

Minutes of the Zoning Board of Appeals Meeting of June 16, 2011 - 7:00 P.M.

MEMBERS PRESENT: **Regis Barrett, Chairman**
 Jeanne Hartman
 Wally Parker

ABSENT: **Bob Kinney**
 Dean Bredenbeck

ALSO PRESENT: **Barbara Stanton, Acting Secretary**
 Tom Ockington, Building Commissioner

Chairman Barrett – I would like to call the Zoning Board of Appeals meeting to order. Roll call was taken and the following members were present, Regis Barrett, Jeanne Hartman, Wally Parker. Members absent: Bob Kinney, Dean Bredenbeck. **A motion to approve the minutes of April 28, 2011 was made by Jeanne Hartman. Second – Wally Parker. Vote Resulted – Yes – Regis Barrett, Jeanne Hartman, Wally Parker.**

Regis Barrett: There are two members absent and what that means is if there is a request before the board all three members present must have a unanimous vote for the variance to be approved. You have the option of waiting for the next meeting for a decision on the variance and you will be rescheduled. The next scheduled meeting is July 21, 2011. Commissioner Ockington: If the request was voted down this evening you may appeal the decision.

Item #1 –Request from David Brandt for a variance to install a solid privacy fence located at 7412 Woodhaven Avenue.

David Brandt submitted signatures from adjacent residents stating they have no objection to the fence. David Brandt: When I purchased my house twelve years ago there was a fence. The fence needed to be replaced and I erected a dog ear fence. I was not aware I needed a permit to replace an existing fence. It rained for a complete month after installing the fence. The treated lumber absorbed water and the gaps between the boards were not present when the inspector drove by. Since then it started to dry out. Every board has at least a ¼ inch gap. I replaced each section after work. I work 12 to 16 hours a day and I really do not want to take the fence apart. The fence is pre stained and I am concerned that if it is necessary to take the fence down the boards would crack and I would ruin the stain. I will never match the stain. The neighbors on both sides have said how much they like the fence. I would hope the fence can remain as is. Regis Barrett: If you would have come to the board in the beginning you could have prevented this situation. You did not obtain a permit prior to installing the fence. The minimum fence visibility is 10%. You would need about ½ inch gap between boards. David Brandt: I can see through the fence and the wood has not completely dried out. The neighbors do like the fence. The entire fence is level and nothing over six foot from the ground to the top of the fence. Wally Parker: I do not believe the weather has caused the boards to expand. It looks like a stockade fence. David Brandt: The fence is gapping and shrinking. Commission Ockington: I was there yesterday and some of boards are gapping between a 1/8 or a quarter inch. In time it may shrink to the 10% but there is no guarantee of that. Jeanne Hartman: In the past we have approved solid fences with a lattice on the top to see through. Commission Ockington: A solid fence with a lattice top does not meet code and there have been some variances approved. David Brandt: I could not afford a vinyl lattice top fence. Regis Barrett suggested using a router between the boards to comply with the 10% gap. David Brandt: I really do not want to do that since the fence is pre-stained and I would never be able to match the stain. There was further discussion. Commissioner Ockington: I have no objection to deferring this request for the next meeting. : **A motion was made to table this request for next month by Regis Barrett, second by Wally Parker. Vote Resulted: - Yes - Regis Barrett, Jeanne Hartman, Wally Parker.**

Item #2 –Request from Ruth Hinz for a variance to install a solid privacy fence located at 4764 Fairway Drive.

Ruth Hinz: In the backyard there are no neighbors and there is an existing fence that has weeds growing through. There is a ravine and big creek behind my property. I would like a dog ear wood fence installed. Regis Barrett: This is a request for a solid board fence and the fence that exists now probably pre dated the zoning code of today. Jeanne Hartman: Considering where the placement of the fence is, there would be no reason to object. Commissioner Ockington: I have no objection. There was further discussion. **A motion to grant the solid privacy fence located at 4764 Fairway Drive was made by Regis Barrett, second by Jeanne Hartman. Vote Resulted: - Yes - Regis Barrett, Jeanne Hartman, Wally Parker.**

Item #3 –Request from Arthur Gary for a 141 sq. foot rear yard lot coverage variance to construct a patio room addition located at 4567 Forest Edge Drive.

Robert Round representing American Patio Rooms was present. Mr. Round: When I applied for the building permit, it was brought to my attention that we did not have enough square footage in the backyard and I was going to place a footer for the patio. Mr. Ockington advised me that a variance is required. I exposed the footer at the garage (pictures were presented) and found that there is a rat-wall. I am requested a 141 sq. foot rear yard variance and to construct a patio without frost protection footer. Commission Ockington: When the garage was built, the zoning code was different and when the Residential Code of Ohio was not in place until four years ago. If the footer was only under the addition there would be a problem in time. I have no objection to either of the variances. There was further discussion. **A motion to grant a 141 square foot rear yard lot coverage variance at 4567 Forest Edge Drive was made by Regis Barrett, second by Jeanne Hartman. Vote Resulted: - Yes - Regis Barrett, Jeanne Hartman, Wally Parker.**

Item #4 –Request from Arthur Gary to construct a 200 sq. foot patio room addition to the existing 400 sq. foot garage without frost protection (footer) for foundation located at 4567 Forest Edge Drive.

A motion to grant the construction of a 200 sq. foot patio room addition to the existing 400 sq. foot garage without frost protection (footer) for foundation at 4567 Forest Edge Drive was made by Regis Barrett, second by Wally Parker. Vote Resulted: - Yes - Regis Barrett, Jeanne Hartman, Wally Parker.

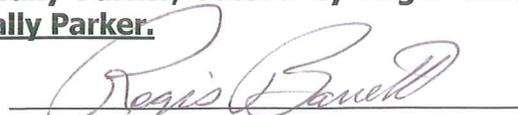
Item #5 –Request from Francis Spera for a variance to install a solid privacy fence located at 9633 Melody Lane.

Mr. Spera: I would like to put up a solid 20 foot fence across my property for privacy. Pictures were presented to the board. I am on a cul-de-sac and it is difficult to sit outside in the evening due to the vehicle lights. Regis Barrett: Your request is more for a shield than a fence. Commission Ockington: The request is not on the property line, and it is not enclosing anything. Mr. Spera: I spoke to my neighbor next door and he is fine with the proposal. There was further discussion. **A motion to grant to grant the variance for a solid privacy fence located at 9633 Melody Lane by Regis Barrett, second by Jeanne Hartman. Vote Resulted: - Yes - Regis Barrett, Jeanne Hartman, Wally Parker.**

A motion to adjourn the meeting was made by Wally Parker, second by Regis Barrett. Vote Resulted – Yes – Regis Barrett, Jeanne Hartman, Wally Parker.



Barbara Stanton, Acting Secretary


Chairman, Regis Barrett