



BUILDING CODE BOARD OF APPEALS REGULAR MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3344
www.troymi.gov
planning@troymi.gov

Theodore Dziurman, Chair; Gary Abitheira
Teresa Brooks, Michael Carolan, Brian Kischnick

June 4, 2014

3:00 PM

LOWER LEVEL
CONFERENCE ROOM

1. ROLL CALL
2. APPROVAL OF MINUTES – May 7, 2014
3. HEARING OF CASES
 - A. **VARIANCE REQUEST, SCOTT N. SCHUMAKER, 3216 ADAMS** – This property is a double front corner lot. As such it has required front setbacks along both Adams and Newgate. The petitioner is requesting a variance to install a 6' high privacy fence in the required front setback along Newgate where the City Code limits the height of fences to 30".

CHAPTER 83

4. COMMUNICATIONS
5. PUBLIC COMMENT
6. MISCELLANEOUS BUSINESS
7. ADJOURNMENT

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 7, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair
Gary Abitheira
Teresa Brooks
Michael Carolan

Absent:

Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Brooks
Support by: Abitheira

RESOLVED, To approve the March 5, 2014 meeting minutes.

Yeas: All present (4)
Absent: Kischnick

MOTION CARRIED

3. HEARING OF CASES

- A. **VARIANCE REQUEST, TOBY BUECHNER OF TROY GYMNASTICS, 1921 NORTHWOOD** – A variance to install a 4' fence from the front face of the building projecting 18' into the front yard. The proposed fence would be set back 32' from the front property line. Chapter 83 prohibits fences in the front yards of non-residential properties.

Mr. Grusnick reviewed the variance request. He informed the Board the applicant intends to operate a licensed day care center as an ancillary use of the gymnastics facility. Mr. Grusnick reported the department received no responses to the public hearing notices.

The applicant, Toby Buechner, said he would like to open a licensed day care center this summer to accommodate the children of the gymnastics staff. He addressed the outdoor play area as relates to the required square footage and layout of the land and existing trees. Mr. Buechner said he spoke with neighbors and they expressed no opposition. He addressed the State certification process, fence materials and playground materials. Mr. Buechner offered to put in writing that should he vacate the building in the future, he would remove the fence.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

There was discussion on:

- Alternative locations for the play area.
- State requirements and certification process for a licensed day care center.

Moved by: Brooks
Support by: Abitheira

RESOLVED, To grant the variance request as submitted with the premise that a licensed day care center exists on the site and at such time that the licensed day care center no longer exists, the fence shall be removed.

Yeas: All present (4)
Absent: Kischnick

MOTION CARRIED

- B. **VARIANCE REQUEST, KELLY COSGROVE, 5893 MARBLE** – A variance to install a 6' tall privacy fence from the side wall of the house projecting 6' into the required front yard along Pearl. Chapter 83 limits fences in the front yard of this corner lot to 48" high and non-obscuring.

Mr. Grusnick reviewed the variance request. He indicated there would be no vision obstruction with the variance request if granted as proposed. Mr. Grusnick reported the department received no responses to the public hearing notices.

The applicant, Kelly Cosgrove, said the 6' tall fence would add security and privacy for their two small children. Ms. Cosgrove said they intend to replace the existing chain link fence with a wood privacy fence. She confirmed there would be no vision obstruction. Ms. Cosgrove said in talking with their neighbors, there were no concerns expressed. Ms. Cosgrove addressed concerns with the speed of the vehicular traffic in the neighborhood.

There was discussion on:

- Distance from the fence to the house (6’).
- Type of fence; wood shadow box.
- Homeowners’ association bylaws; means to appeal bylaws.
- Traffic concerns in the area.
- City regulations on fencing in-ground pools.

Chair Dziurman opened the floor for public comment.

Tom Mannering of 2679 Pearl Drive voiced no objection to the request with the understanding it poses no vision objection. He said the proposed fence would be aesthetically better.

Seth Stark of 5819 Limestone Drive was present to represent the homeowners association. He addressed the height of the fence and said he did not know if there was any mechanism in place for a homeowner to appeal the association bylaws.

Patricia Mannering of 2679 Pearl Drive said originally the subdivision had no fences until neighbors started to put in pools. She asked how the city regulates fencing for pools.

Mr. Grusnick stated the Code with respect to pools stipulates a minimum fence height of 48” with a latch at 54” high.

With no one else present who wished to speak, Chair Dziurman closed the floor for public comment.

Moved by: Carolan
Support by: Abitheira

RESOLVED, To grant the variance request as submitted.

Yeas: Abitheira, Carolan, Dziurman
Nays: Brooks
Absent: Kischnick

MOTION CARRIED

- C. **VARIANCE REQUEST, BRAD WARNER OF VALEO, INC., 150 STEPHENSON HIGHWAY** – A variance to allow two additional wall signs each measuring 136 square feet in area.

Mr. Grusnick reviewed the variance request. Mr. Grusnick reported the department received no responses to the public hearing notices.

Brad Warner and Denise Weston of Valeo were present.

Mr. Warner proudly announced that Valeo was bestowed a global award by the Top Employer Institute as the *2014 Top Employer in the United States*. He addressed the two exterior graphic signs they are requesting to display that recognition on their headquarters building.

There was discussion on:

- Installation/removal of signs as relates to weather conditions.
- Potential to recertify and receive acclaimed distinction in future years.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

Moved by: Abitheira
Support by: Carolan

RESOLVED, To grant the variance request as submitted with the condition that the “2014 Top Employer” signs shall be removed no later than December 31, 2014, for the following reasons.

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85; and
2. The variance does not adversely affect properties in the immediate vicinity of the proposed signs.

Yeas: All present (4)
Absent: Kischnick

MOTION CARRIED

- D. **VARIANCE REQUEST, LOGAN LESLIE, 6740 BARABEAU** – A variance to install a 6’ privacy fence in the required front yard, setback 9’ from the property line along Barabeau. Chapter 83 limits the height of fences in this front yard to 30”.

Mr. Grusnick reviewed the variance request. Mr. Grusnick reported the department received no responses to the public hearing notices.

The applicant, Logan Leslie, addressed the variance request as relates to the existing fence, lot layout and the use of the patio and backyard with the home entrance off of Hartwig. He said they currently have a dog and plan to start a family. Mr. Leslie indicated support from two neighbors.

Chair Dziurman opened the floor for public comment.

Marilyn Brown of 1278 Cambria expressed opposition to the request. She shared her dislike for privacy fences.

With no one else present who wished to speak, Chair Dziurman closed the floor for public comment.

There was discussion on:

- Developable vacant lot abutting southern property line.
- Potential vision obstruction with construction of residential home / driveway.
- Provision of corner clearance for vision.

Moved by: Abitheira
Support by: Brooks

RESOLVED, To grant the variance request for a 6' privacy fence with the condition to start the fence off the west corner of the house and install to a distance of 8' to the west, then run it at a 45 degree angle to 9' off the property line and continue north, for the following reasons.

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83; and
2. The variance does not adversely affect properties in the immediate vicinity of the proposed fence; and
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yeas: All present (4)
Absent: Kischnick

MOTION CARRIED

- E. **VARIANCE REQUEST, NATHANIEL HOLMES, 1211 PLAYER** – A variance to install a 6' tall privacy fence in the required front yard along Hilmore. Chapter 83 limits fences in the front yard of this corner lot to 48" high and non-obscuring.

Mr. Grusnick reviewed the variance request. Mr. Grusnick reported the department received three responses to the public hearing notices; two in opposition, one in favor.

The applicant, Nathaniel Holmes, said a 6' fence would provide them the privacy and safety needed for their family. Mr. Holmes said the arborvitaes planted for a natural fencing did not survive. He addressed the speed of vehicular traffic in the vicinity and how Player is used as a cut-through to avoid the traffic signal at Rochester and Square Lake.

Chair Dziurman opened the floor for public comment.

Therese Racklyeft of 5448 Littler, representative of the homeowners association, asked if the applicant would consider a non-obscuring fence. Ms. Racklyeft indicated the written communication in opposition is from the President and Treasurer of the homeowners association. She stated their bylaws do not prohibit fences.

Mr. Holmes explained his home is very open to public view from the sidewalk and street level. He said the privacy fence would block the view to their patio and family room.

With no one else present who wished to speak, Chair Dziurman closed the floor for public comment.

There was discussion on:

- Angling the fence to provide a 25' corner clearance.
- Setback to allow distance/landscaping between sidewalk and fence.
- Existing utility easement.
- Homeowners' association bylaws.

Mr. Carolan said he supports the installation of the fence as requested by the applicant.

Moved by: Carolan

RESOLVED, To grant the variance request as submitted.

Motion **FAILED** for lack of support.

Discussion followed on:

- Consideration of public comment received.
- Setback agreeable with applicant.

Moved by: Abitheira

Support by: Brooks

RESOLVED, To grant the variance request as submitted with the condition that the fence is installed 7' off the property line, for the following reasons.

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83; and
2. The variance does not adversely affect properties in the immediate vicinity of the proposed fence; and
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yeas: All present (4)

Absent: Kischnick

MOTION CARRIED

4. COMMUNICATIONS

It was announced that to date there is one application on file for the June meeting.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

Mr. Carolan addressed concerns at the following sites:

- 1251 Rochester
- 4835 John R

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:25 p.m.

Respectfully submitted,

Theodore Dziurman, Chair

Kathy L. Czarnecki, Recording Secretary

BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

May 7, 2014

NAME (PLEASE PRINT)	ADDRESS
Kelly Cosgrove	5893 Marble Dr. 48085
Logan Leslie	6740 Barbeau Dr. 48085
Tom MANNERING	2679 Renel DR 48085
Seth Stark	5819 Limestone Dr 48085
Nathan Holmes	1211 player 48085
Troy Buechner	1921 Northwood 48084
Therese Racklyeft Therese Racklyeft	5448 Littler Trwy 48085
Denise Weston - Valeo	150 Stephenson Hwy Troy 48083
Brian Warner	VPOED 150 STEPHENSON HWY TROY 48083
NAME (PLEASE PRINT)	ADDRESS

BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET

May 7, 2014

3. HEARING OF CASES

- A. **VARIANCE REQUEST, SCOTT N. SCHUMAKER, 3216 ADAMS** – This property is a double front corner lot. As such it has required front setbacks along both Adams and Newgate. The petitioner is requesting a variance to install a 6' high privacy fence in the required front setback along Newgate where the City Code limits the height of fences to 30".

CHAPTER 83



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**CITY OF TROY BUILDING INSPECTION DEPARTMENT
CITY OF TROY PLANNING DEPARTMENT
BUILDING CODE BOARD OF APPEALS APPLICATION**

SIGN APPEALS

FEE \$50

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3344
FAX: 248-689-3210
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/>



CONSTRUCTION OR FENCE CODE APPEALS

FEE: \$50

CITY OF TROY BUILDING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3344
FAX: 248-689-3210
E-MAIL: GrusnickME@troymi.gov
<http://www.troymi.gov/BuildingInspection/>

RECEIVED
APR 23 2014
PLANNING

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE BUILDING CODE BOARD OF APPEALS ARE HELD ON THE FIRST WEDNESDAY OF EACH MONTH AT 3:00 P.M. AT CITY HALL.

PLEASE FILE A COMPLETE APPLICATION, TOGETHER WITH THE APPROPRIATE FEE, NOT LESS THAN TWENTY-ONE (21) DAYS BEFORE THE MEETING DATE.

A COMPLETE APPLICATION THAT MEETS CODE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BUILDING CODE BOARD OF APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 3216 Adams Rd Troy, MI 48084-1270

ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*

2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-19-351-014

3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:

Fence Code - Fence Construction In Residential Areas

4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.*

5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES NO

6. APPLICANT INFORMATION:

NAME Scott N Schumaker

COMPANY _____

ADDRESS 3216 Adams Rd

CITY Troy STATE MI ZIP 48084

TELEPHONE (248)842-5352

E-MAIL scottfarm@aol.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Same

8. OWNER OF SUBJECT PROPERTY:

NAME Scott N & Marilyn A Schumaker

COMPANY _____

ADDRESS 3216 Adams Rd

CITY Troy STATE MI ZIP 48084

TELEPHONE (248)645-5352

E-MAIL scottfarm@aol.com

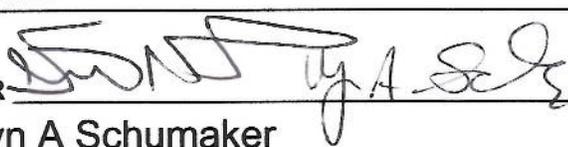
The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, Scott N & Marilyn A Schumaker (PROPERTY OWNER), HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT  DATE 4-22-14

PRINT NAME: Scott N Schumaker

SIGNATURE OF PROPERTY OWNER  DATE 4-22-14

PRINT NAME: Scott N & Marilyn A Schumaker

Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by electronic mail.

SITE PLAN

Borrower or Owner	Scott & Marilyn Schumaker				
Property Address	3216 Adams Rd				
City	Troy	County	Oakland	State	MI
Zip Code	48084				
Client	Talmer Bank and Trust				



Scott Schumaker

From: Scott Schumaker
Sent: Tuesday, April 22, 2014 5:35 PM
To: 'evanspm@troymi.gov'; 'grusnickme@troymi.gov'; 'paul.featherstone@troymi.gov'
Subject: New Replacement Fence Appeal/Variance - 3216 Adams Rd Troy, MI 48084

Dear Paul, Mitch & Paul and To Whom It May Concern,

As discussed today, and now submitted with my City of Troy Building Code Board Of Appeals Application, I would like to appeal my denied Fence Permit Application that was due to "Max height of a side yard fence, corner side is 30in".

I would like to receive a variance and replace my existing 5' high stockade style wood picket fence with a new 6' high cedar board privacy fence for both the safety and security of my family and dog.

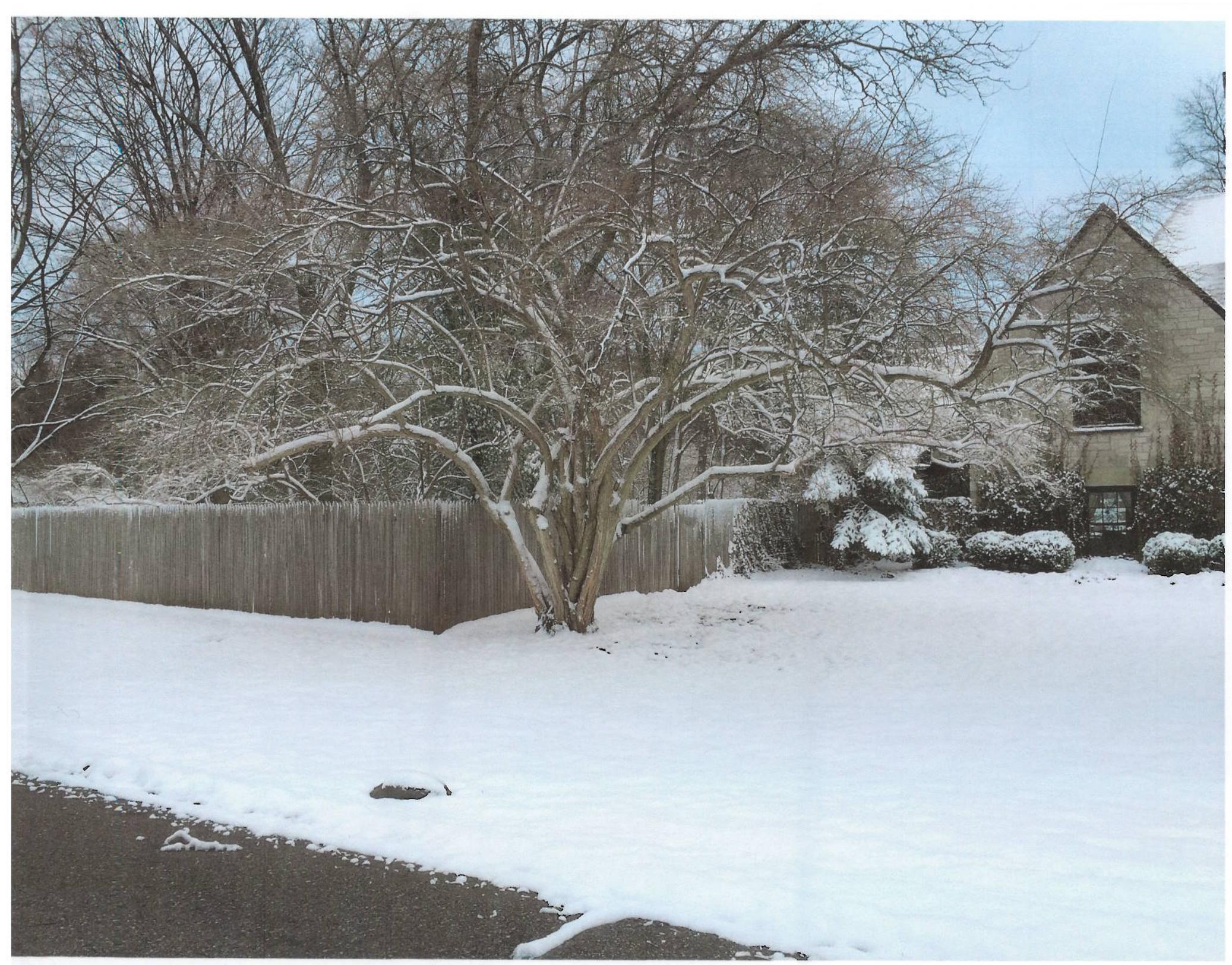
I would install the new 6' fence in the exact same location as the existing 5' fence in my backyard.

Thank you for your time and consideration!

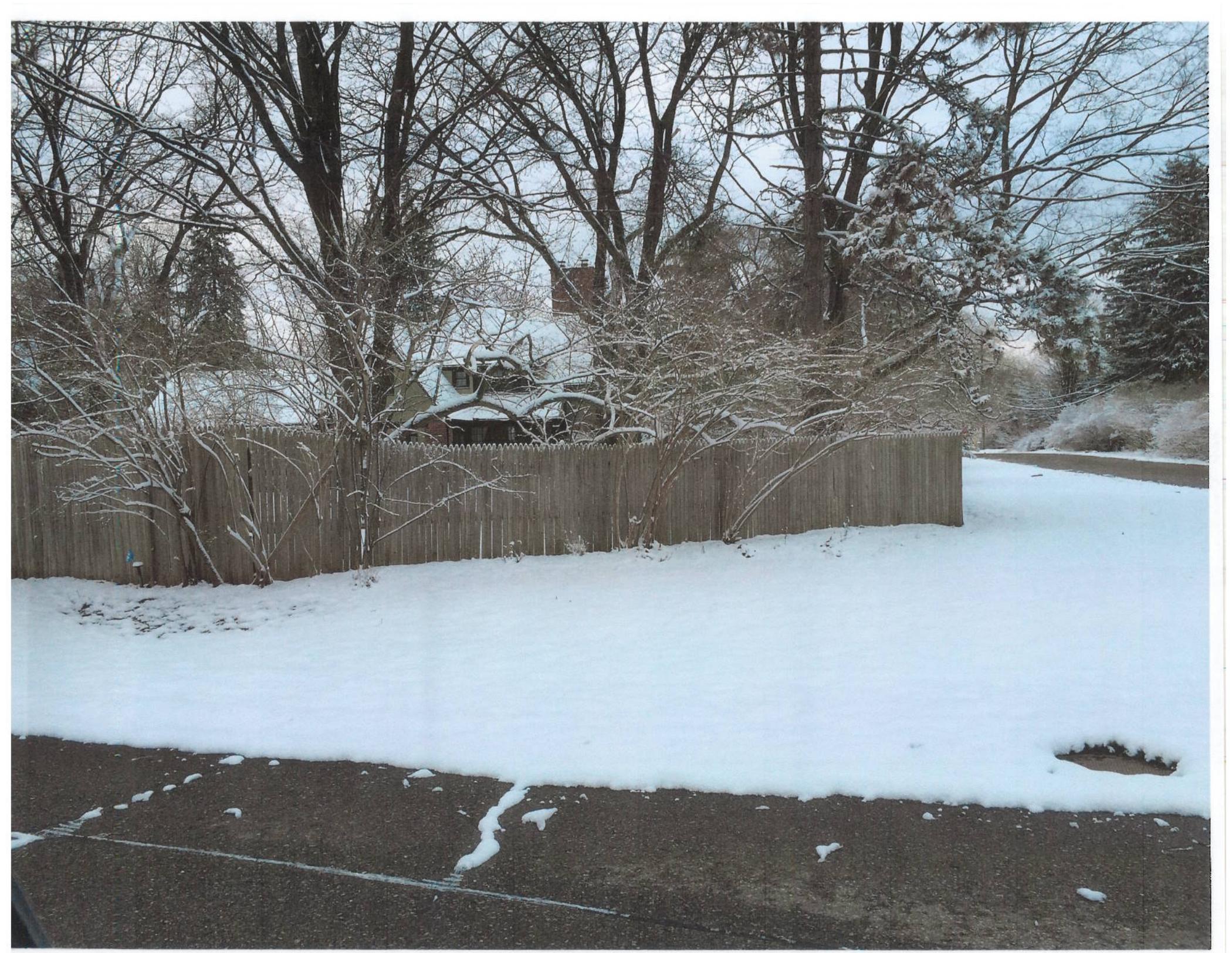
Sincerely,



Scott N Schumaker
Applicant/Owner Of Subject Property
3216 Adams Rd
Troy, MI 48084
Phone (248)842-5352
e-mail: scottfarm@aol.com







SPEED
LIMIT
25



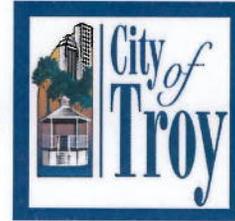




500 W. Big Beaver
Troy, MI 48084
(248) 524-3300

The City of Tomorrow...

...Today



4/16/14

Scott N. Schumaker
3216 Adams
Troy

Re: Fence permit

Sir,

Your fence permit application has been denied. Max height of a side yard fence, corner side is 30in.

If you have any questions, please call me at 248-524-3348.

Thank you,

A handwritten signature in black ink, appearing to read "Paul N Featherston".

Paul N Featherston
Building Official SAFEbuilt

PF2014-0023



FENCE PERMIT APPLICATION
CITY OF TROY
DEPARTMENT OF BUILDING INSPECTIONS
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
Phone: 248-524-3344 Fax: 248-689-3120

Check #
RECEIVED
APR 16 2014
CITY OF TROY BUILDING DEPT.

FENCE

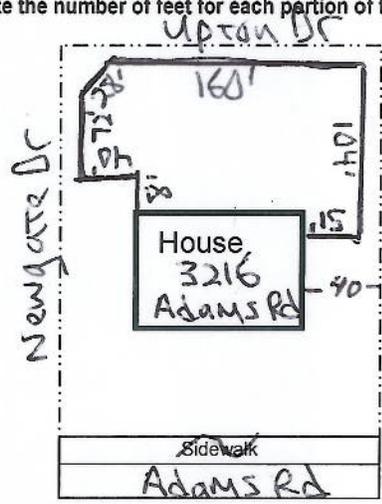
Date: 4-16-14

Project Information: Job Address: 3216 Adams Rd Troy, MI 48084
Applicant Information: Name: Scott N. Schumaker, Address: 3216 Adams Rd, City: Troy, State: MI, Zip: 48084

Registration - \$10 (Due after 5/31 of each year)
Final lot grade shall be approved before a fence permit is issued.

Please use the box below as if it were a drawing of your lot.
Draw in the proposed fencing using the symbols from the chart.
Indicate the number of feet for each portion of fence.

Table with columns: Type, Wood, Wire, Metal, Masonry, Other. Rows include Symbols, HEIGHT, NO. OF FEET, and PERMIT FEE.



North Hills Church

Interior Lot
Corner Lot
Building Department Approval

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure.

Ready for Inspection Will Call
Applicant Signature
Homeowner's signature indicates compliance with homeowner's affidavit

Homeowner Affidavit
I herby certify that the fencing described on this permit application shall be installed by myself in my own home in which I am living or about to occupy.

Subscribed and sworn to before me this 16th day of April 20 14 Notary Public, Macomb County, Michigan
My commission expires 1/23/2017

REBECCA A. HOLT
NOTARY PUBLIC, STATE OF MI
COUNTY OF MACOMB
MY COMMISSION EXPIRES Jan 23, 2017
ACTING IN COUNTY OF Oakland