

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
JUNE 8, 2020**

The City of Whitehall Board of Zoning and Building Appeals meeting of June 8, 2020, was called to order by Chairperson Bailey at 6:45 p.m. as we have a quorum and will continue with the meeting when Ms. Spater arrives.

Chairperson Bailey asked to call roll. All members were present with the exception of Bob Weatherby.

Bailey – Present
Weatherby – Absent, Present at (6:54 p.m.)
Arends - Present
DeWitt - Present
Spater – Present (6:48 p.m.)

Mr. Arends made a motion to excuse Mr. Weatherby. The motion was seconded by Mr. Dewitt. Roll was called. Voting was unanimous to excuse Mr. Weatherby.

Chairperson Bailey asked for nominations for a new BZBA Clerk. Mr. Arends made the motion. Mr. Dewitt seconded the motion. Roll was called. Voting was unanimous to APPROVE Lori Morton as clerk for BZBA.

Chairperson Bailey asked to excuse the absent member. Mr. Arends motioned. Mr. DeWitt seconded.

Chairperson Bailey asked for a motion to approve the January 13, 2020, minutes with one minor change to be made on the line that nominated Teresa Netotian as the clerk showing the date as 2019. Mr. Dewitt motioned to approve. Mr. Arends seconded the motion. Voting was unanimous. The minutes were approved.

Chairperson Bailey also asked for a motion to approve the December 9, 2019, minutes. Roll was called. Bailey – Abstain, Weatherby – Absent, Arends – Yes, DeWitt – Yes, Spater – Yes. Mr. Arends motioned for approval. Mr. DeWitt seconded.

Chairperson Bailey announced Case BA-20-02. Chairperson Bailey swore in Mr. Gillespie. Mr. Gillespie is seeking a fence height variance, 1125.06(b). Mr. Gillespie stated the neighbor's fence is in disrepair. He would like to build his own fence and desires to have one continuous height. Chairperson Bailey asked for the total footage for the requested variance. Mr. Gillespie stated approximately 40 feet. Ms. Morton confirmed that no neighbors have expressed a desire for denial of the variance. Chairperson Bailey asked Mr. Hulsey if the city had any objections against the fence. Mr. Hulsey stated that a shorter fence with the neighbor's fence in disrepair would not serve the purpose and because of the arrangement of the house and the patio facing the driveway of the neighbor, a 6-foot fence is a reasonable accommodation and would allow them to enjoy the patio without looking at the neighbor's fence. Mr. Woodruff

confirmed that given the layout of the houses and condition of the fence, we believe it is a 32 to 35-foot variance.

NOTE: Mr. Weatherby arrived at 6:54 p.m.

Chairperson Bailey asked for questions or comments. Ms. Spater motioned. **Mr. Arends seconded the motion. Roll was called. Bailey – Yes, Weatherby – Abstain, Arends – Yes, Spater – Yes, DeWitt – Yes. CASE BA-20-02 was APPROVED.**

Chairman Bailey announced Case BA-20-03. Chairperson swore in Michael Franklin. Michael and Alina Franklin are seeking a fence height variance, 1125.06(b). Mr. Franklin stated the reason he and his wife are requesting the fence is for their child’s safety and the fence has been crossed a handful of times with kids jumping the fence and cutting through the yard. Mr. Woodruff stated he spoke with the resident that responded with an objection to the variance. The city understands the request to screen the back yard from the park but having it extend forward of the back of the house is not a hardship. Unlike the previous case, this house does not have patios that face sideways, this is not a case of where there is an outdoor area between the houses or where there is a driveway they are **trying to obscure. Therefore, Mr. Hulsey and the City’s recommendation is to deny approval of this variance.** The option is to have the fence stop at the back corner of the house.

Chairperson Bailey asked for questions or comments. Mr. Franklin offered a rebuttal. He stated they are not blocking neighbor’s living space windows between the properties. Mr. Woodruff stated from the administration standpoint, variances are to be granted based on hardship. There is not a hardship presented in this case. Mr. Arends motioned. Mr. Weatherby seconded. Roll was called. Bailey – No. Weatherby – No. Arends – No. Spater – Abstain. DeWitt – No. CASE BA-20-03 was DENIED.

Chairperson Bailey asked for a motion to ADJOURN. Mr. Weatherby motioned. Mr. Arends seconded the motion. Roll was called. The meeting adjourned at 7:09 p.m.

APPROVED: _____, 2020

Respectfully submitted,

AUBREY BAILEY, CHAIRPERSON

Lori Morton, Clerk