

**CITY OF WHITEHALL
BOARD OF ZONING AND BUILDING APPEALS
MONDAY, AUGUST 14, 2023**

The City of Whitehall Board of Zoning and Building Appeals meeting of **August 14, 2023**, was called to order by Vice-Chairman, Michael Arends, at 6:39 p.m.

Vice-Chairman Arends asked for a roll call.

Arends	– Present
Weatherby	– Present
Soma	– Present
Spicer	– Present
Brown	– Present

Vice-Chairman Arends asked for a motion to approve the minutes from July 10, 2023. Ms. Spicer motioned. Mr. Weatherby seconded the motion. Arends – Yes, Weatherby – Yes, Soma- Yes, Spicer– Yes, Brown – Yes. Voting was unanimous to **APPROVE** the minutes from July 10, 2023.

Vice-Chairman Arends introduced **Case BA-23-11**, Rear Yard Setback Variance, 1103.02(C)(1)(E), and **Case BA-23-12**, Non-Recessed Garage Façade Variance, 1103.02(D), 782 Elaine Road, parcel 090-004188. Stefany Risner, SVS Home Improvement & Design and Elias Rivera, Riviera H.E. Renovation, were sworn in and presented their case. Ms. Risner stated they are requesting to reduce the rear yard setback from 25 feet to 12 feet, 4 inches. Ms. Risner stated they are also seeking a **garage façade variance to allow the garage to not be recessed the required 3 feet**. Mr. Soma expressed concern to Ms. Risner and Mr. Rivera regarding front egress. Mr. Soma stated this may not be a concern for this owner but could be a concern for a future owner of the property. Ms. Risner stated a deck is planned on the side of the house facing Wright Avenue. The deck would provide handicap access. Mr. Soma asked Ms. Risner if 36 inches with no more than a 15 percent incline for access could be maintained. Ms. Risner stated they could make that work for ADA access. Ms. Risner, acting as interpreter for Mr. Rivera, stated Mr. Rivera is planning to reside in the home. Vice-Chairman Arends clarified that the garage would, in fact, face Elaine Road. As the proposed home was given an Elaine Road address, Vice-Chairman Arends asked Ms. Risner if a proper house number would be placed on the garage side of the house. Ms. Risner stated there would be room to place a house number on the home.

Vice-Chairperson Arends asked for a motion to approve Cases BA-23-11 and BA-23-12. Ms. Spicer motioned. Mr. Soma seconded the motion. Arends – Yes, Weatherby – Yes, Soma – Yes, Spicer – Yes, Brown – Yes. **BA-23-11** and **BA-23-12** were **APPROVED**.

Vice-Chairman Arends introduced **Case BA-23-13**, Fence Height Variance, 1125.06(b), Dayna Moore, 4144 Seigman Avenue, parcel 090-007630. Mr. and Mrs. Moore were sworn in. Mrs. Moore presented the case. Mrs. Moore stated they currently have a 6-foot fence along the Tornes Road side and along the rear side of their house. Mrs. Moore is seeking replacement and extension along the Tornes Road side of the property. Mrs. Moore stated they own a Great Dane. Mr. Moore stated the requested fence is a 6-foot horizontal wood privacy fence. Mrs. Moore stated there is an existing chain link fence between their lot and the neighbor on one side. Their desire is to replace the chain link fencing. Mr. Weatherby asked Mr. and Mrs. Moore the distance how far they are going out with the planned fence. Mr. Moore stated they are requesting 15 feet from the road to the front edge of the house. For clarification, Mrs. Moore stated the fence would be on the inside of the remaining tree on the west side of the property. **Mr. Soma reviewed with Mr. and Mrs. Moore the definitions of 50 percent privacy (nonopaque) versus an opaque privacy fence.** Mr. and Mrs. Moore reiterated it was their desire for a horizontal wood privacy fence.

Vice-Chairman Arends asked for a motion to approve **Case BA-23-13**. **Mr. Soma** motioned. Ms. Spicer seconded the motion. Arends – Yes, Weatherby – Yes, Soma – Yes, Spicer – Yes, Brown – Yes. **BA-23-13** was **APPROVED**.

Vice-Chairman Arends introduced **Case BA-23-14**, Fence Height Variance, 1114.04A1(3), Morgan R. Penn, 4314 Chandler Drive, parcel 090-005950. Morgan R. Penn and his father, Morgan C. Penn, were sworn in to present Case BA-23-14. Morgan C. stated his son desires to replace an existing 4-foot wood fence with a 6-foot, dog-eared, wood privacy fence. Morgan C. stated his son's lot is a corner lot and desires to keep privacy in the yard. Morgan R. is concerned for his son's safety. Morgan R. also owns a dog which has jumped the existing 4-foot fence. Morgan C. also stated they would update the landscaping. Morgan C. stated traffic visibility would not be impacted. Mr. Soma stated he observed there is no back yard, only a side yard. Morgan R. stated there is a 6 to 7-foot gap between the back of the house and the fence. Ms. Zorana Rivera, 394 South Yearling Road, expressed concern that the fence would be placed where the existing chain link is between her property and Mr. Penn's property. Morgan C. stated he was unsure who owned the fence. Ms. Rivera stated she observed flags on Morgan R.'s property, concerned that may be where the new fence was to be placed. Morgan R. stated the flags are for invisible fencing for the dog. Mr. Brown asked the Penn's for clarification that Ms. Rivera's fence would not be disturbed. Morgan R. stated the new privacy fence would be placed where the existing 4-foot privacy fence is located. Morgan C. stated the new fence would not extend next to the existing chain link fence next to Ms. Rivera's yard. Morgan C. and Morgan R. reiterated that the 4-foot wood fence would be replaced with the 6-foot wood privacy fence in the same footprint.

Vice-Chairman Arends asked for a motion to approve Case BA-23-14. Mr. Soma motioned. Ms. Spicer seconded the motion. Arends – Yes, Weatherby – Yes, Soma – Yes, Soma – Yes, Brown - Yes. **Cases BA-23-14 was APPROVED.**

Prior to close of the August 14, 2023, Board of Zoning and Building Appeals meeting, Vice-Chairman Arends requested a nomination for Chairperson. Mr. Weatherby made a motion to nominate Mike Arends as Chairman for the remainder of 2023. Mr. Soma seconded the motion. Voting was unanimous to elect Mike Arends as Chairman.

Chairman Arends nominated Mr. Weatherby for Vice-Chairperson. Mr. Brown motioned. Ms. Spicer seconded the motion. Voting was unanimous to elect Mr. Weatherby Vice-Chairman.

Chairman Arends requested a nomination for Secretary. Ms. Spicer made a motion to nominate Mr. Soma as Secretary. Mr. Brown seconded the motion. Voting was unanimous to elect Mr. Soma as Secretary.

Chairman Arends asked for a motion to adjourn. Mr. Soma motioned. Vice-Chairman Weatherby seconded the motion. Voting was unanimous to adjourn. The meeting **ADJOURNED** at 7:06 p.m.

APPROVED: _____, 2023

Respectfully submitted,

MIKE ARENDS, CHAIRMAN

Lori Morton, Clerk