



## Board of Appeals – July 18, 2022 Staff Responses to Council Questions

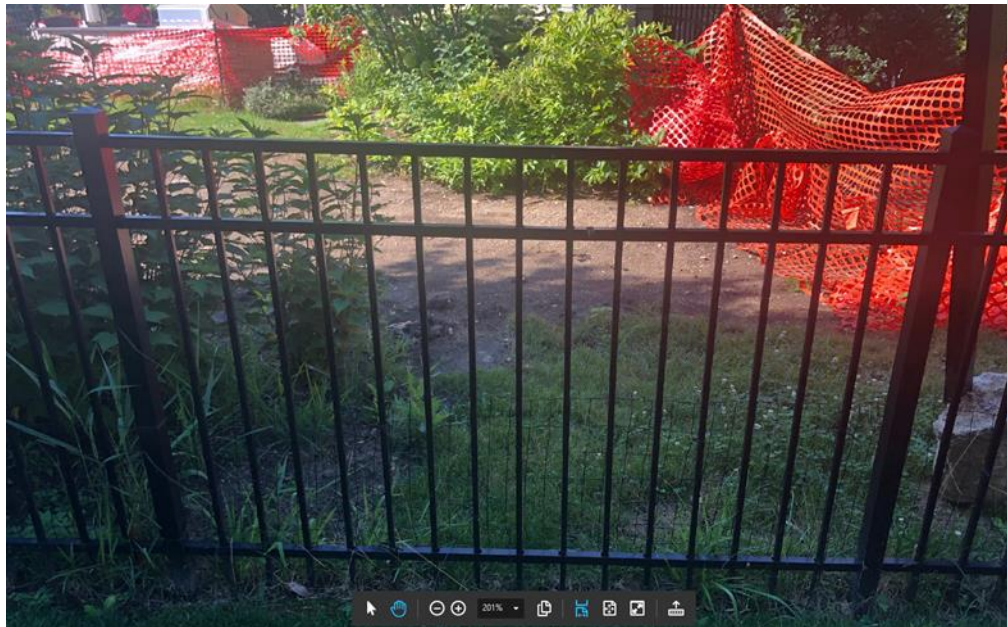
Questions that have been posed by the Board of Appeals relating to [the agenda](#) for that evening will be posted on the City's website. Below are the responses to this week's questions.

### **3. Items of Business**

- a. Hearing on the Appeal of the Building Code Official's Decision That the Existing Fence Located at 1457 Keim Circle Combined with the Installation of a Powered Safety Cover, Does Not Satisfy the Barrier Requirements Outlined in the International Swimming Pool and Spa Code, As Adopted and Amended by the City.**

*Q: What are "horizontal members"?*

**A:** Horizontal members refer to the horizontal rails. The picture below shows the appellant's fence. The fence is made up of vertical pickets spaced 4 inches apart and three horizontal rails, one at the bottom and two located near the top. Since the pickets are spaced 4 inches apart, the spacing between the bottom horizontal rail and then the next one above it must be spaced a minimum of 45 inches apart. The current spacing is 35 inches.



*Q: Are there any alternatives for the existing fence to satisfy the 45-inch requirement?*

**A:** The code does not provide for alternatives; the appellants; however, have indicated that they have installed mesh around the fence making it difficult to place a foot on the lower horizontal rail.

*Q: If this appeal is denied, what happens?*

A: The appellant would need to make the existing fence compliant or remove the existing fence and install a new code-compliant fence.