

STRONGSVILLE BOARD OF ZONING & BUILDING CODE APPEALS

MINUTES OF MEETING

September 13, 2006

The meeting was called to order at 8:00 PM by the Chairman, Mr. Evans.

Present: Mr. Evans
Dr. Goist
Mr. Harr
Mrs. Lane

Also Present: Mr. Kolick, Asst. Law Director
Mrs. Zamrzla, Recording Secretary
Mr. De Hoff, Assistant Building Commissioner
Mr. Voller, Building Inspector

Mr. Evans – Good evening. I'd like to call the September 15, 2006 meeting of the Strongsville Board of Zoning and Building Code Appeals meeting to order. May we have a roll call please.

ROLL CALL: ALL PRESENT EXPECT FOR MR. BALDIN

Mr. Harr – I make a motion to excuse Mr. Baldin for just cause.

Dr. Goist – Second.

Mr. Evans – We have a motion and a second to excuse Mr. Baldin for just cause. May we have a roll call please?

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans - Thank you. I hereby certify that this meeting has been posted in accordance with the ordinances of the City of Strongsville. This evening on your agenda, item number 4 has been removed at the request of the applicant. So, if you are here this evening for item number 4, Joseph Humenik, that item has been removed from the agenda by the request of the applicant. So, I just wanted to let you know so that you would not necessarily need to stay this evening, if that were the only reason that you were here. This evening, we have before us this evening, minutes from the meetings of August 23, 2006 and August 26, 1998. Are there any corrections or additions to the minutes as they were presented?

Dr. Goist – Mr Chairman? I move that we accept the minutes as submitted.

Mr. Harr – Second.

1) **GERALD GRISSOM, OWNER/Jim Brown of C.C.D. Inc., Representative,**
Cont'd

Mr. Grissom – That's residents.

Mr. Brown – There is a common area too.

Mr. Grissom – Right. There is a ten foot easement through their utility easement behind the house. Five on mine, five on the – and there is a resident directly behind me, yes.

Mr. Evans – Okay. At this point, you are a part of a homeowner association. Does Meadowood approve things such as this, I believe?

Mr. Grissom - Yes, originally when we applied for the permit I had a letter from the homeowner association and today the whole committee, the whole trustees, presented a letter to me, which I will give to the board, saying that they don't have any objection to doing this because they think it real really add to property value and the aesthetics of the property.

Mr. Evans – Okay. Thank you. Questions from board members?

Mrs. Lane – Could you tell me where Creekstone is?

Mr. Grissom – It's division one of Meadowood.

Mrs. Lane – Off of what street?

Mr. Grissom – It's off of Albion and Prospect area. We're on a small cul-de-sac, which is five homes. The back on mine comes to – I'm not out on the main road.

Mrs. Lane – Your street runs off of what?

Mr. Grissom – Creekstone is off of Fence Row.

Mrs. Lane – Okay. Thank you.

Mr. Evans – If you have that letter Mr. Grissom, we'll go ahead and take that letter so that we can add that to the record. Thank you. Any other questions from board members?

Mr. Harr – Mr. Chairman?

Mr. Evans – Mr. Harr?

Mr. Harr – Mr. Grissom, have you had any conversations with the neighbors to the west and to the north of you with regards to the proposed addition?

1) **GERALD GRISSOM, OWNER/Jim Brown of C.C.D. Inc., Representative,**
Cont'd

Mr. Grissom – Yes, I have. All of them have seen my plans. Out of the five that really abut my property right now, four of the five have signed a letter that I have saying that they don't object. The other one, I can't get a hold of; she travels and she's out of town. Four out of the five have signed a letter saying that they've reviewed the plans and they do not have any objection to –

Mr. Harr – That would be the two immediately abutting the addition here? You have those?

Mrs. Lane – Do you have the letter to submit?

Mr. Grissom – Yes, I do.

Dr. Goist – Mr. Chairman? Just for the record, I happened to be there on Monday and this is a very nice addition that he's going to put on and I think it's going to be a real asset to the neighborhood in terms of property value. I just think he's doing the right things and doing it the right way.

Mr. Evans – Okay. Mr. Grissom, the only question that I would probably ask, is there any other way that you could do the addition back there without the variance? Is there some other layout that you looked at that might have worked but this was the popular choice?

Mr. Grissom - I don't think so. Jim and I both looked at it because I have known Jim for a long time and we've looked at it. It basically has to come off the back side of the house the way our plans are set up right now. I can't go to the west on it because it would be like setting it in the middle of my back patio. That would not fit. About seventeen years ago, I put an addition on the other side of my house and going east/west. This one will go to the north side. Will match up to the same level, to the same architectural design. Everything that will make it look very nice back there, the way it's going to come in right now. It will just put an addition on to the side. I think it will improve the property, the property value around. I think that will be a big addition. It will be an asset to it, myself.

Mr. Evans – Mr. Chairman? Would you like me to read into the record the letter that Mr. Grissom had signed by the neighbors or do you just want it –

Mr. Evans – We can just submit that for the record. That's fine. Thank you.

Mr. De Hoff – Mr. Chairman?

Mr. Evans – Mr. De Hoff?

1) **GERALD GRISSOM, OWNER/Jim Brown of C.C.D. Inc., Representative,**
Cont'd

Mr. De Hoff – I would just like to point out that there is very little of this addition that is encroaching on the thirty foot rear yard setback. It's just a left corner if you're looking from the front to the back. It's not the whole addition. It's just a little bit of the corner. If he didn't have that he wouldn't even need a variance. That's the only reason that we have him here because it encroaches on the corner.

Mr. Evans – Very good. Thank you Mr. De Hoff. Any other questions? Mr. Grissom, between now and then if you would be so kind to put stakes at the two corners of where the addition is going to be, we will, as a board, be out and physically visit the site to take a look at it and your neighbors will be notified as well, so, the fact that you have already approached them with the information is good because they will be getting a letter from the city indicating that you have applied for a variance. In the meantime, we will invite you back here on September 27, 2006, which is our next regular meeting, at which time we will have the public hearing for that.

Mr. Grissom – Thank you very much.

Mr. Evans – Thank you. Next on our agenda, number 2 is Anita Carile. If we have someone here this evening from C & S Contractors, if you'll identify yourself. Name and address please and speak –

(H) **PUBLIC HEARINGS:**

2) **ANITA CARILE, OWNER/C & S Contractors, Representative**

- a) **Requesting a 20' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 100' Front Yard Setback and where an 80' Front Yard Setback is proposed in order to construct a Single Family Dwelling and;**
- b) **Requesting a 20' Rear Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 50' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 18118 Cook Road Sublot 52 PPN 396-18-052 Zoned R1-75.**

Mr. Carile – My name is Angelo Carile. I'm representing C & S Contractors and the address is 17313 Bennett Road, North Royalton.

2) **ANITA CARILE, OWNER/C & S Contractors, Representative, Cont'd**

Mr. Evans – You are here this evening - someone was here a month ago or two weeks ago describing the situation. Could you just review for us, real quick, the application for the variance, what the reason is and the particular situation here?

Mr. Carile – Basically, we're asking for a twenty foot yard setback where as it would normally be a hundred foot setback and we need a rear yard setback of twenty foot in order to construct a single family building.

Mr. Evans – In this particular situation, that puts the house in line, or not in line, with the houses that are in the immediate area?

Mr. Carile – It's pretty close to in line.

Mr. Evans – Okay.

Mr. Carile – There's a vacant lot next to us to the east and to the west, there is a creek and there's another ranch. I do believe we're within a couple of feet of their front yard setback.

Mr. Evans – The design of this one is a ranch with a loft, is that correct?

Mr. Carile – Yes, the loft will be overlooking the kitchen area.

Mrs. Lane – Could you tell us – the back yard, where does it end from the stakes that you have placed there. Are those trees on this yard?

Mr. Carile – About thirty foot. Those trees are in our yard.

Mrs. Lane – There are on your yard.

Mr. Carile – Yes.

Mrs. Lane – They couldn't find the pin back there.

Mr. Harr – The property line extends beyond the tree line?

Mr. Carile – Yes.

Mr. Harr – Yes.

Mrs. Lane – Okay.

2) **ANITA CARILE, OWNER/C & S Contractors, Representative, Cont'd**

Mr. Carile – We did some clearing on the east and on the west side of it but we don't want to take all the trees down, just for aesthetic purposes.

Mrs. Lane – So, there is thirty feet from the back stakes to the –

Mr. Carile – The back stakes.

Mr. Evans – Other questions?

Mr. Harr – I'm sorry, yes, Mr. Chairman. The lot to the east of you on the corner, is that a separate lot or is that part of the home facing Ordner?

Mr. Carile – I do believe that's a separate lot.

Mr. Harr – It didn't look quite large enough for a buildable site. Just to reiterate a conversation that you and I had at the initial meeting, pulling the garage forward – but the house is pretty much in line with the house immediately to the west. The garage of course comes a little bit forward but we had discussed that the print or the particular plan that you're looking to build here really doesn't facilitate incorporating that further back.

Mr. Carile – It just won't work with our roof line. It just – structurally or feasibly it just won't.

Mr. Harr – Where you have the back pins are indeed thirty feet from the property line. So, it goes probably, I'm guessing, a good fifteen feet or so past the tree line?

Mr. Carile – Yes.

Mr. Harr – Okay.

Mr. Carile – The house is a brick veneer, basically, with vinyl siding on three walls and, of course, if we decide to put a deck or some type of patio we'll be getting the appropriate permits for it. Applying for the appropriate permits.

Mr. Evans – Any other questions from board members?

Mr. Harr – No, I have none.

Dr. Goist – No, no further questions.

Mrs. Lane – Mr. Kolick, would you like to comment on whether he can put a deck on that or not.

2) **ANITA CARILE, OWNER/C & S Contractors, Representative, Cont'd**

Mr. Kolick – He probably would need additional variances if he came in for that. We would have to see how it was laid out and where it went to the property line but, most likely, he would require additional variances.

Mr. Carile – How about a patio?

Mr. Evans – Concrete pad.

Mr. Carile – Concrete patio like a ten by ten or something right off the rear kitchen door?

Mr. Kolick – Again, you would have to bring it in and let us take a look at it and see how it complies with the code because if you're already infringing on a rear yard with the setback, anything that goes behind it would probably be infringing too.

Mr. Carile – Patio wise?

Mr. Kolick – Probably, but again, I can't say that until we see your prints.

Mr. Carile – That's not even shown on the print because we don't know whether or not that's going to even happen. If we were to decide on that, of course we would be coming in for whatever variances or permits we need for it. We built the same house on Jacque and West 130 two years ago. The only difference was that that one did not have a loft area over the kitchen and we used the side load garage instead of the front load garage on it. I thought that really added to the corner because that was a beat up corner. Basically, we're trying to do the same thing over there on Ordner and Cook.

Mr. Kolick – That house, as I recall, fits within the existing setback so I don't think there were any variances for that.

Mr. Carile – We had a setback variance on that also.

Mr. Evans – There was a variance. Yes.

Mr. Carile – That's very popular layout. It's a nice, clean open floor plan.

Mr. Evans – I think the variance was on Jacque there if I remember right. I know there was a variance because I remember dealing with that one. Any other questions from board members? Then I would go to public hearing and ask if there is anybody in our audience this evening who wishes to speak for the request for the variance? Is there anyone in our audience this evening who wishes to speak against the request for the variance? Hearing no one and seeing no one, I would then entertain a motion.

2) **ANITA CARILE, OWNER/C & S Contractors, Representative, Cont'd**

Dr. Goist – Mr. Chairman? I move that we approve a 20' Front Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 100' Front Yard Setback and where an 80' Front Yard Setback is proposed in order to construct a Single Family Dwelling and approve a 20' Rear Yard Setback variance from Zoning Code Section 1252.04 (d) (2) which requires a 50' Rear Yard Setback and where a 30' Rear Yard Setback is proposed in order to construct a Single Family Dwelling; property located at 18118 Cook Road Sublot 52 PPN 396-18-052 Zoned R1-75.

Mrs. Lane – Second

Mr. Evans – Okay, we have a motion and a second. May we have a roll call please.

ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans – The variance has then been granted. There is a twenty day waiting period during which time City Council has the opportunity to review the decision. You'll be notified by the Building Department at the conclusion of that twenty days and you may move forward at that time.

Mr. Carile – Ladies and gentlemen of the board, I thank you.

Mr. Evans – Item number 3 on our agenda this evening is Daniel Llewellyn, owner. If you would please come forward to the microphone, we'll need your name and address for the record and then if you would please, just re-indicate your request for the variance. The reason for it?

3) **DANIEL LLEWELLYN, OWNER**

Requesting a 10' Side Yard Setback variance from Appendix VI which requires a 20' Side Yard Setback and where a 10' Side Yard Setback is proposed in order to install a 4' wooden Picket Fence on a corner lot; property located at 17121 Hunting Meadows Drive PPN 397-03-057 Zoned R1-75.

Mr. Fladda – I'm Ranier Fladda. I'm representing the Dan Llewellyn. He had to be out of town for work and he apologizes for that. I live at 14809 Lancelot Lane, North Royalton, Ohio and basically he was resubmitting the variance. He had asked to put a fence, basically, right up against the sidewalk. His house is at 17121 Hunting Meadows Drive and so, he pushed that back for the ten foot utility easement and then also angled fifteen foot over so that he could see. The question came up, safety with cars coming by. Pulling out of the driveway with kids coming by and so forth. So, he changed that also. I have sketches if you

3) DANIEL LLEWELLYN, OWNER, Cont'd

Mr. Fladda continues - would like. I can give you a hand full of them. He said he faxed one in but he didn't know if it would come out right.

Mr. Evans - You can certainly give us the copies. We do have the one from the facsimile that he had taken care of and I think they're probably good enough to get us through this evening.

Dr. Goist - Mr Chairman, I had a question for the representative. When I was there the other day, Mr. Llewellyn said he would send in a portion of the fence that he -

Mr. Fladda - I have it in the car if you would like me to get it.

Dr. Goist - We're not - I don't know whether to tell you to run to the car but -

Mrs. Lane - If we could ask a couple of other questions first?

Mr. Fladda - Sorry about that. He gave me a piece just to make sure that I had it.

Mr. Evans - Yes, I think that will be true to do that at the risk of suspending the meeting. That was part of the request, to see what it was going to be.

Mr. Fladda - I can get it right now. It will be two minutes.

Mr. Evans - That will be fine. If the record will reflect that the applicants representative has excused himself to take care of getting the piece of fence, we will resume in just a moment.

Mr. Kolick - While we're waiting, maybe we can do a motion of Findings of Fact and Conclusion of Law.

Mr. Evans - During the interim here, the applicant's representative is getting that, Mr. Kolick has pointed out to me that I have skipped item number F on our agenda this evening. So, along with the demerits that I'll take for this evening, if we could, maybe, take care of item F while we're in pause here. Item F was the Approval of Findings of Fact and Conclusions of Law regarding Sean Bauer of Crown Gutters. Everybody received a copy of this from Mr. Kolick. The document was furnished for the appeal for September 13, 2006. Are there any questions or comments regarding that issue? If not I would entertain a motion to approve the Findings of Fact and Conclusions as presented.

Dr. Goist - So moved.

Mr. Harr - Second.

3) **DANIEL LLEWELLYN, OWNER, Cont'd**

Mr. Evans – There is a motion and a second to approve the Findings of Fact and Conclusions regarding Sean Bauer dba Crown Gutter Systems. If we may have a roll call for that please.

ROLL CALL.

ALL AYES:

MOTION CARRIED

Mr. Evans – Thank you. We have taken care of that. Our applicants representative has returned with the sample of the fence so, we will continue with item number 3 on our agenda. Thank you

Mr. Fladda – That would be white though. Painted white.

Mr. Evans – That would be wood material not the plastic vinyl coated or whatever?

Mr. Fladda – Right.

Mr. Evans – That is going to be the sample in terms of the size of the pieces of wood and the openings then?

Mr. Fladda – Yes.

Mr. Evans – Okay.

Mr. Fladda – Same height and everything

Mr. Evans – So, it looks to be, probably, a five inch slat with a two inch opening?

Mr. Fladda – The way they had it written up, I didn't measure it, it was a four inch slat with a two inch opening

Mr. Evans – Okay.

Mr. Fladda – Four foot tall.

Mr. Evans - Thank you. All right. Other questions from board members?

Mr. Harr – Mr. Chairman? I apologize. I do not know how much of our earlier discussion you have been privilege to from the initial meeting. In taking a look, in reviewing Mr. Llewellyn's comments and his concerns and reasons for the fence, naturally he is concerned about his toddlers and the traffic and so forth that exists with regards to that corner. We respect that certainly. This issue, side fences on corner lots, has been reviewed by City Council and we approached them previously with regards to some guidance with regards to the issue and they have come back to us with guidance with regard and set that twenty foot

3) DANIEL LLEWELLYN, OWNER, Cont'd

Mr. Harr continues - setback allowance off the sidewalk for the side yards. Now, admittedly as the homeowner, I understand Mr. Llewellyn's interest in keeping as much of the back yard fenced in as possible but, if you were to comply completely with the code and not need the variance or not use the variance that he is requesting, it still would serve his safety concerns and issues. I did visit the back yard. He does have a pretty sizable back yard there. I appreciate the efforts that he is making to make the fence aesthetically pleasing and to address our safety issues with regards to traffic and so forth there, but have you had conversations with him in regard to that? From the standpoint of how important that is?

Mr. Fladda - I stopped there last night, I'm one of his friends so I've been there a number of times and he did have it flagged out. To answer your question, obviously that would protect his kids if his fence was farther back than twenty foot. That's a no brainer. Other than - Dan's come a long way in trying to make the house look good. If you had seen the house a couple of years ago, it was real bad. He's doing a good job. Just from an economic standpoint too, I think, he thinks it would be detriment to have it that far back and cut off that much of the yard in the sense of resale and so forth. From a safety standpoint, obviously they would be just as safe from a fence that was farther back. Just not as much of a yard.

Mr. Harr - We just try very hard - the guidelines that we work with under require a true hardship that meets the definitions that we act under and the fact that he wants to keep as much yard within the fence does not necessarily fit within those guidelines, per say.

Mr. Fladda - What he had stated in this was that the hardship was the economic standpoint of either resale or whatever from a looks standpoint and what someone would want to purchase the home. That was his economic standpoint.

Mr. Harr - Has he indicated to you in any fashion that you would consider moving the fence farther back? Perhaps not the full twenty feet but he would consider a further concession as far as moving it into the yard? Or is he steadfast at where he has it right now?

Mr. Fladda - I don't know. He didn't make it sound like he was steadfast that it had to be there or forget it. I don't think he would want to if it was all the way up to the house.

Mr. Harr - I don't necessarily want to put you into that position of discussing a potential change to what he has submitted here but that's something that we would like to consider.

Mr. Fladda - That's fine.

Mr. Harr - Thank you.

3) **DANIEL LLEWELLYN, OWNER, Cont'd**

Mr. Evans – I do want to make note of the fact that we did request the Police Department to take a look at this particular situation and in a report dated 8/31 the Police Department did review it, did not have a problem with the sighting or the proposed sight lines with the fence ten foot from the sidewalk. So, anything greater than the ten foot off the sidewalk would not have a problem either. We do have that as a matter of record that was furnished to us.

Mrs. Zamrzla – Mr. Chairman? I gave that to you a minute ago. Please see that he gets that.

Mr. Fladda – Yes. He had mentioned that an officer was there the other day.

Mrs. Zamrzla – Okay. Thank you.

Mr. Evans – Other questions.

Mrs. Lane – I guess that, kind of, brings us to the fact of whether you can answer for him if we would like to move the fence back further or do you want to withdraw and have him come to the next meeting.

Mr. Fladda – My options are – to just say he would want to or say he would want to come back and have him re-lay it out? I guess the question is it a no if I say ‘no’ or - I’m obviously not going to say ‘no’ for him in case that’s an option that you want to. If you were to vote and say ‘no you can’t do that’, I’m not going to say that he wouldn’t want to try somewhere in between. I would appreciate it if you would give him a range of where that would be just so he doesn’t come back again and say ‘okay, you had it up by the thing and now I moved it back and where would be good then?’

Mr. Harr – Could I ask Mr. Kolick just to explain procedurally in the event that we proceed and deny the applicant today, what the procedure would be for reapplication, what have you?

Mr. Kolick – If he was denied for this, unless it was a substantial change, it would be six months before he could come back and apply. So, I would think, maybe, the best thing would be to act on it, if the board is looking at five feet, to act on it if that’s not sufficient for the applicant. He hasn’t lost anything. He just won’t build the fence then anyway. As opposed to turning anything down at all. If that’s his choice to do, then that’s his choice to do. As long as the individual who is here to speak for him and he doesn’t have a problem, then it would probably be the way to act.

Mr. Evans – Right, and let me also point out, for the applicant’s representative, during caucus this evening, which is a public part of our meeting, we did discuss this particular situation at great length. One of the conclusions that we talked about possibly coming to is that if we were to allow a five foot variance, where the applicant currently is requesting ten, that would put it at fifteen feet off the sidewalk. If that were to be the case, using the picket fence that

3) **DANIEL LLEWELLYN, OWNER, Cont'd**

Mr. Evans continues - has been described by the applicant, it would keep the area open and keep visibility and not be a situation that we have had in other areas. If we force the applicant to go to the twenty foot off the sidewalk, the applicant then at that point could put up any fence that he chose, which might include a six foot stockade fence. One of the concerns that this board has is that communities that have stockade fences in proliferation look like a stockade and we're certainly in a position where in granting a five foot variance, we would have control over the type of fence where as if we reject this entirely, we would have no control over the type of fence that is put in. So, as a means of looking at the options that the board has, one of the options that we considered in caucus was a five foot variance, which means it would be fifteen foot off the sidewalk but restricting it to the picket fence that the applicant has suggested, which would then become part of the variance approval. So, I think what the board members have said, before we go to public hearing here, because we should have an idea of which way this is going to go before we enter into public hearing portion, is if a five foot variance were something that you felt empowered to make as a choice for the applicant, that based on our caucus discussions tonight would probably be a much more likely situation to gain our approval and accomplish part of what the applicant wants as well as keeping as close to the code as we can. So, I think the question that the board members as, sort of, looking for a determination from you, as I said before the public hearing, would a five foot variance for the picket fence be an agreeable situation -

Mr. Fladda - I believe so.

Mr. Evans - Okay. So, at that point, if that were the case then you would be changing the request on behalf of the applicant to being a five foot variance using the picket fence that has been described here and shown here.

Mr. Fladda - Right.

Mr. Evans - Okay. So, with that being the case, would there be any further questions from board members? Then let me move to public hearings. Is there anybody here in the audience who wishes to speak for the request for the variance? Sir, I'll ask you to take the mic and if you will, give us your name and address?

Mr. Hennessey - I'm not for it. I just -

Mr. Evans - Okay, if you'll just hang on. Is there anybody in the audience who wishes to speak against the variance or has any questions? At this time we'll invite you to ask you questions.

3) **DANIEL LLEWELLYN, OWNER, Cont'd**

Mr. Hennessey - Thank you. My name is Rory Hennessey. I live at 17999 Fox Hollow, right next to Dan. I'm just here because I got the notice about it and I just had questions and I saw the stakes out going all the way out to the sidewalk and now you're talking about then or five or fifteen. Are you going to move the stakes so that I can see where the fence is going to be?

Mr. Evans - What would happen is, where the stakes are right now, those are set at ten foot off the sidewalk. The ordinance or the current code for the city allows the fence to be twenty foot off the sidewalk so, he's asked for a ten foot variance. The applicant's representative has agreed to move those flags back away from the sidewalk another five foot, which would then only require a five foot variance. So, normally we would not go back through the process and re-stake the stakes or whatever at that. What we've done is we've all been out and looked at it, seen where he has proposed it. We know that another ten foot back from that is where the code currently requires it. So, the request for the variance, we are, if you will, meeting the applicant half way but as a condition of that we would be limiting it to the four foot white picket fence that he has shown the example of, as opposed to, if we say 'no' to the variance request, he could then put up any type of fence, including a six foot stockade fence then.

Mr. Hennessey - Which was up at one time when I first moved in. That's the kind of fence that was there. I'm all for it. I've got six kids myself. I'm all for it. I understand why he wants to do it. I honestly don't care if he does it to be real honest with you

Mrs. Lane - So, you're his rear neighbor?

Mr. Hennessey - No, I'm next - I guess so. We see the back of his - I face Hunting Meadows. I face Fox Hollow, he faces Hunting Meadows. So, I'm just wondering - and the thing I had a question about was where a zero side yard setback is proposed - I don't know what that means. Does it mean that it goes right up to the property line or -

Mr. Harr - I think the applicant is referring to the initial application.

Mr. Kolick - Initially the fence was right up against the sidewalk, basically.

Mr. Hennessey - Okay. I just got the notice and that's why I -

Mr. Evans - Zero setback was his initial request to come up to the sidewalk and what happened is there is a utility easement there as you may know and we said you cannot be in the utility easement. So, the minimum that he could have requested was a ten foot or the maximum that he could have requested was a ten foot and what we have done is cut that in half. So, the zero is not - everything else complied except up against the sidewalk. That is what it boils down to.

3) DANIEL LLEWELLYN, OWNER, Cont'd

Mr. Hennessey – I agree. Dan has done a tremendous amount of work with that house. That house – it was kind of like the Adams Family house at one time and it was. He has denuded the area. It was like a jungle. He has done a nice job; he really has. I don't have a problem with him putting up a fence for his kids as long as it is a four foot because Hunting Meadows and Fox Hollow, they might as well just take the stop signs down because people don't stop there anyways. So, as you're pulling out of the driveway – they might stop there once in a while – as you're pulling out of the driveway, it's good to be able to see that there's no cars coming. So, that's my only concern and that's really all I have to say.

Mr. Evans – Thank you, Mr. Hennessey. All right. Is there anybody else in the audience who wishes to speak against the request? All right. Any other questions from board members? All right then with the modification, I would look for a proposed –

Mr. Harr – Mr. Chairman? I would make a motion that a request for a 5' Side Yard Setback variance from Appendix VI which requires a 20' Side Yard Setback and where a 15' Side Yard Setback is proposed in order to install a white 4' wooden Picket Fence, as provided here this evening, on a corner lot; property located at 17121 Hunting Meadows Drive PPN 397-03-057 Zoned R1-75 be approved.

Mrs. Lane – Second.

Mr. Evans – Thank you. We have a motion and a second. May we have a roll call please.


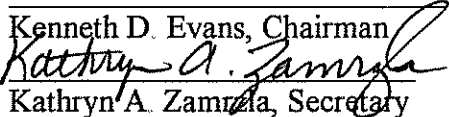
ROLL CALL: ALL AYES: MOTION CARRIED

Mr. Evans – Thank you. The variance has then been approved. There is a twenty day waiting period during which time City Council has the opportunity to review our approval. He will be notified at the time that the twenty days has expired, by the Building Department, and then may begin construction after that.

Mr. Hennessey – Thank you very much.

Mr. Evans – If there is no other business, the meeting is adjourned.

Meeting adjourned at 9:45 p.m.


Kenneth D. Evans, Chairman

Kathryn A. Zamzla, Secretary
9-27-06
Approval date