

MINUTES OF MEETING  
BOARD OF ZONING AND BUILDING APPEALS  
JANUARY 9, 2025

\*\*\*\*\*

Members Present: Farrell, Wright, Christ, Harpster, Martinez

Presence Noted: Michael O'Boyle, City Councilman  
Steven Dever, Assistant Law Director

\*\*\*\*\*

Mr. Farrell opened the January 9, 2024 Special Meeting of the Board of Zoning and Building Appeals at 7:00 p.m. He explained the meeting protocol and said that the Board has had the opportunity to visit sites and review the applications. He said that anyone who is present and interested in any of the agenda items should come forward when the item is called so they can be sworn in if they wish to speak.

Ms. Martinez moved to continue the positions of the present officers into 2025. Mr. Harpster seconded.

5 Ayes – 0 Nays  
Passed

Mr. Wright moved to approve the Board of Zoning and Building Appeals meeting minutes from December 12, 2024, as presented. Mr. Harpster seconded.

3 Ayes – 2 Abstain (Martinez, Harpster)  
Passed

**1. DAN BROGAN – 19550 Beach Cliff Blvd. – PUBLIC HEARING - Variance to place and accessory generator with a side setback of five (5) feet vs. ten (10) feet permitted. Per Section: 1153.15(k)(2)**

- Has been withdrawn. Did not attend the meeting.

**2. MICHAEL & SHARON SPOONER – 20354 Westhaven Ln. – PUBLIC HEARING – Variance to construct sixty (60) feet of five (5) foot solid fencing and seventy-two (72) feet of four (4) foot solid fencing vs. fences that are twenty-five (25%) percent transparent regardless of the angle at which the transparency is viewed are the only types of fences permitted. Per Section: 1153.15(j)(2) & 1153.15(j)(3)**

Mr. Christ introduced the variance request, and Mr. Farrell swore the applicant in. Mr. & Mrs. Spooner were granted a variance in 2021 to construct a PVC solid fence along the property line that is adjacent to the park. Their neighbors have removed the chain link fence between them and Mr. & Mrs. Spooner wants to add a staggered fence between the two properties to keep maintain consistency will also having a fence low enough to still maintain neighborly behavior. The neighbor is on board and access to each other's properties will not be altered in any way.

Mr. Christ moved to close the public hearing. Mr. Wright seconded.

5 Ayes- 0 Nays  
Passed


Mr. Christ read the practical difficulties factors aloud. Whether special conditions or circumstances exist which are peculiar to the land or structure involved, the applicant has

indicated the practical difficulties of the unusual shape of the back property, the adjacent park, the existing fence, and locating relative to neighbors. Regarding whether the property in question will yield a reasonable return, he does not believe that applies in this case. The variance is not substantial and is the minimum necessary. He does not think that the essential character of the neighborhood will be substantially altered, since the fence will maintain the same style as the existing fence. The delivery of government services will not be adversely affected. Whether the owner purchased the property with knowledge of the zoning restrictions, he does not believe that applies. He does not believe that special conditions exist because of the actions of the owner. He does not believe that the predicament feasibly can be obviated by some method other than a variance. He believes that the spirit and intent of the Code will be observed, and substantial justice will be done by granting the variance without conferring any special privilege on the applicant. He believes that a literal interpretation of the provisions of the Code will deprive the applicant of rights commonly enjoyed by other properties. The other Board members agreed with Mr. Christ assessment.

Mr. Christ moved to grant a variance to Michael & Sharon Spooner, 20354 Westhaven Ln. to construct sixty (60) feet of five (5) foot solid fencing and seventy-two (72) feet of four (4) foot solid fencing. Per Section: 1153.15(j)(2) & 1153.15(j)(3). The applicant has indicated practical difficulties of the unusual shape of the back property, adjacent park, existing fence, and location relative to the neighbors. Mr. Wright seconded.

5 Ayes – 0 Nays  
APPROVED

This meeting was adjourned at 7:35 pm.

  
Patrick Farrell, Chairman

  
Richard Christ, Secretary  


Date: \_\_\_\_\_