

MINUTES OF THE BOARD OF ZONING APPEALS MEETING
JUNE 22ND, 2015

The regular meeting of the City of Mission Board of Zoning Appeals was called to order by Chair Jim Brown at 6:30 PM Monday, June 22th, 2015. Members also present: Mike Lee, Robin Dukelow, Stuart Braden and Carla Mills. Also in attendance: City Planner Danielle Murray and Board of Zoning Appeals Secretary Nakeisha Cooper.

ELECTION OF OFFICERS

Mr. Braden moved to nominate Mr. Brown for the Board of Zoning Chairman. Mrs. Dukelow seconded the motion. The vote was taken, all voting AYE. (5.0.0). The motion carried.

Mrs. Dukelow moved to nominate Mr. Braden for Board of Zoning Vice Chairman. Mr. Lee seconded the motion. The vote was taken, all voting AYE. (4-0-1) with one abstention (Braden). The motion carried.

Mrs. Dukelow moved to nominate Nakeisha Cooper for Board of Zoning Secretary. Mr. Braden seconded the motion. The vote was taken, all voting AYE. (5-0-0). The motion carried.

APPROVAL OF MINUTES OF OCTOBER 27TH 2014

Mrs. Dukelow moved and Mr. Braden seconded a motion to approve the minutes of the October 27th, 2014 meeting. The vote was taken (4-0-1) with one abstention (Mills). The **motion carried**.

Jim Brown read the BZA rules of procedures into the record.

CASE#15-01 VARIANCE - PUBLIC HEARING
6120 W. 64TH STREET - REAR YARD FENCE HEIGHT

Ms. Murray presented the staff report.

The subject property is currently zoned Single Family Residential "R1", was constructed in 1965, and has changed owners in the last year. The new owners of the home wish to replace the existing fence along their rear property line. The current fence is 8' in height and backs up to Kennett Place Townhomes which is adjacent to the north. The townhome development also has a fence in the area. The townhome fence is a wood panel fence 6' in height of a "goodneighbor" design (panels alternate sides of posts). No fence permit is on file for either of the existing fences as they likely predate the requirement for a permit or are not detailed on the construction drawings available. No prior variances are on file for the subject property. The subject property has an outdoor pool in the rear yard. Kennett Place was constructed in phases over a period of time ranging from 1985-1998. The townhomes immediately adjacent to the subject property were constructed in 1986. As with all fence applications, it is the responsibility of the private property owners to

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establish the correct ownership and siting of the proposed fence.

Ms. Dukelow asked staff if a part of the code references the height of the fence in relation to the swimming pool. Also how many other properties adhere to the fence code along the property lines.

Ms. Murray explained that the code states the height of the fence has to be at least 6 feet and there are other fences along the property line that meet the requirement.

Mr. Braden asked if the city records note the height limit on fencing in this particular area.

Ms. Murray stated that she is uncertain about the fence code before 2000, however the current codes states 6 feet.

Ms. Mills asked if there are other fences in the area that are 8 feet tall.

Ms. Murray replied that she was uncertain, staff did not perform a field survey.

Ms. Dukelow explained to staff that the site plan indicates 6 feet on the East & West side of the property. Ms. Dukelow then asked if there are any regulations concerning the entire perimeter of the property.

Ms. Murray explained that no one individual could have something different than another, and the fence code only regulates the height and location of the fence

Ms. Knight stated that a portion of the fence is already 8 feet based on the slope of the ground. The main purpose of the variance is to maintain a level of privacy and to repair the fence due to the current appearance.

Ms. Dukelow asked the applicant what the plans are for the East, West and South side.

Ms. Knapp explained that the plan is to replace the fence in it's entirety.

Mr. Lee asked the applicant to explain why they believe the fence is a present hardship.

Ms. Knapp explained that when they purchased the house, the privacy that the fence provided was a driving factor. The fence is already 8 feet in an area, and they would like to keep the same height around the perimeter of the property.

Mr. Brown opened the Public Hearing.....

Tamra Knapp located at 6120 W. 64th Terrace, came forth and explained that she is not in agreement with the zoning approval, and is against the approval. She believes everyone's fence should be uniform.

Mary Owens located at 6404 Beverly Drive came forth and explained that the variance is not necessary. Ms. Owens stated that the fence is unsightly and it would not be in

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uniform with any of the other's in the area; and in her opinion should not have been allowed in the first place. Ms Owens also questions whether or not the fence could have been grandfathered in.

Ms. Murray explained that it could have been grandfather in and would have to had been approved.

Wayne Stallard located at 6107 W. 64th Terrace came forth and explained that if the height was approved for the North side, you would also have to approve it for the West side. Each fence should meet the same requirement, they should be the same size and height.

Earle Brigance located at 6210 W. 64th Terrace came forth and stated that they are neighbors and he has no objection to the fence, his only recommendation would be to repair it.

Audrey Irick located at 6217 W. 64th Terrace came forth and asked if Milhaven had it's own fence code in which the applicant has to abide by.

Mr. Brown explained that the BZA only addresses the City Ordinance, they do not address Homeowner Association codes and regulations.

Mr. Norman located at 6404 Beverly Drive came forth and explained that an 8 foot fence would be an eyesore and he is opposed to the variance. A 6 foot fence seems sufficient and anything larger should not be allowed.

Mr. Brown closed the Public Hearing.

Mr. Lee asked staff if the number of pools in milhaven.

Ms. Murray stated that she isn't sure, there are approximately 12 or 13 other properties that surround Kennett Place, but she is unsure of the exact height of the others.

Ms. Dukelow stated that there are other surrounding properties with fencing that varies somewhere between 4 and 8 feet in height. The elevation varies in each case.

Ms. Dukelows suggests a landscaping solution to the height issue.

Mr. Braden asked for grade to be explained

Ms Murray responded by explaining how fence height is measured and how the topline of a fence may or may not follow grade.

Mr. Lee moved and Mrs. Dukelow seconded a motion to accept the applicant's findings of fact and approve the variance for an 8 foot fence along the north property line

The vote was taken. (2-3-0) The motion failed per the rules of procedures of the Board of Zoning Appeals.

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ADJOURNMENT

With no other agenda items, **Mrs Dukelow moved and Mr.Braden seconded a motion to adjourn.** The vote was unanimous. The **motion carried.** The meeting adjourned at 7:10 P.M.

ATTEST:

Jim Brown, Chair

Nakeisha Cooper
Board of Zoning Appeals Secretary