The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 11, 2007, in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – SPECIAL MEETING OF JUNE 13, 2007.

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the Special Meeting of June 13, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. WOODWARD COMMON LAND, LLC, 4137 COOLIDGE, for relief of Chapter 83 to install a fence in a front yard.

Mr. Stimac explained that these two items were very similar and he would like to make the presentation for both at the same time. Mr. Stimac also said that a separate motion would have to be made for each item, because the requests were for separate parcels of land.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence in a front yard. The site plan submitted indicates a metal fence with masonry piers that range from 4' to 7' in height. This fence is proposed to be located in the required front yard 34' from the front property line along Coolidge. Chapter 83 limits fences located in front yards to not more than 30" in height.

Mr. Stimac went on to say that the development of these four lots is somewhat unusual in that they will be sharing two (2) driveways.

Mr. Dziurman asked for a clarification regarding the status of the occupancy of the homes in this area.

Jlj

ITEMS #2 & #3 – con't.

Mr. David Jensen of Woodward Common Land, LLC, stated that the home at 4173 Coolidge has a foundation, 4137 Coolidge will be finished by August 1, 2007 and 4155 Coolidge has been occupied since February.

Mr. Jensen said that Mr. and Mrs. Curis of 4155 Coolidge approached him and asked if he would consider putting in a gate along the front of the property. They have lived in the home since February and there is a considerable amount of traffic that parks on their street and they are concerned as this is a private drive. Mr. Jensen said that they have put in a berm and extensive landscaping to obscure the view of these homes from traffic traveling along Coolidge. Mr. and Mrs. Curis are concerned about the safety of their children. The petitioner does not believe that a fence that is 30" high will prevent unwanted people from coming onto these sites.

Mr. Jensen stated that the homeowners will operate the gates with a key pad and visitors will use to a phone system to gain entry. This will give Mr. and Mrs. Curis the security they are looking for.

Mr. Kessler stated that technically anyone that wanted access to this property would be able to walk around the gates and gain access. Traffic on Coolidge is normal street traffic and Mr. Kessler does not think it is excessive. Mr. Kessler also said that he thought the landscaping in place was excellent and believes they could achieve a better look by putting up signs indicating that this is a "Private Drive". Mr. Kessler believes the same results would be obtained without gates. Mr. Kessler does not believe that the gates will prevent people from getting in that want to get in.

Mr. Nelson said that he is very concerned about the gates in this area. This driveway is only 15' wide and he believes it can be very difficult to get Fire trucks in. If an alarm goes off and no one is home, Police, Fire or ambulances would not have access. Furthermore, Mr. Nelson stated that it is very difficult to find addresses on these homes. Other gated communities in Troy have complete fire suppression and the Fire Department has access to these systems. Mr. Nelson also said that these gates would set a precedent and believes it will create a safety hazard for the homeowners.

Mr. Jensen stated that each home has an address on it.

Mr. Nelson said that it took him twenty (20) minutes to find the property in question and said that the gates will create more safety hazards.

Mr. Dziurman suggested that the petitioner put the gates along their own property.

Mr. Stimac asked if they could put the gates west of the north-south driveway, which would result in a setback of 50'.

ITEM #2 & #3 – con't.

Mr. Jensen said that if the gates were located in this area they would not be able to open.

Mr. Stimac suggested individual gates on each lot.

Mr. Jensen said that traffic would still have access for traffic to come in and out. This road is very well screened and people can park vehicles there and you would not be able to see them. They would be allowed to put up a gate that is 30" high, but this would allow people to step over it and what they are asking for is a variance in the height. The safety issues brought up can be dealt with. Problems that have been identified can be fixed. The gates will remain open from 10:00 A.M. to 4:00 P.M. and will be closed in the evenings and on the weekends.

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

There are no written approvals or objections on file.

Mr. Jensen stated that they are asking to do this on private property and the residents believe it is important to them.

ITEM #2

Motion by Kessler
Supported by Zuazo

MOVED, to deny the request of Woodward Common Land, LLC, 4137 Coolidge, for relief of Chapter 83 to install a fence in a front yard with masonry piers that range from 4' to 7' in height where Chapter 83 limits fences located in front yards to not more than 30".

- The addition of gates would create a hazard to public safety and welfare.
- Variance would be contrary to public interest.
- Petitioner could explore other options.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUEST. WOODWARD COMMON LAND, LLC, 4191 COOLIDGE (PROPOSED ADDRESS), for relief of Chapter 83 to install a fence in a front yard.

Motion by Kessler
Supported by Richnak

MOVED, to deny the request of Woodward Common Land, LLC, 4191 Coolidge, for relief of Chapter 83 to install a fence in a front yard with masonry piers that range from 4' to 7' in height where Chapter 83 limits fences located in front yards to not more than 30".

- The addition of gates would create a hazard to public safety and welfare.
- Variance would be contrary to public interest.
- Petitioner could explore other options.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 8:48 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary