MINUTES OF THE PUBLIC MEETING
OF THE CITY OF ANGOLA BOARD OF ZONING APPEALS
HELD ON JUNE 26, 2022

The Board of Zoning Appeals held their regularly scheduled meeting on Monday, June 26, 2023 at 5:00 p.m., the minutes are recorded and prepared by the Department of Economic Development and Planning staff.

Chairman Brant Moore called the public meeting to order at 5:00 p.m. in the Angola Council Chambers at City Hall.

Present members: Brant Moore, Susan Ralston, Michael Sutter, and Howard McKeever. Absent Member: Phil Roe. Also present at the meeting: Director Jennifer Barclay and Attorney Kim Shoup. Quorum was confirmed.

Chairman Moore asked for approval of meeting minutes. Member Sutter made a motion to approve minutes for the April 24, 2023 meeting. Member McKeever seconded the motion. All other members present approved, none opposed.

Chairman Moore reviewed the meeting rules and procedures.

Chairman Moore moved to the next item on the agenda – 420 LN 130 Fox Lake (ETJ).

Member Ralston recused herself before Director Barclay could begin the staff report.

Director Barclay presented the first case as Fox Lake Addition for a development standards variance. The applicant is Pamela Graves on behalf of property owner Yvonne Graves-Hill. The property is located at 420 LN 130 Fox Lake with the current zoning of LR: Lake Residential District. The applicant is requesting relief from Section 18.64.040 Lake Residential Development Standards;(E) Front Yard Setback and (G) Rear Yard Setback. The hearing date is Monday, May 22, 23 continued to June 26, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on June 16, 2023. Twenty (20) property owners within 300-ft of the project were sent notice by Certificate of Mailing on May 8, 2023. The property is not within a floodplain.

Director Barclay continued stating the applicant plans to build their front porch back to its legal nonconforming status and expand its footprint. The property is located at 420 LN 130 Fox Lake, inside the ETJ, and consists of two lots: lot 37 and 38 platted in 1926. The applicant is also working to amend the plat to combine both lots to conform to today's standards, however, a licensed surveyor's first availability is the first half of July. The plat amendment will appear before the Plan Commission at a later date.

Director Barclay mentioned that the Fox Lake Historic District, established in the spring 2001 with the United States Department of the Interior National Park Service, is the core of the larger area that comprises the Fox Lake Neighborhood Association, which includes most of the south side of Fox Lake. The historic district contains modest cottages, most of which were constructed before World War II.

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Many of the cottages are one-story, of frame construction with gabled roofs and concrete block foundations. Most had either open or screened porches, some of which have been enclosed to add more interior space. Within the registration form, 420 LN 130 Fox Lake is specifically defined as a particularly impressive example of an effective two-story dwelling with a gabled roof, exposed rafter ends and fly rafters, a gabled porch, and metal casement windows, built in 1940.

Director Barclay referenced a drawing of the Fox Lake Historic District outlining the districts coverage area in addition to a images of petitioners residence that was provided in the districts application process from February 2000.

Director Barclay then shifted to the site plan by the petitioner. The petitioner intends to build back the front porch that was removed from damage during 2022. The site plans reflect two additions that were never apart of the legal nonconforming structure, therefore Development Standard Variances are requested for this project. The west side addition is approximately 9.5-ft by 11-ft and includes three window and garage door facing the west. The east addition is approximately 9.5-ft by 6-ft and includes three windows.

Director Barclay advised the board that two development standard variances would be needed for this project: a reduction to the front yard setback from 30-ft to 16-ft and rear yard setback from 20-ft to 15-ft. There are no improvements, just bringing into conformance.

Director Barclay then displayed to board members site photographs as the property sits today. The first three images displayed the residence from the street view at different angles. The fourth image captured the current windows to the dwelling. The remaining three images were again of the street view, but displayed with approximate setback line desired.

Director Barclay then broke down the contextual zoning and land use surrounding this property. As mentioned, the property is zoned LR. The petitioners property is completely surrounded by Lake Residential with agricultural zoning further to the south.

Director Barclay mentioned the project reference the Angola Comprehensive Plan objective 1.5: strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots.

Director Barclay informed members that staff has received a lot of public input communications, more than what was provided within the staff report and would be noted in the minutes as attachments *(see Attachment).*

In conclusion, Director Barclay stated, staff is encouraged to see restoration to cottages and accessory buildings within the Fox Lake Historic District to further ensure measures are being taken to preserve an area so rich with history well into the future. Staff does propose the question of whether the proposed addition embraces the historical significance of the cottage and the historical district it lies within?

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Director Barclay noted the ending paragraph of the staff report has been changed due to the petitioner making the stated changes before the beginning of the meeting. The stated changes were that staff recommends the south façade to have only one dominant gabled, we propose the porch, with exposed rafter ends that extends further to the road than the other proposed additions, essentially flip-flopping widths. Additionally, each addition to embrace the porch look, essentially including a majority of windows along the façade rather than solid wall. This would retain the character of the cottage to the era it was built. Staff feel these modifications are historically appropriate and would also serve the needs of the applicant.

Director Barclay asked if there were any questions for staff.

Chairman Moore advised that there were no questions by staff.

Chairman Moore opened the floor to petitioner Pamela Graves. Ms. Graves opened by stating she has tried to work with staff and county officials to make this process possible. Ms. Graves revisited her site plan giving the details to the elevations of her project, some details matching current elevations of the existing dwelling. Ms. Graves mentioned the property includes the lot to the west, however, they cannot build in that area due to septic system and health department requirements. Ms. Graves addressed the board that their parking area is trying to improve the overall safety of passing vehicles on her road. Ms. Graves ventured into how she was trying to keep historic features within her updates. Ms. Graves did have questions on what materials would be historically approved for the lower level of this home on the concrete block exterior.

With no questions for Ms. Graves by the board, Chairman Moore opened the floor for public comment.

Tim and Chloretha Davie, 435 LN 130 Fox Lake, approached the stand. Mr. Davie mentioned their home is directly across the road from the petitioner. Ms. Davie thanked the board to voice their opposition of this request. Ms. Davie stated they have owned their home since 2002 and have enjoyed the views from the lake home, if this project is approved it will remove their view of the lake. Ms. Davie urged the board to acknowledge the hardship they would have of the lake views were to be further restricted. Mr. Davie advised their internet would be obstructed if the dwelling is expanded because the satellite is on the lake club house. Mr. Davie is concerned if the requested modifications are made to the historic home, will it damage the district's value?

Carol Wasson, 115 LN 130A Fox Lake, stated she is a full-time resident at Fox Lake. Ms. Wasson read a letter from the Fox Lake Preservation Foundation into record by the President that couldn't be present at meeting. Upon completion of reading the letter, Ms. Wasson referenced the first image of the home within the staff report. Ms. Wasson suggested to the petitioner to only span the width of the residence currently, to the edge of the home, nothing further.

Gaylon Barham, 200 LN 250 Fox Lake, stated he wanted to stress his opposition. Mr. Barham mentioned this project will only open the door to future projects. Mr. Barham stressed they want to hold the historical value of the area, especially with the latest involvement of working with the city on grants.

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John and Marsha Edmond, 220 LN 130 Fox Lake, wanted to stress that he is a former president of the association and their biggest challenge in this area is the roadways with upkeep and snow removal. The contractors for these tasks for the lake have made comments of the issues that could come with further encroachment to the roads.

Robert 'Bob' Kessler, 555 LN 130 Fox Lake, advised he has lived on the lake for three years or more. Mr. Kessler stated the petitioner is doing the right thing. Mr. Kessler said he respects everyone in the room but thinks a lot of the comments are over the top. Mr. Kessler strongly thinks the petitioner should be able to move forward with her request to clean up the area. Mr. Kessler stated we are trying to improve our properties in 2023, compared to when the house was built in the 1940's, things aren't like they used to be.

Chairman Moore asked for anyone further wished to speak, with none the petitioner was provide with time for rebuttal.

Ms. Graves took to the stand mentioning she has fully listened to her neighbors. Ms. Graves advised she has already reduced the size of her original request to best fit the needs of her and the neighbors. Ms. Graves mentioned she is just asking to match neighbors improvements and to improve her home and historical value.

With nothing further, Chairman Moore closed the public portion of the hearing.

Member McKeever asked how many feet past the main structure does it extend. Director Barclay reference most recently provided documents, 6-ft on east and 11-ft on the west of the main home.

With no further questions by the board, Chairman asked for the findings of fact. Director Barclay presented the Findings of Fact for Development Standard Variance.

1. The variances will not be injurious to public health, safety, morals and general welfare of the community because the dwelling will have adequate utilities and proper approvals from the Steuben County Drainage Board and Health Department. All members present agreed.

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the additions complement neighboring properties in use and finished materials. The setbacks will practically be identical to adjoining properties. Additionally, restoring a historic dwelling with architectural features as outlined in the National Register of Historic Places registration form. Member McKeever and Chairman Moore agreed. Member Sutter disagreed.

   The use and value of the area adjacent to the property will be affected in a substantially adverse manner because the proposed aesthetics take away from the historic districts characteristics that have been utilized for many decades and established in 2001. Member Sutter agreed. Member McKeever and Chairman Moore disagreed.

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Director Barclay and Attorney confirmed Findings of Fact 2 would be denied since a quorum for a positive vote could not be met.

3. The strict application of the terms of the ordinance will result in practical difficulties in use of the property because the property was platted almost a century ago with different building best practices. Additionally, the existing dwelling being built over eight decades ago was positioned in a manner not feasible to today's Unified Development Ordinances. All members present agreed.

Chairman Moore asked for a motion. **Member McKeever made a motion to approve Development Standard Variances for front and rear yard setbacks as presented. Chairman Moore seconded the motion. Chairman Moore and Member McKeever were in favor, Member Sutter opposed. Chairman Moore reflected for the record that the variance request does fail.**

Director Barclay advised to the audience that the variance did fail and those present may leave if they wish.

Chairman Moore moved to the next item on the agenda – 500 block of W. Gilmore St

Director Barclay presented the second case as Trine 5 Plex for a development standards variance. The applicant is A & D Specs on behalf of property owners Ralph and Sheri Trine. The property is located in the 500 block of W. Gilmore St with the current zoning of TR: Traditional Residential District. The applicant is requesting Land Use Variance from Section 18.60.020 Traditional Residential Permitted Uses and Development Standard Variances Section 18.160.110 Traditional Residential Driveway Standards;(A) Separation(1)(a) within 150-ft of street intersection and (2)(b) distance between driveways. The hearing date is Monday, June 26, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on June 16, 2023. Thirty-one (31) property owners within 300-ft of the project were sent notice by Certificate of Mailing on June 14, 2023. Applicable code provisions refer to Title 18 of the Unified Development Ordinance and Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not within a floodplain. Staff recommendation is conditional approval.

Director Barclay began stating in the fall of 2017, the owner purchased both lot 3 and 4 of Metzger's Addition. Shortly thereafter the dwellings on each lot were razed leaving a single accessory structure on the lot 3. The petitioner intends to develop five townhomes on these vacant lots. Each unit will be a two-story consisting of ±1,550-sf including three bedrooms, two and one half bathrooms, open living space and single garage stall.

Director Barclay references the land use variance that The property is located within the TR- Traditional Residential District which an *'Dwelling, multiple-family (five to eight units per building)'* is not permitted. The petitioner is seeking a Land Use Variance to permit the desired residential use, in addition two development standards variances for driveway separation.

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Director Barclay stated that for the proposed land use to be developed, two development standards are needed. The petitioner request a reduction to the separation of driveway to intersection to reduce from 100-ft to 24.5-ft and reduction in separation between driveways to reduce from 16-ft to 9.5-ft.

Director Barclay then covered a couple reference images to describe the site plan. Director Barclay provided members with a proposed development overview and elevation of the proposed building.

Director Barclay then covered a series of images of the vacant lots from Gilmore St and from N Darling St. An additional image was captured from the city alley way showcasing the accessory dwelling to be removed. The last image presented to the board was of townhomes from Jackson St constructed with the same purpose in mind by same owners and builder.

Director Barclay then moved to the comprehensive plan and objectives this project speaks to. Objective 1.5: Strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots, Objective 1.7: Encourage infill development to direct commercial and residential growth inside the corporate limits when under-utilized sites are redeveloped, Objective 1.10: Encourage a broader range of housing types and mixed densities to better meet the needs of older residents and to appeal to younger families and workforce in Angola and Steuben County, Objective 1.16a: Promote housing growth to attract and support the regional workforce and creative class populations, and lastly Objective 1.16b: Encourage low-maintenance, affordable housing options that support mid to high-density development patterns. Director Barclay referenced that the future land use map shows this area as high density residential.

Director Barclay mentioned that Steuben County completed a housing study in 2020. The study reports over 2,000 households of all income levels have the potential to move into Steuben County each year. Thirty-one percent (31%) are younger singles or couples; 24% are empty nesters & retirees with 36% housing preference of rental units. The annual absorption rate for Angola alone is 26 to 33 rental units each year and 88 to 110 units county wide.

Director Barclay then broke down the contextual zoning and land use surrounding this property. As mentioned, the property is zoned TR. To the north consist of traditional residential and PR; Lions Park, to the south being T. Furth Center and Trine University, to the East being traditional residential and commercial, and lastly the west traditional housing, townhomes and NIPSCO.

Director Barclay mentioned no public input has been received as a result of the public notices being sent.

In conclusion, Director Barclay stated the staff is encouraged to see infill development and is supportive of the request. Transforming these vacant lots into housing within close proximity to downtown and growing university, fully embraces the Angola Comprehensive Plan encouraging growth and improve quality-of-life. Additionally, given the 2020 housing study there is no question more housing is needed within Steuben County. The lots are well-suited for high density residential development, as they are of a suitable size and shape to accommodate multiple units. The Transportation Plan classifies Gilmore

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Street as a 'local street' that has little traffic traveling at low speeds and ample off-street parking is specified for each unit, not generating any new or significant safety hazards.

Staff recommends the following conditions of approval: Lots 3 and 4 of Metzger's Addition will be combined prior to the issuance of any temporary or permanent Certificate of Occupancy and that all plan review comments will be completed prior to the issuance of any permits.

Director Barclay asked if the board had any questions for staff.

Chairman Moore inquired if there were future plans for the rest of the block. Director Barclay advised that she did not know.

Chairman opened the floor to whom was present to speak on behalf of the project. Don Wise, A & D Specs, stated Director Barclay mentioned all the notes he wanted to cover. Mr. Wise noted that the separation distance from the intersection, in the city code, makes the current lots status unbuildable because it isn't even 100-ft in width.

Chairman Moore asked why the driveways aren't designed like the units on Jackson St. Mr. Wise mentioned that if you combine the driveways, that the entry doors to each unit would be close in proximity making it not as private for future owners. Aaron Steury, A & D Specs, spoke additionally that they wanted to embrace personal space and eliminate the chance of vehicles crowding someone's parking area.

Member Ralston inquired about on street parking. Director Barclay stated that on street is located on Darling Street.

Member McKeever asked about the backyards space. Mr. Wise stated it will be ample with accessory structure coming down.

Chairman Moore asked for any further public comment on this case. With no further questions by the board, Chairman asked for the findings of fact. Director Barclay presented the Findings of Fact for Land Use Variance.

1. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community because the building will meet all minimum dwelling and life safety requirements for a dwelling, multiple-family (five to eight units per building). Additionally, adequate off-street parking is provided. All members present agreed.

2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because the use complements existing uses and neighborhood character of the area. Additionally, redevelopment of the vacant lot will increase surrounding property values. All members present agreed.

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3. That the need for the use variance arises from some condition peculiar to the property involved because rezoning the property to where the desired permitted use is granted would not comply with numerous development standards outlined in the UDO. Additionally, the property is more than accommodating for sought use. It should be noted that housing affordable to those living and working in the community is difficult as shown in the Steuben Co. Economic Development Corporation 2020 Housing Study. All members present agreed.

4. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought because a dwelling, multiple-family (five to eight units per building) will fit in the character and development pattern of the area. All members present agreed.

5. The approval does not interfere substantially with the Angola Comprehensive Plan because the plan dedicates this area as high-density residential and compliments several objectives, including Objective 1.5: Strongly encourage redevelopment of under-utilized, vacant, or abandoned structures and lots; Objective 1.7: Encourage infill development to direct commercial and residential growth inside the corporate limits when under-utilized sites are redeveloped; Objective 1.10: Encourage a broader range of housing types and mixed densities to better meet the needs of older residents and to appeal to younger families and workforce in Angola and Steuben County; Objective 1.16a: Promote housing growth to attract and support the regional workforce and creative class populations; and Objective 1.16b: Encourage low-maintenance, affordable housing options that support mid to high-density development patterns. All members present agreed.

Chairman Moore asked for a motion. **Member Sutter made a motion to conditionally approve Land Use Variances to permit Dwelling, multiple-family (five to eight units per building) that lots 3 and 4 of Metzger's Addition will be combined prior to the issuance of any temporary or permanent Certificate of Occupancy AND all plan review comments will be completed prior to the issuance of any permits. Member McKeever seconded the motion.**

Director Barclay then presented the Findings of Fact for the Development Standard Variances.

1. The approval of the variance will not be injurious to the public health, safety, morals, and general welfare of the community because each unit will provide adequate off-street parking, have proper utilities, within short walking distance to downtown and university, and appearance to adjacent townhomes. All members present agreed.

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because the development complements neighboring properties in use and finished materials. The setbacks and lot widths will practically be identical to owner's previous builds on properties to the west. Gilmore Street is a neighborhood street that has little traffic travelling at low speeds. All members present agreed.

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3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property because the 2020 Housing Study calls for more diversity in housing to meet the needs of young and older residents. All members present agreed.

Chairman Moore asked for a motion. **Member McKeever made a motion to conditionally approve Development Standard Variances for separation between driveways and intersections that lots 3 and 4 of Metzger's Addition will be combined prior to the issuance of any temporary or permanent Certificate of Occupancy AND all plan review comments will be completed prior to the issuance of any permits. Member Sutter seconded the motion.**

Chairman Moore moved to the next item on the agenda – 721 Pine Run

Director Barclay presented the next case as front yard fence seeking a development standard variance. The applicant/owner is Michelle Roselle. The property is located at 721 Pine Run with the current zoning of R4: Multiple-Family Residential District. The applicant is requesting relief from Section 18.160.170(C)(1) – fence and wall standards; front yard fence height. The hearing date is Monday, June 26, 2023. Legal Notice of the Public Hearing appeared in The Herald Republican on June 16, 2023. Thirty-one (31) property owners within 300-ft of the project were sent notice by Certificate of Mailing on June 13, 2023. Applicable code is Title 18: Unified Development Ordinance; Indiana Code: Board of Zoning Appeals 36-7-4-900 Series. The property is not located within a floodplain and staff is recommending conditional approval.

Director Barclay continued that on April 24, 2023 the petitioner appeared before this board requesting relief to install a 6-ft privacy fence on her property located at 721 Pine Run, within the Pine Run Subdivision, to assist in containment of her dog and for a sense of security. At that time, the initial site plan put placement of the 6-ft privacy fence along the property line within the front yard facing Todd Dr. The property is a through lot, this lot includes two front yards and two side yards. The yard along Todd Drive and Pine Run Drive are considered front yards. Below are the standards for fences in front and side yards.

Director Barclay mentioned the petitioner was denied the request for development standard variance from Section 18.160.170(C)(1) Fence and Wall Standards after the board made several findings of fact.

Present day, Directory Barclay noted, the applicant wishes to install a 6-ft privacy fence around her patio serving as a permitted privacy partition and connecting to a 4-ft tall decorative fence to continue the remaining property perimeter in the front yard. A "Yard, front" means the horizontal space between the nearest foundation or structural appurtenance, or roof eave (whichever is closer) to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line. Within the R4 zoning jurisdiction, the minimum front yard setback is 30-ft for both primary and secondary structures.

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Director Barclay then went into the projects site plan using aerial images to display the placement of each desired fence height, as well as an example image provided by petitioner of the design and materials to be expected if fence is granted.

Director Barclay then shared with the members some site photos of the property used from the previous meeting. Director Barclay showed members the front façade facing Pine Run. The next series of images provided street views looking directly north and south, as well as directly at the corners of the property showing the façade facing Todd Dr.

Director Barclay then broke down the contextual zoning and land use surrounding this property. As mentioned, the property is zoned R4. To the north consist of multi-family residential, agricultural, and medium-family residential (Waites Woods/Miller Addition), to the south being multi-family and medium-family residential, to the East consuming medium-family residential and agricultural in the ETJ and lastly the west consisting of multi-family residential and Carlin Park Elementary School.

Director Barclay mentioned the Angola Comprehensive Plan Principle 2 speaks to how to inspire community image, improve community character. Assure a positive aesthetic exists throughout the City of Angola; Objective 2.3: Enforce zoning regulations relating to property maintenance.

Director Barclay noted that three letters were submitted and will be included in the notes.

Director Barclay concluded; staff is supportive of a fence and agrees a through lot is not commonly seen in our community, however, a through lot does not constitute a 'hardship'. A 4-ft tall decorative fence is a compromise that will serve the property owners desire for a fence while not negatively affecting neighborhood character.

With no questions for staff, Chairman Moore opened the floor to the petitioner Michelle Roselle. Ms. Roselle stated staff covered a lot of things she wanted to mention. Ms. Roselle is concerned about her dog but feels things can work with the proposed height.

Chairman Moore asked if the 6-ft fence around the patio would be solid. Ms. Roselle stated that her intent is to match the other portions of the fence in design and material.

Chairman Moore asked if petitioner felt neighborhood character would be changed in a substantially adverse manner by her adding a fence. Ms. Roselle replied that she feels it is just an additional foot in height to the permitted front yard fence that it would not affect the neighborhood character.

Member Ralston asked if the fence would impede the safety of getting to the fire hydrant. Ms. Roselle advised that the fence would stay away from the fire hydrant. Director Barclay mentioned placing a gate at that location for an emergency situation of a fire.

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Member Sutter asked why the petitioner has not considered an underground fence for her dog. Ms. Roselle mentioned that she has spoken with several people that have used this type of containment and how their dogs react to it by shaking, feels it is her personal choice to not do this to her dog.

Chairman Moore asked about the public input. Director Barclay mentioned that she felt the communications still thought the original desired fence height was the request and she tried to work through that with them, however, all communications were in opposition of the proposed fence.

Chairman Moore asked if anyone else would like to speak, hearing none the public portion was closed.

Chairman Moore asked if there was any public comment present to speak on this specific case. Charlotte Martin, 801 Pine Run, stated she strongly opposes this fence. Ms. Martin has lived at her residence for 29 years and there has never been a need for a fence, they are located on an island in this addition. Ms. Martin also mentioned she doesn't want a privacy fence around patio because she has a sunroom and likes to sit there to enjoy the neighborhood, not look at a fence. Ms. Martin strongly mentioned that she doesn't want to change the neighborhood character.

Chairman Moore asked Ms. Roselle if she'd like to speak. Ms. Roselle reflected that she doesn't feel that the privacy fence along the patio will impede her view.

Chairman Moore closed the public portion of the member and asked board for any comment. Member McKeever stated that he believes petitioner has made a good compromise on the project than what was originally presented at her first BZA meeting. Member McKeever mentioned you can't make everyone happy in every case.

Member Sutter asked to see site photos again of the neighborhood. Member Sutter stated that images show this area is a fenceless community so why would the board want to allow a fence.

Chairman Moore stated he understands a three-foot fence is permitted, but an additional foot to the fence is a huge difference. Chairman Moore feels it will change the neighborhoods character way to much.

With no further statements, Chairman Moore asked for finding of fact. Director Barclay presented the Finding of Fact to members.

1. The variances will not be injurious to public health, safety, morals and general welfare because a 4-ft decorative fence will not serve as a visual enclosure and will provide visibility to connecting neighbors and supporting existing neighborhood character achieving the property owner goal. Additionally, Todd Drive is considered a 'local street' that has little traffic traveling at low speeds and no driveways located along the east side to disrupt vision clearance standards. Member McKeever agreed.

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The variances will be injurious to public health, safety, morals and general welfare because a 4-ft tall fence will obstruct views of adjacent properties. Additionally, this would be out of character for the neighborhood. Chairman Moore, Member Ralston and Member Sutter agreed.

Director Barclay and City Attorney Shoup discussed, and Mr. Shoup confirmed the finding in the negative was approved since a quorum agreed.

2. The use and value of the area adjacent to the property will not be affected in a substantially adverse manner because a 4-ft decorative fence will be soundly constructed and maintained, visibility maintained complementing neighborhood character. Member McKeever agreed.

   The use and value of the area adjacent to the property will be affected in a substantially adverse manner because a 4-ft privacy fence in a front yard includes no aesthetic or improvements to curb appeal providing an increase to neighbor property values. Chairman Moore, Member Ralston and Member Sutter agreed.

   Attorney Shoup confirmed the finding in the negative was approved since a quorum agreed.

3. The strict application of the terms of the ordinance will result in practical difficulties in use of the property because a 4-ft tall decorative fence will complement neighborhood character. Member McKeever agreed.

   The strict application of the terms of the ordinance will not result in practical difficulties in use of the property because owning and containing a dog is not unique to this property additionally a 4-ft privacy fence will alter the neighborhood character. Chairman Moore, Member Ralston and Member Sutter agreed.

   Attorney Shoup confirmed the finding in the negative was approved since a quorum agreed.

Chairman Moore asked for a motion. **Member McKeever made a motion to approve 721 Pine Run development standard as presented**. **Chairman Sutter seconded the motion. Member McKeever was in favor, Member Sutter, Member Ralston and Chairman Moore opposed. Chairman Moore reflected for the record that the variance request failed.**

With no other business Chairman Moore asked for a motion to adjourn the June 26, 2023 meeting. Chairman Moore made a motion to adjourn. Member McKeever seconded the motion. The motion carried unanimously. Meeting adjourned at 6:30 p.m.

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Brant Moore, *Chairman* Date

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Brett Steele, *Secretary* Date

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