

**Minutes of the Zoning Board of Appeals  
Of the City of Portland**  
Held on Monday, August 14, 2017 at 7:00 P.M.  
In Council Chambers at City Hall

Members Present: Barnes, Graham, Fedewa, Parsons, Stahl

Staff: City Manager Gorman, City Clerk Miller, Deputy Zoning Administrator Gensterblum

Guests: Todd Goodman of Goodman Homes; Renee Goodman

City Clerk Miller called the meeting to order at 7:00 P.M. with the Pledge of Allegiance.

City Clerk Miller opened the floor for nominations for Chair.

Motion by Graham, supported by Barnes, to keep the same officers of Parsons as Chair, Stahl as Vice Chair and Graham as Secretary.

There were no other nominations.

City Clerk Miller closed the floor for nominations and held the vote on the motion.  
All in favor. Approved.

There were no public comments.

Motion by Barnes, supported by Fedewa, to approve the proposed agenda as presented.

Yeas: Barnes, Fedewa, Stahl, Graham, Parsons

Nays: None

Approved

Motion by Graham, supported by Fedewa, to approve the minutes of the December 12, 2016 meeting as presented.

Yeas: Graham, Fedewa, Barnes, Stahl, Parsons

Nays: None

Approved

Chair Parsons opened the Public Hearing at 7:03 P.M.

City Manager Gorman provided an overview and photos of the request by Kirk & Renee Goodman to consider the request for a variance from the maximum height requirement (48") for fences in the front yard in a residential district (Sec. 42-303) for the residence located at 834 E. Bridge Street,(located at the corner of Bridge and East streets) to install a 5-foot decorative fence in front lawn to keep their dogs safe from Bridge Street traffic and to add value to the home. Section 42-303 of the Zoning Ordinance states that fences in the front yard can only be 48" high. The Zoning Ordinance defines what a front yard is and does not allow much flexibility. The issue with the zoning compliance on installation of this fence was discovered when Deputy Zoning Administrator Gensterblum observed the fence posts being installed.

Todd Goodman explained that he didn't know that a fence permit was required for installation of a fence in the City of Portland as he doesn't do much work in the City. He further stated that he does not agree with the requirements of the Zoning Ordinance.

Renee Goodman suggested the Zoning Ordinance be changed to address the size and shape of the properties.

Todd Goodman also referenced the moratorium that was put in place after the tornado in June of 2015.

City Manager Gorman explained the distinction between the current noncomplying fences and the damage done by the tornado.

Chair Parsons went through the criteria for the request based on the Application for Zoning Variance.

Under Criterion #1, not allowing a 5-foot fence would prevent the property owner from using the front yard to keep their pets in a safe area. There are two frontages to the property as it is located at the corner of Bridge and East streets.

Under Criterion #2, the property is located on a corner. The traffic levels are very high on both East and Bridge streets; securing the front yard will make it safer for pets and young children.

Under Criterion #3, the fence would add value to the property. The proposed fence is non-obstructive and would not affect the neighbors.

The letters and comments of support submitted by Bruce Ackerson, Brian Brown, and Josh Hoskins in favor of installation of the fence were noted for the record.

Under Criterion #4, the property had two frontages when it was purchased by the owner.

Under Criterion #5, the applicant wishes to maintain the beauty and character of Portland by maintaining and adding value to their property. They also wish to keep the property safe and secure.

City Manager Gorman noted the City has done their best to administer the Zoning Ordinance as fairly as possible.

Chair Parsons closed the Public Hearing at 7:19 P.M.

Under New Business, the board considered the request for a variance from the maximum height requirement (48") for fences in the front yard in a residential district (Sec. 42-303) for the residence located at 834 E. Bridge St.

Motion by Graham, supported by Fedewa, to approve the request for a variance from the maximum height requirement (48") for fences in the front yard in a residential district (Sec. 42-303) for the residence located at 834 E. Bridge St. as requested.

Mayor Barnes commented that when ordinances are passed, the belief is that they are best for the community, but there are always so many variables that every situation cannot be considered.

The vote for the motion on the table was held.

Yeas: Graham, Fedewa, Barnes, Stahl, Parsons

Nays: None

Approved.

City Manager Gorman provided an update on developments throughout the community including Muffler Man, McDonalds, ConfluxCity Brewery, the Opera Block properties, Sparrow, the Keusch property auction, the James St. Improvement Project and the progress made by The WODA Group on the redevelopment of Old School Manor.

Motion by Barnes, supported by Stahl, to adjourn the meeting at 7:28 P.M.

Yeas: Barnes, Stahl, Fedewa, Graham, Parsons

Nays: None

Adjourned.

Respectfully submitted,

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Jayne Graham, Secretary