



City of La Crosse, Wisconsin

City Hall
400 La Crosse Street
La Crosse, WI 54601

Meeting Minutes - Final

Board of Zoning Appeals

Wednesday, September 20, 2017

7:00 PM

3rd Floor Conference Room

Call to Order, Roll Call

Chairman Nohr called the meeting to order at 7:00 p.m. and explained the Board of Zoning Appeals meeting procedure.

Present: 5 - Douglas Farmer, Carol Haefs, Philip Nohr, Anastasia Gentry, Joe Konradt

Excused: 2 - James Cherf, Charles Clemence

Variance appeals:

Chairman Nohr opened the public hearing.

[2589](#)

An appeal regarding the requirement to provide a rear yard setback of 24 feet, 6 inches at 2522 13th Pl. S., La Crosse, Wisconsin.

Brent Thielen, 400 La Crosse Street, representing the Inspection Department, is sworn in to speak. The owner has applied for a permit to construct an addition at this address. Municipal Code Section 115-143 states that there shall be a rear yard having a depth of not less than 20 percent of the depth of the lot. The required rear yard setback is 24 feet, 6 inches. The owner proposes a rear yard setback of 17 feet. For this project to proceed as proposed, the Board would have to grant a variance of 7 feet, 6 inches to the rear yard setback requirement.

Thielen shows a floor plan of the project. He points out the addition they want to put on and he shows an inset of what the steps down to the garage will look like. Nohr asks if it is an attached garage; Thielen states that he is correct and adds if he remembers right it was passed over a year ago and the variance expired. Nohr asks if there would be a problem it was a detached garage and Thielen responds that if it was detached there would be no problem with the setback. Konradt asks Thielen to again point out where the setback issue is and he points it out.

Farmer asks if Thielen is certain that it was over a year ago and both Thielen and Gentry state that they remember that it was over a year ago. Konradt asks to back up to the previous slide and asks if there are streets on both sides. Thielen states that it has a street in front and an alley around the back. Konradt asks if the setback is off the street in the back and Thielen responds that it is off the public right-of way. Konradt asks if all of the other setbacks are compliant and Thielen states that they just need a variance for the rear yard setback.

Thielen shows a photo of the garage that will be removed and the Board members now remember it from the previous meeting. Farmer states that he remembers that a lady down the street was opposed. Thielen points out the garage area and the alley; he states that they are removing the old one and putting up a new one. Nohr asks if the

current garage is closer to the alley and Thielen states that he is correct.

Speaking in Favor of the Request:

Dustin Frost, 2522 13th Pl. S. is sworn in to speak. Frost states that it was about the same time last year that he came before the board. He states that it doesn't change aesthetics from the alley way. Frost states that the last time, the neighbors weren't happy with them; he believes it was a political reason, but they are not here now because everything is cordial now between all of the neighbors. Frost states that this is the same type of plan that they had the last time.

Frost states that the architect designed it this way because of the safety issue of putting a curved or short stairway in. They have two kids and right now it is a weird lot: there are two elevations. You walk out the back door and down eight steps to get detached garage. Frost states that they are enclosing everything so they don't have to walk outside. In looking at the pictures, they are not placing it further out toward the alley. It will be in line with their neighbors' garages. Frost states that last year one neighbor was there in opposition, but no one is here in this time. It got passed last time with 4 out of 5 voting to approve.

Nohr asks why he didn't proceed with the construction. Frost states that they were getting the funds together and were going to start before winter; they had to push it past winter and at that point the 180 days ran out. Frost states that at that point they put it on hold and thought about moving; now they have decided to stay. Konradt asks if it will be further back. Frost says they are expanding it a bit, but moving it closer to the house and attaching it with a mudroom. Konradt asks if the existing garage is coming down and Frost confirms that they will be removing it because they can't really use it as it is.

Konradt asks if the back porch is coming off and Frost responds that it was built before they bought it. It was a foreclosure and they gutted it and fixed it. Konradt asks if he needs a side variance and Frost explains that they are expanding it to the south but it complies with all of the other setbacks except the rear yard setback. Thielen states that he will be off the lot line with the correct setback. Nohr says it looks like it is less than six feet off the lot line; Thielen states that it is not necessarily accurate because the Google Earth picture has the property lines overlaid and they could be off by several feet depending on the exact angle of the photo. Frost states that he had the property surveyed and he will comply with the side setbacks. Konradt states that the plot plan states that it will have the 6 foot setback. Frost points out where the alley ends and shows where Riverside Drive goes

Speaking in Opposition: none

Farmer: I suggest a motion to approve. The unique property limitation would be that the lot slopes down in the rear of the house plus the access is via outdoor steps which is, in this climate, not necessarily ideal in terms of winter usage. There would be no harm to the public interest; the existing garage is well beyond its economic life. Finally, the unnecessary hardship is if they don't grant the variance, they would have a sharp sloping access to the garage, which is a trip made many times back and forth. I move approval the variance of 7 feet, 6 inches to the rear yard setback for File 2589.

Haefs seconds.

The motion carried by the following vote:

Yes: 5 - Nohr, Farmer, Haefs, Gentry, Konradt

Excused: 2 - Cherf, Clemence

2590

An appeal regarding the requirement to provide a 25 foot setback from the front property line and the requirement to limit accessory structures to the rear or side yard at 1230 Losey Boulevard S., La Crosse, Wisconsin.

Thielen, still sworn, states that a detached deck and lift have been constructed at this address without a permit. Municipal Code Section 115-30 (2) states that such detached accessory buildings may be placed in the rear or side yard. Municipal Code 115-142 (2) states that there shall be a front yard having a depth of not less than 25 feet. The detached deck and lift was constructed in the front yard and is set back 21 feet. Two variances will need to be granted for this project to be proposed: 1) to allow an accessory structure in the front yard, and 2) a variance of 4 feet for the front yard setback.

Thielen shows a picture of the lift and deck. Farmer asks if they would need a variance if it was a concrete platform. Thielen states that it they would not need one. Nohr confirms that it is only because it is wood that they need a variance. Konradt asks if there are steps under the deck and Thielen states that it looks like they took out just the old concrete steps. Konradt asks about the dimensions of the deck and Thielen states that there should be a full set of plans in the packet. Thielen states that it is 9.5 by 6.

Haefs asks if it projects into the front yard more than the neighbors' and Thielen states that it was even or a little ahead of the others. Farmer states that it projects more because it needs to get around the lift; the lift sort of creates the problem. Konradt asks if the lift is necessary as far as the way they built it. Thielen responds that it has to follow ADA codes. Konradt asks if the property south is a commercial building and Thielen responds that it is a residential building and south of that is Java Vino.

Speaking in Favor of the Request:

Farmer: The unique property limitation here is that this is the only exit that would accommodate the lift. The other exit is a service door with internal stairs, so it is just not feasible. The property has a unique limitation I that this is the only exit. There is no harm to the public interest; the wood structure here is really actually a benefit to the public interest in that it is more likely to be temporary because it is highly unlikely that any future owners would need the lift, although maybe they would, but if they didn't need it they could reduce the structure to a more appropriate size. This is actually beneficial to the public interest. The unnecessary hardship in this case is extremely obvious. The occupant needs to be in and out and this is the only way and it would be unconscionable to deny this given the unnecessary hardship. That being the case, on File 2590, I move two variances: one to allow an accessory structure in the front yard which I believe is the lift, and two, to grant a four foot variance for the front yard setback.

Konradt seconds.

The motion carried by the following vote:

Yes: 5 - Nohr, Farmer, Haefs, Gentry, Konradt

Excused: 2 - Cherf, Clemence

2591

An appeal regarding the requirement to provide a 6 foot side yard setback at 1552 Loomis St., La Crosse, Wisconsin.

Thielen states that the entry deck and stair was built without a permit at this address. Municipal Code 115-143 (c) (3) (a) states that there shall be two side yards, one on each side, neither such side yards shall be less than six feet. The deck and stair was built with a side yard setback of 1 foot. The Board would have to grant a variance of 5 feet to the 6 foot side yard setback for this deck and stair to remain as it has been built.

Thielen shows a picture of the stairway and deck. He states that it goes to a second floor apartment door and it is a foot off the sidewalk. Konradt asks what was there before and Thielen responds that it was pretty much the same thing and it got torn off and rebuilt without a permit. Konradt asks if a railing will be done. He also states that there were new footings, and asks if it is replacing what was there. Thielen responds that he is correct and he then shows a plot plan.

Haefs asks if because it is a replacement it is not grandfathered in; Thielen responds that it is not grandfathered in because the old one was completely torn off and has to meet all of the new requirements. Farmer asks if it is access to one of the units and Thielen responds that he is correct. Farmer asks how they will get in if the Board doesn't grant the variance. Thielen responds that he does not know, they may have to put in an internal staircase, but he does not know if they would be able to do that because he does not know what the rest of the house looks like.

Farmer asks what is behind the door and Thielen responds that it is a set of stairs up to the second floor apartment. Farmer asks if it is finished and Thielen responds that it is not finished. He states that the minimum code requirements on a door that size is 3 feet by 3 feet for the landing. Nohr asks if that meets the requirement and Thielen responds that it does; it is actually bigger than that. Farmer asks if the stairs are finished and Thielen responds that it is not finished; they are working on the house and the stairway. Nohr asks if this is a refurbished home or a new home; Thielen responds that it is an older home they are re-doing. Nohr states that it looks like they are also working on the front and Konradt asks if it is all complaint in the front. Thielen responds that it is compliant as far as he is aware. Konradt states that he drove by and states that it looks like it is has a very extensive work being done. Farmer asks how it came to their attention that it did not have a permit and Thielen responds that he is not sure since it is another inspector's district; he adds that they may have seen it when they went by, but he is not sure.

Speaking in Favor of the Request:

Nancy Swanson, 713 Troy St., Onalaska, is sworn in to speak. Swanson states that she bought the property for her son. The bottom is a rental and the top is where her son will live. She states that the length from the house to the sidewalk is five feet so they are already out of compliance for the side yard setback. She states that the house has been there for 50 years. Swanson says her son is helping with the remodeling and the stairs are the only entrance into that apartment. She states that there are steps that go up to the apartment when you open the door. She states that they are building the same steps that were there before and that they didn't know they needed a permit for replacing it with the same set of stairs.

Nohr states that he is concerned that her testimony is that it is the only exit from that property and he did not know if that is legal. Thielen states that they can have a window to the roof for a duplex, so it does comply. Nohr states that there has to be some other type of egress in case of a fire. Swanson states that upstairs there is a window that you could jump out to the roof of the porch. Swanson adds that they are

putting a new roof on that area. Swanson states that Thielen says they need to have a landing of three by three and they wanted to put in more than that so you could get in easier. Nohr asks if it is Swanson's testimony that it will not be closer to the sidewalk than the original set of stairs. Swanson states that she is not sure because they threw the old set of stairs away; if she knew this was going to happen they would've kept the original set.

Swanson states that they stopped working on the stairs after all of this came up. She is not sure how Barb (the inspector for that district) found out about it. Konradt asks if they needed permits for the rest of the work and Swanson responds that they got permits for the roof and interior and they are getting one for the deck. They got the permits after they started on the steps. Swanson states that it is a pretty visible property. Nohr asks if they are refurbishing the whole home and Swanson responds that they are doing it themselves and she has the scars to show it.

Speaking in Opposition: none

Farmer: For File 2591, at 1552 Loomis St, the house is demonstratively unusually close to the sidewalk and the testimony indicated that it is five feet and all appearances are that it is even closer than that. So the house has a unique property limitation that is not going to be solved any other way. The benefit or no harm to public interest is that given the work that is being done on the house and the fact that this staircase was there before, in much the same fashion, there is no harm to the public interest. There is an overall improvement to the neighborhood because this is a corner property and has a higher visibility. The unnecessary hardship here is rather extraordinary in that there would be no access. This is the only access to the second floor apartment and it is basically three to four feet up and it is going to be the only way that you can accommodate it; if we would deny this variance there would need to be extensive reconstruction inside moving the staircase farther into the house without taking it all out and reconstructing it. It would be a great hardship. That being the case, we would move for approval of a variance of five feet to the six foot side yard setback and that would be the only variance required. Haefs seconds.

The motion carried by the following vote:

Yes: 5 - Nohr, Farmer, Haefs, Gentry, Konradt

Excused: 2 - Cherf, Clemence

2592

An appeal regarding the regulation that limits residential structures to a maximum size of seven hundred thirty-five (735) square feet at 1515/1517 Weston St., La Crosse, Wisconsin.

Thielen states that the owner has applied for a permit to construct a single stall carport addition to an existing detached garage. Municipal Code Section 115-390 states that in all residential zoning districts the building area of all detached accessory buildings shall not exceed thirty-five percent of the rear yard. The area of the rear yard is 2,100 square feet, resulting in a maximum 735 square foot accessory structure allowed. The owner proposes having an accessory structure totaling 852 square feet. A variance of 117 square feet would need to be granted for this project to proceed as proposed.

Thielen shows a plot plan and an aerial view of the property. He states that they are adding a carport on the existing garage and its area adds to that of the garage. Farmer asks what the square footage of the lot is and Thielen states that he is not sure. Farmer asks what the width of the garage is and Thielen respond that the rear yard is 2,100 square feet. Konradt says to Farmer that there is basically no yard left for the

carport. Farmer finds the square footage of the lot and says that it is 6,127 and today you wouldn't even be able to build a house on that lot because you have to have 7,200 square feet.

Konradt asks if the carport roof will be attached to the existing garage and Thielen responds that it will be attached and added onto the side. He points it out to the Board. Nohr states that it looks like there is more land on the other side, but it probably belongs to the neighbors. Konradt asks if he needs a six foot setback on a detached garage and Thielen responds that it only needs two feet. Thielen adds that the plan shows that it will be ten feet away from the property line. Pictures on Google Earth are a little misleading. Nohr states that it is nine feet off the alley and Thielen agrees. Nohr states that it just takes up too much of the rear yard; Thielen adds that it is 117 square feet more than allowed. Nohr says if you add the garage and carport sizes together it is still less than 1,000 feet. Thielen states that the 1,000 foot maximum is only if your yard allows it.

Speaking in Favor of the Request:

John Graf, 1515 & 1517 Weston St., is sworn in to speak. Nohr asks Graf to explain why he needs the carport. Graf states that he needs the carport because he is trying to get more cars off the street. The renter in the back has two cars and the renter on the front has two or three. One of the renters stated that they would be there long-term and Graf says that if he were to live there he would love to have a carport in the summer to be able to sit in out of the sun. Nohr asks if the home is a duplex and Graf responds that it is. Nohr asks for confirmation that the garage is shared between the two renters. Graf says that the existing garage is half and half; they share it. Nohr asks how many cars fit in the garage and Graf responds that two fit. Nohr asks if Graf is saying that the renters have more than one car each. Graf responds that between the two, they have 5 cars. In the winter one renter gets rid of one.

Konradt asks how many cars will fit in the carport and Graf responds that it will fit one. Graf states that the carport will be open on the sides and the water runoff will go towards the alley as it does now because he doesn't want water in the basement. Nohr asks if Graf is going to offer one tenant the carport space; Graf states that he will offer it to the person renting the back of the house. Nohr asks if the project has already been started and Graf states that he has not started building yet. Konradt asks what building materials will be used for the carport. Graf states that it will be a rubber roof. He shows a sketch of the construction to the board. Graf adds that it will have a 1 to 12 pitch so it will be almost flat; he wants to keep the height.

Konradt states that if they approve it, the building inspectors will make sure it complies with the construction code. Nohr asks if he will have to put in footings and supports and all that. Graf states that he has been told that he has to go down with posts that will be made of treated lumber and it will be a floating slab. Graf states that he does not believe that there footings under the old garage. Nohr asks for confirmation that he will be tying the carport into the old garage. Nohr asks inspection if there are requirements for tying the carport into the garage and Thielen responds that there is a code requirement that if the garage and carport need to be the same, whether frost protected or not; they need to match. Graf says the contractor will talk to the inspector and make sure it meets code.

Speaking in Opposition: none

Haefs states that she needs to recuse herself from this item.

Farmer: On File 2592, 1517 Weston St., the most obvious unique property limitation is that the lot is 6,127 square feet where today, in the newer sections of the city we would only approve a subdivision if the lots are 7,200 square feet. This lot starts out virtually 1,000 square feet shorter and smaller than what we would approve with today's zoning standards. It is hard for a lot of this size to comply with everything. A denial would lessen not only this person's use of the property, but other people to the extent that we would be establishing a precedent; other people with similar size lots have problems and 99% of variance requests come from older sections of the city where all of the math just doesn't work out and they need a variance. Finally, the harm to the public interest would be if we were to zealously enforce the code, basically we would be shutting people down for improving their lots and houses on smaller lots and that would subject whole areas of the city to a slow and painful blight. The unnecessary hardship is that for all the reasons mentioned before this, but if we do not approve a variance, the use of his property, which was once a complying lot, would be diminished. That being the case I move for a variance of 117 square feet so that this carport can be constructed. Also, it should be noted that he is not building a garage and this is the first time I've known this ordinance to be applied to a carport. The difference is significant because the carport will not be such a visual encroachment on the back yard as a garage would be.

Konradt seconds.

The motion carried by the following vote:

Yes: 4 - Nohr, Farmer, Gentry, Konradt

Excused: 2 - Cherf, Clemence

Recuse: 1 - Haefs

2593

An appeal to allow a 5 foot fence to be constructed in the front yard at 324 10th St. S., La Crosse, Wisconsin.

Thielen states that the owner has proposed to build a 5 foot fence in the front yard. Municipal Code Section 115-398 (c) (1) states that residential fences shall not exceed 48 inches in height from grade in the front yard setback abutting a public sidewalk. The owner proposes a fence height of 5 feet in the front yard. A variance to allow a fence height of more than 4 feet in the front yard will need to be granted for this project to proceed as proposed.

Thielen shows a diagram of the lot and says he has a permit for the fence around the rear yard; he needs a variance along the other sides (front yard). Farmer asks if the top of the picture is the back yard and the bottom of the picture is the front yard; Thielen says the way the code reads is when you have legs over 70 feet long, the lot has to be treated as an interior lot and since both legs are over 70 feet the property owner can decide which is the front and back yard. Thielen says the side on Cameron Ave. is the front yard and 10th Street side is the side yard. Thielen again states that he has a permit for the fence around the back yard. Thielen points out on the aerial view and on the drawing where the back yard fence is and also points out the area of fencing where the variance request is needed.

Farmer asks for the dimensions of the fencing; Thielen says he is allowed four feet and he wants 5 feet. Farmer asks where the fence will go and Thielen responds that it will be along the inside of the retaining wall. Konradt asks where the 5 foot fence extends to and Thielen responds that it goes up to the side to the sidewalk going up to

the house. Thielen again states that the variance is required for the front yard. Nohr asks for clarification about the 70 feet on a corner lot. Thielen states that because each side of his lot is over 70 feet, it is the property owner's choice of which yard is the front and back; he cannot flop it back and forth. At some point it was chosen that the front yard was on Cameron Ave. Thielen says either way he needs a variance – if the front yard was the other side, he would still need a variance; the fence is 5 feet all the way around.

Farmer states that the intent of the fence ordinance was to not have any problems. Even though he is calling it a front yard it really looks like a side yard. Thielen states that he has a permit for the fencing that is on the back yard. Farmer states that he is interested in hearing what the property owner has to say because most other lots don't have a hill and retaining wall. Konradt asks where the front entrance to the house is and Thielen says it is on the 10th Street side.

Speaking in Favor of the Request:

Gordon Webb, 1902 21st St. S., is sworn in to speak. Webb says he has a copy of the print that got a little bit cut off; they are missing the top portion of the plan. He shows where the proposed fence will be located and he also points it out on the aerial view of the property. Webb says after talking to inspections and looking at it a couple different ways, they confirmed that it was the front yard. It made more sense for that to be the front yard because the south end of the house has a six foot side yard setback. Webb says the home to the south is most likely a mother-in-law house since it was built at the same time and very closely matches the look of the property in question, and Mike Peterson owns that lot as well.

Webb says they wanted to connect the fence to the one on the property to the south, but Dave (Reinhart) said that was not possible. The lot line between the two runs right about eight feet into the carport so there might be something off there. He points out the garage he uses. Farmer asks why they need five feet. Webb says that there are three reasons that he is requesting the five feet and the first one is security. Webb says it is a really nice house in a nice area, right next to a not as nice neighborhood. Webb says Mr. Peterson had a picnic table stolen and someone stole his address rock; five feet gives more security. Webb also says that there is a slope and with a 4 foot fence there would be a spot where his dog could jump over.

Webb says the retaining wall is just under four feet high and if the fence behind it was four feet it would be easy for a person to jump over. The dog is another reason and the third reason is for the look. Farmer asks what the fence will look like and Webb responds that it will look like wrought iron and will be 90 percent clear. It will have a black powder coat finish with finials at the top and a 4-inch space between each barb. Konradt asks for confirmation that most of this fence is already up. Webb says that about 30 percent remains of what they can build with the permit they have. Konradt asks if he has almost all of the fence on Cameron done. Webb responds that they have some; they are going to have columns on the Cameron side it will be jogged back to a fancy gate with a swooped top at the stairs leading up to the house.

Farmer states that it is not a solid vinyl fence and Webb confirms that Farmer is correct. Farmer states that one of the reasons in creating the fence ordinance was the fact that a solid fence makes snow removal difficult and it blocks the view; the fact that you will be able to see through this fence will alter the chemistry of it. Farmer says the Board sees a lot of fence requests for a solid wall that wouldn't look good. Konradt asks what the reason was for the 4 foot limit and Farmer responds that they chose that height for the code because it works in most cases. Farmer says that in this case, a

5-foot fence you can see through is going to be less offensive than a solid 4-foot fence.

Konradt asks Webb to point out the retaining wall; Webb points it out and states that he is going to have to do some sloping for the fence. He points out where the fence is that is already in. He says that section is not in because they have the footings poured and he doesn't want to be in the way of the person doing the concrete work. Konradt again asks if what is up is allowed. Webb states that they have a permit for what they have put up. He points out more of the area that is done. He is going to finish up what they can do in the next couple of days.

Konradt asks where the fence will go in the corner where the retaining wall is located. Webb responds that he is not sure what is on the back of the retaining wall. He was thinking for maintenance purposes he was going to set the fence line inward 13-14 inches you can walk on the sidewalk portion of it. Konradt asks if the Cameron side will be whatever the height of the retaining wall is plus the height of the fence. Webb says as far as it was explained to him is that the limit on 4 feet in the front yard was because they didn't want a huge fence like the one that was on Market and 16th where you couldn't even see the top of the first floor windows.

Webb says that this fence is over the height limit but will not be ugly. He adds that you can tell from the street it is a nice Victorian house and it will add to the aesthetic of the house. Farmer says that it used to be you couldn't even have a 4 foot solid a fence because the perception was that you couldn't shovel the snow. Nohr asks Thielen if they have any vision clearance issues on the corner there. Thielen responds that it is an open fence it so it doesn't have any issues; it is a fence with 4 inch spaces between each picket and 90 percent clear. Farmer states that these fences are expensive and Webb responds that it is a custom fence and really expensive.

Webb states that they ordered it quickly so they couldn't get it when they were going to start. They did ask to see an inspector and someone said they were good to go, but then they said they could not do the front yard. Webb says in the future he won't order supplies until they have the permit in hand. Nohr asks if the fence that they already put up is five feet and Webb responds that it is that high. Nohr states that he just has a hard time visualizing it. Farmer states that it could be eight feet tall and you wouldn't find it offensive because of the see-through nature. Nohr asks if it is wrought iron and Webb responds that it is aluminum that has a black powder coat. Webb shows the Board a color picture of what the fencing looks like.

Michael Peterson, 324 10th St. S., is sworn in to speak. Peterson says that there are a couple of things he wants to add. Peterson says if they had 4 feet on one side and 5 feet on the other it wouldn't match. Plus, if they have two or three feet of snow, his dog would jump right over that. Peterson says he is concerned about people cutting through his yard; recently someone walked right through his yard and he might've been high or drunk. He didn't want to confront the person because he didn't know if he would have a knife or a gun. It would be better for safety reasons and he has put a lot of money and time into the property because nothing has been done since 1949 and this fence will add a lot to the property.

Webb adds that there are high security locks for the gate; they actually have keys. He says that they could've gotten 30 dollar locks, but they went with the more expensive ones that were higher security locks.

Speaking in Opposition: none

Farmer: The unique property limitation here is, on File 2593 with an address of 324 10th St. S., in my opinion, the three foot rise immediately adjacent to the sidewalk and behind it in that it lessens the size of the fence. The fence ordinance was drafted with the idea that everything was on a flat plane. Additionally, helping us here is the fact that this is not a solid fence; it is an open fence that further moderates the impact of a five-foot fence. It is of no harm to the public interest, in fact, one would hope that we would see more fences like this one in the city and fewer solid panel fences because this basically does nothing to curb the view and does nothing to fence people out, so-to-speak optically. The public interest is benefited by this fence. The unnecessary hardship is that the applicant does feel that it would improve security and did testify that the fence would lessen what I would call "cut-throughs." Corner lots have that problem and a modest "cut-through" just leaves a little barren path, but an aggressive "cut-through" has them passing right under your window. The house next to me used to get so bad they were going behind the house and through the fence. I'll move for approval, a variance allowing a fence height of more than four feet in the front yard as necessary.

Nohr moves to amend to allow a variance of five feet, specifically.

Gentry seconds.

The motion carried by the following vote:

Yes: 5 - Nohr, Farmer, Haefs, Gentry, Konradt

Excused: 2 - Cherf, Clemence

Adjournment

On motion by Farmer, second by Konradt, carried unanimously to adjourn at approximately 8:20 p.m.