

**MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
AUGUST 3, 2021 4:00 P.M.**

DOCKET 1338  
4 TERRY LANE

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Tuesday, August 3, 2021.

The following members of the Board were present:

Chairman Liza Forshaw  
Ms. Kristen Holton  
Ms. Laura Long  
Mr. Lee Rottmann  
Mr. David Schlafly

Due to the recusal of Ms. Long, Ms. Panke filled in for Docket 1335.

Also present were Erin Seele, City Attorney; Andrea Sukanek, City Planner; Roger Stewart, Building Commissioner; Lori Wrobel, Administrative Assistant; and Mayor Nancy Spewak.

Chairman Forshaw called the meeting to order at 4:00 P.M.

**Approval and Adoption of the Agenda and Minutes**

Ms. Panke made a motion to adopt the Agenda. Mr. Rottmann seconded the motion. All those present were in favor.

Ms. Panke made a motion to adopt the Minutes of the July 6, 2021 meeting. Mr. Rottmann seconded the motion. All those present were in favor.

Docket 1338            Petition is submitted by David Russler-Germain for the property located at 4 Terry Lane. The petitioner is requesting relief from the City Planner denying a 6' privacy fence located in a front yard. This is in violation of Ordinance # 1175, Section IV-C-1.

Chairman Forshaw asked the City Planner to explain the reasons for denial. Ms. Sukanek reported the applicant is requesting a replacement 6-foot privacy fence in the front yard of Terry Lane. Fences in front yards must be 40% open and may not exceed 42 inches in height. The City has no record of permitting this fence. It may predate the zoning ordinance.

Chairman Forshaw introduced the following exhibits to be entered into the record:

- Exhibit A – Zoning Ordinance 1175, as amended;
- Exhibit B – Public Notice of the Hearing;
- Exhibit C – Letter of Denial dated July 2,2021;
- Exhibit D – List of Residents sent notice of meeting;

Exhibit E – Letter from the resident requesting the variance dated July 2, 2021;

Exhibit F – Entire file relating to the application;

Exhibit G – Panoramic Photos of the fence site;

Exhibit H – Letters of support;

Exhibit I – Additional photos

Mr. Russler-Germain took the oath and was sworn in. The aging fence was damaged in a recent storm that created a need to replace the entire fence, which runs perpendicular from Terry Lane. A portion of the fence lies in the front yard. The fence is necessary to screen the residents from the neighbor's pool and pool deck. The neighbor has a similar long nonconforming privacy fence running parallel and adjacent to Terry Lane to screen the pool. There are letters of support from neighbors and subdivision trustees.

Board discussion ensued. Chairman Forshaw stated in this instance a privacy fence is desperately needed. The applicant needs to protect the view and the privacy of both neighbors by replacing the damaged fence that runs along the boundary between the applicant's front yard and the neighboring back yard and pool. The aging fence is damaged and needs to be replaced. Being perpendicular to Terry Lane, it is far less obtrusive to Terry Lane than the neighbor's privacy fence which runs along Terry Lane.

After discussion of the facts presented, Ms. Long made the motion to overturn the decision of the Building Commissioner and grant the variance based on practical difficulty. Mr. Schlafly seconded the motion. The vote was as follows:

Chairman Liza Forshaw	"approve"
Ms Kristen Holton	"approve"
Mr. David Schlafly	"approve"
Ms. Laura Long	"approve"
Mr. Lee Rottmann	"approve"

With five (5) votes in favor and zero (0) against, the motion passed, the ruling of the City Planner was overturned, and the variance was granted.

### **Adjournment**

At 5:16 p.m. Mr. Schlafly made a motion to Adjourn the meeting. Mr. Rottmann seconded the motion. A unanimous vote in favor was taken.

DOCKET 1338


DATE OF HEARING August 3, 2021

NAME David Russler-Germain

DESCRIPTION OF PROPERTY 4 Terry Lane

CAUSE FOR APPEAL The petitioner is requesting relief from the City Planner denying a 6' privacy fence located in a front yard. This is in violation of Ordinance # 1175, Section IV-C-1.

RULING OF THE BOARD After discussion, on the basis of the evidence presented, the Board finds that practical difficulties exist. The decision of the City Planner is overturned, and the variance is granted.



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Ms. Liza Forshaw, Chairman