

A regular meeting of the Building Code Board of Appeals was called to order at 8:37 a.m. on Wednesday, April 1, 1998 by the Chairman, Ted Dziurman.

PRESENT: Ted Dziurman
 Richard Kessler
 William Need
 William Nelson
 Rita Bartz-Warner

APPROVAL OF MINUTES: March 4, 1998

Motion by Nelson
Supported by Need

MOVED, to approve the March 4, 1998 minutes.

Yeas: All 5

MOTION TO APPROVE CARRIED

ITEM #1 Roy and Caroline Johnson, 2841 Amberly, for relief of Chapter 83-Fence Ordinance.

Mr. Kessler explained that the appellant is requesting relief of the 30 inch height restriction to fences located in the front setback to allow the installation of a 48 inch high black wrought iron fence in the setback along Adams and Evergreen.

Roy and Caroline Johnson were present. The petitioners stated that the fence is to provide security for their children. Mr. Johnson stated that they are a new subdivision and want to be uniform with the rest of the subdivision. The association is to have a meeting on April 7, 1998 and discuss the matter of fences in order to maintain a uniformity of fences. Mr. Johnson stated that there is a berm with vegetation and he would have the fence constructed on their yard side of the berm. Mr. Johnson stated he would abide by the by-laws of the subdivision.

The Board and the Johnson's discussed the Fence Ordinance, the possibility of other fences and variances in the subdivision.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There was 1 approval and 3 objections on file.

Motion by Need
Supported by Nelson
ITEM #1.

MOVED, to grant Roy and Caroline Johnson, 2841 Amberly, a variance to extend their variance for relief to construct a 48 inch black high wrought iron fence within the required setback from Adams and Evergreen streets.

Yeas: All 5

MOTION TO APPROVE REQUEST CARRIED.

ITEM #2 Choice Development Corporation, Adams Pointe Subdivision, for relief of Chapter 83- Fence Ordinance.

Mr. Kessler explained that the appellant is requesting relief of the 30 inch height restriction to fences located in the front setback to allow the construction of a 6 foot high masonry wall in the required setback along Adams and Long Lake.

Mark Erickson, Vice President of Choice Development was present and stated that the proposed wall is to cut the noise and vision from Long Lake and Adams Roads. Mr. Erickson stated that maintenance of the wall would be turned over to the subdivision association upon completion of the subdivision.

The chairman opened the public hearing.

Mrs. Zembrzuski, 2842 Shadywood, was present to represent the Strawberry Hill Home Owners Association. Mrs. Zembrzuski stated that their subdivision was adjacent to Adams Pointe and their association by-laws prohibit fences unless there is a pool, then a wrought iron fence was permitted. Mrs. Zembrzuski stated that their association feels that Adams Pointe should also keep the open natural look with berms and trees.

Mr. Erickson stated that their subdivision has more lots that are directly on Long Lake or Adams Road, it is a different situation than Strawberry Hill.

The Board expressed their concerns that the wall was aggressive, noted that maybe there should be some openings, also noting that the opening in the wall for sidewalks and drives are a potential safety problem. It was also noted that within the subdivision, there were lots that with the retaining wall and the decorative masonry wall the future owner would be looking out at a 20 foot high wall. The Board asked if they could look at their plans to make it look less like a fortress and submit documentation of the future maintenance of a wall if approved.

There were no further comments and the public hearing was closed.

There was 1 approval and 15 objections on file.

ITEM #2

Motion by Nelson
Supported by Need

MOVED, to table the request of Choice Development, Adams Pointe Subdivision, for relief of Chapter 83, Fence Ordinance, until the next regular meeting, May 6, 1998, to give the petitioner the opportunity to revise the plans, making them less aggressive.

Yeas: All 5

MOTION TO TABLE REQUEST UNTIL NEXT REGULAR MEETING (MAY 6, 1998)
CARRIED

The Building Code Board of Appeals Meeting adjourned at 9:23 a.m.

RK/ddb