

**BOARD OF BUILDING CODE APPEALS
CITY OF NORTH OLMS TED
MINUTES OF MARCH 17, 2011**

ROLL CALL

The meeting was called to order at 5:31 p.m. in Council Chambers.

Present: Donna Sabo, Julianne Nader, Dan Jarachovic

Absent: Robert Lipcsey, BJ Meder

Staff: Planning and Development Director Kimberly Wenger, Planning and
Development Secretary Tricia Granfors

REVIEW AND CORRECTION OF MINUTES

Mr. Jarachovic moved, seconded by Ms. Nader, to approve the Board of Building Code Appeals minutes of December 16, 2010, which was approved 3-0.

NEW BUSINESS

Alex & Linda Nieberding; 5974 Gareau Drive:

Proposal consists of fence installation along a property line where a rear neighbor's fence already exists; code does not permit, Section 1369.03(a)(3). Note: Neighbor's 6 ft. wood fence does not border the entire property line and was erected under permit in 1997.

Property owner Linda Nieberding of 5974 Gareau Drive, Tom Tekesky of American Fence Company, and neighbor Tom Eccleston of 5988 Gareau Drive were sworn in. Mr. Tekesky said he works with Solutions at Work (SAW), an extension of Cuyahoga County which partners with the Board of Mental Retardation on behalf of residents with mental retardation and/or developmental disabilities. Linda's adult son Alex is mentally disabled. The family was awarded a grant for the fence installation to give Alex a safe, contained outdoor space. During the application process they learned about the ordinance forbidding parallel fences and that a variance would be required. The rear of the property is 70 feet wide; the request is to install a 4-foot high chain link fence 3-4 inches from the rear property line so that the concrete footers are within property boundaries. Behind the Nieberding property is a 12-foot wide drainage and CEI easement. On the other side of this easement 5973 Stearns Road has an existing 6' wood fence. The property owner would be responsible for maintaining the easement area; the property containing the easement does not belong to Ms. Nieberding. Mr. Eccleston said he has no issues or concerns with the fence installation.

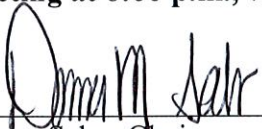
Ms. Sabo noted Building Commissioner Mitchell recommended in his review that a 3-foot gate should be installed for access to the easement area for maintenance. Ms. Nieberding accepts that recommendation; Mr. Tekesky said the installation of a gate would pose no problem. Mr. Jarachovic visited the site. He feels this case is similar to many variance requests the Board has granted in the past.

Ms. Sabo moved, seconded by Mr. Jarachovic, to grant Alex & Lauren Nieberding of 5974 Gareau Drive a variance for fence installation along a property line where a rear neighbor's fence already exists with the condition that a 3-foot gate (minimum) be installed to allow access to the easement for maintenance; Section 1369.03(a)(3). Motion passed 3-0.

ADJOURNMENT

Mr. Jarachovic moved, seconded by Ms. Nader, to excuse the absence of Mr. Meder and Mr. Lipsey, which was approved 3-0.

With no further business Mr. Jarachovic moved, seconded by Ms. Sabo to adjourn the meeting at 6:00 p.m., which was approved 3-0.



Donna Sabo, Chair



Tricia Granfors, Planning & Dev. Secretary

Approved:

5/02/11
