

**BOARD OF ZONING APPEALS MEETING**

**TIPP CITY, MIAMI COUNTY, OHIO**

**September 16, 2020**

**Meeting**

Due to the COVID-19 outbreak and Ohio's stay-at-home order, the Board of Zoning Appeals held its September 16, 2020 Meeting using Zoom Meetings a remote meeting platform. David Cook, Mark Hartman, Jerrold Dodd and Allen Worthen all dialed in using the Zoom Meeting System.

City Staff in attendance included City Planner, Colin Carville and Board Secretary Dawn Gross.

Other participants who dialed into this meeting include: Ben Bayer, Greg Turner, Kelly Turner, City Council Member Mike Jackson and Jeff Sebor.

Chairman Cook called this meeting of the Tipp City Board of Zoning Appeals to order at 7:40 p.m.

**Board Minutes  
8-19-2020**

Chairman Cook asked for discussion. There being none, Mr. Dodd **moved to approve the August 19, 2020 meeting minutes as written**, seconded by Mr. Hartman. **Motion carried.** Ayes: Dodd, Hartman, Worthen, and Cook. Nays: None.

**Citizens  
Comments**

There were none.

**Administration of  
Oath**

Mrs. Gross swore in citizens and Mr. Carville.

**Chairman's  
Introduction**

Chairman Cook explained the guidelines and procedures for the meeting and public hearings. He advised the applicant(s) that any person or entity claiming to be injured or aggrieved by any final action of the BZA shall have the right to appeal the decision to the Court of Common Pleas as provided in ORC Chapters 2505 and 2506.

**New Business  
Case No. 09-20  
Ben Bayer – 615  
Lantana Court –  
Fence Variance  
and Shed  
Variance**

**Case No. 09-20: Ben Bayer – 615 Lantana Court – Lot: IL 2377** – The applicant is requesting the following two variances: 1. The applicant is requesting the following two variances: 1. A variance of 30" to the maximum height of 42" for fences placed in the front yard or along any lot line that is adjacent to a street as noted in Code § 154.06(A)(4)(i)(vi)(B) for the single-family home located at 615 Lantana Court. 2. A variance for their shed to be placed in their front

yard rather than the required rear yard according to §154.06(A)(4)(g)(i).

**Zoning District:** R-1B – Neighborhood Residential

**Zoning Code Section(s):** 154.06(A)(4)(i)(VI)(B) & 154.06(A)(4)(g)(i)

Mr. Carville presented the following report:

The applicant requests the following:

1. A variance of 30" to the maximum height of 42" for fences placed in the front yard or along any lot line that is adjacent to a street as noted in Code §154.06(A)(4)(i)(vi)(B) for the single-family home located at 615 Lantana Ct.
2. A variance for their shed to be placed in their front yard rather than the required rear yard according to §154.06(A)(4)(g)(i).

**Staff Comments:**

In conjunction with the extension of a wooden privacy fence at the single-family home located at 615 Lantana Ct, the applicant requests the following variance:

1. A variance of 30" to the maximum height of 42" for fences placed in the front yard or along any lot line that is adjacent to a street as noted in Code §154.06(A)(4)(i)(vi)(B) for the single-family home located at 615 Lantana Ct.
2. A variance for their shed to be placed in their front yard rather than the required rear yard according to §154.06(A)(4)(g)(i).

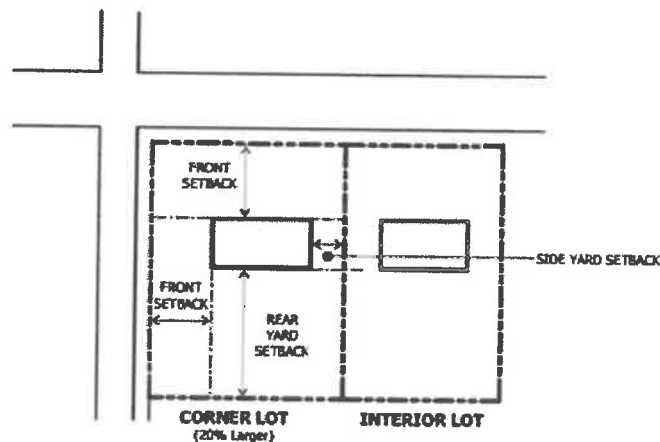
General

615 Lantana Ct is a 2-frontage corner lot, with frontages on Lantana Court and Stonecress Dr.

Per Code 154.04(H)(1)(d)(vi)(A):

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- A. The required minimum front yard setback shall be provided from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See Figure 154.04-E.



Roughly +/- 75 linear feet of the fence extend into the front street front yard along Stonecress Dr. Due to the fact that the fence extends into the front street side yard, the code states that the fence must be 42". Staff notes that the majority of the proposed fence is located in the rear yard, and does not require a variance.

### **Variance 1**

A variance of 30" to the maximum height of 42" for fences placed in the front yard or along any lot line that is adjacent to a street as noted in Code §154.06(A)(4)(i)(vi)(B) for the single-family home located at 615 Lantana Ct.

Code §154.06(A)(4)(i)(vi)(B) states:

*(vi) Location and Height Requirements in Residential Zoning Districts*

*B. Fences, walls, and hedges shall not exceed 42 inches in the front yard or along any lot line that is adjacent to a street.*

The privacy fence in place currently stands at 6' (i.e. 72") in height (see Site Plan attachment "B"), thus a variance of 30" to Code §154.06(A)(4)(i)(vi)(B) is required.

### **Variance 2**

A variance to the required rear yard placement of a detached storage/utility sheds, gazebos and other similar structures noted in Code §154.06(A)(4)(g)(i) in conjunction with the proposed installation of a shed located at 615 Lantana Ct. The variance is as follows:

- A variance for a shed to be placed in their side yard rather than the required rear yard according to §154.06(A)(4)(g)(i).

Code §154.06(A)(4)(g)(i) states:

*Detached storage/utility sheds, gazebos, and other similar structures are permitted as an accessory structure but shall only be permitted in the rear yard.*

### **Review Criteria §154.03(K)(4)**

#### **(4) Review Criteria**

Decisions on variance applications shall be based on consideration of the following criteria:

**(a)** Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance as further defined below.

**(b)** The following factors shall be considered and weighed by the BZA to determine practical difficulty:

**(i)** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

**(ii)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

**(iii)** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

**(iv)** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

**(v)** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, electric, refuse pickup, or other vital services;

**(vi)** Whether special conditions or circumstances exist as a result of actions of the owner;

**(vii)** Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

**(viii)** Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance; and/or

**(ix)** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

**(c)** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

#### **Additional Notes**

- It is the opinion of staff that the extension of the fence would not create any right of way or line of sight issues.
- 615 Lantana Ct. has 5' utility easements on the western and northern property lines.

Mr. Carville briefly explained the attachments in detail.

Mr. Cook asked for questions of Staff.

Mr. Cook said, "There is a general requirement for fences in 154.06 i, front yard fencing shall be 50% transparent. The picture of the fence I have in front of me is not 50% transparent."

Mr. Carville explained, "I believe you are correct, that would be an additional variance that we would have to add. Since this is my mistake, we will add it here tonight if this is ok with the Board."

Mr. Dodd asked, "What would the variance be?"

Mr. Carville said, "To waive the 50% visibility requirement. Is this the intention of the applicant as well?"

Mr. Bayer responded, "Yes, that is correct, I would like to install the fence that is shown in the packet."

Mr. Worthen asked, "Do we need a motion to include this tonight?"

Ms. Gross said, "Yes, if all are in agreement."

Mr. Worthen **moved to include the variance for the requirement of the 50% transparency of the fencing as stated in the Code**, seconded by Mr. Cook. **Motion carried.** Ayes: Worthen, Cook, Dodd, Hartman. Nays: None.

Mr. Dodd stated, "This is a corner lot, and even though it is on a corner lot facing Lantana Court, the south side of the house, the city considers that as being in the front yard."

Mr. Cook asked the applicant to come forward and state his name and address for the record.

Ben Bayer; 2484 Addison Carlisle Road, New Carlisle, Ohio 45344.

Mr. Bayer began, "What we are looking to do is to expand this pool space. When looking at the Google Map you can see that it is really crowded being a corner lot and the driveway is in the way. Normally the driveway would be in the front of the house. They would like to have more lawn space in the pool area, which is the reason why we are wanting to push the fence 20' beyond the edge of the house. As you can see on Attachment B that opens up some lawn space. They have a growing family and they want to be able to spend some time with extra space in the pool area. The shed is simply an accessory structure used for storage only, it will be tucked back in the corner of the area you see in Attachment B. The fence is a poly vinyl fence very classy and it will have the lattice work on the top of it that will go all the way around."

Mr. Worthen asked, "The shed is going to be inside the fence area?"

Mr. Bayer answered, "Correct, it will look as shown in Attachment B."

Mr. Cook added, "From Attachment B I see that the fence is going to protrude 20' out past the house toward the street. I don't find any dimension on how far will the fence be setback from the right of way?"

Mr. Bayer answered, "That is shown in approximate on Attachment F-4. I don't have the exact."

Mr. Cook asked, "How far is the house setback from the right-of-way on Stonecress?"

Mr. Bayer said, "I do not have that information."

Mr. Dodd said, he noticed when he was over there looking, that the fence will be approximately even with the stone wall that is in the front of the house currently.

Mr. Bayer said, "I would guess the proposed fence will be 20' from the side walk."

Mr. Carville added, "That is a rough estimate for what we have on our end too, 20' from the sidewalk."

Mr. Bayer added, "If you look on Attachment E, that is a clear visual from the satellite, and you can see that driveway goes in to the pool area. If this was a normal property the whole driveway would be in the front of the house off of Lantana and that would open that whole area up around the pool. There are just not a lot of places to go to open the pool area up, for lawn space for the children."

Mr. Cook asked if there was anyone in the audience that was opposed, there was none.

Mr. Cook asked, "I see that the storage shed is a 10 x 20. How tall is the shed?"

Mr. Bayer answered, "That shed will have approximately 7' side walls. It will be 12' to 14' high."

Mr. Carville added, "The max height for an accessory structure is 14', just for your knowledge."

Mr. Cook asked if there were any further questions of the applicant, there were none.

Mr. Cook asked for Board Member discussion.

Mr. Dodd asked, "Is there going to be another variance?"

Mr. Carville answered, "Yes there will be Mr. Dodd. It will only be voted on if the fence extension is approved."

Mr. Cook asked to discuss the fence location first.

Mr. Cook said, "My own opinion is, bringing it out 20' from the house, which would be maybe 20' from the walk, and it not being 50% open, I don't see how I can be in favor of that."

Mr. Worthen asked, "What is the objection to the fence?"

Mr. Cook responded, "There is, in that Zoning District, a 35' minimum front yard space. You are projecting this 6' high fence out into that space which means that you are going to cut down the visibility of the cars entering and leaving the driveway. It would be granting something that is nowhere else in the Zoning District."

Mr. Worthen stated, "If you look at Attachment F-4 it doesn't extend all the way down to the end of the driveway, so to me it doesn't look like it will block any view from the street at all."

Mr. Dodd said, "I don't think it does either."

Mr. Cook said, "I would like to go back to the Ordinances as they are stated. They say that any fence in the front yard space will be 50% transparency, I assume that is for visibility, so cutting that 35' down to 20' or less is unacceptable, to me. Even if part of the fence was open, the shed would also block that visibility because you are putting the shed in the front yard also."

Mr. Worthen said, "It is not going to block visibility for getting out of the driveway, it is just going to block visibility of people looking into the backyard."

Mr. Cook added, "If you are coming out of the driveway, it is going to block your visibility up and down Stonecress."

Mr. Worthen said, "Not according to Attachment F-4. It looks like there is plenty of room at the end of the driveway to look and see oncoming traffic."

Mr. Cook said, "The Applicant stated that the fence was 20' from the walk. That means it is 19' from the property line. There will be a visibility issue."

Mr. Worthen added, "From the City's comments, and from what I can see on this picture, I would disagree with that."

Mr. Cook asked, "What is the City's comment?"

Mr. Carville responded, "It was my opinion that if you were to extend it drivers coming from the two streets the extension of the fence wouldn't block any type of view. I couldn't speak on behalf of pulling in to the homeowner's driveway, but just from driving down both of those streets it wouldn't create any line of sight issues."

Mr. Cook asked, "Are you speaking for the Applicant? Is your testimony for it?"

Mr. Carville answered, "No, it is just my opinion on the matter."

Mr. Dodd added, "I have a tendency to agree."

Mr. Worthen asked of Mr. Carville, "Mr. Cook's concern about the 35' setback from the street, did you identify that as an issue, since it is not a variance? What is your information on that?"

Mr. Dodd interjected, "That is an actual Ordinance."

Mr. Cook added, "35' is the required front yard distance in that Zoning area."

Mr. Worthen added, "If that is the case shouldn't there need to be another variance to cover that?"

Mr. Carville added, "I don't believe so Mr. Worthen."

Mr. Worthen asked, "Ok, you don't believe it needs to be a variance, but is the proposal going to meet the setback requirements? For one I don't see any dimensional information from the street to show what the actual setback is going to be."

Mr. Carville responded, "Based on previous cases of 6' fences that have been in the front we have never had to vote on a setback for it."

Mr. Cook added, "I take exception to that, there was one down on Wilhelm Street. The purpose of the 50% transparency in the front yard is visibility. "

Mr. Cook asked the Board to discuss the building proper, the size of the shed proper.



Mr. Cook asked for any comments on the shed.

Mr. Dodd, "How tall is the shed going to be?"

Mr. Carville stated, "Approximately 12' – 14'"

Mr. Dodd said, "That's a tall shed, it will be 6' above the 6' fence."

Mr. Cook added, "My§ point is, you are putting a shed that is 10' wide and 20' long, 12' – 14' high and you are setting it in the 35' required front yard and it's in the area of only 20' from the sidewalk. I believe it is too much in the front yard of that entire zoning area. Are we going to start having 20' shed requests to be put in front yards?"

Mr. Dodd added, "They have the reason down to extend the fence out is to make more yard space and then they fill it up with a shed."

Mr. Cook said, "I guess if you are going to put that much amenities in that lot, I guess it should have been on a larger lot. It should have been a smaller pool. I think it is allowing too much."

**Variance #1:** Mr. Worthen moved to grant a variance of 30" to the maximum height of 42" for fences placed in the front yard or along any lot line that is adjacent to a street as note in Code §154.06(A)(4)(i)(VI)(B) for the single-family home located at 615 Lantana Court, seconded by Mr. Hartman. **Motion tied.** Ayes: Worthen, Hartman. Nays: Dodd, Cook. **Mr. Cook declared this motion was defeated, per Robert's Rules.**

**Variance #2:** Mr. Dodd moved to deny a variance for a shed to be placed in the front yard rather than the required rear yard according to §154.06(A)(4)(g)(i) for the single-family home located at 615 Lantana Court, seconded by Mr. Cook. **Motion carried.** Ayes: Dodd, Cook, Hartman. Nays: Worthen.

Mr. Carville added, "There is no need to vote on the third variance, as the fence extension was not approved."

Case No. 10-20  
Jeff Sebor and  
Rena Shuchat –  
668 Burnside Drive  
–  
Fence Variance

**Case No. 10-20: Jeff Sebor and Rena Shuchat – 668 Burnside Drive – Lot: IL 3703** – The applicant is requesting a variance of 2' to the 6' fence height requirement noted in §154.06(A)(4)(u)(iv).  
**Zoning District:** PD-Planned Development  
**Zoning Code Section(s):** 154.06(A)(4)(u)(iv)

Mr. Carville presented the following report:

- 1) The applicant requests a variance of 2' to the required fence height of 6' noted in Code §154.06(A)(4)(u)(iv) in conjunction with the proposed swimming pool located at the single family residence at 668 Burnside Drive. The variance is as follows:
  - A variance of 2' to the 6' fence height requirement noted in §154.06(A)(4)(u)(iv)

Code §154.06(A)(4)(u)(iv) states:

*The swimming pool, hot tub, spa, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than 6 feet in height and maintained in good condition with a gate and lock.*

The proposed fence is 4', thus a variance of 2' to the 6' fence height requirement is needed.

**Review Criteria §154.03(K)(4)**

**(4) Review Criteria**

Decisions on variance applications shall be based on consideration of the following criteria:

**(a)** Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this code will result in practical difficulty for an area/dimensional variance as further defined below.

**(b)** The following factors shall be considered and weighed by the BZA to determine practical difficulty:

**(i)** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

**(ii)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

**(iii)** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

**(iv)** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

**(v)** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, electric, refuse pickup, or other vital services;

(vi) Whether special conditions or circumstances exist as a result of actions of the owner;

(vii) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;

(viii) Whether the spirit and intent behind the code requirement would be observed and substantial justice done by granting a variance; and/or

(ix) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

(c) No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

#### **Additional Notes**

- Regarding the Safety Barrier Guidelines for Residential Pools by the U.S. Consumer Product Safety Commission, the minimum barrier height for an outdoor swimming pool shall be 4'.
- Along with a 4' fence, the pool will also have an automated pool cover.
- Please refer to 'attachment B' for additional statements and information from the applicant on the application.

Mr. Cook asked for questions of Staff, there were none.

Mr. Cook asked the applicant to state his name and address.

Mr. Jeff Sebor; 668 Burnside Drive, Tipp City, Ohio.

Mr. Sebor began, "First I would like to thank the Board for taking their time to look at our request for the variance of the fence height for the fence around the pool. The Attachment "B" that you received as part of the Staff Report are the notes that I put together. The notes on that page pretty well state out intent. Our full intent is to uphold safety and make sure we have a barrier around the pool that is a 4' high fence as well as the automatic locking pool cover. Since we are not fencing the entire rear yard the fence will be relatively close to the pool we feel that the 6' high barrier makes the area feel kind of cage like and almost like a jail. We are really looking for the appearance of the 4' high barrier rather than the 6' high barrier. It will be open style fencing, which is a requirement of the covenants and restrictions or our HOA. We are also aware of some other situations where this has been granted as a variance in the City and so we are hoping to hear the same decision."

Mr. Cook asked if there was anyone in the audience opposed to this variance.

Mr. Carville responded, "We did not receive any questions or concerns regarding this particular application."

Mr. Dodd asked, "I noticed in the back you have a garage door at the back of the house. Will that be the door that you will be using?"

Mr. Sebor answered, "That door will remain. That is a shed like area that we store lawn equipment in. That door is outside the fence area."

Mr. Dodd asked, "I noticed that you can go down and you have a drainage place/creek that runs in the back of the house. On the corner of your property there is a concrete slab that uses a bridge to cross over the creek. Were you aware of this bridge?"

Mr. Sebor answered, "Yes, I am aware of that. It is actually a steel and wooden bridge with synthetic decking on it."

Mr. Dodd said, "I look at that, and it gives kids access to walk across there at night and climbing into the pool. Do you have any comment to that?"

Mr. Sebor responded, "My only comment would be that if the creek weren't there at all, it would just be a common rear yard property line and we are still providing a 4' barrier fence between anyone from outside the lot and the pool. I don't feel that the bridge creates any more attractive nuisance than if there was no creek at all."

Mr. Worthen asked, "Mr. Sebor, you are only going to have the fence around the pool area, is that correct?"

Mr. Sebor answered, "Correct, the pool and the concrete pad area around the pool will also be inside the fence."

Mr. Worthen said, "So, the 4' fence will also help you see what is going on in the rest of the yard that is outside the fence, is that correct?"

Mr. Sebor responded, "Correct."

Mr. Dodd asked, "Mr. Sebor, I have another question, on your drawing, it looks like the pool is 6' from the house, is that right?"

Mr. Sebor said, "Yes, the edge of the concrete paving around the pool is 6' from the rear wall of the house."

Mr. Dodd asked, "This will be 6' from the existing firepit?"

Mr. Sebor said, "That is correct."

Mr. Dodd, "It looks like the fence goes right up to the back of the house that is correct, right?"

Mr. Sebor said, "That is correct. The far side of the barrier is the rear wall of the house."

Mr. Dodd asked, "Do you have any type of an electronic cover or anything to go over it?"

Mr. Sebor answered, "Yes, we are proposing to install an automatic locking cover."

Mr. Dodd asked, "Is that just for the winter time?"

Mr. Sebor said, "No, it will be normally closed and only opened when the pool is in use."

Mr. Dodd responded, "That is a good answer."

Mr. Cook asked for further questions of the applicant, there were none.

Mr. Cook asked for if anyone would like to speak in opposition of this matter, there was no one.

Mr. Cook asked for Board Member discussion.

Mr. Cook said, "It seems we have had several where the applicants wanted to put a lockable cover on it. I guess in thinking about it, even if you put a fence you are allowed to put a gate as long as it is lockable. I'm sure the teenagers can get over quite a high fence. It seems that a lockable cover would be safer than a fence at all. Assuming that the homeowner is going to be taking on a liability if he just leaves it open."

Mr. Dodd said, "He mentioned that it was going to be an open fence, I think we need more explanation about that."

Mr. Carville responded, "I believe that it will just be a standard wrought iron fence that will have small gaps in between for visibility."

Mr. Dodd said, "I would like for him to answer that question, is it wrought iron, chain link, what is it?"

Mr. Sebor said, "It will be an aluminum or wrought iron fence and it won't pass any larger than a 4" sphere."

Mr. Cook asked for additional comments.

Mr. Worthen added that the Board heard and approved a similar case earlier in the year. The applicant suggested an automatic pool cover and had an open area behind their residence with no housing.

Mr. Worthen said, "I think the closed and locked cover is a big advantage to this request."

Mr. Worthen **moved to grant a variance of 2' to the 6' fence height requirement noted in §154.06(A)(4)(u)(iv), also to include a locking pool cover, in conjunction with the construction of a swimming pool at the single family dwelling located at 668 Burnside Drive**, seconded by Mr. Dodd. **Motion carried.** Ayes: Worthen, Dodd, Cook, Hartman. Nays: None.

#### Old Business

Mr. Cook asked Mr. Carville if the training session was still on for the October meeting. Mr. Carville said he believed so, he will touch base with Mr. Spring regarding the details. The training session will be held even if we don't have a case. If there is a case, the training will happen before the meeting. Mr. Worthen asked, "Will that be in person?" Mr. Carville answered, "Yes, it will be in person." Mr. Cook added, "I attended the last session, and I thought it was well presented, the only thing, when it is immediately before a regular board meeting, it seems like you are setting in the training session and you are thinking as much about the decision you will be making as absorbing it. I think it would have a lot more affect if we did not have any business to conduct following, just a comment."

#### Miscellaneous

Ms. Gross spoke to Mr. Cook. "I would like to re-visit the first variance that ended in a tie. Whenever something ends in a tie it immediately becomes an Agenda Item for the next meeting until it is voted on and it is approved or denied. The quorum that we have at least 3 people to vote, but if we have 4 people to vote there is always a potential to tie. I believe that Case 09-20, the fence variance because it ended in a tie we will need to revisit this at the October meeting."

Mr. Cook said, "Yes, I think I would like to get a Solicitor's Opinion on that. I realize that it says if there is a tie vote it automatically goes to it, but I don't know if maybe that's, you know with Council it could be a 3-3 and the 7<sup>th</sup> person comes in and they can break the tie."

Ms. Gross said, "When we are absent a Board Member that is one of the issues we have with this Board. There is always a potential for a tie. We did have a tie back in 2016, and that is how we proceeded. If you would like, I can speak with Mr. Spring in the morning and have him discuss it with you further."

Mr. Cook responded, "Yes,"

Mr. Carville added, "I can also reach out, if it were moved on to the next Board Meeting. The Applicant was denied the shed so they might just withdrawal the Case if they are not able to build the shed. I think that was their main motivation to extend the fence. That is something we will evaluate and make sure the Board is informed on moving forward."

Mr. Dodd asked, "They are still going to put up the fence regardless?"

Mr. Carville said, "The fence is already pre-existing."

Mr. Dodd added, "I talked to the lady that owned the place, she said that it was falling down and they were going to have it replaced."

Mr. Carville said, "Ok, well then they would have to pursue a regular fence permit."

Mr. Cook asked, "That wouldn't take any action from the Board of Zoning Appeals?"

Mr. Carville answered, "No sir."

**Adjournment**

There being no further business, Mr. Dodd **moved to adjourn the meeting**, seconded by Mr. Hartman and unanimously approved. **Motion carried**. Chairman Cook declared the meeting adjourned at 9:00 p.m.

  
\_\_\_\_\_  
David Cook, Board Chairman

Attest:   
\_\_\_\_\_  
Board Secretary, Mrs. Dawn Gross