

A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, September 1, 1993 by the Chairman, Ted Dziurman

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

APPROVAL OF MINUTES - AUGUST 4, 1993

Motion by Rashid
Supported by Culpepper

MOVED, to approve the August 4, 1993 minutes as submitted.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #1 Gordon Cameron, 2539 Taylor, for relief of Chapter 83
(Fence Ordinance)

Mr. Stimac explained that the petitioner is proposing to erect a 48' high metal picket fence. A portion of the fence is proposed to be located in the front yard along his front property line adjacent to Taylor Drive. Chapter 83 limits fences located within the front yard to no higher than 30". The petitioner is seeking relief to locate the taller fence within the front yard.

Gordon Cameron was present and explained that he plans to install a white aluminum picket fence 48" high. Mr. Cameron explained that a 30" high fence would not give him as much protection for his property as the 48" high fence. The 30" high fence could be easily jumped. Mr. Cameron further explained that because of the location and irregular shape of his lot, he experiences a lot of destruction and vandalism.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 9 approvals on file: Pat & Dawn Currie, 1888 Milverton - Dennis & Andrea Gistingier, 1781 Hillman - Lori & Mike Chafetz, 1903 Alexander - Keith & Jody Jones, 1800 Hillman - Bo & David Hsia, 2589 Taylor - Mike Ristea, 2004 Milverton - Timothy Dulapa, 2565 Taylor - Bryan & Pat Daley, 2601 Taylor - Mr. & Mrs. Richard John, 1805 Hillman

There were 2 objections on file: Joseph P. & Michelle A. Fleming, 1791 Langford - Anthony Alan Trotta, 2602 Taylor

Motion by Rashid
Supported by Culpepper

MOVED, to grant Gordon Cameron, 2539 Taylor, a variance, as requested, to construct a 48" high white aluminum picket fence within the required front setback:

1. The fence provides protection to the property.
2. The fence is not detrimental to the aesthetic value of the property.
3. Encroachment is proposed no closer than 6 feet to the driveway.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

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ITEM #2 Walter L & Diane Sobota, 343 Tara, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioner is requesting permission to erect an 8' high privacy fence along a portion of the rear property line. Chapter 83 limits the height of fences in residentially zoned districts to a maximum of 6'. The petitioner is requesting relief to erect the taller fence.

Diane Sobota was present and explained that because of the difference in elevations between their property and the property to the rear a 6 foot fence would not serve their purpose. Because they back up to a site with a detached accessory building and there is a roll-up garage door that faces their rear lot they are requesting a higher fence to provide them with privacy. Mrs. Sobota further explained that the 8 foot high fence would only be across a 47.51 foot portion of the rear yard, the remainder of the rear yard is adequately screened by trees.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 4 approvals on file: John A & Kathy Ernster, 348 Tara - Stephen & Maria Short, 328 E. Square Lake - L. E. Westenfelder, 315 Tara - Ronald L. & Carole L. Tscherhart

There were 2 objections on file: Bonnie & Don Sutherland, 5946 Donaldson - Ann Wiktorski, 5964 Donaldson

Motion by Stimac
Supported by Sinclair

MOVED, to grant Walter L. & Diane Sobota, 343 Tara, a variance, as requested for relief to erect an 8 foot high privacy fence along a portion of their rear yard:

1. There is a significant grande change which requires additional height.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #3 Carl Henkel Architect P.C., 1026 Rankin, for relief of the B.O.C.A. Building Code.

Mr. Stimac explained that the petitioner is the Architect for an addition to an existing industrial building on Rankin Road. The use of the building as a facility for the Interstate Battery Co. puts it into the classification of a Use Group H-2 (High Hazard). The petitioner is requesting relief to be permitted to construct the building of Construction Type 5B where Type 5A is required by section 501.1. The petitioner is also requesting relief of section 103.3 which would require a fire wall be constructed between the existing building and the addition. He is also asking relief to have a non-rated exterior wall located 10' to 15' from the property line where a two hour rated exterior wall is required by section 905.2.

Carl Henkel was present and explained that to meet the E.P.A. standards for storage they propose to add to and alter an existing building. Mr. Henkel further explained that if they could wait until the 1993 Code was adopted, their proposal would comply with the 1993 Building Code, but their Plan Commission approval is due to expire. Mr. Henkel explained the construction they would have to do to meet the present code, which they feel is not necessary because the 1993 Code is state of the art.

Motion by Sinclair
Supported by Stimac

ITEM #3

MOVED, to grant Carl Henkel Architect, P.C., 1026 Rankin, a variance as requested for relief of the 1990 B.O.C.A. Code:

1. The petitioner would be in compliance if the 1993 Code were adopted.
2. To force the petitioner to comply with the 1990 Code would serve no benefit.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #4 Randolph Cunningham, 5350 Westmoreland, for relief of Section 623.4 of the B.O.C.A. Building Code.

Mr. Stimac explained that the petitioner is proposing to locate a 16' x 32' an inground pool on his property. The proposed location of the pool puts it in a side yard location. Section 623.4 of the B.O.C.A. Code prohibits swimming pools from encroaching into a side or front yard. The petitioner is requesting relief to place the pool in the side yard location.

Randolph Cunningham was present and explained that because of his lot configuration, he has no rear yard. Also underground cables and large trees limit the location available for a swimming pool.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 4 approvals on file: Jim Berra, 5337 Greendale - Steve Piwtorak, 5322 Westmoreland - David & Kathy Sikora, 5420 Westmoreland - James Leong, 5321 Greendale

There were 2 objections on file: Shallesh Parikh, 5369 Greendale - Jerome & Virginia Szott, 5398 Orchard Crest

Motion by Rashid
Supported by Stimac

MOVED, to grant Randolph Cunningham, 5350 Westmoreland, a variance, as requested, for relief of Section 623.4 of the Building Code, to locate a swimming pool in the side yard:

1. Due to the limited space on the lot there is no other location to place a pool.
2. The unusual shape of the lot restricts the pool location.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

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

MS/ddb



