

**City of Leawood  
Board of Zoning Appeals Minutes  
March 27, 2019 – 5:30 p.m.  
Leawood City Hall Council Chambers  
4800 Town Center Drive  
Leawood, KS 66211**

**CALL TO ORDER/ROLL CALL:**

Chairman Clawson: I'd like to call to order the March 27, 2019 Board of Zoning Appeals Meeting. Could I have roll call, please?

**MEMBERS PRESENT:** Munson, Dunn, Clawson, Hawk, and Farrington

**MEMBERS ABSENT:** Dr. Peppes and Bussing

**STAFF PRESENT:** Thompson, Knight

**APPROVAL OF MINUTES:** Approval of the minutes from the February 27, 2019 Board of Zoning Appeals meeting

**A motion to approve the minutes from the Board of Zoning February 27, 2019 Board of Zoning Appeals meeting was made by Hawk; seconded by Farrington. Motion carried with a unanimous vote of 4-0. For: Munson, Dunn, Hawk, and Farrington.**

Chairman Clawson: We have one case tonight in Old Business that has been continued.

**OLD BUSINESS:** Case 09-2019 Philip Jobe & Joe Woods; Crimson Homes/Owner - \*CONTINUED\*\* Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 9646 Belinder Road.

**NEW BUSINESS:**

Case 16-2019 Brent Schubert/Contractor; Chris & Katherine Onnen/Owners - Request for a side yard exception in accordance with the LDO, Section 16-2-5.3(D) in an R-1 District for property commonly known as 3209 W. 81st Terrace.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The homeowners would like to add a kitchen addition on the southwest corner of the home that would extend the existing wall approximately 11 feet to the west. The existing wall is 11.8 feet from the west property line. An exception of 4.2 feet is needed to construct the addition as shown on the plan.

Chairman Clawson: Are there any questions for staff? Is the applicant here?

**Applicant Presentation:**

Brett Schubert, General Contractor, 3209 W. 81<sup>st</sup> Terrace, Leawood, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Schubert: We are going to put a kitchen expansion on the southwest corner of their house. Currently, the house sits at 11.8 inches from the property line. Zoning calls for 15 feet. We are not encroaching any closer to the adjoining structure or the property line, so it will extend from the 11.8' line and go back about 12 feet.

Mr. Dunn: So, part of the property is already within 11.8 feet?

Mr. Schubert: That is correct. The current building sits 11.8 feet from the property line.

Mr. Dunn: So, the addition you're planning is not going to extend any further?

Mr. Schubert: No.

Mr. Hawk: Is this behind the garage?

Mr. Schubert: Yes, it is.

Chairman Clawson: Are there additional questions for the applicant? Is there anyone in the audience who wishes to speak for or against this application?

John Born, 3210 82<sup>nd</sup> Street, Leawood, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Born: Our back yards back up to each other. We have no problem with it. Everyone we've talked to in the neighborhood has no problem with it. We approve what they're trying to do.

Chairman Clawson: Thank you. Anyone else? Is there a motion?

**A motion to approve Case 16-2019 Brent Schubert/Contractor; Chris & Katherine Onnen/Owners - Request for a side yard exception in accordance with the LDO, Section 16-2-5.3(D) in an R-1 District for property commonly known as 3209 W. 81st Terrace – was made by Munson; seconded by Hawk. Motion carried with a unanimous vote of 4-0. For: Munson, Dunn, Hawk, and Farrington.**

Case 17-2019 Austin Moss &Christine Dill/Buyers; Ryan & Heather Vota/Owners - Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 2005 W. 127th Street.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The owners want to enclose their rear yard with a 6' tall wooden privacy fence to help contain two huskies and provide a barrier for a future hot tub.

Chairman Clawson: Does the board have questions for staff? Is the applicant here?

**Applicant Presentation:**

Austin Moss & Christine Dill, 2005 W. 127<sup>th</sup> Street, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Moss: We are closing on the house on Monday. We put in 5'-6', and we just need something for the huskies. I know you can't do anything contingent on a pool or hot tub, but we are putting one in this spring and then a pool next summer. We just need something to keep them in. We had a 4' fence before, and they got out. Even just a 5' fence would be enough for that.

Chairman Clawson: Do we have a plan view of the proposed fence?

Mr. Thompson: (*Refers to plan*) The green is where they can put the fence. The red line is the 35' build line, so technically, as long as they stay behind that red line, they could actually follow the curve in the property line.

Mr. Hawk: We're talking not just placement of the fence but the fence height.

Mr. Thompson: Just the fence height exception, correct.

Chairman Clawson: Questions for the applicant? Is there anyone here who wishes to speak for or against this application?

Cheryl Steckley, 2013 W. 127<sup>th</sup> Street, appeared before the Board of Zoning Appeals and made the following comments:

Ms. Steckley: When we were given notification, my husband called, and they said they wanted a 6' fence. All the neighbors in the neighborhood that have fences have a 4' fence. This is part of a cul-de-sac, so when I look out my windows, I will be staring into a 6' wooden fence. It will make the cul-de-sac look a lot different than it does right now. The next-door neighbor was going to be here. She was having trouble getting her kid to and from a function, but she also didn't feel that was a good fit because it would be a 6' wooden fence out of her side windows. A lot of the neighbors in that cul-de-sac have dogs, and they're all contained within their 4' fences. I feel like it's going to change the whole look of the cul-de-sac. I have pictures of what our cul-de-sac looks like currently from my front yard. It's going to block a view way up to State Line Road that we have now. I understand that they can have a 4' wooden fence. I think a 6' fence is really uncalled for. I'm sorry that their dogs jump fences. I think it will affect our property

values because it's not going to look good if it's a 6' fence; it's going to look like Fort Knox every time we look out our windows.

Chairman Clawson: Which property is yours?

Ms. Steckley: There is a house between us, and then it's my house. My house directly faces that house. We've talked to the homeowners' association, and they were told it was a 4' fence. When I went to them yesterday and asked why the people wanted a 6' fence, she said she had the plans and it was signed that they wanted a 4' wooden fence. We feel like we didn't get the full story until yesterday.

Chairman Clawson: Did notices go out?

Mr. Thompson: Notices did go out, and I've met with her husband. We discussed the fence. I received a call today from Mary Beth, who is on the HOA. She also was under the impression it was going to be a 4' fence. They just found out they were requesting a 6' fence when the letters were mailed out.

Ms. Steckley: She never received a letter, so it was a complete shock to her when I went to talk to her yesterday. She said absolutely no way for a 6' fence unless he has a pool, and it's not if he might put in a pool; it's if he has a pool. I would offer a compromise that if they need a 5' fence, they could put in a wrought iron fence, which would not block everyone's view. It's harder to see from the street when people turn into our cul-de-sac. They're not going to just see this 6' fence. I think that would be a compromise we could live with. I don't mind the 5' fence if it's not blocking everyone's view of our cul-de-sac.

Chairman Clawson: Thank you. Is there anyone else who wishes to speak for or against this application? The case before us is for a 6' wooden privacy fence. Would the potential buyers like to address this woman's comments?

Mr. Moss: We're fine with the 5' fence. We haven't really talked about the wrought iron. I called our contractor today; he doesn't do that. He said it's usually 2-3 times as much on a 4' wrought iron, so we would have to look into that. We are open to a 5' exception non-privacy if that is what will make everyone happy.

Mr. Munson: Are you open to a wrought iron fence?

Mr. Moss: I don't know about limiting ourselves to wrought iron because it will be close to 2-3 times as much.

Mr. Munson: The issue with the neighbor seems to be openness and loss of view.

Mr. Moss: Right, so if we did a 5' non-privacy or non-shadowbox fence, so something like a picket or wrought iron, we could commit to that without having to know pricing and everything. If it's about spacing and having non-privacy or non-shadow box, I don't

know how that works with exceptions, but we would be fine with the 5' non-privacy fence.

Mr. Dunn: As I understand it, we have to vote on what's before us today. Is that correct?

Mr. Thompson: The applicant can amend.

Mr. Moss: I think we said 5' or 6' fence in the notes.

Ms. Knight: The application actually says 5' or 6' fence. If the applicant is saying they would modify it to 5', that would be fine.

Mr. Dunn: Does the application stipulate a privacy fence?

Ms. Knight: That's not what we're here about. I know you often inquire about that, but it's not something you typically condition.

Ms. Farrington: Can you put the picture up of the property? I think part of the issue with the neighbors in the way that the cul-de-sac is laid out is their back yard or side yard is visible because it's all in the semicircle. So, the front of this house is actually off 127<sup>th</sup> Street; whereas, the rest of the homeowners are off Eaton. Their view is of the side. Can you put up the other picture? I'm trying to understand. The side of the house would be visible?

Mr. Moss: That's the interior of the cul-de-sac, the west side. We already have to abide by the 35' setback, so we already can't start the fence off the side; we have to start it off the back corner. It will go straight back anyway to not block the neighbor next door to us because if we put it in that 35' area, it wouldn't be allowed. It's there to keep them from having the front view of their house blocked. We're already not putting it there.

Ms. Farrington: I see the neighbors' concern; however, part of the problem is due to the orientation of this house and the way the side and back sit. The other thing we need to look at is that there are other privacy fences in the neighborhood. Is the one next door a 4' fence?

Mr. Thompson: It is actually behind. All the homes from this particular home east do not have fences at all. That fence is in the back yard, and their fence actually won't even touch that fence.

Ms. Farrington: (*Referring to photo*) Is the house on the right across the street or adjacent?

Mr. Thompson: That would be the east side of the subject house.

Mr. Moss: It's looking from the front left of our house toward the back yard.

Ms. Farrington: It looks like there is some sort of fence behind it anyway.

Mr. Moss: The whole back line is fenced.

Mr. Thompson: Yes, but again, their property does not run all the way to that fence.

Ms. Farrington: So, there's an existing 4' fence.

Mr. Thompson: Yes, that is a 4' fence, but there is an elevation change.

Chairman Clawson: If the applicant agrees to limit the fence to a 5' height, do we have to specify the type of material?

Mr. Thompson: You don't have to, no, but I think that's an accommodation they are making that they're willing to build a 5' fence with some spacing between the pickets, which is the majority of what's in the neighborhood now.

Mr. Moss: We haven't looked into this, but if we do build a pool down the road, is it required to have a 5' fence or just optional?

Mr. Thompson: You would be required to have a 4' fence and allowed to have a 6' fence.

Mr. Moss: We're trying to kill two birds and not have to tear down a 4' fence and build a 6' fence when we put a pool in. I know this is not contingent on building a pool, but that is the plan.

Chairman Clawson: You would concur to change your application for a 5' fence in a picket style?

Mr. Moss: We'd be fine changing it to a 5' non-privacy fence.

Chairman Clawson: Ma'am, do you wish to speak?

Ms. Steckley: We're not on Eaton. That might be a misunderstanding. We're the only cul-de-sac that still has 127<sup>th</sup> Street. We are on 127<sup>th</sup> Street. I still think if you make it a picket fence, you are blocking most of the view. There might be an inch and a half between the pickets, but you're still blocking that view. I don't understand why they couldn't go with a wrought iron fence. If they put a 5' wrought iron fence, they would still be covered for their pool if they ever decide to put their pool in. I'm just saying it's going to affect the looks of our neighborhood. Everybody else has 4' fences. We didn't put our fence in; it was there when we moved in. My dogs are fine in my yard. I think the 5' fence should be wrought iron. If it's going to be over 4', it should be see-through. If you could stand on my front porch and look, I can look all the way to State Line Road from my front porch. I wouldn't be able to do that with a 5' fence. It would cut off my whole view.

Chairman Clawson: We understand your position; thank you. Ma'am, would you like to speak?

Jim Steckley, 2013 W. 127<sup>th</sup> Street, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Steckley: That was my wife speaking. Our contention is not the entire fence around the yard; that doesn't bother us. Probably 80% of the fence being put in is in back yards. I don't mind that, but when you put a fence that is 40' long in the front yard of my neighbor's yard, I don't like it. I'm going to see a fence from their back corner all the way around to the side of their house. When people pull into that cul-de-sac, they're going to see that fence. My contention is if he just wanted to put a 5' wrought iron fence in those first 40 feet and make the rest of it wood, I don't really care. We have a great deal of wrought iron fences around our yard even from a number of people that have houses backing into our yard. I think if they could separate the front from the back, I'd be happy. Thank you.

Chairman Clawson: Is there anyone else who wishes to speak?

Ms. Farrington: I'd like to clarify something. Since we're all up here, what we're voting on today is not the fence type because that's approved in the City of Leawood for this neighborhood. It's not within the HOA guidelines that they can't have a wood fence. The only thing we're voting on today is the height. Is that correct?

Mr. Thompson: That is correct, and just to clarify a little more, if they were building a swimming pool, they could put up a 6' privacy fence legally without coming before the Board of Zoning Appeals.

Ms. Farrington: Those are our limitations. That is what is brought in front of us and what we have to vote on today.

Chairman Clawson: Is there a motion?

**A motion to deny Case 17-2019 Austin Moss & Christine Dill/Buyers; Ryan & Heather Vota/Owners - Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 2005 W. 127th Street – was made by Dunn.**

Mr. Dunn: I'd like to point out that I realize, as staff has pointed out, that they don't even have to come to us if they get a swimming pool. One of the reasons for this is our criteria for exceptions is the effect on adjoining property. We usually determine that by the neighbors. As many of us in Leawood have dealt with before, electric fences work pretty well in places where you can't put higher fences in. I don't know if you've explored those yet or not, but you do have other options if the dogs are the only issue. If you do put a swimming pool in, it's really a done deal.

**Motion seconded by Munson. Motion did not pass with a vote of 2-3, including a tie-breaking vote from Chairman Clawson. For: Munson and Dunn. For: Hawk, Farrington, and Chairman Clawson.**

**A motion to approve Case 17-2019 Austin Moss & Christine Dill/Buyers; Ryan & Heather Vota/Owners - Request for a fence height exception in accordance with the LDO, Section 16-4-9.4 in an R-1 District for property commonly known as 2005 W. 127th Street – for a 5’ fence – was made by Farrington; seconded by Hawk. Motion carried with a vote of 3-2, including a tie-breaking vote from Chairman Clawson. For: Farrington, Hawk, and Chairman Clawson. Opposed: Dunn and Munson.**

*Mr. Munson has left the meeting. A quorum is still present.*

Case 18-2019 Martin & Elena Bates/Owners - Request for a Variance to the placement of a fence on a corner lot in accordance with the LDO, Section 16-4-9.3(A) in an RP-1 District for property commonly known as 13800 Fairway St.

**Staff Presentation:**

Wade Thompson made the following presentation:

Mr. Thompson: The applicant would like to complete the enclosure of the rear yard with a 4’ fence. The fence would be 7 feet behind the sidewalk and 35 feet from the curb. A variance of 8 feet is needed to construct the fence.

Chairman Clawson: Questions for staff?

Mr. Dunn: It will be 35 feet from the curb?

Mr. Thompson: Yes, from the back of the curb.

Mr. Dunn: And that requires an 8’ variance?

Mr. Thompson: The actual property line is about 1 foot onto the sidewalk, so since this is a corner lot, their property line is about 1 foot over the sidewalk. Their fence has to be 35 feet behind the front build line.

Chairman Clawson: You have to treat it like a front build line, even if it’s a side.

Mr. Thompson: That is correct. This is a variance for the placement of a fence.

Chairman Clawson: In the packet, I didn’t see a plan showing location of the fence.

Mr. Thompson: There really isn’t. I measured, and the picture on your screen is 7 feet from behind the fence. That is where the fence would be if approved.

Mr. Hawk: It appears this proposal came before us last December, and there was a denial. I'm a little vague on what the difference is.

Mr. Thompson: It was more of an encroachment. They wanted to come straight off the fence to the rear. You can see the wrought iron fence just beyond the utility box.

Chairman Clawson: This is the fence that would run parallel to 138<sup>th</sup> Street.

Mr. Thompson: Correct, and as I pointed out in the last meeting, there is a major difference between the two lots. This lot is a corner lot, so it does have the front build line.

Chairman Clawson: The other lots are through lots.

Mr. Thompson: Yes, so all of the fence is in the rear yard on that lot.

Chairman Clawson: It's on the property line.

Mr. Thompson: Close to it. Their property line is the same. This was a 1' variance because the property line is about 12 inches over the edge of the sidewalk.

Chairman Clawson: Other questions for staff? Is the applicant here?

**Applicant Presentation:**

Martin Bates, 13800 Fairway, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Bates: As has been described, we are looking for a variance. We have unanimous support from the HOA, and there is no negative feedback on that. We also have support here from one of our neighbors and residents. I have a letter that I can read out if it's more convenient (*gives to board*).

Chairman Clawson: Where does this neighbor live?

Mr. Bates: Se lives two houses down at 13800 Belinder Road. I have another clear diagram of what we're proposing here. The second one is a diagonal property. It is a very similar layout, so there is no encroachment through to the corner for any visibility to traffic. We cut the fence back to the garage line. This is a diagonal property from where we're living.

Chairman Clawson: Where is your house?

Mr. Bates: (*shows on the monitor*)

Mr. Dunn: What is the issue with putting it where the rules and regulations say you could place it?

Mr. Bates: We have a tree line there, so we'd like to take it outside the tree line. With the trees, it would be quite far in. If you look at the land area between the houses and the trees, to be able to put the fence in that area would narrow the yard up quite significantly.

Mr. Dunn: What I'm hearing you say is that because of the placement and number of trees, to meet the requirement, you'd have to take it even farther back to clear those trees. Is that correct?

Mr. Bates: That is correct.

Ms. Farrington: On that map that is on our viewer, can you show where the fence is being proposed?

Mr. Thompson: (*demonstrates on monitor*)

Ms. Farrington: Does it come back in before the concrete pad?

Mr. Bates: We have our builder and fence contractor here, but the plan would be to cut in.

Chairman Clawson: You would tie back into the house before the driveway?

Mr. Bates: Correct.

Chairman Clawson: The proposal would be 7 feet inside the sidewalk?

Mr. Thompson: Correct.

Chairman Clawson: What type of fence are you proposing?

Mr. Bates: It's consistent with the neighborhood, so wrought iron.

Chairman Clawson: There have been notices sent out?

Mr. Thompson: Yes, all the letters were sent.

Chairman Clawson: This is a variance, and they're a little more difficult to evaluate and approve. Mainly, the ones we have issues with are Uniqueness and Hardship. Can you speak to those?

Mr. Bates: There's a lot of higher traffic. We have three young children, and we are concerned for their safety with the road. We also have a lot of walkway dogs and other health issues with dog defecation. That is what we are looking to try to solve as well.

Chairman Clawson: I think your landscaping would be an issue, too.

Ms. Farrington: This street used to be blocked off? You're saying when they developed the neighboring development, it opened it up?

Mr. Bates: According to the letter written by our neighbor, apparently as the neighborhood next to us was developed, a thoroughfare was put through to State Line. It used to be a cul-de-sac, and then it opened up. The amount of traffic, according to our neighbor, has increased significantly since that opened up.

Mr. Dunn: This is considered to be a front yard?

Mr. Thompson: Yes, sir.

Mr. Dunn: If that were a side yard, would this be within the setback for a side yard?

Mr. Thompson: No. If it was a regular house and they had a regular side yard, they could build it right on the property line.

Chairman Clawson: The other issue is hardship. If this is denied, you could still build a fence, but you would have to meet the requirements of the LDO.

Mr. Bates: *(adds visual to the monitor)* It would roughly come here, which would literally cut that whole section of the yard off. There are mature trees within that area. It would basically not secure the yard. We'd have to either chop trees down or put a dog lead in the fence, which wouldn't look as good as a straight line.

Mr. Thompson: Even if they built where they want to build it, they'd still have to trim the pine trees back considerably.

Mr. Hawk: There's a likelihood of losing at least part of those trees if we allow this to proceed?

Mr. Thompson: I wouldn't go that far, but they would have to cut several of the lower limbs on the north side of those trees.

Mr. Bates: It would actually blend in nicely. The line that we're proposing would actually run quite nicely down the tree line and would look quite tidy. In terms of hardship, we are concerned about the safety of our children, and having a fence with that road is something we take seriously.

Mr. Hawk: Part of the hardship is the future depreciation of the value of the home. If you have a lesser or smaller yard, that's a detriment to future buyers.

Mr. Thompson: But it would be caused by the applicant. That is the bad thing about buying a house on a corner lot: to meet all the setbacks, the house has to be moved to the inside corner.

Mr. Bates: The other aspect is that diagonally across is similar construction in terms of the layout and cutting back into the house before the garage area, so it would look aesthetically equivalent to what is already there. Our original proposal a few months ago was to take it with the fence line, which was denied. Diagonally across from us, the picture we proposed with this property is relatively identical.

Chairman Clawson: Are there other questions? Thank you. Is there anyone here who wishes to speak for or against this application?

Chris Burge, Burge Fence Company, 6770 W. 152<sup>nd</sup> Terrace, Overland Park, appeared before the Board of Zoning Appeals and made the following comments:

Mr. Burge: I just had a question. Wade, you mentioned this is a front build line.

Mr. Thompson: Yes, a corner lot has two front build lines: one on each side.

Mr. Burge: But the front door faces toward the east.

Mr. Thompson: A corner lot basically has two front yards.

Mr. Burge: I just wanted to clarify that. Then, I'd like to show this (*displays on the monitor*). This fence was approved, and it's exactly across the street from his lot. It's the same corner lot that abuts 138<sup>th</sup> Street. It would be a mirror image of what's installed there. I think that's significant.

Chairman Clawson: Is it a through lot, though?

Mr. Thompson: It's very possible. I know the lot behind him is a through lot, but I'm not familiar with that fence.

Mr. Burge: I just want to show one more if that's okay (*displays on the monitor*). I think this is significant. The house behind has a fence right out to the sidewalk. I know it's their rear lot, but I think it's significant on how it plays out to this lot and the flow of the fence. The trees are actually really big, so to bring the fence inside the inside line of the trees is significant in this lot in particular.

Chairman Clawson: This is a variance. As such, we have to evaluate five factors. As a board, we will discuss and vote on each one. To support a motion for approval, we have to concur as a board that each of the five factors has been satisfied. The first is Uniqueness of the Property.

Mr. Dunn: I always have problems when dealing with these corner lots that have two front yards, particularly when they abut a house next to them that they can't build a fence on the same line because it's a side yard instead of a front yard. I don't know how that fits with all this; I just have a real issue and concern. I know there are plenty of corner

lots in Leawood, so in that sense, I guess it's not unique, but each individual case for that neighborhood seems unique.

Chairman Clawson: I think the issue that was raised about increased traffic in this area is significant, too.

Mr. Thompson: There is considerable traffic, both pedestrian and vehicular.

Ms. Farrington: Can you put the Plot Plan that shows the streets again? (*displayed on monitor*) Where did the extension occur when they built the neighborhood adjacent to it?

Mr. Thompson: Straight to the west. They would travel that way going to Tuscany.

Ms. Farrington: So, it was a dead end before?

Mr. Thompson: Probably, yes.

Chairman Clawson: Where is this house in question?

Mr. Thompson: Can you see the blue ink? That's it.

Chairman Clawson: Other comments about Uniqueness?

**Uniqueness criterion satisfied with a unanimous vote of 3-0, including an affirmative vote from Chairman Clawson. For: Dunn, Farrington, and Clawson. Abstained: Hawk.**

Chairman Clawson: Rights of Adjacent Property Owners. Everyone has been notified?

Mr. Thompson: Yes.

Chairman Clawson: No complaints?

Mr. Thompson: Correct, and we do have one letter of support.

**Rights of Adjacent Property Owners criterion satisfied with a unanimous vote of 3-0. For: Dunn, Hawk, and Farrington.**

Chairman Clawson: Hardship.

Mr. Dunn: We've talked quite a bit about the effect this would have on the landscaping, the trees, and so forth. Once again, in my mind, there is no question that we create a hardship, whether it creates a legal hardship necessary to satisfy this or not. The question is if I think it would create a significant hardship for them. I think it would.

**Hardship criterion satisfied with a unanimous vote of 3-0. For: Dunn, Hawk, and Farrington.**

Chairman Clawson: Public Safety and General Welfare.

Mr. Hawk: Not a factor.

**Public Safety and General Welfare criterion satisfied with a unanimous vote of 3-0. For: Dunn, Hawk, and Farrington.**

Chairman Clawson: Spirit and Intent.

Ms. Farrington: I think it has been met. The property across the street has a similar location. It's wrought iron that is being proposed. Everything goes in the neighborhood.

Mr. Hawk: The look is still the same. It's not going to change the look of the neighborhood, especially with the wrought iron fence.

**Spirit and Intent criterion satisfied with a unanimous vote of 3-0. For: Dunn, Hawk, and Farrington.**

Chairman Clawson: We have voted in the affirmative on all five factors; therefore, we can support a motion for approval.

**A motion to approve Case 18-2019 Martin & Elena Bates/Owners - Request for a Variance to the placement of a fence on a corner lot in accordance with the LDO, Section 16-4-9.3(A) in an RP-1 District for property commonly known as 13800 Fairway St. with a unanimous vote of 3-0. For: Dunn, Hawk, and Farrington – was made by Hawk; seconded by Dunn. Motion carried with a unanimous vote of 3-0. For: Dunn, Hawk, and Farrington.**

Chairman Clawson: The last case has been continued until next month?

Mr. Thompson: Correct; he failed to get his letters mailed.

Case 19-2019 Jordan Marx/Owner VARIANCE **\*\*CONTINUED\*\*** Request for a Variance to the rear build line for the placement of a fence on a through lot in accordance with the LDO, Section 16-4-9.3(D) in an RP-1 District for property commonly known as 3940 W. 131st Terrace.

*MEETING ADJOURNED.*