

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, May 2, 2001.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Need  
Bill Nelson  
Frank Zuazo  
Mark Stimac  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES, MEETING OF APRIL 4, 2001**

Motion by Kessler  
Supported by Zuazo

MOVED, to approve the minutes of the meeting of April 4, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES OF THE MEETING OF APRIL 4, 2001 AS WRITTEN  
CARRIED

**ITEM #2 - VARIANCE REQUESTED. JUDY KENNEDY OF GULF GLENWOOD, LLC, REPRESENTING THE ESTATE OF GAIL LAABS, 38695 DEQUINDRE,** for relief of Chapter 83 to erect a privacy fence.

Mr. Stimac explained that the petitioner is developing a new single-family residential subdivision adjacent to the property at 38695 Dequindre. With the development of that subdivision a new street is being constructed adjacent to this existing home making the lot a double front corner lot. They are requesting relief of Chapter 83 to erect a 6' high privacy fence along the north property line along the new street Ashbury. Chapter 83 limits the height of fences to 30 inches in that portion of the property in front of the building setback line.

This item first appeared before this board at the meeting of April 4, 2001 and was tabled to allow the petitioner to consider other options regarding this fence.

Ms. Kennedy and Mr. Gary Workman, were present representing Gulf Glenwood LLC. Ms. Kennedy stated that she wished to point out that they were only requesting the variance for the south side of this entranceway. Ms. Kennedy also stated that they plan to create quite a dramatic entranceway, as this subdivision will have homes in it that will cost approximately \$380,000.00 and up. Ms Kennedy stated that they plan to do extensive landscaping in order to diminish the “tunnel effect” of the entranceway and stated that they have planted 17 – 5” red maple trees coming in which help to create quite a spectacular effect. Ms. Kennedy further advised that they have come up with a

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plan which will place the fence 5' farther back and will be leaving out sections of the fence and installing evergreens that will break up the effect of one continuous fence.

Mr. Need asked what type of evergreens they are planning to use and Ms. Kennedy stated that they would be spruce trees at least 8' tall. Mr. Workman also said that they planned to sod and irrigate the space that would be between the sidewalk and the fence. Mr. Workman indicated that Gulf Glenwood LLC would be responsible for the upkeep of this area as they wished to present an aesthetically pleasing entranceway. Ms. Kennedy added that the owner of the property wanted this fence as much as Gulf Glenwood did.

Mr. Dziurman clarified that their request is for a 6' high privacy fence moved back 5' from the sidewalk. Mr. Workman stated that the result would be that the road would be approximately 70' wide between the fences and the fence would start approximately 100' from the curb along Dequindre Road.

Motion by Need  
Supported by Nelson

MOVED, to grant Judy Kennedy of Gulf Glenwood, LLC, representing the estate of Gail Laabs, 38695 Dequindre, relief of Chapter 83 to erect a privacy fence in the front yard.

- The fence will be at least 5' from the north property line.
- The fence will have at least two openings with evergreen trees planted in the openings.
- Petitioner will contact the Parks and Recreation Department for approval of the species of the evergreens that will be added.
- Evergreens will be a minimum of 8' high.
- There are no objections on file.

Yeas: All – 5

MOTION TO APPROVE VARIANCE CARRIED

**ITEM #3 – VARIANCE REQUESTED. MR. MICHAEL TAGGART, 4586 BUTLER,** for relief of Chapter 83 to erect a chain link fence.

Mr. Stimac stated that the petitioner is requesting relief of Chapter 83 to erect a 48" high chain link fence at his residence. This lot is a double front corner lot, in that it has a front yard on both Butler and London. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The site plan submitted indicates a 48" high chain link fence in the front setback along London.

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Mr. Taggart was present and stated that at the time they moved into this home, it was surrounded by a split rail type fence. Mr. Taggart also said that at the time they had one child and two dogs were which were trained to stay on the property. Since that time, they have had another child and have replaced the two original dogs with much younger dogs that are not trained to stay in the yard. Mr. Taggart further stated that he has tried to put the dogs in the yard on a tether; however, it creates problems for his children when they are outside playing. Mr. Taggart also said that he could not move the fence back to a conforming location due to the fact that he would have to cut down 1 or 2 trees.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written objections on file. There is one (1) written approval on file.

Mr. Need asked the petitioner if he could put in more of a decorative type fencing rather than the chain link fence. Mr. Taggart stated that it was quite cost prohibitive. Mr. Need pointed out that this lot is located on cul-de-sac and does not receive a great deal of traffic, however, he thought that a decorative type of wood fence would be more aesthetically pleasing to the area.

Mr. Dziurman asked if Mr. Need thought it would be possible to put part of the fence in as decorative fencing and the rest as cyclone fencing. Mr. Need stated that the back property line is actually the side yard of another house. Mr. Need again stated that he would like to see some type of decorative fencing around this home due to the fact that it would have less of a negative impact on the area.

Mr. Zuazo asked if the petitioner had considered putting in an invisible fence and he replied that he had, however, he did not feel it would hold one of his dogs back.

Mr. Nelson asked what the petitioner's options were due to the curvature of this street and Mr. Stimac stated that the setback is 30' and follows parallel to the street. Mr. Stimac further stated that he could come up to the corner of the house and run parallel with the street and be in compliance with the fence. Mr. Nelson pointed out that this could be done without a variance, but the petitioner stated that he would have to cut down one or two mature trees and he would rather not have to do this.

Mr. Butler then asked what the Board thought would be more aesthetically pleasing, and it was stated that perhaps a 4' high picket fence might be acceptable. Mr. Nelson asked if there was any existing fencing and Mr. Butler replied that this would be all new fencing. Mr. Nelson stated that he would like to see decorative fencing on the north and east sides of the property.

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Motion by Need

Supported by Kessler

MOVED, to table the request of Mr. Michael Taggart, 4586 Butler for relief of Chapter 83 to erect a chain link fence until the meeting of June 6, 2001.

- To allow the petitioner the opportunity to determine if it is possible to add decorative fencing to the proposed cyclone fencing.
- To allow the petitioner the opportunity to look at an alternative location farther back on the property.
- To allow the petitioner the opportunity to contact his neighbor, to find out what he would approve.

Yeas: All – 5

MOTION TO TABLE REQUEST UNTIL MEETING OF JUNE 6, 2001 CARRIED

The Building Code Board of Appeals meeting adjourned at 8:55 A.M.

MS/pp