

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD AT THE
GREENFIELD CITY HALL ON THURSDAY, SEPTEMBER 28, 2023**

- 1. The meeting was called to order by Planner Gina Vlach at 5:41 p.m.**

ROLL CALL:	Mike Braswell (chair)	Present (arrived at 5:46 p.m.)
	Donald Reid	Present
	Kevin Thomas	Present
	Stephanie Kosmeder	Excused
	Amanda Henderson (alt)	Present
	Christopher Porterfield (alt)	Present

ALSO PRESENT: Gina Vlach - Planner
Jessica Johnson – 4841 W. Anthony Drive

- 2. Approval of the minutes from the July 27, 2023 meeting.**

Motion by Mr. Porterfield, seconded by Mr. Thomas, to approve the minutes from the July 27, 2023 meeting. Motion carried.

(Not on the agenda, but needed in absence of Chairperson).

Election of chair pro-term.

Motion by Mr. Porterfield, seconded by Mr. Reid, to elect Amanda Henderson as chair pro-term for the September 28, 2023 meeting. Motion carried unanimously.

- 3. Zoning Special Exception petition for construction of a fence in the front yard, located at 4841 W. Anthony Dr., submitted by Jessica Johnson, owner. (Tax Key No. 531-0262-000).**

The property owner, Jessica Johnson, is requesting a variance for the construction of a bump out of a side yard fence into the front yard, by about 4 ½ feet. A permit was issued for a 6-ft. tall board-on-board fence along the side yard property line. The fence drawing and survey showed the proposed location of the side yard fence, but it also showed that the fence would protrude into the front yard by about 4 ½ feet, wrap around the turn of the sidewalk, and end with a gate where the sidewalk and driveway connect. Per Section 21.04.0802.D.2.a., fences are allowed in the side and rear yards, not the front yard. There appears to have been a human error, where the inspector approved the drawing showing the fence protruding and wrapping into the front yard by 4 ½ feet. A final inspection has not been conducted, so technically the Inspection Services Division has not “approved” the final inspection of the fence. The homeowner is requesting that the Zoning Board of Appeals approve the fence protrusion into the front yard due to the fact that the application did indicate the fence being located slightly in the front yard, and it was stamped “approved,” in error, by the inspector.

The alternative to not approving the variance request would be that the homeowner would be required to remove the section of the fence that is constructed in the front yard setback. This would include two (2) posts into the ground, the gate, and probably about 15 ft. of length of wood fencing panel. A new post would also need to be dug into the ground at the new end of the fence.

Staff is recommending that the variance be granted, on the basis of an exceptional circumstance where the inspector erroneously approved the site plan showing the fence being located in the front yard. The fence location/wrap around the sidewalk into the front yard will not negatively impact the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity, as the Municipal Code states a variance shall not do.

One letter of objection was received. An email was submitted by Jill Schauer, owner of 4851 W. Anthony Dr., northern neighbor to the applicant. Ms. Schauer was not present. The letter was read aloud by Ms. Henderson:

I have read Ms. Johnson's request for an extension for her fence. I would say no to that request, because I live next to it.

Her permit is for "northern part of garage". No mention of the front yard. She had to know it was not up to code or she would have called for a final inspection. Someone, not me, called Code Enforcement. The city codes are easy to access.

Currently it is blocking my view when I back out of my garage, or it did when I had a car. The car situation will be back to normal soon.

It does not complement our neighborhood. Our little neighbor is special because of well-kept yards. Her fence is an eyesore.

I have attached 2 pictures that speak for themselves. Also, a picture of the guy who came out to inspected it.

Special thank you the Kristi for helping me get my voice heard.

*Thank you,
Jill Schauer*

The two (2) pictures noted within the letter were displayed via the projector as part of the PowerPoint presentation. The "picture of the guy who came out to inspect it" was not shown as Ms. Schauer had sent a video clip. Ms. Vlach stated that the man in the photo was not one of the City's inspectors and the department did not recognize the individual in the video.

The property owner, Jessica Johnson, was present to answer any questions.

Mr. Reid asked if the intention was to paint the fence. Ms. Johnson stated that the fence will be stained a dark wood color once the fence has had the opportunity to naturally weather. She continued stating that the intention is uniformity.

Mr. Thomas asked if the extension beyond the house was necessary. Ms. Johnson stated that she felt it was noting that the physical barrier reduced negative interactions with her neighbor. Chairperson Braswell asked why a final inspection had not yet been conducted on the fence. Ms. Johnson replied that she had been instructed by Kristi Porter, Community Development Manager, to wait until after the Zoning Board of Appeals meeting to schedule the final inspection.

Motion by Chairperson Braswell, seconded by Mr. Thomas, to approve the Zoning Special Exception petition for construction of a fence in the front yard, located at 4841 W. Anthony Dr., submitted by Jessica Johnson, owner. (Tax Key No. 531-0262-000). Motion carried unanimously.

4. Adjournment

Motion by Ms. Henderson, seconded by Mr. Thomas, to adjourn the meeting at 5:51 p.m. Motion carried unanimously.

Respectfully Submitted,

Gina Vlach
Planner

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