Minutes of a Meeting of  
Board of Zoning Appeals  
held July 6, 2017

Members Present: Bruno, Burke, Miller, Norton, Tyo, Young

Excused: Gess

Also present: Jeff Fillar, Building Official of SAFEbuilt, Inc.

Audience: Bill Ayars, Michelle Pietron and Lydia DeGeorge.

Chairman Norton called the meeting to order at 7:35 p.m.

Motion by Tyo, second by Bruno, to approve the minutes of the meeting held May 25, 2017 as prepared and distributed. Motion passed 6-0.

Motion by Tyo, second by Burke, to approve the minutes of the meeting held June 1, 2017 as prepared and distributed. Motion passed 6-0.

Michelle Pietron
73 Eagle Cliff Drive
Tabled from meeting held June 1st, 2017

C.O. 1163.05(H)(3) Requests a variance for a 6 ft. wood privacy fence on the sides of the backyard and a 6 ft. chain link fence in the rear of backyard, the privacy fence will be exceeding 32 feet. (New plans submitted June 14, 2017. New plans indicate a 4 ft. chain link fence, and change of footage requirement in privacy fence).

Mr. Norton asked for clarification on the new plans that were submitted. He verified with Mrs. Pietron that there will now be 13 feet of 6 foot fence on the north and south side yards. Mr. Norton then asked how much of the fence goes from 6 foot to 4 foot. Mrs. Pietron provided a picture of an example of how the fence will be angled down from a 6 foot fence to a 4 foot fence.

Mr. Norton noted that Mrs. Pietron is asking for a total of 26 feet of a 6 foot fence along both the north and south sides of her lot. She is also asking for 18.3 feet and 4.5 feet along the 2 front wings for a total of 22.8 feet. Therefore, she is asking for a total of 48.83 feet of 6 foot fence. However, the 10% rule only allows her to have 44.3 feet of a 6 foot fence. Therefore, she is asking for a 4.53 variance to the 6 foot fence rule. Mr. Norton explained that one 8 foot section on both the north and south perimeter would be allowed to transition from a 6 foot fence to 4 foot fence.
Mr. Norton noted that Mrs. Pietron is now asking to replace the 4 foot chain link fence in the back of her property instead of installing a new 6 foot chain link fence that was stated on her original application and drawings.

Mr. Burke stated on the new drawing that was submitted it states a request for 50 feet of a 6 foot fence, however, the request should be 48.83 feet of 6 foot fence. Mrs. Pietron agreed that it should be 48.83 feet.

**Motion** by Burke, **second** by Tyo, that the property located at 73 Eagle Cliff Drive be granted a variance of 4.5 feet from the requirement of not more than 30% of the perimeter for a privacy fence. Specifically, based upon our understanding that across the back of the property, the east lot line will be a 4 foot fence. The north and south lot line will be mostly 4 foot fence except that on the south lot line from the southwest corner extending eastward there will be 13 feet of a 6 foot fence. Then, a 90 degree angle to that starting at the southwest corner 4.5 feet of 6 foot fence. Then, at the northwest corner a 13 feet of 6 foot fence going from the northwest corner to the east and then perpendicular to that forming a 90 degree angle from the northwest corner a distance of 18.33 to the house. The total of the 6 foot fence is 48.83 feet. In addition an 8 foot long section starting at 6 foot and tapering to 4 foot would be allowed on both the north and south lot lines.

**Roll Call Vote:**

*Yeas – Bruno, Burke, Miller, Norton, Tyo, Young*

*Nays- None*

**Motion Carried 6-0**

| Mike Chowdhury-Selective Homes 487 Parkside (under contract) | C.O. 1153.03 Requests a 4 foot south side yard variance for construction of a new single family dwelling. |
| Mike Chowdhury-Selective Homes 491 Parkside (under contract) | C.O. 1153.03 Requests a 4 foot north side yard variance for construction of a new single family dwelling. |

Mr. Norton stated that the current request is not accurate and it appears that there is a 6 foot side yard on one side and a 5 foot side yard on the other for a total of 11 feet. The 30% rule is 15 feet, therefore you need a 4 foot variance to the 30% rule not a 4 foot variance to the 6 foot side yard. Secondly, on both lots the side yards are 5 feet and it is required to be 6 feet, therefore you need a 1 foot variance for the minimum side yard requirement. Therefore, there are two variance requests a 1 foot and a 4 foot to the 30% rule.

Mr. Burke asked Mr. Chowdhury the square foot of each of the potential new homes. He said the new homes will be around 2800 square feet.
Mr. Bruno asked if the new homes are going to be built on the existing footprints of the two homes that were demolished. Mr. Fillar noted that in the property files of 487 and 491 Parkside Drive that there was not a site plan of what the homes were. However, in each of the property files there are closed permits for caps on sewer, gas, water and the electrical was cut, therefore we know there were existing homes on the properties.

Mr. Ayers, owner of the lots gave a brief history of the previous homes that were demolished. On 491 there was a small house in the middle of the lot and on 487 there was an old cottage.

Mr. Burke expressed his concern with the overall style and size of the two homes compared to the existing size of the homes on the street. Mr. Bruno also expressed this concern as well.

Mr. Norton also noted on numerous streets where there are 50 foot lots, the newer homes are very similar in size to the proposed drawings that were submitted.

Mr. Bruno expressed that his concern is if there was a legacy footprint for the two homes.

Mr. Miller noted that on the plans that were submitted it appears that the space in between the two homes is 10 feet. However, when you orient the package of the drawings properly, 487 has a 2 foot projection for a window seat on the south elevation. At 491, the north elevation has a 2 foot projection. Mr. Miller explained that the 2 foot projection for the window seat is permitted however, the foundations need to be spot on so they are not any closer to the property lines. The 2 foot projection for both homes on the same property line is going to make the vision line through the buildings tight. Therefore, instead of having 10 feet between the homes there is technically 6 feet.

Review of the plans and discussion followed pertaining to the projection of the window seats on the same property line.

Mr. Miller asked if it is possible to have the 5 foot side yards on the south side of 491 and the 5 foot side yard on 487. Mr. Norton explained if they put the two 6 foot side yards in between the houses then they will be starting with 12 feet. Since the other houses are forward if we change from 5x5 ft. to 6x6 ft. then where the bump out occurs there will be 10 feet of separation and that includes the projections. This will know be an 8 foot gap instead of a 6 foot gap in between the homes.

Mrs. Young noted that then pushes the house to the south closer to an existing house. Where the north house does not have a garage next to the existing house. The house to the north does not have any obstruction next to it but on the south side that has a garage immediately to its side. She asked if that is any more of a concern than the site line between the homes.

Mr. Norton noted that the footprint of the two homes are not identical and the floor plans are not identical. He asked if the south lot is the bump out on the north or south side. Mr. Chowdhury stated it is on the north side and on the north lot the bump out is on the south side. Also, the bump outs will not be right across from one another. One will be closer to the back and the other to the front.
Mr. Norton verified with Mr. Miller suggestion to use the 6 foot at those locations to pull them apart a little. Mr. Miller said yes, however, Mrs. Young made a good point that if you push them a part you are pushing them closer to the other properties. Mr. Miller wanted to point out that then when it doesn’t show up on the site plan and we’ve had previous conversations we other applicants about what didn’t show up on the site plan and then we found out that the projections was not restrained to the property line because they put the foundations in the wrong spot.

Mr. Miller stated that he is okay with 10 feet of the homes being separated by 5 and 5 but wanted to point out there is a projection that didn’t show up in the site plan and wants to make sure the footings go where they are supposed to. He also explained that he is not looking for change but offering the observation.

Mrs. Young asked if there is a concern if the house is too big for the lot. Mr. Burke had that concern too. Mr. Norton explained that the variance request is small enough that trying to shave a foot off the house would not be meaningful and its mass is going to be read as its height because most of the homes on the street are single story.

Mr. Tyo asked if it will be one motion or two. Mr. Norton stated that it can be one and use the two addresses.

**Motion** by Burke, **second** by Bruno that the property at 487 Parkside Drive be granted a variance of 1 foot on the south side yard setback and a 4 foot variance from the 30% rule of the total side yard. Further, the property at 491 Parkside Drive be granted a 1 foot variance from the side yard setback on the north side of the house and a 4 foot variance from the 30% total side yard rule.

**Roll Call Vote:**
- **Yeas** – Bruno, Burke, Miller, Norton, Tyo, Young
- **Nays** – None

**Motion Carried 6-0**

The meeting adjourned at 8:05 p.m.

\[\text{Signature}\]
Jack Norton, Chairman

\[\text{Signature}\]
Kristine Jones, Secretary