

Board of Zoning Adjustments

February 9, 2021

5:30 PM

CHAIR ASHLEY KENNEDY, PRESIDING

The meeting was called to order at 5:30 p.m. Chair Ashley Kennedy asked the Secretary to call the roll.

Members Present:

Johnny Keene
Margaret Townsley
Mitch Buchanan
Brandon White

Also Present:

Edwin Logan, Attorney
Robert Hewitt, Franklin County Planning Director
Ben Judah, Franklin County Planning Supervisor

The first item of business was approval of the minutes of the December 8, 2020 meeting. Mr. Buchanan made a motion to approve the minutes. The motion was seconded by Mr. White and all were in favor.

OLD BUSINESS:

Chair Kennedy asked the Secretary to call the next item of business:

CONTINUATION: In accordance with Article 14 of the Franklin County Zoning Ordinance Stephen and Olivia Thomas are requesting a variance to Article 6 , Section 6.063 Walls and Fences, to allow an increase in the maximum height of a fence from four-feet to six-feet. The property address is 300 Secretariat Way and is more specifically described as PVA map #085-50-09-044.00. (County item)

Ben Judah, Franklin County Planning Supervisor was present and explained that this item was tabled at the November 2020 meeting so the applicant could get with the fence contractor to see if they could come up with another plan.

Mr. Judah explained that this house is on a corner lot and has two front yard areas. Mr. Judah stated that the fence went up in error because the contractor told the applicants that they had obtained the building permit.

Mr. Judah explained that the following options were available to the Board this evening:

- a. They could require that the fence be moved within the allowable setbacks.
- b. They could allow the applicant to keep the fence but lower it to four-feet in height.
- c. The Board could grant the variance based on positive findings of fact.

The applicants Stephen and Olivia Thomas were present and Ms. Thomas stated that as she understood at the last meeting the fence could not be approved because the Board could not make positive Findings for A and B.

Ms. Thomas mentioned that concerning Finding A, their yard is sloped in such a way that a lower four-foot fence would deprive them of privacy. Additionally a four-foot fence would not be tall enough to ensure the safety of their child.

Concerning Finding B, Ms. Thomas stated that the first point she wanted to make was that they did a lot of measuring and if they move the fence back to within the allowable setbacks, they would lose 10' of usable yard outside the fence. The second point Ms. Thomas made was that if they lower the fence they lose the gate and they have to have the gate because the mower is stored in their garage, they don't have an outbuilding in the rear yard. She stated that without the gate they would not have access to get the mower into the back yard. Ms. Thomas stated that if they move the fence back to within the allowable setback the gate would be blocked by an outside HVAC system and they would not be able to get the mower into the back yard.

Mr. Buchanan asked if they had ever reached out to the fence company to see if they could help them out. Ms. Thomas stated that she has made every possible attempt to contact the fence company but they will not respond to her. She also mentioned that she and her husband ran into them in the grocery store and they completely ignored them as if they had never seen them.

Mr. Buchanan asked if the previous fence was 6' high, Mr. Judah replied yes it was but it was within the allowable setbacks and this fence is closer to the road.

Mr. Hewitt brought up some pictures that showed the original fence as well as pictures of the current fence. Mr. Judah mentioned that in this case the fence is in the side yard but does not affect site distance at the corner of the property or block distance while turning from one street to another.

In accordance with Article 14 of the Franklin County Zoning Ordinance Mr. Buchanan made a motion to approve the request from Stephen and Olivia Thomas for a variance to Article 6, Section 6.063 Walls and Fences, to allow an increase in the maximum height of a fence from four-feet to six-feet based on the following Findings of Fact:

1. The uniqueness of the topography of the lot with only a 4-foot fence would deprive the owners of privacy and limit safety for their child.
2. If the applicant is forced to have a 4-foot fence they would lose a gate that gives them access to the backyard.

The motion was seconded by Mr. White and passed unanimously.

There being no further business, Ms. Townsley made a motion to adjourn the meeting. The motion was seconded by Mr. Buchanan and all were in favor the meeting adjourned.

