

**CITY OF GERMANTOWN BOARD OF ZONING APPEALS
MINUTES OF MEETING HELD JULY 10, 2023**

The City of Germantown Board of Zoning Appeals met on July 10, 2023 at 7:00 p.m. in the City Building Council Chambers.

MEMBERS PRESENT:

The following members were present at the Call to Order: Mr. Treiber, Mr. Herner, Mrs. Izor, and Mr. Dalton.

MEMBERS ABSENT:

On a motion by Mrs. Izor, seconded by Mr. Jones, it was moved to excuse Mrs. Spencer. On call of the roll: Mrs. Izor, yes; Mr. Jones, yes; Mr. Treiber, yes; Mr. Dalton, yes; and Mr. Herner, yes. Motion carried.

ALSO PRESENT:

Also present: Tyler and Rebecca Alspaugh, applicant; Jeffrey Jones, Council Liaison, and Keith Brane, City Planner.

PUBLIC HEARINGS:

Variance Application #V23-03: Chairman Izor said this application, carried over from our last meeting, was made by Tyler and Rebecca Alspaugh, 95 South Virginia Avenue, to appeal Section 1129.02(b) and 1129.09(i) Fences of the Planning and zoning Code of the City of Germantown. If granted the variance would allow construction of a fence to be placed on the property in the required front yard.

Mr. Tyler Alspaugh said the code said a fence had to be 3 feet if it was 8 feet from the road. I would like to put up a 6 foot fence and move it out a little. We have little kids and a dog that probably wouldn't stay inside a 3 foot fence. It won't obstruct any view when turning the corner onto Baltimore. We have a tree that might obstruct the view more than the fence would.

Mr. Herner asked if it was going to be like a picket fence or alternating board. Mr. Alspaugh said standard dog-eared pickets.

Mrs. Izor said you would have the fence at the corner come off the southwest corner of the house. Mr. Alspaugh said yes; at the back corner of the house to 8 feet off the edge of the road and run the length of the yard, then turn and run to the southeast corner of the garage. Mrs. Izor said the garage would not be inside the fence. Mr. Alspaugh said correct.

Mrs. Izor asked if there were any comments from staff. Mr. Brane said no, but it seems practical since it is a corner lot; it just didn't meet the code. Those who would be most affected, the neighbors, appear to be okay with it since they are not here. I'm comfortable with it. Mrs. Izor said there are no concerns on line-of-sight from the corner.

Chairman Izor opened the public hearing at 7:05 p.m.; with no one coming forward to speak, the public hearing was closed.

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Mr. Treiber said there is an AES power line down the side. You are allowed to build there but you need to be aware that if AES decides to tear your fence down, that is your responsibility. Mr. Alspaugh said he was going to have the utilities marked before construction starts. Mr. Treiber said you need to have that done and you need to know where the property lines are between you and the other house. Mr. Alspaugh said we have a pretty recent survey of our lot from when my aunt lived there so we would go off those pins along our property line.

Mr. Herner said I live on a corner lot and I understand. I have a 6 foot privacy fence exactly the way you have planned but when I had it put in, I could not extend into the side yard without variances. Your backyard is about 4 times as big as mine and my only concern is the extension from the corner of the house down towards the street. I think if you came straight back from the corner of the house, I wouldn't have any issues at all. I understand why you want to build 16 feet out but I'm not a fan of doing that. It opens up a lot of potential for other people in the area. Mr. Alspaugh said if we went straight back we would have to cut down a large Silver Maple and there are other fences in the neighborhood closer to the street than what I am requesting.

Mr. Dalton said if you could cut this back to 8 or 10 feet; that's what I was going to suggest.

Mr. Herner said whether it's 10 or 16 feet, I'm not real happy about it; but I'm fine with the way it is proposed so you don't have to worry about any of your trees. Mr. Alspaugh said he did come out 16 feet to avoid the trees. Mr. Herner asked if they rented the property. Mr. Alspaugh said we will have it under contract as of Friday.

Mr. Jones said with the tree canopy, the fence won't be very noticeable.

Mr. Herner asked how he would get his lawnmower in the fenced area. Mr. Alspaugh said there would be a gate.

Mrs. Izor asked Mr. Brane if he had any concerns with the 8 feet from the road. Mr. Brane said I have it written as minimum 10 feet from the road as opposed to 8 feet. Are you guys considering that this be increased to 10 feet? Mr. Izor said I have no issue with the 8 feet. She asked Mr. Alspaugh if they would be able to do the 10 feet. Mr. Alspaugh said we could do 10 feet if there are no utilities underground.

On a motion by Mrs. Izor, seconded by Mr. Treiber, it was moved to approve application V23-03 with the following condition: the proposed fence shall be 10 feet from the road instead of the proposed 8 feet. On call of the roll: Mrs. Izor, yes; Mr. Dalton, yes; Mr. Treiber, yes; and Mr. Herner, no. Motion carried.

CONSIDER APPROVAL OF THE MINUTES OF THE JUNE 12, 2023 BZA MEETING:

On a motion by Mr. Treiber, seconded by Mr. Dalton, it was moved to approve the minutes of the June 12, 2023 meeting as written. On call of the roll: Mr. Treiber, yes; Mr. Dalton, yes; Mrs. Izor, yes; and Mr. Herner, yes. Motion carried.

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ADJOURNMENT: With no further business, the meeting was adjourned at 7:24 p.m. All were in favor; none were opposed.

Whitney Izor
Chairman, Board of Zoning Appeals

Keith A. Brane
City Planner