A regular meeting of the Building Code Board of appeals was called to order at 8:35 a.m. Wednesday, May 6, 1998, by the chairman, Ted Dziurman.

PRESENT: Ted Dzuirman
Laurie Jahn
Richard Kessler
William Need
William Nelson

APPROVAL OF MINUTES – April 1, 1998

Motion by Nelson
Supported by Need

MOVED, to approve the April 12, 1998 minutes.

Yeas: All 5

MOTION TO APPROVE CARRIED

Item #2 was taken out of order as the petitioners for Item #1 were not present as yet.

ITEM #2 **Thomas Baker, 3398 Medford, for relief of the Chapter 83-Fence Ordinance.**

Mr. Kessler explained that the appellant is requesting relief of the 30 inch height restriction to fences located in the front setback to allow the installation of a 48 inch high wood fence and a 48 inch high chain link fence in the setback along Medford Court.

Thomas Baker was present and stated that the proposed fence was a 40 Inch high split rail fence, which would be lined on the inside with a green mesh material. The fence is an enclosure for his dogs. The area encroaching into the Medford Ct. setback is to allow them to let the dogs out the rear door into the fenced area.

The Board questioned Mr. Baker on cutting down the height of the fence to meet requirements or bringing the fence in to lessen the encroachment into the setback. Mr. Baker noted that he felt he needed the height, and also noted he would have to walk outside to open the gate for the dogs.

The chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There was 1 written approval and 8 written objections on file.

Motion by Nelson
Supported by Kessler

MOVED, to deny the request of Thomas Baker, 3398 Medford Ct., for relief of Chapter 83-Fence Ordinance, to construct a 40 inch high split rail fence and 48 inch high chain link fence.

1. The petitioner has now shown a hardship or practical difficulty, it is possible to comply with the ordinance.

Yeas: All 5

MOTION TO DENY REQUEST CARRIED.

ITEM #1 **Choice Development Corporation, Adams Pointe Subdivision, for relief of Chapter 83- Fence Ordinance.**

Mr. Kessler explained that the appellant is requesting relief of the 30 inch height restriction to fences located in the front setback to allow the construction of a 6 foot high masonry wall in the required setback along Adams and Long Lake of lots 1, 9, 10, 11, 12, 13, 14 and 15. This request was tabled to allow the applicant an opportunity to address concerns brought out during the last hearing.

Youssef Chehayeb was present representing Choice Development and Dan MacLeish the builder were present. Mr. Chehayeb stated that they have changed the fence to include wrought iron panels and showed blue prints of their new proposal.

The chairman opened the public hearing.

Michael Martone, 4793 Orchard Ridge, objected to the variance, stating that it still looks like a fortress. They do not have the consensus of the Strawberry Hill Association regarding the new plan.

Peter Ajluni, 1080 Dowling, Bloomfield Hills, objected stating there is no reason to change the ordinance, the fence still has a fortress appearance.

Dan Kursicke, Bloomfield, representing his association objected, stating that landscape plantings can offer the noise protection

Eilene Harned, 1065 Greentree, Bloomfield Hills, objected, stating a natural look is preferred, what is proposed looks like a fortress.

Dave Payne, Treasurer of Bloomfield Township, objected stating landscaping can be used, as it has in several other subdivisions.

Charles Shafer, 2722 Quail Run, objected stating there is no reason for a variance, protection can be offered by other means.

Richard Berry, 4910 Valley Vista Circle, objected the wall gives an exclusion atmosphere, landscaping would be more suitable.

Dan White, 4949 Valley Vista, objected stating preference for the natural look and objecting to any wall.

Michael McGawn, 1065 Dowling, Bloomfield, objected stating there are many subdivisions with more traffic then this corner and have opted for landscaping.

Michael Sharpe, 925 Eastover, Bloomfield Hills, (Eastover Farms Subdivision Association) objected noting natural landscaping is the most effective.

John Lewandowski, 2969 River Valley, objected for the same reasons as previously stated.

A resident of Dowling, Bloomfield, objected noting several trees have been removed, walls are not attractive and take from the value of the neighborhood.

Mrs. Zembrzuski, 2842 Shadywood, objected, questioning the line of sight for emergency vehicles.

Mr. Chehayeb, stated that the landscape plan of the subdivision has been approved by Parks and Recreation 3 years ago when it was presented.

Chuck Trmza, 4744 Orchard Ridge Dr, objected to a variance for a 6 foot high wall.

Mr. MacLeish stated he was told if the wall were not installed, people would request stockade screening fences, which would be approved. The purchaser has the right to develop the property and people who purchase the property should have the protection.

Mr. MacLeish and the audience each discussed property rights, a berm with landscaping, the wall and fences.

Mr. MacLeish stated that he would lose sales if the walls were not approved, noting the plans showed the wall. A berm would not work because of berm requirements and the people who bought the lots in question would lose rear yard area. Mr. MacLeish also stated the wall would provide protection against people stopping at the light and someone breaking into a home while someone else waited at the corner.

There was discussion by the developer, builder and audience about the plans submitted three years ago, the developer and builder dug out the area and they were aware of problems when the bought the site.

Bill Nelson questioned where the vehicle headlights would hit the homes, would they hit the roof line or the windows. The petitioner indicated they had the information, but did not have it with them.

The chairman closed the public hearing.

There were 60 written objections on file.

Motion by Nelson
Supported by Kessler

MOVED, to table the request of Choice Development Corporation, Adams Pointe Subdivision, for relief of Chapter 83-Fence Ordinance, two weeks (May 20, 1998) to;

1. Give the petitioner and concerned residents the opportunity to review the drawings and come back with a resolution or compromise.
2. Give the petitioner the opportunity to come back to the Board with a study showing at what point vehicle headlights would hit the properties.

Yeas: 4- Dziurman, Kessler, Jahn, Nelson
Nays: 1- Need

MOTION TO TABLE REQUEST UNTIL MAY 20, 1998 CARRIED

The Building Code Board of Appeals adjourned at 9:45 a.m.

RK/ddb