member) 34:54
Right. Go west to the property line?

Karen Cain (BOZ Member) 34:56
Yes.

Kelly Sperl (BOZ Member) 34:57
Perpendicular to the house.

Alex H. (Variance Applicant) 35:00
So, it'll be 50—just with the way the posts are situations situated, it'll be 57 feet. So, it'll be a little north of where that line is drawn. So, I guess you could go either 57 feet or 49 feet. They're eight feet apart posts. So.

Scott Engstrom (BOZ Member) 35:25
Kurt? Yep, oh. Mic?

Supervisor Kurt Craanen (Inspections) 35:36
District Three. Yeah. So, any motion which I think that is coming, I'd appreciate if you say in the motion what the hardship is.

Scott Engstrom (BOZ Member) 35:53
Well, I think we've been talking a lot about the irregularly shaped lot, and we've also been talking about the elevation as well.

Kelly Sperl (BOZ Member) 35:59
And the two street fronts.

[Karen Cain asks a question off microphone.]

Alex H. (Variance Applicant) 36:00
So, we don't plan to have a six-foot privacy fence that juts into the back corner of our lot. We would just keep the three-foot fence as it is up until that point if that makes sense.

Michael Babbitts (BOZ Member) 36:30
What we're saying is, would it be, would it would it help if we allowed this section to get to be six feet?

Alex H. (Variance Applicant) 36:40
Yeah.

Michael Babbitts (BOZ Member) 36:44
So, I think our variance would allow it to go to six from the northwest corner down to the 41.4 length, and you could do what you wanted after that, whether return to the garage or drive down to three feet.

Alex H. (Variance Applicant) 36:57
Right.

Scott Engstrom (BOZ Member) 37:05

So, do we want to try to wrap that into a motion again? So not to put words in your mouth, it sounds like you are moving for a six-foot fence, one foot from the property line along North Haymeadow Avenue, extending from the point that is at the northwest corner of the garage, which is also 57 feet from the south sidewalk on the property, extending backward towards the north and northwest corner of the property. Checking my work there; does that sound accurate?

Michael Babbitts (BOZ Member) 37:51

I believe so.

Kelly Sperl (BOZ Member) 37:52

And the hardships would be the elevation of the floor line of the house, the irregular shaped lot, and the two street front property.

Scott Engstrom (BOZ Member) 38:07

So, we have a motion. We would need a second to bring it to a vote.

Michael Babbitts (BOZ Member) 38:11

I'll second.

Scott Engstrom (BOZ Member) 38:12

Moved and seconded. Is there any further discussion?

Kelly Sperl (BOZ Member) 38:16

I just want to make one additional point. Then they would be allowed to take the six-foot fence from Haymeadow and tie it back to the existing six-foot piece on the north end of their property. Because right now that's that drops down for about 20 feet. So that would be included in the variance. So, they can tie that six-foot fence all together.

Supervisor Kurt Craanen (Inspections) 38:42

So, the map you're looking at there is this corner? Just, I want to get it on the record, every lot on this corner, all four of them, are an irregular shaped lot. So, if that's the hardship, then every one of these houses would be eligible for a variance. I just want to get that on the record.

Scott Engstrom (BOZ Member) 39:01

Yep. So, we've been moved and seconded. Like to take a vote. Mr. Sperl?

Kelly Sperl (BOZ Member) 39:12

Aye.

Scott Engstrom (BOZ Member) 39:13

Mr. Loosen?

Kevin Loosen (BOZ Member) 39:14

Aye.

Scott Engstrom (BOZ Member) 39:14

Ms. Cain.

Karen Cain (BOZ Member) 39:15
Aye.

Scott Engstrom (BOZ Member) 39:15
Mr. Babbitt?

Michael Babbitts (BOZ Member) 39:16
Aye.

Scott Engstrom (BOZ Member) 39:17
Okay, and you have four aye votes, and your modified variance is approved.

Alex H. (Variance Applicant) 39:23
Thank you.

Scott Engstrom (BOZ Member) 39:23
Yep.

Alex H. (Variance Applicant) 39:24
Thank you all for being here.

Karen Cain (BOZ Member) 39:25
Thank you.

Scott Engstrom (BOZ Member) 39:29
I believe that is it for action items. Kurt, are there any information items this evening? No,

Michael Babbitts (BOZ Member) 39:36
okay. You guys are good to go.

Karen Cain (BOZ Member) 39:39
Thank you very much.

Scott Engstrom (BOZ Member) 39:41
There's no further business from the board, then I'll entertain a motion to adjourn. Moved and seconded. All in favor. Say aye. Opposed. All.