The Chairman, Ted Dziurman, called the Special Meeting of the Building Code Board of Appeals to order at 8:34 A.M. on Wednesday, June 13, 2007 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Tim Richnak
Dave Roberts
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Mitch Grusnick, Residential Plan Analyst
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 6, 2007

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of June 6, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. JOSEPH KYRIAKOZA, 3617 SANDBURG, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence. This property is a double front corner lot. It has front yard setback requirements along both Sandburg and Stonetree. Chapter 83 limits the height of fences in front setbacks on this property to 30". The site plan submitted indicates a 4' high non-obscuring fence setback 7' and parallel to the property line along Stonetree.

Mr. Joe Kyriakoza was present and stated that there are large trees and landscaping in place, which would prohibit them from putting this fence in another location. The current fence is right across the front part of the lot and is in a state of disrepair. Mr. Kyriakoza said that they are concerned about the traffic along Stonetree and neighborhood dogs coming into the yard.

Mr. Dziurman asked for clarification of why the plans submitted indicated that the fence was 8' from the sidewalk.

Mr. Stimac explained that the property line is 1' from the sidewalk; therefore the proposed fence would actually be 7' from the petitioner's property line.

ITEM #2 – con't.

Mr. Richnak asked if the fence was going to be angled up near the house.

Mr. Kyriakoza stated that it would be straight and they were planning to put in a gate in this location.

The Chairman opened the Public Hearing.

Phyllis Slattery, 1235 Stonetree was present and stated that she has lived on this street for 30 years. The previous family had a 30" high fence and five children and never had a problem. This property backs up to 4 acres of woods and she is upset about the aesthetics involved with putting up this fence. The neighbors have always wanted the area to be open. Ms. Slattery also said that the dogs in the neighborhood are very well behaved and does not believe they would be a problem for the petitioner.

Mr. Kyriakoza said that he more concerned about the traffic speeding down Stonetree, and is worried that a ball could easily be thrown over a 30" high fence.

Ms. Slattery said that she believes the 30" fence would prevent the children from running into the street and does not like the design of the fence. Ms. Slattery said that she speaks for the other neighbors and they are concerned about this fence having points at the top rail.

Mr. Kyriakoza explained that there are no sharp points along the top of the fence. The fence is vinyl and the caps on the top of the fence are vinyl.

Ms. Slattery said that she is opposed to the height of this proposed fence.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval and one written objection on file.

Mr. Richnak asked what height this proposed fence comes in.

Mr. Kyriakoza said that it comes in 30", 36" and 48" heights. Although the fence appears to be wrought iron, it is actually a vinyl fence.

Mr. Kessler asked if the petitioner could put up a 6' high fence.

Mr. Stimac explained that if the fence was not in the front yard, the petitioner could in fact put up a 6' high privacy fence.

Motion by Kessler
Supported by Richnak

ITEM #2 – con't.

MOVED, to grant Joseph Kyriakoza, 3617 Sandburg, relief of Chapter 83 to install a 4' high non-obscuring fence setback 7' and parallel to the property line along Stonetree.

- Small shrubs, such as Hostas, will be planted approximately 8' to 10' apart along the south side of fence line to minimize the look of the fence.
- 4' high fence will help to provide security for Mr. Kyriakoza's children.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeal meeting adjourned at 8:55 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary