A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m., Wednesday, September 4, 1996, by the Chairman, Ted Dziurman.

PRESENT: Michael Culpepper
Ted Dziurman
William Nelson
Ghazanfar Shah
Mark Stimac

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SEP 1 6 1996

CITY OF TROY
CITY MANAGER'S OFFICE

Approval of July 3, 1996 minutes

Motion by Culpepper
Supported by Nelson

MOVED, to approve the July 3, 1996 minutes.

Yeas: All 5

MOTION TO APPROVE CARRIED

ITEM #1 Nick Mitchell, Athens Plaza, 120-140 W. Maple, for relief of Chapter 83 Fence Ordinance)

Mr. Stimac explained that the petitioner owns a multi-tenant commercial center located on the north side of Maple between Livernois and Thunderbird. He has a 45" high section of fence located within the front yard of the property. The petitioner was originally granted approval for the fence for a two year period in 1994. The petitioner now seeks renewal or a permanent variance for the fence.

Nick Mitchell was present and showed pictures of the area before the fence and plantings were installed. Mr. Mitchell stated that since there have been no trespassers through the area the shrubs have grown and in the Summer you cannot see the fence and you can barely see it in the Winter. Mr. Mitchell noted that they are 2 foot higher, he needs the fence and shrubs for safety. He is therefore asking for a permanent variance.

The Board discussed the conditions and expressed concerns about what may happen if the property changed hands.

Motion by Culpepper
Supported by Nelson

MOVED, to grant Nick Mitchell, Athens Plaza, 20-140 W. Maple, renewal of the variance for relief of the Fence Ordinance, for a period not to exceed five (5) years or less as permitted by the Building Code Board of Appeals By-Laws. (Editorial Note: By-Laws do not restrict a time limit.)

Yeas: All 5

MOTION TO APPROVE VARIANCE RENEWAL FOR FIVE (5) YEARS CARRIED

ITEM #2 Charlotte King, 160 E. Square Lake, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner owns a single family residence on the south side of Square Lake Road between Livernois and Donaldson. The petitioner proposes to install a 36 inch high aluminum picket fence within the front yard along Square Lake Road. Chapter 83 of the Troy City Code (the Fence Ordinance) limits the height of fences in the front yard to no more than 30 inches in height. This property is designated a historic district and the proposed fence was reviewed and approved by the Historic District Commission at their June 25, 1996 meeting. The petitioner is requesting relief for a taller fence.

Charlotte King was present and stated that the 36 inch fence is the minimum height that is available and she will place the fence inside the sidewalk.

ITEM #2

The chairman opened the public hearing.

John Gleason, representing the St. Elizabeth Church, 280 E. Square Lake Road, was present and approved of the variance.

There were no further comments and the public hearing was closed.

There were 3 letters of approval on file.

Motion by Nelson
Supported by Stimac

MOVED, to grant Charlotte King, 160 E. Square Lake Road, a variance, as requested, for relief to install a 36 inch high aluminum picket fence within the front setback parallel to Square Lake Road.

Yeas: All 5

MOTION TO APPROVE REQUEST CARRIED

The Building Code Board of Appeals adjourned at 8:50 a.m.

MS/ddb

MB