

BOARD OF ADJUSTMENTS MINUTES

July 21, 2020

In Attendance:

Board Members: Jeremy Gordon, Clinton Jarret, Aaron Burt, Mike Dunbar

Absent: Chris York

City Staff: John Doyle, Nathan Carmon, Miriam Jones, Michele Brown, Mitch McDonald

Guests: Clarence Liberty, Earnest Mentola

1. **Roll Call-** John Doyle called the meeting to order at 5:00pm. All board members except Chris York were present.
2. **Election of Chairman-** Jeremy Gordon made a motion to elect Mike Dunbar as the Chairman of the Board of Adjustments. Clinton Jarrett seconded the motion. Motion passed.
3. **Public Hearing- Variance**
 - a. **306 Bell Avenue-** Nathan Carmon discussed the issue with the fence at 306 Bell Avenue. Mr. Carmon stated that per fence regulations section 515.080 letter (A) states that it shall be unlawful for any person, firm or corporation to build, construct or maintain privacy screens in the front yard and in the front half of the side yards; a fence may be built in the rear and side yards up to the front sides but not beyond the dwelling. The fence at 306 Bell Ave goes past the front corner of the house. Mike Dunbar asked if Mr. Mentola had applied for a fence permit prior to putting the fence up. Mr. Carmon stated no he did not. Mr. Carmon found out about the fence after being called out to the home in regards to another issue. He asked Mr. Mentola to take the fence down since per the ordinance the fence was not allowed. Mr. Mentola was told that he had the right to ask for an appeal. After Mr. Mentola put in the application for a variance, he applied for a permit for the fence. Clinton Jarrett asked if the fence was on the neighbor's property line and if the neighbor was upset about the fence. Nathan Carmon stated that he was unsure of this. Mike Dunbar asked if there were any citizen comments. Earnest Mentola of 306 Bell Ave stated that he paid for both properties to be surveyed and the fence was 3 feet over on his neighbor's property line due to the sewer line. Mr. Mentola explained his reasoning for the fence and why he has requested a variance. The fence is there because of his irreconcilable differences between himself and his neighbors with threats of harming or shooting his family. There have been constant intoxicated arguments between his neighbors and remarks made toward Mr. Mentola's children. Mr. Mentola would like for his children to be able to play outside without being afraid and having to see this type of behavior. Mr. Mentola stated that the fence does not encroach upon his ability to see traffic or emergency personnel's ability to find his address nor any other address to assist in any matter nor does it cause the postal service any difficulty. Clarence Liberty stated that he knows Mr. Mentola and sees no sense in removing the fence. The fence does not obstruct anyone's view of the roadway. Mr. Liberty plans to take this ordinance to the City Council to have it changed. He believes Mr. Mentola should be given a variance due to the circumstances. Jeremy Gordon asked if the fence was in the right of way. Nathan Carmon stated that it was not. Mike Dunbar asked if the city had any views on safety concerns with the fence. Mr. Doyle stated that the visibility of backing out onto the roadway would be a concern. Aaron Burt asked what the amount of traffic was on Bell Ave. Mr. Doyle stated very minimal. Mike Dunbar asked if anyone on the board would like to make a motion in regards to the variance. Jeremy Gordon made a motion to deny the variance based on the ordinance. There was not a second motion. Motion denied. Mike Dunbar asked for another motion. Clinton Jarret made a motion to accept the variance. Aaron Burt seconded the motion. Mike Dunbar was also in agreement. Variance was approved.

4. **Adjournment** – With nothing further, Mike Dunbar adjourned the meeting at 5:30pm.