

MEMBERS PRESENT: C. Harold Gaffin, Chair
Henry Besanceney
Theresa Markham
Mark Donohoe

ALSO PRESENT: Michael Tobin, Village Attorney; James Turner, Code Enforcement Officer;
Paul Booth, Applicant

Chairman Gaffin called the public hearing to order at 7:37 p.m.

PUBLIC HEARING: AREA VARIANCE: 20 BRIGHAM CIRCLE: BOOTH

Chairman Gaffin opened the public hearing at 7:40 p.m. The public notice was read and procedure explained to the applicant. Paul and Christine Booth are requesting a variance for fence height on corner lot.

Mr. Booth is asking to put a cedar privacy fence in his backyard, but due to the fact that this is a corner lot, technically that constitutes having two front lots and therefore fencing is not allowed. Additional reasons for this request are dog containment and privacy.

Mr. Gaffin stated that there are two self created hardships: (1). When they bought the house they knew the lot was on a corner; and (2). Having a large breed dog. Mr. Gaffin asked why a 4' fence is not adequate. Mr. Booth says the intent is to maintain aesthetic visual effects and because of the difference in grading they could only put 4' on the side near southwest corner. Mr. Gaffin asked why not have an invisible fence for the dog. Mr. Booth added this fence is not just for the dog, but also to serve as a privacy barrier.

Mr. Gaffin inquired whether there were other fences on Brigham Circle. Mr. Donohoe stated there are very few fences in the neighborhood. Mr. Donohoe asked if a 6' fence is necessary for dog? Mr. Gaffin asked if this was OK with the neighbors. Mr. Booth stated the dog was friendly. Mr. Tobin asked about the size of the dog? Mr. Booth stated it was 35-36" at shoulder, but very gentle. Mr. Gaffin asked if he spoke with neighbors regarding the fence. Mr. Booth said yes he did and they did not have any objections. Ms. Markham said the neighborhood should be kept in the character of the village.

Chairman Gaffin inquired if there were any comments from the assembled. As none were noted, the public hearing was closed at 8:08 p.m.

REGULAR BUSINESS MEETING

Mr. Gaffin opened the regular business meeting at 8:09 p.m.

ACTION ON THE PUBLIC HEARING ITEM

Motion by Theresa Markham, seconded by Henry Besanceney to grant an area variance to Booth as stated.

DISCUSSION

Ms. Markham has some concerns about 6' fence being that close to southwest neighbors line of sight for pedestrians and driveway for egress. Mr. Besanceney has concerns about a 6' fence on a corner lot. It would seem to be OK as long as it is far enough away as to not affect visibility. Mr. Donohoe expressed reservations as to whether a variance would take care of dog containment or privacy. It was mentioned that driving through the development, only 2 or 3 fences were noted – keep in character with the neighborhood. Mr. Gaffin questioned the grounds for granting variance on a self-created hardship. The hardship was self created in choice of lot and choice of dog and they were aware at the time of purchase. Mr. Besanceney has concerns regarding the aesthetics in going 6' as opposed to 4'. Mr. Besanceney

questioned the grade and pitch. Mr. Booth said there is a 30" drop. Mr. Besanceney suggested using slope of land to join 6' to 4'.

Mr. Gaffin asked for further comments and vote.

Mr. Booth approached the Board with an idea. He could erect a 6' fence that could join a 4' fence with changes in landscape. Mr. Gaffin said to modify the variance request for a 6' to 4' fence up to cable boxes and 4' back up to house.

Mr. Gaffin stated given the situation, the applicant could choose to re-landscape knowing zoning requirements and reapply for the variance.

ROLL CALL VOTE

Gaffin	NAY
Besanceney	NAY
Markham	NAY
Donohoe	NAY

Motion unanimously denied.

APPROVE MINUTES

Motion by Henry Besanceney , seconded by Mark Donohoe to approve the minutes of July 28, 2003 as amended.

Motion carried.

ADJOURN

Motion by Mark Donohoe, seconded by Theresa Markham to adjourn the meeting at 8:50 p.m.

Motion carried, meeting adjourned.

Respectfully submitted,

*Gerianne P. Alford from meeting notes of Sheila Byrne Coleman
Secretary, Zoning Board of Appeals*