

**BOARD OF ADJUSTMENT  
DECEMBER 14, 2004**

**PRESENT:**

Chris Caso, Chairman  
Michael Broderick  
George Elwell  
Chris Polito  
Jackie Westbrook

**PRESENT NOT SEATED:**

Randy Hart, Alternate  
Nicholas Nash, Alternate  
Michael Pirek, Alternate  
Donnie Swango, Alternate

**STAFF:**

John Gilliam, First City Attorney  
Keith Schmidt, Assistant Building Official  
Cliff Bormann, Assistant Building Official  
Susan Thompson, Sr. Code Compliance Representative  
Tamra Beck, Sr. Administrative Assistant

A Public Hearing of the Board of Adjustment was called to order by Chairman Caso on Tuesday, December 14, 2004, at 6:00 p.m. in the Council Chambers of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law.

**1. Approval of Minutes: October 26, 2004:**

Mr. Chris Polito made a motion to approve the minutes as written, Ms. Jackie Westbrook seconded. The board approved the minutes with a vote of 5/0.

**2. Appeal #04-33Z 5604 Plantation Circle:** A request to allow a fence located in the required front yard to be 44 inches (3.67') over the allowed 40 inch height).

Ms. Susan Thompson testified that the applicant is requesting a variance that is inclusive of the vertical members, columns and gates in required front yard to be 44 inches over the allowed 40 inch height, 7 foot total height. The applicant is in the process of a large addition and remodel to this house, a new fence is a part of the updates planned for the property.

Ms. Thompson further testified that the property is a corner lot with at 50 foot front building line and a 15 foot side building line adjacent to a street. The applicant is proposing a fence that would extend along the front and side property lines.

The issue of distinction between the fence, gates, and columns has a ruling by the planning department that all parts of the fence are inclusive of the fence and therefore the variance would be for the 7 foot height. There is also a visibility triangle that is required on the corner of the property. Staff has no recommendation.

Mr. V.K. Gupta, applicant, testified that he has met with the homeowners association and has received a letter of approval from them. The neighbors have no objections. He further testified that he is spending a lot of money on the house and the fence would be a quality fence. The fence would give peace of mind because he would like privacy and safety for his home.

Mr. Chris Polito made a motion to grant appeal #04-33Z, Mr. George Elwell seconded. The board granted the variance with a 5/0 vote.

**3. City Code of Conduct Training:**

Mr. John Gilliam gave a presentation to the board members regarding Code of Conduct.

**There being no further business, the meeting was adjourned at 6:55 p.m.**

---

**Chris Caso, Chairman**