

**ZONING BOARD OF APPEALS MINUTES
June 10, 2019**

The meeting was called to order at 7:30 p.m. by Chairman Gordon Glidden

PRESENT: Gordon Glidden, Joseph Claya, Ben Falik, David Hesano, Mitch Meisner,
Adam Wallace, Caleb Youngblood

Staff: Hank Berry

ABSENT: Todd Sperl, Michael Wright,

Approval of Agenda

Motion to approve the agenda by Joe, seconded by Caleb.

Yeas: Glidden, Claya, Falik, Hesano, Meisner, Wallace, Youngblood

Nays: None

Approval of Minutes-September 12, 2018

Motion to approve the minutes from September 12, 2018 by Joe, seconded by Adam.

Yeas: Glidden, Claya, Falik, Hesano, Meisner, Wallace, Youngblood,

Nays: None

Matter of an appeal from from Lewis Echlin at 10055 Talbot, to allow an accessory structure (basketball pole assembly) within the required side yard setback and in the side yard contrary to Zoning Ordinance 40-6.03 Accessory Buildings, Structures and Uses.

Mr. Echlin went over his letter and said that there were many photos that he provided that showed basketball posts in worse places than where he put it. He explained that he had spent 3,500.00 on the hoop and the company that put it in told him it was fine there.

Hank explained that the photos, except for a couple that were not clear were in legal positions on the property. The issue here was the placement of the assembly (accessory structure) in the side yard effectively putting a basketball court 5' from the elderly neighbors bedroom window. He pointed out her letter was submitted to the ZBA. He explained that this type of situation was what the intent of the ordinance was enacted to avoid. He pointed out that there were other places that this could be set up and meet code.

He also pointed out that the neighbor objected to the location and had pointed out her bedroom window and air conditioner location and was concerned that they would be damaged.

Mr. Echlin said the assembly wasn't an accessory structure he said it was just his driveway with a net. He said it wasn't a basketball court.

Hank pointed out that while it may be a driveway the assembly turns it into a court, without the hoop there is no court, but without the driveway it is still able to be used. So his interpretation is that the basketball net assembly completes the court.

Mitch said he feels the definition is somewhat ambiguous. He said the ordinance is not well written, he questioned the included but not limited to clause. He did agree that it is a problem in the side yard.

Caleb said he felt this is self created and is problematic.

Gordon said he did not see a practical difficulty or hardship.

Public Participation

Chairman Glidden opened the meeting to Public Participation.

Seeing no persons wishing to speak Chairman Glidden closed Public Participation.

Motion by Caleb seconded by Mitch to deny the appeal at 10055 Talbot, to allow an accessory structure (basketball pole assembly) within the required side yard setback and in the side yard contrary to Zoning Ordinance 40-6.03 Accessory Buildings, Structures and Uses. As it did not meet the requirements for a variance.

Yeas: Glidden, Claya, Hesano, Meisner, Wallace, Youngblood,

Nays: Falik,

Matter of an appeal from Anne Krawiec to have a 6' privacy fence further forward than the rear portion of her house at 12702 Lasalle contrary to Section 40-10.10 of the city code.

Anne Krawiec said that she needed a privacy fence that encloses her side yard to protect her kids and keep her dog from charging the fence. She said she lives on a corner lot and the passers by always get her dog barking and she worries about her kids being exposed to the traffic.

Hank said that while there are numerous corner lots with privacy fences, to his knowledge none have been allowed by the city to pass the rear point of the house unless a variance was given. He explained instances where fences that were wood came to the corner of the house and scaled down to 4' non privacy to allow the side yard to be enclosed up to 3' in front of the side door.

Public Participation

Chairman Glidden opened the meeting to Public Participation.

Marina Novikova , 12703 Lasalle said she thought it would be unsightly.

Seeing no additional persons wishing to speak Chairman Glidden closed Public Participation.

Joe said there was an example of what Hank described on the corner of Kingston and Newport and it looked great

Caleb said he had concerns about appearance.

Motion by David to allow a 6' fence in the rear going to a 4' non opaque in the side yard along the lot line.

Hank said that was allowed without action from the ZBA

Ms. Krawiec said they had a collar with a zapper for the dog's behavior at the fence.

Mitch asked if she was then ok with the fence she was allowed.

Ms Krawiec said yes.

Hank said that no action was required since the applicant was effectively withdrawing her appeal. He asked her if that was what she wanted to do and she responded yes.

Chairman Glidden declared the appeal withdrawn and called for the next order of business.

Public Participation

Chairman Glidden opened the meeting to Public Participation.

Seeing no persons wishing to speak Chairman Glidden closed Public Participation.

Other Business

June 10, 2019 minutes

None

Motion to adjourn by Joe, seconded by Mitch.

Yeas: Glidden, Claya, Falik, Hesano, Meisner, Wallace

Nays: None

Meeting was adjourned at 7:53 p.m.

Respectfully Submitted,

Hank Berry
Recorder