

immediately fall into 4' of water, so he is just trying to frame some history. B. DiFucci said it is hard to ascertain the intent of the code when it was written long ago. Most of the intent goes to attractive nuisance – kids are lured to water. He said it is the boards discretion of this situation. D. Phillips said when you drive around town there are other ponds that do not have fences. E. Reisdorf said there is residence that abuts her to North Ridge Road that has a pond and there is no fence.

P. Laurien said for drop-off's it was usually suggested to put in a bench (shelf) for safety reasons. D. Phillips said the engineer said this might not even work for her. E. Reisdorf said it might not hold water. D. Phillips said it will drain the field, but it probably will not hold water. G. LeBlanc said she could put a shelf that is like the first foot or so off the grade elevation, but if her water ever comes up that high, they will still have the drop off.

G. Fisher addressed correspondence that was submitted to her on Monday and Tuesday via email. They are listed as follows: William Grozik of 2289 Claus Road (opposed to variance); Fred Flesch (opposed to variance); Franciso Boneta, 2255 Claus Road (opposed to variance); and, Ron Hura, 2211 Claus Road (opposed to variance). All emails are on file in the clerk's office for public inspection upon request.

Diane Sutorus of 2165 Claus Road explained that when Elaine purchased this property and mentioned putting the pond in she was really happy because they get a tremendous amount of water coming off there, and she has been there 15 years and they have always had a water issue. She thinks the existing fence is a safe situation, so she agrees with Elaine on this.

D. Phillips MOVED, B. Voltz seconded to approve the variance request of no fence. Roll Call Vote 4 YEAS. MOTION CARRIED.

[R-S] 350 Berkshire - Applicant: Rodney Rogers Jr. (Fence Height/Allow Pool in Front Yard)

*Applicable City code section(s) cited:*

1272.09 (9) (1) - Fence in front yard not to exceed 42' in height – proposed = 6' fence – variance requested – 30"

1476.04 – Pools prohibited in front yard – proposed = front yard placement – variance requested to allow pool in front yard.

1476.07 – Rear setback not less than 10" – proposed = 4' – variance requested – 6'

Rodney Rogers Jr. said he is on a corner lot and his fence is on the front yard. D. Phillips said he put a pool up and it appears he needs to replace the fence that is existing. R. Rogers said he has a chain link fence, but since he has the pool he wants to be safe and smart about it and will put the rest of the 6' fence up and make the house look better. D. Phillips said it was mentioned the fence will help with the dogs. He said the fence in the front yard is not to exceed 42", so the applicant is asking for 6', so this is a 30" variance request. He said the pool is prohibited pursuant to code in the front yard, but technically it is really his back yard. G. LeBlanc said if the pool were placed north of the south line of his house would it not be the front yard. B. DiFucci said correct. G. LeBlanc asked if there was a shed there and R. Rogers said yes, and it is behind his house.

D. Phillips said his first concern when he saw this was the safety issue if you're pulling out of Berkshire, as there is a huge tree that blocks the view, but when he made the turn, the house on the next street has the exact same fence, so it is really not that big of a hinderance. R. Rogers said he