

A meeting of the Building Code Board of Appeals was called to order at 8:35 a.m. on Wednesday, July 1, 1998 by the chairman, Ted Dziurman.

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

APPROVAL OF MINUTES – May 20, 1998 Special Meeting and June 3, 1998

Motion by Nelson
Supported by Need

MOVED, to approve the May 20, 1998 and June 23, 1998 minutes.

Yeas: All 5

Motion by Need
Supported by Nelson

MOVED, to remove from table, Items #1.

Yeas: All 5

MOTION CARRIED

ITEM #1 **David H. & Sharon K. Bretz, 4133 Renee, for relief of Chapter 83 (Fence_Ordinance)**

Mr. Kessler explained that the appellant, David H. & Sharon K. Bretz, is requesting relief of the 30 inch height restriction for fences located in a front yard setback. The permit application indicates a 6 foot high obscuring fence in the front setback along East Wattles Rd. This item was tabled at the June 3, 1998 meeting to give the petitioner the opportunity to be present.

David & Sharon Bretz were present. Mr. Bretz stated that the fence was to provide privacy, from a very busy street, to their patio and hot tub. Also to block the traffic noise Mr. Bretz commented that the builder told him a fence would be permitted, that he had to get a waiver to not install one.

Mr. Need explained that the area where Mr. Bretz is proposing to place the fence was a non-access landscape greenbelt. This area is meant to be used for landscape screening, and fences were not permitted in this greenbelt area. Mr. Need further commented that the Board may consider a fence inside the greenbelt area if all the neighbors were willing to install the same type fence with gates to access the greenbelt for maintenance. Mr. Bretz indicated he did not feel he could get that type of an agreement and there is still one home that has not been sold, also he would not have any rear yard if he were to place the fence at that point.

There was 1 written approval and 1 written objection on file.

ITEM #1

Motion by Need
Supported by Kessler

MOVED, to deny the request from David H & Sharon K. Bretz, 4133 Renee, for relief Chapter 83 (Fence Ordinance) to construct a 6 foot high obscuring fence, where a 30 inch high fence is the maximum height permitted.

Yeas: All 5

MOTION TO DENY REQUEST CARRIED

Item #3 was taken out of order

ITEM #3 **Kim & Keith Keil, 2035 Cecil, for relief of Chapter 83 (Fence Ordinance)**

Mr. Kessler explained that the appellant, Kim & Keith Keil, are requesting relief to maintain a 42 inch high picket fence constructed without a permit. The Fence Ordinance limits the height of fences in front yard setbacks to 30 inches.

Kim Keil was present. Mrs. Keil stated that she replaced a deteriorated fence and was not aware that a permit was required. Mrs. Keil indicated that the fence was for the safety of her small toddler.

There were 4 written approvals on file.

Motion by Nelson
Supported by Need

MOVED, to grant Kim & Keith Keil, 2035 Cecil, a variance, as requested, for relief of Chapter 83 (Fence Ordinance) to maintain a 42 inch high picket fence, in the front setback, where 30 inches is the maximum height permitted.

Yeas: All 5

MOTION TO APPROVE REQUEST CARRIED

Item #4 was taken out of order

ITEM #4 **Roy & Caroline Johnson, 2841 Amberly, for relief of Chapter 83 (Fence Ordinance)**

Mr. Kessler explained that the appellant, Roy & Caroline Johnson, are requesting relief of the 30 inch height restriction for fences located in front yard setback. The permit application indicates a 60 inch high non obscuring fence in the front setback along Adams and Evergreen. This Board approved a variance for a 48 inch high non obscuring fence in the front setback along Adams and Evergreen at their April 7, 1998 meeting. At the June 3, 1998 meeting this Board agreed to re-hear the request of Roy and Caroline Johnson, to extend the fence height to 60 inches.

ITEM #4

The petitioner was not present.

The Board agreed that, because this was only a change to a variance that has been previously granted, they would take action on the request.

Motion by Need
Supported by Nelson

MOVED, to grant Roy & Caroline Johnson, 2841 Amberly, a variance, as requested, for relief of Chapter 83 (Fence Ordinance) to construct a 60 inch non-obscuring fence in the required setback along Adams and Evergreen, where the ordinance limits fences in the required setback to 30 inches.

Yeas: All 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #2 **Robert J. Courtois, 6821 Serenity, for relief of Chapter 83 (Fence Ordinance)**

The petitioner was not present.

The chairman left this item on tabling action.

The Building Code Board of Appeals adjourned at 9:00 a.m.

RK/ddb