

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