

A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, June 1, 1994 by the Chairman, Ted Dziurman.

PRESENT: Mike Culpepper
Ted Dziurman
Kulsum Rashid
Richard Sinclair
Mark Stimac

APPROVAL OF MINUTES: May 4, 1994

Motion by Rashid
Supported by Culpepper

MOVED, to approve the May 4, 1994 minutes as submitted.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #1 Mark T. & Nancy E. Clark, 2713 Avalon, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioners property is located at the northwest intersection of Avalon and Wolverine. The property, by definition, is a double front corner lot. The petitioners are proposing to install a 48" high chain link fence in the front yard adjacent to Wolverine. Chapter 83, of the City Code limits the height of fences located within front yards to a 30" maximum height.

Mark and Nancy Clark were present. Mr. Clark explained that there are other fences in the area with similar locations. They plan to install a black vinyl chain link fence to enclose their rear yard area.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

Motion by Culpepper
Supported by Rashid

MOVED, to grant Mark T. & Nancy E. Clark, 2713 Avalon, a variance, as requested, for the installation of a 48 inch high black vinyl coated chain link fence to enclose their back yard area.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #2 Rob Aniol, 1821 Hillman. for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioner's property is located at the southwest corner of the intersection of Hillman and Taylor. This lot has a common rear yard relationship with the property to the west. The petitioner is requesting approval to install a 6' high wood fence along their west property line out to Taylor Drive. Chapter 83 of the City Code would limit a fence installed between the north building line and the property line along Taylor to a 48" high non-obscuring fence.

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ITEM #2

Rob Aniol was present and stated that he was requesting to continue the fence that runs along property line to the south on a neighboring property. The Board questioned dropping the fence to 48 inches as it approached Taylor and Mr. Aniol stated that he preferred the 6 foot high fence in that it would keep the same fence line and be more aesthetically pleasing by hiding the existing fence on the adjacent property.

Mr. Stimac suggested that because the existing fence on the adjacent property is in a state of disrepair, installation of a new fence may make the existing fence more likely to be removed.

The Chairman opened the public hearing.

There were no comments.

The Chairman closed the public hearing.

There were 4 approvals on file: Timothy & Mary Ann Dulapa, 2565 Taylor - Constantine Nilsos, 1767 Langford - Sally A. West, 1776 Hillman - Gordon D. Cameron and Denis W. Godell, 2539 Taylor.

There was 1 objection on file: Vern Jason Smith, 1784 Hillman

Motion by Culpepper
Supported by Sinclair

MOVED, to grant Rob Aniol, 1821 Hillman, a variance, as requested, to erect a 6 foot high wood fence along the west property line out to Taylor.

Yeas: 3
Nays: 2- Stimac, Dziurman
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #3 Ben Tiseo, Tiseo & Associates, on behalf of Somerset Park Apartments, for an interpretation of Section 103.3 of the B.O.C.A. Building Code.

Mr. Stimac explained that the petitioner represents Somerset Park Apartments. The owner is in the process of replacing existing wood decks and balconies on the apartment buildings. As part of the scope of work, the existing wrought iron rails are removed and then reinstalled on the new decks. It is the decision of the building official that the railings which are reinstalled must meet the current code requirements for guardrails. The original guardrail systems do not comply with the 4" maximum opening requirement of Section 824.3. The petitioner is asking for an interpretation that the removal and reinstallation of the rail system does not constitute an alteration of that railing system.

John McKinnon of Somerset and Ben Tiseo were present. Mr. Tiseo stated that they started replacing cantilevered wood decks at the apartment complex back in 1988. They have replaced 1,523 decks and have 340 decks to be replaced, which are scheduled to be completed by the end of 1994. The project was to replace the decks before they deteriorated and when they started the project the 1987 Code permitted up to a 6" opening in the existing guard rails. To replace the decks they remove and replace the metal guardrails. He noted that the new guardrails are replaced to a new height of 42" above the deck surface. Because 81.7% of the decks and rails have been replaced with only 18.3% remaining they are requesting an interpretation that allows repair of the decks without replacing the guardrail to existing codes. Mr. Tiseo noted that if they could do the decks by not actually removing the guardrails, they would not have this problem. It would be a hardship to comply at this point and they would like to keep the decks and guardrails uniform.

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ITEM #3

Motion by Stimac
Supported by Rashid

MOVE, to grant Tiseo Associates on behalf of Somerset Park Apartments an interpretation that removal and reinstallation of the guardrails is not an alteration of the rail system but a re-installation of existing hardware which was in compliance with the code at the time of installation. FURTHER MOVED, the re-installation of the guardrails will be installed at the 42" height above the deck level.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #4 William J. & Colleen A. Gerbe, 5655 Bingham, for relief of the B.O.C.A. Building Code, Section 623.4.

Mr. Stimac explained that the petitioner's propose to locate a 24' diameter above ground pool in their rear yard. Their plans indicate that the wall of the pool will be only 4'9" from the side lot line. Section 623.4 of the B.O.C.A. Code requires at least 6' from the wall of the pool to a property line.

Colleen Gerbe was present and explained that because of the shape of their lot there is no other location on their lot to locate the pool. The Board discussed the pool location and size with Mrs. Gerbe.

The Chairman opened the public hearing.

There were no comments.

The Chairman closed the public hearing.

There were 6 approvals on file: Richard Yednock, 5681 Larkins - Mark and Ann McGinn, 5666 Bingham - Thomas Field, 5626 Bingham - Omar Addi, 5669 Bingham - Kandis Zoratti, 5701 Bingham - James Lane, 56890 Bingham.

There was 1 objection on file: Roger & Norma Dixon, 2352 Highbury.

Motion by Culpepper
Supported by Stimac

MOVED, to grant William J. & Colleen A. Gerbe, 5655 Bingham, a variance to install a 24' diameter above ground swimming pool 5'3' from the side lot line, the following condition:

1. Move the pool closer to lot #588, leaving a 6 foot setback and giving it the maximum space from lot #591 with all related equipment no closer than 10 feet from lot #591 or lot #588.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE AS STIPULATED CARRIED.

The Building Code Board of Appeals adjourned at 9:25 a.m.

MS/ddb



