Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on January 7, 2015 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:
Theodore Dziurman, Chair
Teresa Brooks
Brian Kischnick
Andrew Schuster

Absent:
Gary Abitheira

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.

Chair Dziurman welcomed Andrew Schuster to the Board.

2. APPROVAL OF MINUTES

Moved by: Brooks
Support by: Kischnick

RESOLVED, To approve the minutes of the December 3, 2014 Regular meeting as submitted.

Yeas: All present (4)
Absent: Abitheira

MOTION CARRIED

3. HEARING OF CASE

A. **VARIANCE REQUEST, JAMES R. GIRLING, 3959 NASH** – This property is a double front corner lot. As such it has a required front setback along both Nash and Ogden. An inspection of this property on November 11, 2014 revealed the existing 30" high wood fence in the front setback along Ogden has been modified to a 44" high non-obscuring wood fence. The petitioner is requesting a variance from the Board to allow the altered 44" high fence in the Ogden front setback.

Mr. Grusnick reviewed the variance request. He reported the department received three responses to the public hearing notices; one favorable and two objectionable. Mr. Grusnick indicated members have received copies of the comments.

James Girling said the additional height in the fence is needed to contain their new puppy. Mr. Girling detailed the construction and materials used to heighten the existing 30" fence. He informed the Board he was not aware of the ordinance relating to fences on double front lots until he received notification from the City that a variance must be sought and granted to go forward with the work.

Mr. Grusnick circulated photographs he took of the fence. He said the Zoning Ordinance stipulates that fences may be constructed of metal, wood or masonry.

There was discussion on:

- Aesthetics of the fence construction.
- Lack of uniformity in construction materials and color.
- Site relationship of public comments to subject site.
  (Map circulated by Mr. Grusnick)
- Alternatives in construction materials; modification of existing fence.
- Aesthetics can be considered by the Board in its determination.
- Existing fence (as altered) meets ordinance requirements with respect to construction materials and is non-obscuring.

Chair Dziurman acknowledged there was no one present from the public to speak.

Moved by: Brooks
Support by: Schuster

RESOLVED, To approve the request for the increase in the fence height. The petitioner has presented a hardship and/or practical difficulty relating to the existing split rail fence. Let the record reflect that public comments have been received regarding the aesthetics of the fence and that the petitioner be mindful of that.

<u>Discussion on the motion on the floor.</u>

Mr. Kischnick asked how the applicant might be mindful of the aesthetically-related public comments and if he had entertained alternative construction methods.

Mr. Girling said he extensively researched construction materials that would be fitting and secure with the existing split rail fencing. He assured the Board he would maintain the fence in the same manner as his exterior property because his home is an investment for himself and the neighborhood.

Vote on the motion on the floor.

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

MOTION FAILED

Discussion followed with respect to filing another application in the future with consideration to alternative construction materials and aesthetics of the fence. It was the consensus of the Board that painting the fence or other means to obtain uniformity of the fence would be a sufficient change.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS – Election of Chair

Mr. Kischnick nominated Theodore Dziurman as Chair. No other nominations were placed on the floor.

Moved by: Kischnick
Support by: Brooks

RESOLVED, To elect Theodore Dziurman as Chair for 2015.

Yeas: All present (4)
Absent: Abitheira

MOTION CARRIED

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:25 p.m.

Respectfully submitted,

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Theodore Dziurman, Chair

_____

Kathy L. Czarnecki, Recording Secretary

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BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

January 7, 2015

NAME (PLEASE PRINT)	*ADDRESS*
Jim Girling	3959 NASH
NAME (PLEASE PRINT)	*ADDRESS*

BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET

January 7, 2015