A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, June 7, 1995 by the Chairman, Ted Dziurman.

PRESENT: Michael Culpepper
Ted Dzuirman
William Nelson
Kulsum Rashid
Mark Stimac

APPROVAL OF MINUTES: May 3, 1995 meeting.

Motion by Culpepper
Supported by Nelson

MOVED, to approve the minutes as written.

Yeas: All 5

MOTION TO APPROVE CARRIED.

Items 2, 3, 4, and 6 taken out of order

ITEM #2 Rodica Balaban, 1403 Revere, for relief of Chapter 83, Fence Ordinance.

Mr. Stimac explained that the petitioner's property is located at the north end of Revere Drive where the street dead ends into a vacant parcel of land. The petitioner proposes to install a 48" high chain link fence along the entire north property line. The portion of the fence in the front yard is limited to 30" by Chapter 83.

Mrs. Balaban's daughter was present and explained that the fence was being requested in hopes detouring vandalism and trespassing on her mothers lot. They back up to a vacant 5 acre parcel of property, they have had problems with Jeeps and other vehicles cutting across their lawn. They have had a lot of trespassing and have had windows broken.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There were 2 written objections on file.

Mr. Culpepper commented that at one time the street was to go through but this is no longer planned.

Motion by Culpepper
Supported by Nelson

MOVED, to grant Rodica Balaban, 1403 Revere, a variance, as requested for relief to construct a 48" high chain link fence along their north property line.

Yeas: All 5

MOTION TO APPROVE CARRIED

ITEM #3 Phillip J. Giannini, 2066 Gabriel, for relief of Chapter 83, Fence Ordinance.

Mr. Stimac explained that the petitioner's property is located at the southwest corner of Gabriel Drive and Gabriel Court. The petitioner's property is considered to be a double front corner lot. The petitioner is proposing to locate a 6 foot high privacy fence along a portion of his rear lot line. The fence is proposed to extend 11.5 feet into the front yard along Gabriel. Chapter 83 limits the height of fences in front yards to 30".

Phillip Giannini was present and stated the proposed fence was for the safety of his pets and small children.

Mark Stimac explained his options and Mr. Giannini responded that to meet the setbacks would cause him to loose year yard area and he needs the additional yard area.

ITEM #3 (cont'd)

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

There was 1 written objection to fencing parallel to Gabriel on file.

Motion by Nelson
Supported by Rashid

MOVED, to grant Phillip J. Giannini, 2066 Gabriel, a variance as requested for relief to construct a 6 foot high privacy fence along a portion of his rear lot line extending 11.5 feet into the front yard along Gabriel.

Yeas: All 5

MOTION TO APPROVE CARRIED.

ITEM #4 Damiano & Maria L. Randazzo, 2011 Prescott, for relief of Chapter 83, Fence Ordinance.

The petitioner's property is located on the west side of Prescott. The property also has a property line along John R. The property immediately to the south fronts onto John R. Therefore, the yard adjacent to John R. is considered a front yard. The petitioner is proposing a 6' high wood fence along John R. where Chapter 83 would limit the height to 30".

Damiano Randazzo was present and stated that the proposed fence was for the safety and security of his children and also to reduce the noise from John R. Mr. Randazzo also stated that the fence would match the others along John R.

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

There was one written approval on file.

Motion by Rashid
Supported by Culpepper

MOVED, to grant Damiano and Maria L. Randazzo, 2011 Prescott, a variance as requested, for relief to erect a 6 foot high fence along their rear property line, parallel to John R., with the condition the finished side of the fence is on the street and south side.

Yeas: All 5

MOTION TO APPROVE CARRIED

ITEM #6 Christa M. Kolling, 4120 Shadrock, for relief of Chapter 83 Fence Ordinance.

The petitioner's property is located at the southeast corner of Shadrock and Bloomingdale. The lot, by definition, is a double front corner lot. The petitioner is requesting to install a 36" high split rail fence in the front yard along Bloomingdale. Chapter 83 limits fences in front yard locations to 30" in height.

Johann and Christa Kolling were present. Mrs. Kolling stated that the proposed addition to the their fence was to aid against trespassers, cut down on vandalism and for the safety of their children. The extension is proposed to give them full use of the rear yard and the fence would be consistent with the existing fence on their lot. Mrs. Kolling noted that the subdivision (Athens Meadows) abutting theirs does have restrictions on fences, but their subdivision does not have restrictions on fences.

The chairman opened the public hearing. Joe Petterito, 1537 Merriweather was present and objected to fences, stating he was representing Athens Meadows Subdivision (the abutting subdivision) and would like to see the same restrictions enforced.

ITEM #6 (cont'd)

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

There were 6 written objections and 7 written approvals on file.

Motion by Stimac
Supported by Nelson

MOVED, to grant Christa M. Kolling, 4120 Shadrock, a variance, as requested for relief to install a 36-38" high split rail fence, matching the existing fence, along their north property line, parallel to Bloomingdale.

Yeas: All 5

MOTION TO APPROVE CARRIED.

ITEM #1 Rosalina L. Flores, 1464 Shaker, for relief of Chapter 83, Fence Ordinance.

Mr. Stimac explained that the petitioner's property is located at the northeast corner of Shaker and Leafgreen. The property also has a lot line on Maple. The lot immediately to the east actually fronts onto Maple. Therefore, the yard adjacent to Maple is classified as a front yard. The petitioner proposes to locate a four foot high chain link fence 15 feet from the north property line where Chapter 83 limits the height of fences to 30".

Ms. Flores was present and stated that the fence parallel to Maple would follow the same line as the existing fences and be consistent with the existing fences.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There was 1 written approval on file.

Motion by Culpepper
Supported by Rashid

MOVED, to grant Rosalina L., Flores, 1464 Shaker, a variance, as requested, for relief to install a 4 foot high chain link fence 15 feet from the north property line, parallel to Maple Road.

Yeas: All 5

MOTION TO APPROVE CARRIED.

ITEM #5 Scott & Gayle Pemberton, 2386 Topaz, for relief of Chapter 83, Fence Ordinance.

The petitioner's property is located at the southwest corner of Topaz and Patterson. The lot, by definition, is a double front corner lot. The petitioner proposes to install a 4' high non-obscuring wood fence in the front yard adjacent to Patterson. Chapter 83 limits fences in this location to 30" in height.

Scott Pemberton was present and stated that the fence was to secure their dog, they are a foster family for a "Leader Dog". As part of raising the dog they must meet certain requirements, such as keeping it from other dogs.

Mr. Stimac explained how Mr. Pemberton could construct a fence meeting setback requirements and Mr Pemberton responded that they let the dog in and out of the house from a laundry room door and would like to fence to keep the ability to use this means of ingress and egress.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There were 4 written approvals and 6 written objections on file.

ITEM #5 (cont'd)

The Board and Mr. Pemberton further discussed location of the fence to possibly inside a tree line.

Motion by Stimac
Supported by Culpepper

MOVED, to table the request form Scott & Gayle Pemberton, 2386 Topaz, to erect a 4' high non-obscuring fence within the front yard adjacent to Patterson, until the next regular meeting to give Mr. Pemberton the opportunity to submit an alternate proposal for the fence location

Yeas: All 5

MOTION TO TABLE UNTIL THE NEXT REGULAR MEETING (JULY 5, 1995) CARRIED.

The Building Code Board of Appeals adjourned at 9:20 a.m.

MS/ddb