Minutes of a Meeting of
Board of Zoning Appeals
held March 16, 2017

Members Present:  Burke, Gess, Miller, Norton, Young

Excused:  Bruno, Tyo

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

Audience:  Mark and Debra Herrin, Sarah Bishop from J.Barker Landscaping
Company representing Frank & Barbara Sullivan.

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

Mr. Norton called for the approval of the minutes of the Board of Zoning and Appeals held March 2, 2017. **Motion** by Miller, **second** by Burke, to approve the minutes of the meeting held March 2, 2017.

**Motion passed 5-0.**

Mark & Debra Herrin
30203 Meadow Lane

C.O. 1149 homeowner would like to add a natural wood arbor.

Mr. Norton advised that the board has had an opportunity to visit the site and review the application.

Mr. Burke asked if the arbor will be installed at the same time the as the new fence. Mrs. Herrin stated yes.

Mr. Norton advised that this request is a special permit request. Since, this request is not listed in the ordinances it is a non-entity therefore it becomes a special permit.

**Motion** by Burke, **second** by Miller, that the property located at 30203 Meadow Lane be granted a special permit for the installation of an arbor 7 feet tall and 4 feet wide. The arbor is to be installed as to the location shown on the drawings, submitted with the application as well as the style.

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

**Motion Carried 5-0**
Frank & Barbara Sullivan  
27320 Lake Road.  

C.O. 1163.05 (D) Requests a variance for two sets of masonry wingwalls with columns to be constructed on either side of the driveway.

Mr. Norton explained that there are a few issues with this request. First, he explained that front yard fences cannot exceed 3 feet 4 inches in height, and fence posts cannot exceed 3 feet 6 inches in height. Second, he explained that something within 10 feet of where the driveway joins the sidewalk needs to be 75% open. Mr. Norton stated that what we are lacking on the drawing is the dimension from the sidewalk.

Mrs. Bishop, explained that one of the columns would be 4 feet from the sidewalk, and the taller columns attached to the wingwall would be approximately 8 feet from the sidewalk.

Mr. Norton asked Mrs. Bishop if there is any reason why the columns cannot be pushed back in order to meet the 10 foot requirements.

Mrs. Bishop explained that they modeled a set of wingwalls that is located at 29876 Lake Road. Mr. Norton asked if she knows the dimension from the sidewalk to the wingwalls because it should be 10 feet. Mrs. Bishop explained that she did not measure the dimensions from the wingwalls to the sidewalk and only measured the height. Mr. Norton explained that the height is usually not an issue with this type of a request since it is more of an architectural feature. However, the main concern is the 10 feet from the sidewalk because it is a safety concern.

Mr. Norton asked if there is a way that the unit can be moved so it is 10 feet away from the sidewalk. Mrs. Bishop explained that if you need us to move the whole unit back further off the sidewalk so we can achieve that arc we can do that. She explained that the homeowner asked for as close as the city would allow. She explained that we will do whatever you need in order to make it safe and will let the homeowners know it was a safety issue.

Mr. Fillar asked Mr. Norton that when looking at the property from the sidewalk that you want 10 feet to the rear column. Mr. Norton stated and in an arc so that there is that 10 feet. Mr. Norton stated that 1163.05 C4 states:

*Any fence within ten feet in any direction from a point where any driveway, either on the fence owner's lot or the adjoining lot, intersects with the public sidewalk shall have a minimum of seventy-five percent open area.*

Mr. Norton stated that if this was an open lattice, the 75% is ok. This request is not for an open lattice therefore in order to meet the 75% rule there needs to be a 10 foot arc. In fact, the ordinance says any living fence even if this was shrubbery needs to be within ten feet in any direction from a point where any driveway either on the fence owner’s lot, or the adjoining lot intersects with the public sidewalk shall not exceed 3 feet in height. The objective is to keep the
area open or low for visibility purpose. Mr. Miller verified that we are ok with the heights of the columns. Mr. Norton stated yes however it will need a separate variance. He explained that technically the fence violates the 3 foot 4 and the 3 foot 6 dimensions. Mr. Miller asked Mrs. Bishop if she is flexible to make the post 3 feet.

Mr. Norton explained that in general the board has not had a problem with the height because this is an architectural element and the home is set far back from the street.

Mrs. Bishop explained that she would prefer architecturally as well as the functionality to keep the columns at the current height.

Mr. Miller asked is the placement of the taller column with the lamp, placed in the back or towards the side. Mrs. Bishop stated in the back.

Mr. Burke asked what the height of the wingwall is between the two columns. Mrs. Bishop stated that it slopes. He also asked what is at its highest point where it meets the taller column and what is at lowest point at the lower column. Mrs. Bishop explained that the taller column is proposed at 5 feet or 60 inches. Mr. Burke asked if the wall meets it at the top at 60 inches. Mrs. Bishop explained no it’s underneath the cap and closer to 4 feet.

Mr. Burke asked Mrs. Bishop if we say 4 feet decreasing to 3 feet would that work for your design. She agreed.

Mr. Burke confirmed with the board that before making a motion we are in agreement with the variances that are needed. First that the lower post needs to have a 6 inch variance. Mr. Norton stated that the low post is shown as 4 feet and it’s allowed to be 3 foot 6, so a 6 inch variance is correct. Second, that the higher post would need a 1 foot 6 inch request. Mr. Norton agreed. Third, that the fence would be 4 feet from the tallest post decreasing to 3.5 feet. Mr. Norton explained that for the fence portion, 3 feet 4 inches is allowed. Mr. Gess asked if it would be easier to say let them decide how they want to do in between subject to no more than a 4 feet high fence and it in-between the fence cannot be more than 4 feet. Mrs. Bishop asked if this in regards to the wingwall portion? Mr. Gess stated yes. Mr. Burke also confirmed with the board that no part of the fence can be within 10 feet of the point where the driveway meets the sidewalk on both sides.

**Motion** by Burke, **second** by Gess, that the property located at 27320 Lake Road be granted 3 variances.

1. The lower post the amount of variance of no more than 6 inches in height.
2. The taller pillars a variance of 1 foot 6 inches each.
3. The wingwall between the pillars on each side be a decreasing amount from 4 feet down to such point as the designer deems architecturally appropriate, **provided** no part of the
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structure that is shown in the application shall be less than 10 feet from the points where
the drive meets the sidewalk.

Roll Call Vote: Yeas –Burke, Gess, Miler, Norton, Young
Nays- None

Motion Carried 5-0

The meeting adjourned at 8:01 p.m.

[Signature]
Jack Norton, Chairman

[Signature]
Kristine Jones, Secretary