

CITY OF MONROE BOARD OF ZONING APPEALS
November 28th, 2012

The Board of Zoning Appeals of the City of Monroe met in regular session at 6:00 pm on Wednesday, November 28th, 2012. The meeting was held at Monroe City Hall.

Call to Order

The meeting was called to order by Chair, Jonathon Nerenberg. Members present were: Denis Stillman, John Robbins, Jonathon Nerenberg, and Lorenzo Adams.

Kevin Chesar, Director of Development/Zoning Enforcement Officer, and Casey Sparks, Planning & Zoning Specialist was also in attendance.

Business

BZA-2012-02: Consideration of a Variance request from Matthew Wagers to allow chain link fence in the front yard at 810 Sands Avenue

Mr. Nerenberg outlined the process to be followed for public hearings before the Board of Zoning Appeals.

Mr. Nerenberg opened the public hearing and swore in those persons desiring to give testimony.

Mrs. Sparks provided the following exhibits to the Board of Zoning Appeals:

Exhibit "1" Proof of Publication and Notice to Property Owners of Public Hearing

Exhibit "2" Code Section 1266.01

Exhibit "3" Request for Appeal

Mr. Sparks stated that applicant, Matthew Wagers, is requesting variance approval for a chain link fence within the front yard. The fence was constructed in late August. Mrs. Sparks stated that the applicant had contacted the Development Department regarding fencing regulations and spoke to Samuel Hill. Mr. Hill informed Mrs. Wagers the regulations and emailed him Chapter 1266.01 of the Monroe Planning and Zoning Code as well as a drawing indicating the front, rear, and side yards. In August staff received complaint regarding the location of a chain link fence at 810 Sands Ave. After investigation Staff found that a portion of the fence had been placed in the front yard.

Mrs. Sparks stated that staff issued a violation on September 5th, 2012 informing them that they had seven days to remove a portion of the chain link fence that was located in the front yard. Shortly after this the applicant requested a variance to allow the fencing to

stay within the front yard. Staff forwarded the application to other departments to review and it was determined by the Public Works Department that the fence was located within the public right-of-way. Staff and the Public Works Department met on site to discuss with the applicant their options.

Mrs. Sparks presented images of the site to the Board and reviewed current zoning regulations regarding fencing.

Mrs. Sparks reviewed his findings of fact with the Board.

1. *The Zoning Code allows no reasonable use to be made of the property in question for reasons peculiar to the property and not applicable to the area as a whole.*

Mrs. Sparks stated that reasonable use of the property is viable without the variance or use of the chain link fencing the front yard. Mrs. Sparks informed the Board that there are several properties within the surrounding area that have chain link fencing within the front yard, however the current regulations were not put into place until 2009.

2. *The use proposed is the minimum variance necessary in order to allow a reasonable use of the property without producing unreasonable hardship.*

Mrs. Sparks state that a minimum variance would not be applicable in this particular variance application, as the applicant is not meeting the current requirements set forth in Section 1266.01

3. *This use will not impair the essential character of the area or the objectives for the Monroe Comprehensive Plan.*

Mrs. Sparks stated that the Comprehensive Plan calls for improving residential areas. The Planning & Zoning Code was changed to encouraged more aesthetically pleasing residential areas. The fence does not directly impair any of the specific objectives of the Comprehensive Plan.

4. *The surrounding properties will be properly protected.*

Mrs. Sparks stated that the surrounding properties are all residentially zoned property. Staff did receive four letters regarding the chain link fence. Several neighbors believe that it will lower their property values; however Staff did receive one letter in support of the fence.

Matthew Wagers, 810 Sands Avenue, stated that he did contact Mr. Hill regarding the regulations; however he did not read the email correctly. He did not realize it was within the public –right-of-way, if he knew this at the time he would have altered the location. If he had understood that it was an issue to have chain link fencing in the front yard he would not have placed this type of fence on the property.

Mr. Stillman asked Mr. Wagers if he had received Mr. Hill's email regarding the location of the front yard.

Mr. Wager stated that they had received it however he misread the email.

Mr. Lorenzo asked if he had a contractor install the fence.

Mr. Wagers stated that he constructed the fence himself.

Sandra Wagers, 810 Sands Avenue, stated that she does not understand why the regulations do not permit chain link fencing in the front yard.

Albert Tanruether, 830 Douglas Drive, explained his opposition to granting the variance.

Jane Eubank, 284 Raymond Drive, stated that this will negatively impact the neighborhood and decrease property values.

Carly Jendrek, 285 Raymond Drive, stated that the fence would affect the property values in the area and read Mr. Tanruether's letter to the editor regarding property maintenance.

Mr. & Mrs. Wagers discussed with the Board some different options for locations of the fence if they removed the chain link portion located in the front yard.

Mr. Stillman made a motion to accept the documents; Mr. Robbins seconded the motion. Mr. Stillman made a motion to close the public hearing; Mr. Robbins seconded the motion.

Mr. Nerenberg reviewed the details of the variance application and the City requirements. Mr. Nerenberg stated that the applicant was given the regulations through email and discussed with Staff the approved locations. Mr. Nerenberg stated that the pole barn on the property as well as it being a corner lot does limit the location of where they can place their fence.

Mr. Stillman asked if the other portion of the property could be utilized for the fenced in area and asked if they placed a split rail fence on the property if this would meet the regulations.

Mr. Nerenberg stated that he can determine if the property values would be reduced because of the fence, however the applicant did have a responsibility to follow up with the City to assure he understood the regulations.

Mr. Stillman moved to deny the variance request from Matthew Wagers, to allow chain link fence in the front yard at 810 Sands Avenue.

Mr. Stillman seconded the motion.

Mr. Robbins: Aye
Mr. Nerenberg: Aye
Mr. Stillman: Aye
Mr. Lorenzo: Aye
Motion Carried

Adjournment

Mr. Stillman moved adjourn the meeting. Mr. Caron seconded the motion. The meeting was adjourned at 7:15PM.