

ITEM #2

MOVED, to deny the request of Mr. Michael Taggart, 4586 Butler, relief of Chapter 83 to erect a 48" high chain link fence.

- Verbal indication that petitioner did not wish to pursue this variance.
- Petitioner was not present at this meeting.

Yeas: 3 – Kessler, Need, Nelson

Nays: 1 – Dziurman

Absent: 1 – Zuazo

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. VALERIA TALIA, 1612 MILVERTON, for relief of Chapter 83 to install a 6' high privacy fence.

Petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. Because of the configuration of this lot, and those adjacent to it, it is classified as a double front corner lot. As such, it has a front yard on both Milverton and Maple. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The permit application indicates a 6' high privacy fence along the south property line in the front setback along Maple Road.

The Chairman moved this item to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

ITEM #4 – VARIANCE REQUESTED. DEBORAH MIELA, 2410 DALESFORD, for relief of Chapter 83 to install a 48" high fence.

Petitioner is requesting relief of Chapter 83 to erect a 48" non-obscuring fence. Because of the orientation of this lot and those adjacent to it, this lot is a double front corner lot. As such, it has a front yard along both Dalesford and Glyndebourne. Chapter 83 limits fences in front yard setbacks to 30" in height. The application submitted indicates a combination of 48" high wrought iron style and chain link fence along the east property line in the front setback along Glyndebourne.

Deborah Miela and Terry Gladstone of Action Fence were present. Ms. Miela stated that she wished to put up this fence due to the fact that they own dogs and would like to be able to let them have the run of their property. Ms. Miela also stated that they have young children living next door and believes that the fence would provide a safety factor for them. Ms. Miela explained that the part of the fence along the driveway would be wrought iron and would attached to a cyclone fence along the remainder of the yard that would be covered with a black vinyl coating. The reason they have chosen this type of fence is so that it would blend in with the neighborhood rather than stand out.

ITEM #4

Ms. Miela also stated that the property has a great deal of shrubbery on it and they are planning to put the fence through existing lilac bushes in order to lessen the impact on surrounding property. Ms. Miela further stated that presently they are undertaking a large renovation project on this home and eventually they would like to put in an in ground pool. Mr. Stimac confirmed that the City Code requires a 48" fence around an in ground pool. Ms. Miela said due to a lack of definition of the north property line they have also had a problem with children in the neighborhood putting up a tree house at the back of their property and they have had to clean up their property a few times. Ms. Miela believes that a fence will help to take care of this problem.

Mr. Nelson asked where the fence would have to go in order to comply with the Ordinance and Mr. Stimac stated that it would have to parallel the curve of Glyndebourne with a setback of 40'. Mr. Stimac also stated that although masonry walls or permanent structures are not allowed on easements, it has not been the policy of the City of Troy to restrict placing cyclone and/or privacy fences on these easements.

The Chairman opened the Public Hearing.

Mr. Carl Pacacha, 2345 Dalesford, was present and stated that he is very active in the homeowner's association and generally they do not approve of fences in this area. He also stated that after talking to Ms. Miela and seeing exactly what she has in mind he does not object as strongly as he previously thought he would.

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

There are three (3) written approvals on file.

There are two (2) written objections on file.

Motion by Need

Supported by Nelson

MOVED, to grant Deborah Miela, 2410 Dalesford, a variance for relief of Chapter 83 to install a 48" high fence.

- Due to the large number of trees and shrubs on the property, the fence would have a minimum impact on the surrounding area.
- Variance is not contrary to public interest.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. LAWRENCE K. YETTER, REPRESENTING HARLEY ELLIS, 44201 DEQUINDRE, for relief of the 1997 International Plumbing Code (IPC) Section 1107.2.

The 1997 IPC requires that roof drainage systems be provided with a secondary drainage system that has piping and a point of discharge that is independent from the primary roof drains. It further requires that this secondary drainage discharge be at a location, above grade, where the building occupants would normally observe it. The petitioners are proposing a secondary system that would be interconnected with the primary system within the building. They propose over sizing the primary system and installing alarms in the secondary system to notify the occupants if the overflow is receiving water. They are asking relief for this modified system.

Mr. Lawrence Yetter was present and stated that they are asking for this variance due to the fact that they have found that when there is water runoff in the winter months it turns to ice and causes hazardous conditions. Mr. Yetter also explained that there are approximately 20 roof sumps that will cover 10 acres of drainage. Mr. Yetter stated that if this variance were not granted they would actually end up with two complete drain systems. Mr. Yetter said that they planned on putting an alarm about $\frac{3}{4}$ of the way down the pipe so that when the primary roof system was plugged, it would alert building maintenance that there was a problem. Mr. Yetter also said that the structural system of the roof would allow for 100 pounds a square foot of load or 19" of ponded water. Mr. Yetter stated that he believes that these requirements were put in the code essentially for hurricanes and with the new 2000 International Plumbing Code they would be changed. Mr. Yetter pointed out that due to the fact that the building is 75' high there would be very little debris on the top of the building to plug the primary roof drain.

Mr. Nelson asked what kind of device would be used to determine the water flow and Mr. Yetter replied that it was a "battle switch" type. Mr. Nelson also asked if there would be a performance test to make sure that this secondary drain with alarm was functional and Mr. Yetter replied that this was a "fully commissioned" building and each system that they installed would be tested to determine maximum efficiency. Mr. Nelson asked if it would be possible to cut in some kind of scupper system if the system did fail to allow the water to drain from the building. Mr. Yetter replied that he thought that the only way the system would fail would be if someone were to sabotage it and the only access to the roof is with a key. Mr. Nelson asked where the roof sumps discharge to and Mr. Yetter stated that there are ten (10) vertical conductors in different parts of the building. Mr. Nelson also asked if there were any type of backup and Mr. Yetter stated that there were secondary drainage conductors.

Motion by Nelson
Supported by Kessler

ITEM #5

MOVED, to grant Lawrence K. Yetter, Representing Harley Ellis, 44201 Dequindre for relief of the independent secondary roof drainage system required by Section 1107.2 of the 1997 International Plumbing Code (IPC) to over size the primary system and install alarms in the secondary system to notify the occupants if the overflow is receiving water.

- System will be tested to make sure it works efficiently.
- Variance would not be contrary to public interest.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 (ITEM #3) – VARIANCE REQUESTED. VALERIA TALIA, 1612 MILVERTON, for relief of Chapter 83 to install a 6' high privacy fence.

Petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. Because of the configuration of this lot, and those adjacent to it, it is classified as a double front corner lot. As such, it has a front yard on both Milverton and Maple. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. The permit application indicates a 6' high privacy fence along the south property line in the front setback along Maple Road.

The Chairman moved this item to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

Ms. Talia was present and stated that due to the fact that her master bedroom and bathroom are on the side of the house along Maple Road and there is a traffic light located directly across from this area, she does not have the privacy she would like due to heavy traffic. Ms. Talia is also concerned because there are fourteen (14) children in her family under the age of 10 and does not feel that it is safe for them to play in her yard without a fence.

Mr. Dziurman asked where she planned to put the fence and she stated that it would not go all the way to the front of her garage. She is primarily interested in blocking off the side of her home where her bedroom and bathroom are located. Mr. Nelson asked how far from the sidewalk the fence would be located and Ms. Talia stated that she thought the Ordinance stated one foot. Mr. Stimac stated that the house is setback twenty-five (25) feet from the right of way line, which is the required distance. Mr. Need stated that typically in new subdivisions, a fence must be placed at least 15' from the sidewalk to allow for a greenbelt area.

ITEM #6 (ITEM #3)

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Need asked about a greenbelt area on this property and Mr. Stimac that this was an older platted subdivision approved before the standard for a 15' greenbelt was established. Mr. Need stated that he would like to see the fence placed far enough back so that some shrubbery could be added in the future to help cover the fence.

There are two written approvals on file. One citizen approved the variance at the back of the property and objected to the privacy fence along Maple Road.

Motion by Need
Supported by Kessler

MOVED, to grant Valeria Talia, 1612 MILVERTON, relief of Chapter 83 to install a 6' high privacy fence.

- Fence must be a minimum of 10' from the property line along Maple.
- Fence must be installed a minimum of 46.7' from the front property line along Milverton.

Yeas: 4 – Dziurman, Kessler, Need, Nelson
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The Building Code Board of Appeals meeting was adjourned at 9:20 A.M.

MS/pp