

**MINUTES
CITY OF WOODSTOCK
ZONING BOARD OF APPEALS
October 13, 2014
City Council Chambers**

The regular meeting of the City of Woodstock Zoning Board of Appeals was called to order at 7:00 PM by Chairman John Schuh on Monday, October 13, 2014 in the Council Chambers of Woodstock City Hall, 121 West Calhoun Street, Woodstock. A roll call was taken.

COMMISSION MEMBERS PRESENT: Timothy Huffar, Chairman John Schuh, Patrick Shea, Thomas Tierney, Lawrence Winters

COMMISSION MEMBERS ABSENT: Howard Rigsby

STAFF PRESENT: City Planner Nancy Baker

OTHERS PRESENT: City Clerk Dianne Mitchell

II. APPROVAL OF MINUTES:

Motion by L. Winters, second by T. Huffar, to approve the Minutes of the June 9, 2014 Woodstock Zoning Board of Appeals meeting as presented. Ayes: P. Shea, L. Winters, T. Huffar, Chairman Schuh, T. Tierney. Nays: None. Absentees: H. Rigsby. Abstentions: None. Motion carried.

III. ELECTION OF VICE CHAIRMAN

Motion by L. Winters, second by T. Huffar, to elect P. Shea as Vice-Chairman for the Zoning Board of Appeals. Ayes: P. Shea, L. Winters, T. Huffar, Chairman Schuh, T. Tierney. Nays: None. Absentees: H. Rigsby. Abstentions: None. Motion carried.

IV. PUBLIC HEARING

Chairman Schuh opened the Public Hearing at 7:01 PM.

A. 700 Margaret Drive—Variation to a 6 foot high fence at a setback of 30 feet

Chairman Schuh swore in petitioner Matt Champion, 700 Margaret Dr., Woodstock. M. Champion stated that the plat shows the two lots, Lot 1 and Lot 2, and noted that he owns both lots. He reported that there is a house only on Lot 1 and advised that Lot 2 is buildable but they consume it as a backyard and have no intention to build on it. He stated that the request is to run a fence off the back of their house connecting to the property line between Lot 2 and Lot 3. The petitioner reviewed the drawing with the Commission showing them the proposed location for the fence.

Chairman Schuh questioned the required fence line setback and M. Champion stated that it is 65 feet. M. Champion advised that the proposed fence is the same type of fence as the neighbors. The group discussed the setback associated with the proposed fence.

T. Tierney questioned if he is starting perhaps at 40 feet back because it is off the back of the garage. M. Champion stated they are well behind the 30 feet and noted that their hope is to run the new fence back to where the existing fence is 6 foot. He referenced the photo to show them where the fence would run.

Chairman Schuh asked if the City received any letters back or if anyone had concerns. N. Baker reported that the petitioner met the notification requirements and the City didn't hear back from anyone.

T. Tierney stated that it is his understanding that you can't have anything above 4 feet in the front yard, but if you did it has to be 50% visually obscuring. He questioned when approving this variation if they are setting any precedence moving forward because the petitioner has chosen a fence less than 50% obscure. Chairman Schuh stated that the 4 foot, 50% is only for the first 30 feet. N. Baker advised that the only reason the petitioner is here is because the plat changes the setback line. She reported that when the UDO was adopted in 2007 it was done that way because they had a problem establishing a front yard setback for the residents; however, if you read the language it applies to fences as well.

T. Huffar questioned if the petitioner decides to sell it and there is a fence, whether it will carry over to the new people. N. Baker advised that they could maintain the fence. T. Tierney stated that they would have to build their house at the 65 foot setback so it doesn't impact any development. T. Huffar stated if they are going to build a house at the 65 foot there would be a 6 foot fence across the front and he questioned if that is consistent with everyone else in town. T. Tierney stated that it isn't across their front yard; it's through the middle of their front yard. The group discussed the location of the fence relative to a new house.

T. Huffar stated that it is something that isn't consistent with anything else in town and questioned if anyone else has a 6 foot fence across the front in a residential. N. Baker stated that most houses sit at 25-30 feet back. She advised that this is a unique situation in that the lot and the house have gone together since it was first sold.

Chairman Schuh closed the Public Hearing at 7:13 PM.

The Findings of Fact were completed by the Zoning Board of Appeals and are attached to these minutes.

Motion by T. Huffar, second by T. Tierney, to approve the variation from the provisions of the Woodstock Unified Development Ordinance, Section 7A.3.D.3, Bulk and Area Requirements, to allow the installation of a 6 foot high fence in a 30 foot setback from the front property line. Ayes: P. Shea, L. Winters, T. Huffar, Chairman Schuh, T. Tierney. Nays: None. Absentees: H. Rigsby. Abstentions: None. Motion carried.

ADJOURNMENT

Motion by T. Huffar, second by P. Shea to adjourn the October 13, 2014 Zoning Board of Appeals meeting at 7:16 PM. Ayes: P. Shea, L. Winters, T. Huffar, Chairman Schuh, T. Tierney. Nays: None. Absentees: H. Rigsby. Abstentions: None. Motion carried.

Respectfully Submitted,

Dianne Mitchell – City Clerk