

## Jomsky, Mark

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**From:** Scott Carlson <[scott@carlsonnicholas.com](mailto:scott@carlsonnicholas.com)>  
**Sent:** Monday, July 10, 2017 11:11 AM  
**To:** Jomsky, Mark  
**Cc:** Suzuki, Takako, Sunil De Silva, Nina Chomsky  
**Subject:** Item number 12 CONSIDERATION OF A CALL FOR REVIEW OF A BOARD OF ZONING APPEALS' DECISION TO THE CITY COUNCIL REGARDING VARIANCE NO 11824 FOR THE PROPERTY LOCATED AT 615 LINDA VISTA AVENUE (Councilmember Madison)

Mr. Jomsky

I represent the applicants and request that you provide this email to the City Council Members. This matter raises several important issues regarding fences and gates in the hillsides when an unusual situation arises due to hillside geography: the swimming pool is in the front yard. Here the swimming pool is located in the front yard under a variance granted back in the 1970s because of the unique topography of the lot. The issues include what is required for public safety and to protect privacy rights in this situation. The BZA split 2 - 2 on this case, and it appears that Council consideration and guidance would be helpful and appropriate.

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**07/10/2017**  
**Item 12**