



**TOWN OF THUNDERBOLT
BOARD OF ZONING APPEALS MEETING
WEDNESDAY, MARCH 6, 2024
6:30 PM**

AGENDA HEARING

Craig Maggioni, 120 Bonaventure Rd, was in attendance. Mr. Maggioni applied for a front fence height variance to place a 6' fence in his front yard.

REGULAR MEETING

1. Call to Order

The meeting was called to order by Mayor Williams at 6:29pm.

Those in attendance were Mayor Dana Williams and Council Members: David Crenshaw, Brooks Barbaree, Lawrence Ward, Bethany Skipper-Greer, and James Lavin. Staff in attendance were Town Administrator Bob Milie, Town Attorney Charlie Barrow, Town Clerk/Zoning Administrator Matthew Walker, and Consultant Ashley Goodrich.

Council Member Edward Drohan was not in attendance.

2. Consideration to approve the agenda

Council Member Ward made a motion to approve the agenda with a second from Council Member Crenshaw. The motion passed unanimously.

3. Consideration to Approve Minutes from previous meeting

Council Member Crenshaw made a motion to approve the meeting minutes from February 14, 2024 with a second from Council Member Ward. The motion passed unanimously.

4. Consideration to approve Fence Height Variance for Craig Maggioni – 120/124 Bonaventure Rd.

Council Member Skipper Greer wanted to know the details of the proposed fence. Mr. Maggioni stated he wishes for a 6' split rail fence along the front of his property with a 20' setback from the road to not interfere with the sight line at the road. This will also allow him to have more access to use his front yard.

Council Member Lavin stated concerns received from citizens. The ordinance states 4' fence height in front of house. This matter does not present a practical difficulty. The resident is requesting 2 additional feet. If we okay this, how can we say no in the future. We don't want to consider dogs, etc. Council member Lavin stated he is not in favor.

Mr. Maggioni stated most lots are 100' x 100' and the ordinance was written for those lots. Following the ordinance cuts out 200'+ of his front yard.

Council Member Crenshaw asked the opinion of Town Attorney Charlie Barrow. Attorney Barrow then read his memo regarding variances. (memo attached). Attorney Barrow stated undue hardship and practical difficulty are not defined in the ordinance. He stated it is a balancing job. Precedence is part of the balance. Mr. Maggioni's lot is different from most lots in Thunderbolt. It is larger than 90% of the lots in Town.

Mayor Williams stated Mr. Maggioni can maintain his current fence.

Jan Yarbrough, 24 Bonaventure Rd, voiced her concerns regarding applications for variance. She stated the current ordinance allows only 4' fence in front yards. She stated that in order to grant a variance, certain conditions must be met – 1) Extraordinary conditions to lot. 2) Unnecessary hardship 3) Not impair public interest or safety. She believes a lower fence height is better for public safety. If approved, Ms. Yarbrough feels it can affect other lots in Town. She then read a letter (attached) submitted by Beth Goette, who was unable to attend.

Town Administrator Milie thanked Ms. Yarbrough.

Stella Lavin, 3124 Robertson Ave, doesn't understand with regards to size. A bigger lot doesn't mean bigger fence. She feels it will become a compound. Ms. Lavin stated that the staff going against the ordinance makes her sad. There is no hardship, yet staff still recommends approval. Practical difficulty is not there. If you want to change the code of ordinances, change it. Otherwise allowing this variance will create problems. History repeats itself.

Mayor Williams stated that many variances were approved in the past by the former Mayor and P&Z Chair. Do we never grant variances or allow change? It is our decision to approve or deny.

Town Attorney Barrow stated a variance is an exception. If identical or similar application is submitted, the Town probably needs to approve.

Mayor Williams recalled making a resident remove a fence that didn't follow the ordinance or seek a variance.

Town Administrator Milie stated the only precedence it sets is that anyone may apply for a variance. Approval recommendations are based on specific parameters of this application. Dogs do play a part. In his opinion, doesn't feel it impacts safety, visibility, etc...They are not all cut and dry. Not granting the request keeps Mr. Maggioni from utilizing his full lot. Recommendation remains to approve variance request.

Council Member Lavin stated the hardship is to the property, not the person. He stated his neighbor's fence is 6' all the way to the road. Now 2 more. He feels we are too lax.

Town Administrator Milie stated if those residents did not receive a variance, we will ask to comply with ordinance.

Jan Yarbrough stated she has no problems with variances that do not impact other lots. She stated she is worried that Mr. Milie is too involved with steering the P&Z Committee to decide.

Council Member Skipper-Greer asked if the current trees are okay? Mr. Milie stated the trees are not impacted. Skipper-Greer stated she takes variances seriously. She stated that Mr. Maggioni was aware of the codes when purchasing the property. She appreciates the concern of aesthetics and believes Mr. Maggioni will make it look better than it currently does.

Council Member Crenshaw stated no variance was the reason the Victory Drive fence was ordered to be taken down.

Council Member Ward asked if the neighbors supported the fence. Mr. Maggioni informed him that his neighbors do support the fence variance.

Council Member Barbaree asked if we could compromise with a 5' fence. Town Administrator Milie stated Mr. Maggioni made his choice with the data known.

Council Member Crenshaw made a motion to approve the fence height variance with a second from Council Member Ward. The motion passed with a vote of 3-1. (Council Members Skipper-Greer, Crenshaw, and Ward voted aye. Council Member Lavin voted nay. Mayor Williams and Council Member Barbaree recused themselves.)

5. **Adjournment**

Council Member Ward made a motion to adjourn with a second from Council Member Crenshaw. The motion passed unanimously.

The meeting was adjourned at 7:16 pm.

Dana Williams, Mayor

Matthew D. Walker, Zoning Administrator

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