



redesign<sup>92</sup> and lowered from 24' to 18' on the pool side. The lot continues to go down on the back side but the grade was not changed on that side because it would cause a grade change over 21". It is a 4' drop across the back side. The trellis over the dining area is 8' 7". The eaves are at a 12 12 pitch.

**Board Question/ Comments:**

Q: Ridley, how much slope is there behind the structure to the back property line? We looked at it Sunday but we could not get in because the gate was locked.

Q: How much does it keep going down?

A: Another 20 or 15'.

C: We could stand by the fence and look at the end of the pool but we were at least 100' away and we couldn't get in either way. I am just trying to get a sense of the grade behind the pool.

A: For each line on the map it keeps going down, so its 11 or 12 feet.

Q: What do you consider the visibility to be from property lines in the area where this is proposed to be?

A: Right now there is no visibility and in the winter there will be some visibility back there. This (pointing to the map) is a lot that could potentially be built on some day but they will have to build the road. It is not visible for anybody else on the street. You can't see these houses (referring to the map).

Q: The houses on Sunnyside slope up from the property line is that correct?

A: Yes.

C: According to the ordinance, the structure should be included in the height of the house.

Q: To B. Patterson- Is this something that we need to hear?

A: It has been certified by the building official so you would need to hear it.

C: We did not have access to the property and typically if we don't have access to the property to see what is being done, we don't hear the appeal.

Q: Lyle do we need to hear this?

A: I think so.

Q: There is no specific height notation that proves that accessory structures are separate from gazebos?

A: B. Patterson-The code is referring to the height of the gazebo. But procedurally, if the building official is in a position where he is reluctant to issue a building permit because of a concern by violation of a code, then your job is to address exceptions to the zoning code so that he can issue a building permit.

Q: How far is the property line from the structure?

A: This shows the building envelope being 60 feet from the rear setback line, plus another 20', so its 80'.

Q: So where would the 85' line be on that plan from the rear property line?

A: Probably right where we are give or take. I didn't do that.

Q: If a structure were attached to the house would it be in compliance?

A: Yes.

Q: Would it be since it is over the height?

A: Not over the height. Its gazebos that are 18'. If it were a part of the house it is 25'.

Q: Can you show us on the elevation where that would be?

A: It is directly in line with this window and gable; mimicking it. When the original pool was planned it was positioned to have privacy. She wanted to have a pool unobstructed by neighbors.

**Audience Questions/ Comments:**

Ron Ferris of 107 Westhampton Place stated that he is a neighbor and the original architect on the residence. He did not think that anybody could see the structure. He explained that the immediate rear neighbor may be able to see it out of season but it cannot be seen from Westhampton in any capacity. He lives on the same side of the street four houses down and his property backs up to Sunnyside Drive. There is a pool house on the neighbor's property that sits almost at street level maybe quite taller than that and he cannot see it.

**Board Discussion/ Findings:**

C. Nelson- I know that property very well and I cannot see that it would affect anybody.

M. Wall- I have no problem with it.

Motion to approve: Nelson Second: Wall Vote: All aye.

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3. Tim Hasselbeck - 1110 Nichol Lane (16093)

Conditional use - Construction of a pool.

Building permit has been denied:

A. Pool requires BZA approval.

**Presentation:**

Kyle McKiness- Architect

The pool and pool terrace are under allowed numbers within the setbacks established. The pool equipment is also within allowed setbacks. The side setback and the existing building corner were used to determine how to establish the corner of the pool behind the house and the garage. The pool is centered on the garage. There is a pool and a terrace with additional terrace space. There is an existing fence around the property that will have minor modifications made and accommodate the height requirement of 6'.

**Board Question/ Comments:**

Q. Other than the excavation for the pool, are there any grade changes?

A: No. There will be some minor grade changes but nothing over 21".

**Audience Questions/ Comments:**

None.

**Board Discussion/ Findings:**

None.

Motion to approve: Wall Second: Atwood Vote: All aye.

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4. Jenny Aiken - 4421 Forsythe Place (16094)

Conditional use - Construction of a pool and a special exception permitting the construction of a fence.

Building permit has been denied:

A. Swimming pool requires BZA approval.

B. Fence is other than permitted location.

**Presentation:**

Preston Shea- Architect

Shea presented a proposal for a pool and pool deck within the setback lines. No grade changes would be made over the 21". The property slopes down and makes it difficult to fence the entire back yard so the homeowners are requesting to have the fence setback from the property line and towards the garage.

**Board Question/ Comments:**

Q: Where the fence goes in to the back yard and back to the garage, are there going to be any gates to get to the rest of the back yard?

A: We will put the gate behind the garage for access from the driveway and then a gate for the front.

Q: Will they be lockable gates?

A: Yes.

Q: The fence on the front side of the house; is there a reason that you didn't put that on the back corner of the house across the side property line? That would have been in compliance.

A: This corner is 10' or so back from the front corner of the house and that is so we can keep our pool equipment close within the rear setback and do a shorter screening fence for the equipment.

Q: Where is the pool equipment?

A: There is a shorter fence behind the structure within the setback and then the containment fence would start at the secondary corner?

C: I think the pool equipment is going to be outside of the gate.

A: The pool equipment will be outside of the secured gate but behind the main structure and behind a shorter fence.

Q: The purpose of moving that fence forward to the front corner of the house is just to give you more back yard?

A: We wanted to keep the pool storage items accessible

Q: It doesn't have the pool equipment does it?

A: Not the pool equipment. The pool storage.

Q: When you say pool storage do you mean that there is an outside door that you open up and walk in to a storage room?

A: Yes.

**Audience Questions/ Comments:**

Sally Stack of 4423 Forsythe Place asked about the position of the garage in relation to the pool. She also asked whether the pool equipment would be placed behind a fence. P. Shea stated that the type of fence has not been defined but it will provide screening and landscaping will be placed in front of it as well.

Q: Is that fence already on the drawing?

A: Yes.

Q: You understand that you would have to do something about the noise?

A: Yes

**Board Discussion/ Findings:**

Motion to approve: Edwards Second: Atwood Vote: All aye.

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5. J. R. Hand - 1303 Chickering Road (16095)

Conditional use - Construction of a pool and pool cabana. A special exception permitting the construction of a house, grade change, walls and entry gates.

Building permit has been denied:

A. House is outside the building envelope but within existing setbacks.

B. Swimming pool requires BZA approval.

C. Pool cabana requires BZA approval.

D. Grade change more than 21 inches requires BZA approval.

E. Gates/ Walls are other than permitted location.

**Presentation:**

Gavin Duke- Landscaping Architect

Ron Ferris- Architect

The residence is within the footprint. They are requesting a variance for the front setback. They are within the setback lines established by the existing residence. The primary residence is 218' back from the street line. It sets behind the neighbor's residence to the left. The remainder refers to the grade change, pool, and accessory structure. The diagram shows where the grade changes are 20" over the 21" that they were requesting. The cut and fill is needed to preserve some of the large oaks and poplar trees on the lot. A survey was done at the homes on 1304, 1305, and 1306 Chickering as well to compare details of the homes. The height of the gate is 7' 6". The pool is within the square footage and the building setbacks.

**Board Question/ Comments:**

Q: You said that the porch out front is outside of the setback but according to the drawing it is inside the setback. I would like to clarify that.

A: It is inside the setback established by the existing residence. But it is even with the house next door.

Q: On the same side? Is it even with the house on the right side?

A: On the left side.

Q: The house on the right side is set back from Chickering?

A: Yes.

Q: Do you know what the average set back is of the houses on that street?

A: This line (referring to the drawing) is the average set back.

Q: Are the retaining walls under 3'?

A: Yes. There may be one due to grading that approaches close to 4' and it is back behind the house.

Q: Is that back where the pool equipment is?

A: No.

A: The pool enclosure is 6 feet. It may be high enough to hide the pool equipment.

Q: Is that stone?

A: Yes.

C: This board typically approves pillars that are 6' tall with an 8" cap and gates that are 6' in height.

Q: The porte-cochere extends beyond the average front setback line as established by the other houses on the street?

A: Yes. The line established by the existing residence is 107' and the porte-cochere is at 200'.

Q: Why did you want to put the porte-cochere at that distance and not closer to the house?

A: Two components: The first reason is the geometry of vehicular movement and the second reason is the geometry of the landscape.

Q: Where is the pool equipment?

A: The pool equipment is located in the mechanical basement area underneath the house.

**Audience Questions/ Comments:**

None

**Board Discussion/ Findings:**

None

Motion to approve: Wall Second: Nelson Vote: All aye.

6. Mary Helfrich - 1216 Nichol Lane (16096)

Variance - To determine the setbacks for the building envelope.

Building permit has been denied:

A. Property owner wished to orient the front of the house to be built facing Canterbury Drive, a building envelope cannot be developed without BZA approval.

Motion to defer: Atwood Second: Nelson Vote: All aye.

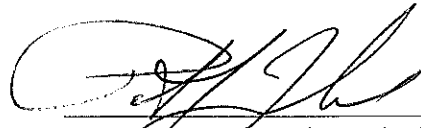
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**Consideration of the Minutes:**

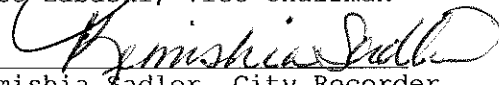
Minutes 8/16/2016

Motion to approve minutes: Wall Second: Nelson Vote: All aye.

Meeting adjourned at 6:10pm.



Pete Zabaski, Vice Chairman



Kemishia Sadler, City Recorder