



**BOARD OF ADJUSTMENT
CITY OF BRENTWOOD
THURSDAY, AUGUST 25, 2022
7:00 PM**

CALL TO ORDER

Mr. Jared Balint, Chair called the meeting to order.

ROLL CALL

Jared Balint Chair	Present
Adam Sommer	Present
Sue Kaiser	Present
Scott Stinson	Present
Ryan Marshall	Present

AGENDA APPROVAL

Mr. Stinson made a motion to approve the agenda. Ms. Kaiser seconded. All in favor.

CITIZEN COMMENTS

None

OLD BUSINESS

None

NEW BUSINESS

9102 White Ave Variance Request for A Fence Within Setback along High School Drive

Those speaking to the request were sworn in.

Mr. Brendan Moody, applicant, said he has lived in Brentwood for a year. He said he is requesting the fence for privacy and safety. He said they have a dog who also needs to be contained in the yard. He requested that the Board consider the request. He read a letter from neighbors stating their approval. He said 5 neighbors had signed it. It was entered into the record as an exhibit.

Ms. Kelly, read from the zoning code regarding side yard corner fences. She said the applicant is requesting a 6-ft fence. She said the property is non-conforming. She said the fence requested would have somewhat open slats. She showed neighboring properties with similar fences to the side and rear. She said the need for privacy is for the board to determine. She stated this review should be done on a site specific basis. She said any fence on the property would require a variance. She said the request for a fence is often due to pets which is the case for this applicant.

Mr. Marshall asked for clarification as to whether the side yard was considered a front yard.

Ms. Kelly confirmed that was the case for any house along two streets.

Mr. Sommer asked about the house to the south and whether it had a variance.

Ms. Kelly said she has not found any of the properties to have had a variance.

Mr. Balint asked if the applicant was amiable to other fence styles.

Ms. Julia Miller said they are open to other fences but they would like the height to be 6'.

Mr. Marshall asked about staff's perspective.
Ms. Kelly said staff duty was to provide perspective.

Ms. Stephanie, legal counsel, said one option was to consider the prevalence of front and side yard fences in the area and to change the ordinance.
Mr. Marshall said he thinks they should change the regulation.

Ms. Kelly said there is recent state legislation that will require a code update and this type of review could be added to that update.

Mr. Sommer said he was considerate of setting a precedence but also wanted to do right by applicants trying to do the right thing.

Mr. Stinson asked about the style of fence and if they could put in a fence with closer slats.

Mr. Moody said a wrought iron style would not provide privacy.

Mr. Balint said the neighboring property fence is falling. He asked if they could put something in that would not fall.

Mr. Moody said they had selected the larger posts for additional support.

Mr. Marshall said he did not think any design limitations as being necessary.

Mr. Balint went over the standards of the variance.

Mr. Marshall made a motion to approve, Ms. Kaiser seconded. All in favor.

A motion was made for staff to prepare the findings of facts and conclusion of law.

Ms. Kelly said the next meeting would be October 27th as no applications had been received for September.

ADJOURNMENT

Mr. Stinson made a motion to approve. All in favor. Meeting adjourned at 7:33pm.