

A regular meeting of the Building Code Board of Appeals was called to order on Wednesday, August 3, 1994 by Acting Chairman, Michael Culpepper.

PRESENT: Michael Culpepper  
Dave Roberts  
Kulsum Rashid  
Mark Stimac

ABSENT: Ted Dziurman

APPROVAL OF MINUTES - Approval of July 6, 1994 minutes.

Motion by Rashid  
Supported by Roberts

MOVED, to approve the July 6, 1994 minutes.

Yeas: 6  
Nays: 0  
Absent: 1- Dziurman

MOTION TO APPROVE CARRIED.

ITEM #1 Nick Mitchell, Athens Plaza, 120-140 W. Maple Road, for relief of Chapter 83 (Fence Ordinance).

Mr. Culpepper explained the petitioner is asking for renewal of a relief granted, by this Board, in August of 1992. The petitioner owns a multi-tenant commercial center at 120-140 W. Maple. He was granted relief to construct a 45" high fence in the front yard of a non-residential development where Chapter 83 prohibits fences.

Mr. Stimac informed the Board that the Building Department had received a request from the petitioner requesting his request be tabled until the September meeting as he would be out of town.

The Chairman tabled the request, as requested by the petitioner, until the September meeting.

ITEM #2 Carl Henkel, Architect, on behalf of Jack Miltimore, Interstate Battery, Inc., 1026 Rankin, for relief of Chapter 83 (Fence Ordinance).

Mr. Culpepper explained that the petitioner is the architect for the owner of an existing industrial building on Rankin Road. An addition is currently under construction which extends back to Elmsford. In June of 1994, the Board of Zoning Appeals granted the owner a variance to locate parking within the 10 feet of the Elmsford Right-Of-Way line where 50 feet is normally required. In addition, the owner is proposing to place a 6 foot high chain link fence at this front yard location where no fencing is permitted by Chapter 83.

## ITEM #1

Mr. Miltimore was present and explained, to the Board, how their business had expanded, and that they were constructing an addition to store batteries inside, to meet E.P.A. Standards. As part of their expansion, remodeling they moved their parking to within the front setback from Elmsford and that they had received approval from the Board of Zoning Appeals to use this front yard setback area for parking. Mr. Miltimore further explained that for security reasons, they are requesting a variance to construct a 6 foot high chain link fence with barbed wire at the top. Mr. Miltimore further indicated that because they often load their trucks ahead of time, they need the security. He further stated that the security is only for that reason, they would be storing no battery or material storage outside. Mr. Miltimore also stated that the fence would not be out of character with the other properties adjacent to it.

Motion by Stimac  
Supported by Rashid

MOVED, to grant Jack Miltimore, Interstate Battery, Inc., 1026 Rankin, a variance, as requested, for relief to erect a 6 foot high chain link fence with barbed wire at the top, located along the property line, 10 feet east of the Elmsford Right-Of-Way.

Yeas: 4  
Nays: 0  
Absent: 1- Dziurman

MOTION TO APPROVE REQUEST CARRIED.

The Building Code Board of Appeals adjourned at 9:05 a.m.

MS/ddb

*MS*