

**MINUTES  
MARSHALL CITY ZONING BOARD OF APPEALS  
THURSDAY, May 21, 2020**

In a regular session, Thursday, May 21, 2020 at 7:00 p.m. held via teleconference, the Marshall Zoning Board of Appeals meeting was called to order by Chair DeGraw.

**ROLL CALL**

Members Present: Chair DeGraw, Members Byrne, Fisher-Short, and Karns,  
Members Absent: Members Daily and Wolfersberger

Staff Present: Eric Zuzga

**ESTABLISH RULES FOR REMOTE MEETINGS**

**MOTION** by Byrne, supported by Karns to adopt resolution 20.01 to establish Rules for Remote Meetings. On a roll call vote; ayes – DeGraw, Byrne, Fisher-Short, Karns; nays-none; **MOTION CARRIED.**

**AGENDA**

**MOTION** by Karns, supported by Byrne, to accept the agenda for the Thursday, May 21, 2020 as presented. On a roll call vote; ayes – DeGraw, Byrne, Fisher-Short, Karns; nays-none; **MOTION CARRIED.**

**MINUTES**

**MOTION** by Fisher-Short, supported by Karns, to accept the agenda for the Thursday, June 18, 2019 as presented. On a roll call vote; ayes – DeGraw, Byrne, Fisher-Short, Karns; nays-none; **MOTION CARRIED.**

**PUBLIC COMMENTS ON AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

**APPEAL #20.01 – Benjamin Dwyer, owner of 224 S. Liberty, for a dimensional variance from requirement section: 5.13(1) FENCE, WALLS, HEDGES OR SIMILAR PLANTINGS OR STRUCTURES. The owner is seeking a variance to build a 6’ fence in the front yard setback.**

Ben Dwyer owner of 224 S Liberty is seeking to put up a 6’ fence to tie into his neighbor’s fence, since it is off the side of his garage. He would like to utilize the yard as much as possible for his

dogs, and doesn't think a four foot fence will keep the dog in. He also stated that with it tying into the neighbors fence it will look nice

Byrne questioned the type of fence. Dwyer stated it would be a 6ft privacy fence. Byrne questioned if the other fencing would be chain link? Dwyer stated it would be.

Karns questioned what the fence on the end on the Hanover Street would be. Dwyer stated it would be a gate to get into the driveway. Karns questioned if all the neighbors have fences. Dwyer stated that yes they do.

Fisher Short questioned if the neighbor's fences are six feet or are they shorter. Dwyer stated that the one that it would be tying into is 4ft and the one on the back is 6ft. Fisher short questioned the layout of the yard, such as dips and slopes. Dwyer stated it is fairly flat with a few dips.

Byrne questioned if the neighbors have any complaints about the fence or if they seem in favor of it. Dwyer stated that the neighbors seem ok with it.

Ann Marie Renaud of 516 E Green stated that she feels that the fence will be fine and that it will be a good addition since there are a lot of dogs in the neighborhood. She further stated that it would be a good asset, since it is a busy street. She stated that Dwyer has been a friendly neighbor and his dogs are well taken care of.

Grant Chapel of 223 S Marshall stated that he is perfectly fine with it, doesn't feel it will deter from anything.

Board members went over the dimensional variance worksheet.

1. Strict Compliance with the specified dimensional standard(s) will deprive the applicant of rights commonly enjoyed by other property owners in the same zoning district, create an unnecessary burden on the applicant, or unreasonably prevent the owner from using the property for a permitted use. ***The board agrees that it would not be a denial of rights, but that it would limit him on the type and height of fence he could have.***
2. The variance will do substantial justice to the applicant, as well as to the property owners, and a lesser variance that requested will not give substantial relief to the applicant or be consistent with justice to other property owners. ***The board agrees that it would do substantial justice to protect the animals and people in the area and it fits with the look of the neighborhood.***
3. The need for the variance is due to unique circumstances peculiar to the land or the structures involved that are not applicable to other land or structures in the same district. ***The board agrees that since it is a corner lot with 2 front yards, it does have unique circumstances***
4. The problem and resulting need for the variance has not been self-created by the applicant or the applicant's predecessors. ***The board stated that problem was self-created.***
5. The variance will not cause significant adverse impacts to adjacent properties, the neighborhood or the City and will not create a public nuisance or materially impair public

health, safety, comfort, morals or welfare. *The board agreed that there would be no adverse effects, and that it will help keep the neighborhood safe.*

6. The alleged hardship and practical difficulties that will result from a failure to grant the variance include substantially more than a mere inconvenience or an inability to attain a higher financial return. *The board agreed that there is no potential loss or gain to the property value from the fence, and that a smaller fence may create a hazard to with dogs in the neighborhood.*

**MOTION** by Karns, supported by Byrne to approve APPEAL #20.01- Benjamin Dwyer, owner of 224 S. Liberty, for a dimensional variance from requirement section: 5.13(1) FENCE, WALLS, HEDGES OR SIMILAR PLANTINGS OR STRUCTURES. The owner is seeking a variance to build a 6' fence in the front yard setback. On a Roll Call Vote; ayes Byrne, DeGraw, Fisher-Short, Karns; nays-none; **MOTION CARRIED.**

**PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None

**REPORTS**

None

**ADJOURN**

The Zoning Board of Appeals adjourned at 7:31 p.m.

Submitted by,

Michelle Eubank