

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
AUGUST 3, 2023**

The Anderson Township Board of Zoning Appeals held a regular meeting, duly called, on August 3, 2023, at 5:30 p.m. at the Anderson Center. Present were the following members:

Steve Haber, Paul Sian, John Halpin, Scott Lawrence, and Jeff Nye

Also, present when the meeting was called to order Chris Cavallaro, Planner I, and Stephen Springsteen, Planner I. A list of citizens in attendance is attached.

Staff and members of the public were asked to raise their right hand and swear or affirm to the following oath as read by **Mr. Haber**: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you, God?

Staff and those testifying replied "yes" to the oath issued by **Mr. Haber**.

Approval of Agenda

The Agenda for August 3, 2023 was approved by Mr. Nye, and approved by the Board with unanimous consent.

Approval of Minutes

The Minutes for July 6, 2023 were approved, Mr. Sian moved to approve, and Mr. Halpin seconded the motion.

Vote: 5 Yeas

Consideration of Case 17-2023 BZA

Mr. Cavallaro gave a summary of the staff report for Case 17-2023 BZA.

Mr. Haber asked if there were any questions from the board. None.

Mr. Thomas Armstrong, owner of 6793 Sunray Ave, stated that the reason the proposed fence in the side yard was due to the neighbor and their dog attempting to fight each other through the existing chain link fence. This is why the owners also installed the fence for security concerns, as the neighbor has had police called to their residence multiple times and their son would jump over the existing fence.

Ms. Emily Selzer, resident of 6793 Sunray Ave, stated that the reason the proposed fence in the side yard was due to the neighbor and their dog attempting to fight each other through the existing chain link fence. She further explained moving the existing gate that goes across the driveway to staff's proposed location was not viable to them as range of motion for opening the gate would be limited. The applicant did explore this option, however, it was found to limit the access for the residents to utilize their detached garage. This is why the owners believe that the 6' privacy fence was the only solution that solved their problems. She stated that this fence has improved neighbor relations and that the neighbor wanted to come this evening to show support, however, a family emergency prevented them attending.

Mr. Cody Jackson, owner of 6789 Sunray Ave, spoke in favor of the requested variance. He reiterated the aggressiveness of the neighbor's dogs and the improvement since the fence has been put up. Mr. Nye asked Mr. Jackson if there were other fences in the neighborhood that had tall fences between houses such as the proposed fence by the applicant. Mr. Jackson replied that he was unsure of any.

Ms. Mary Jackson, owner of 6789 Sunray Ave, spoke in favor of the requested variance. She reiterated that there has been a noticeable improvement in the neighborhood since the fence was put up. Mr. Nye asked Ms. Jackson if there were other fences in the neighborhood that had tall fences between houses such as the proposed fence by the applicant. Mr. Jackson replied that he was unsure of any.

The public hearing was closed at 5:49 PM.

Deliberation of Case 17-2023 BZA

The Board discussed a variance request to allow a 6' privacy fence in the side yard, where a 6' privacy fence is only permitted in the rear at the premises designated as 6793 Sunray Ave (Book 500, Page 343, Parcel 161), per Article 5.2, A, 9 of the Anderson Township Zoning Resolution.

Mr. Nye motioned to grant a variance for a 6' privacy fence in the side yard, where a 6' privacy fence is only permitted in the rear, with the condition that it be consistent with the 7/12/2023 plans. **Mr. Halpin** Seconded.

Vote: 5 Yeas

Decision and Journalization of Case 17-2023 BZA

Mr. Nye moved, and **Mr. Sian** seconded to approve the variance request in Case 17-2023 BZA with conditions.

Vote: 5 Yeas

Discussion Items


Mr. Haber moved to adjourn, seconded by **Mr. Nye**, with unanimous consent and with no objections from the Board.

The next meeting is scheduled for Thursday, September 7, 2023, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at **6:00 pm**.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'S. Haber', written in a cursive style.

Steve Haber, Chair

