

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
MONDAY, APRIL 10, 2023**

The City of Whitehall Board of Zoning and Building Appeals meeting of April 10, 2023, was called to order by Chairperson, Karima Samadi, at 6:30 p.m.

Chairperson Samadi asked for a roll call.

Samadi – Present
Weatherby – Present
Arends – Present
Graham – Present
Soma – Present

Chairperson Samadi asked for a motion to approve the minutes from March 13, 2023, as written. Mr. Arends motioned. Mr. Soma seconded the motion. Samadi – Yes, Weatherby – Yes, Arends, Yes, Graham – Yes, Soma - Yes. Voting was unanimous to **APPROVE** the minutes from March 2023.

Chairperson Samadi introduced Case BA-23-03, Fence Height Variance, 1125.06(b), Michael E. Reese and Tamara M. Reese, 5000 Doral Avenue, parcel 090-003708. Mr. and Mrs. Reese were both sworn in and presented their case. Mr. Reese stated their property on a curve and is open to three properties at the side and rear yard. Mrs. Reese stated she is able to view a neighbor's dog defecating while they are in their yard. Mrs. Reese states the neighbor's dog barks a lot. Mrs. Reese stated they treat their yard, however, the neighbors do not. Mrs. Reese stated the untreated yard weeds blow into their treated yard causing yard damage. Mr. Reese stated the neighbors directly behind have many children and are seeking privacy. Mr. Reese stated there are other properties, including a corner lot, on their street that have 6-ft privacy fences. Mr. Weatherby discussed with Mr. and Mrs. Reese the neighbor's dog and the neighbor's Christmas tree lying in the yard. Mr. Reese stated their plan is to remove their 7 ft tall bushes. Chairperson Samadi clarified with **Mr. Reese if those bushes still** need to be removed. Mr. Reese stated the bushes will be removed as part of the fence project. Mr. Arends asked if the city had any objections. Ms. Morton stated the city has not expressed a particular concern, relying on the BZBA board for their expertise on this case. Therefore, Mr. Arends made a motion to approve Case BA-23-03. Mr. Weatherby asked for clarification on placement of the fence – whether the fence would stop at the center of the house. Mr. Reese stepped up and reviewed with the BZBA board where the fence would end on the submitted photo. Chairperson Samadi and Mr. Weatherby asked if the fence would be located where the black line is on the photo. Mr. Reese stated that is the requested location because that is where the neighbor's dog is chained. Mr. Weatherby stated the fence is not really interfering with the front of the property. Chairperson Samadi stated the setbacks do not appear affected. Chairperson Samadi and Mr. Soma noted the electrical box on the property. Mr. Soma stated there is a requirement to maintain

clearance of 3 ft in front of the electrical box. Chairperson Samadi asked where the location of the gate would be located. Mr. Reese stated the gate would be located in the middle.

Mr. Reese is to resubmit his fence plan showing the location of the fence and gate (for fire safety).

Mr. Graham's concern is that the proposed fence looks like a 6-ft fence from the street. Mr. Graham stated the 6 ft height at the front of the property will not provide additional privacy at the back of the property, as this hardship/special circumstance request is at the sides and back of the property. Mr. Graham stated the fence height should be 4 ft at the front of the property. Chairperson Samadi stated the front-facing portion of the fence be 4 ft while the back portion of the fence remain at the 6 ft height. Mr. Reese stated there are other properties with the fence height requested. Mr. Graham stated those fences cited may have been built during previous building code and were those fences built currently, they would be required to be built at the current code. Chairperson Samadi stated while those fences exist, they are grandfathered in, but new/replacement fences must adhere to the current code requirements. Mr. Graham confirmed, citing a similar property in on his street. Chairperson Samadi used Google maps to view other properties on Doral as examples of older fences. Mr. and Mrs. Reese agreed to move the fence to the back corner of the house so that they may keep the 6 ft height. Mr. Graham, Mr. Arends, and Chairperson Samadi discussed that if the customers agreed, keeping the 6 ft height just to the back corner BA-23-03 can be approved as amended. Mr. Reese stated he was happy with that option.

Chairperson Samadi summarized Case BA-23-03 – Mr. and Mrs. Reese seeking a 6-ft fence height variance from the middle of the back of the home all the way around the back of the property. BZBA required installation of a gate entrance for public health and safety, as well as pushing the fence to the back corner of the home which would satisfy city code. Mr. Arends motioned to approve Case BA-23-03. Mr. Weatherby seconded the motion. Samadi – Yes, Weatherby – Yes, Arends – Yes, Graham – Yes, Soma – Yes. **BA-23-03** was **APPROVED**.

Chairperson Samadi asked if there was any further business. There being no further business, Mr. Arends motioned to adjourn. Mr. Weatherby seconded the motion. Samadi – Yes, Weatherby – Yes, Arends – Yes, Graham – Yes, Soma - Yes. The meeting **ADJOURNED** at 6:47 p.m.

APPROVED: _____, 2023

Respectfully submitted,

KARIMA SAMADI, CHAIRPERSON

Lori Morton, Clerk