

**APPEAL OF DONALD HINDS
1036 COLUMBUS AVENUE**

At the regularly scheduled meeting of the Zoning Board of Adjustment for the Town of Westfield which took place on January 13, 2020, the Board heard and considered the within appeal.

Based upon the evidence presented, the Board's familiarity with the Land Use Ordinance, the subject property, and the surrounding neighborhood, the Board found and determined as follows:

1. Donald Hinds appeared to present this case. The Applicant seeks to install a fence contrary to the requirements of Sections 12.07C of the Land Use Ordinance. The Ordinance allows for a maximum fence height of four (4) feet in street side yard whereas proposed height is six (6) feet.

2. As part of the Application materials submitted, the Board acknowledged receipt of a survey print prepared by William Held with drawing of fence location.

3. The Applicant testified he presently has a fence around his property which is 6 feet and he needs to replace same as it is wood and is in disrepair. He would like to replace the fence with a vinyl fence which will match the fencing in the rear and side of his property. The property in the rear applied for and was granted a variance for a 6 foot fence.

4. The Board questioned the site lines if a 6 foot fence was approved. The Applicant agreed to have an approval be subject to engineering review of sight lines. Don Sammet was not concerned about safety or site lines as the fence was proposed far enough back from corner. The Board noted that the vinyl 6 foot fencing was consistent with the neighborhood.

5. There was no further testimony, evidence, nor any public comments offered to the Board regarding this case.

The Board finds and concludes that the Applicant has agreed to have an engineer review the application for sight lines. The Board finds further and concludes that the requested improvements in this case are reasonably required for the continued effective use of this property as a single family dwelling. Therefore, this case is the appropriate subject for variance relief.

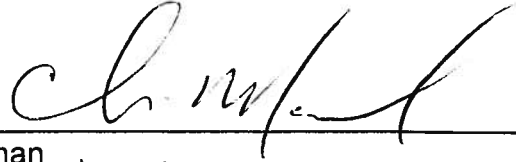
The Board also finds and concludes that these new improvements proposed in the property will allow and permit an improvement to the overall use of the property, its value, aesthetics, and enjoyment as a single-family dwelling. The Board finds in considering positives and negatives that these clear benefits to the property warrant the limited variance relief needed in this case. This is especially the case the Board notes, since following the completion of the new work proposed, the residence will still be consistent with the character, conditions, and other homes in this neighborhood. Also, the Board concludes that the Applicant has demonstrated that the property can accommodate this new work without any negative conditions created thereby.

The Board finally finds and concludes that the improvement of this property as a single family dwelling, that variance relief will accomplish, makes this case therefore consistent with the goals and purposes of both the Land Development Ordinance and the Master Plan for the Town of Westfield.

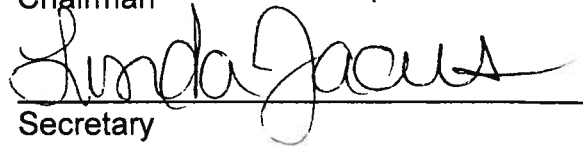
NOW, THEREFORE, be it resolved, that based upon all of the above, the Application of Donald Hinds for variance relief from the requirements of Sections 12.07C of the Land Use Ordinance to allow the Applicant to place a six (6) foot fence on the property when the Ordinance requires a four (4) foot fence, **BE AND HEREBY ARE ORDERED GRANTED AND APPROVED**. This resolution and the Applicant's further use of the property are subject to the following terms, conditions, and requirements:

1. That the Applicant is to obtain a building permit prior to any work at the property in accordance with the requirements for the Town of Westfield; and
2. That all construction work at the property is to be undertaken consistent with the existing building materials and aesthetics of the home. It is the intention of the Board in this provision that following the completion of the new work allowed in this resolution, the entire residence shall then be uniform in appearance; and
3. That the approval is conditioned upon a review by the Town engineer to assure that no sight lines are affected; and
4. That following the completion of the new work allowed in this resolution, there is to be no further addition, structure, or other improvement added to this property which would increase any nonconformity at the property or which would otherwise not be in compliance

with the Ordinances for the Town of Westfield without a further application being first submitted to this Board for permission to do so.

A handwritten signature in cursive script, appearing to read "C. M. F.", written above a horizontal line.

Chairman

A handwritten signature in cursive script, appearing to read "Linda Jacobs", written above a horizontal line.

Secretary

February 10, 2020