

**BOARD OF BUILDING CODE APPEALS
CITY OF NORTH OLMSTED
MEETING MINUTES OF AUGUST 12, 2010**

ROLL CALL

The meeting was called to order at 5:33 p.m. in Council Chambers.

Present: Donna Sabo, Norman Althen, BJ Meder

Absent: Robert Lipcsey, Dan Jarachovic

Staff: Building Commissioner Dale Mitchell, Clerk of Commissions Donna Rote

REVIEW AND CORRECTION OF MINUTES

Mr. Althen moved, seconded by Mr. Meder, to approve the June 17, 2010 minutes which was approved 3-0.

OLD BUSINESS

Amy Tanski; 6075 Porter Road:

Request consists of a 36 foot variance for a section of non-conforming fence where two neighbors' chain-link fence already exists, which is in violation of section 1369.03(a)(3).
BBCA tabled 6/17/10.

Ms. Tanski and Ms. Bush, a neighbor, were sworn in. Ms. Tanski said the 6-foot vinyl privacy fence is to contain her dog and protect her child. Her greyhound cannot jump a 6 foot fence but can climb a 4 foot chainlink fence. The property survey was completed and submitted as requested. Ms. Bush is the only neighbor with objections. It is not required by code to have a professional fence company install the fence, she already purchased the materials and has a contractor to oversee that it is installed in accordance to manufacturer's guidelines. She does not want to extend the fence behind her garage because she has a small child which she needs to keep in her sightline from the house. She will install a gate to have access behind the fence to maintain the area. She anticipates that the project will take two weekends to complete.

Ms. Bush said there is currently a 3-foot picket fence behind the garage and a 4-foot gate which does not seem to be an issue. The dog seems to be a very well behaved dog and doesn't respond to other dogs or children in the neighborhood. She pulled a permit to change her 4 foot high chainlink fence which runs along the back of her yard to a 6-foot high vinyl fence and in fact she has already installed a section of vinyl fence in the area Ms. Tanski requested a variance for. Her neighbor has a 4-foot chain link fence with trees and shrubs that exceed 6 feet tall so a variance is not needed. Ms. Bush asked although Ms. Tanski said she would maintain the open area, once she sells her home, who would be required to maintain the open area. She believes granting a variance for the fence will create an undesirable presence in the community. She asked that the fence be installed along the property line so she would have the option of continuing her side fences rather than having two fences along the back. Ms. Bush submitted photos she took from her backyard into the applicant's yard. Mrs. Sabo asked if Ms. Bush would be removing her chainlink fence and she said no her permit allows her to just attach the vinyl fence to her existing

chainlink fence. Ms. Tanski said her yard still needs to be closed in to ensure her son and dog are safe. Her dog has killed two neighborhood cats so it would not be safe for him to get out and he has gotten caught between the openings of the fences and was cut. She questioned if the vinyl fencing just attached to the chainlink could withstand a heavy wind storm and said she is concerned for safety reasons because if the panel falls it will fall into her yard. Ms. Tanski submitted two photos showing the board the opening between the fences and the backyard area.

Mr. Mitchell read the section of the code pertaining to the fence issue. He does not object to the request if the gate is installed so the applicant can maintain the 2-foot section between the fences. To address the vinyl section of fencing it is allowed by code to attach the fence to the existing chainlink fence. Therefore he has no objections to the modification to the fence as long as the stipulation is in place that the applicant must have a gate so the open area can be maintained. Mrs. Sabo asked who owned the open area behind the proposed fence which starts out 8 inches and heading north it widens to 2 feet. Mr. Meder suggested just connecting the fences if the applicant owned the space. Mr. Mitchell said the survey shows that the 6080 Burns and 6066 Burns properties do not have their fence installed parallel to their property lines. Ms. Bush said she spoke to Mr. Peltz who authorized her permit and asked him if it would be appropriate to move her fence to the end of her property line considering that her fence runs parallel with all the other fences and meets at all the control joints. She said she would not object to Ms. Tanski attaching to her fence so there is one continuous fence. Mr. Mitchell said that the applicant can not attached to any existing fences due to the fact that the pie shape area is not her property.

Mr. Meder asked Ms. Bush if she would be continuing the modification along the rest of her fence. Ms. Bush said the entire 66 foot length of the back of her fence will be covered with vinyl. Mr. Meder said so there is chainlink, modified chainlink and a request to install a vinyl fence. Ms. Tanski said the basket weave fence will be removed and the vinyl fence installed to the corner of her property then turn south along the rear property line she will install the gate so she can maintain the area as agreed. However she will install landscaping fabric and gravel to keep the weeds out. Mr. Meder asked if all the proposed fencing is to be on her property line and she said yes. Mrs. Sabo asked if the fence would need to be installed 6 inches inward on Ms. Tanski's property to ensure her fence is not on any neighbor's property. Mr. Mitchell said the posts are installed 6 inches inward and the face of the fence can not be over the property line.

Discussion ensued pertaining to Ms. Tanski maintaining the open area that would be between the fences although it is not her property by installing gravel which Ms. Bush said she would not allow on her property. Mr. Meder asked what Mr. Mitchell's recommendation was for the placement of the applicant's fence. Mr. Mitchell said he would like to see the fence 2 feet inward on the applicant's property with a gate so the open area can be mowed with a lawnmower. Ms. Tanski said there is no fence behind the garage so access can be gained from the back of the garage. Mr. Mitchell said he would recommend the rear gate be eliminated and the fence moved inward a minimum of 2 feet off the property line leaving a 4 foot section open which the applicant can access from behind the garage to mow and maintain the open area. Board members requested clarification from the building official pertaining to the placement of the fence and area between the fences.

Mr. Meder moved, seconded by Mr. Althen, to grant Amy Tanski of 6075 Porter Road a 36 foot variance for a section of non-conforming fence where two neighbors chain-link fence already exists with the following conditions:

- 1. Eliminate the rear gate and the basket weave fence then install vinyl fence along the northern property line.**
- 2. The rear fence will be installed 2 feet in from the owner's rear property line and will have a 90 degree turn to tie into the rear northeast corner of the garage.**
- 3. The owner will maintain the section of property between the fence and her rear property line including her property behind the garage.**
- 4. A new site plan will be submitted to the building department reflecting the agreed upon changes for a building permit.**

The motion was approved 3-0.

Mr. Meder questioned how the proposed legislative change Ordinance 2010-91 would affect the board members and asked the clerk to provide Council minutes pertaining to their discussion on the topic.

Mrs. Sabo moved, seconded by Mr. Meder, to excuse the absence of Mr. Lipcsey and Mr. Jarachovic, which was approved 3-0.

ADJOURNMENT

With no further business the meeting was adjourned at 6:25 p.m.

Donna Sabo, Chair

Donna Rote, Clerk of Commissions

Approved:
