

# SMITHTON ZONING BOARD

## ZONING BOARD HEARING

August 23, 2021

7:30pm

Variance – 4400 Devin Dr.

## MINUTES

The hearing was called to order at 8:26pm by Chairman Lori Rodriguez.

Zoning Board members present were: Tom Incrocci, Dale Becherer, Tom Schanherr, Leo Simbuger, and Julie York. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Michelle Schlarman, and Attorney Carmen Durso. Board member Jesse Carlton was absent.

Deputy Zoning Administrator Michelle Schlarman read the notice as published in the Freeburg Tribune.

Chairman Lori Rodriguez read the letter sent to surrounding residents and the list of those residents.

The applicant and residents who wished to speak were sworn in by Deputy Administrator Michelle Schlarman.

Matt Patterson represented D & F Contracting and explained to the Board that they would like a 21 foot side set back variance for a fence that has been installed. Patterson stated that they mistakenly thought that the fence was part of the approved subdivision plans so they installed it without a building permit.

After questions and discussion, it was discovered that the fence does not cause any blind spots according to the residents who live there. It allows access to the lift station and is high enough that water can flow underneath. It ends two feet away from a fiber optic line phone box. There is a deed restriction in the covenant that does not allow property owners to install fences in the subdivision so that the privacy fence will not get in the way of future fences. The only way that would change is if an HOA is formed and petitions D & F to change the covenant. The fence was put in on a shared property line of a homeowner who stated that he was informed of the fence and was in favor of its installation. Administrator Saeger stated that standard procedure would have been that the homeowner would have signed a form giving permission for the fence to be installed on the shared property line.

The attending homeowners were Robert Converse, and Charles and Ruth Ann Niemann. They all spoke in favor of keeping the fence and stated that it helps cut down the highway noise, enhances the property, and screens the view of the creek, highway, and lift station.

Patterson stated that removing the fence would decrease the property value and make it a lot harder to sell the corner lot. He stated that the fence could be removed in sections if work on the fiber optic box is ever needed.

Dale Becherer made a motion which was seconded by Julie York to approve the twenty-one foot variance for a side setback for fence placement at 4400 Devin Drive, with the condition that D & F will be responsible for cost and removal of any sections of the fence if work would need to be done to the fiber optic box. Roll call was taken: Dale Becherer, yes; Julie York, yes; Tom Incrocci, no; Tom Schanherr, yes; Leo Simburger, yes; Jesse Carlton, absent. Motion was granted.

Tom Incrocci made a motion which was seconded by Leo Simburger to adjourn. All were in favor. Meeting adjourned at 8:49pm.