A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, November 1, 1995.

PRESENT: Michael Culpepper
Ted Dziurman
Kulsum Rashid
Richard Sinclair
Mark Stimac

APPROVAL OF MINUTES - Approval of October 4, 1995 minutes.

Motion by Culpepper
Supported by Rashid

MOVED to approve the October 4, 1995 minutes as written.

Yeas: All 5

MOTION TO APPROVE CARRIED

Motion by Stimac
Supported by Rashid

MOVED to remove item #1 from tabling action for discussion.

Yeas: All 5

MOTION TO REMOVE FROM TABLING ACTION CARRIED

ITEM #1 Mary Lynn Brombach and Mark L. Pope, 6675 Westpointe, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioners have been granted a permit to install a 6 foot high wood fence in the rear of their yard. The rear of the property slopes down and the top of the fence has been installed level. This condition results in a 7'6" high fence at a portion of the rear of the lot. Chapter 83 of the Troy City Code limits the height of fences in residential districts to 6 feet high. This item was tabled at the August 2, 1995 meeting to give the petitioner the opportunity to get approval of the fence from the subdivision association (developer/builder). This item was tabled again at the September 6, 1995 meeting to give the developer/builder the opportunity to respond to the fence question. This item was tabled at the October 4, 1995 meeting to allow the petitioner the opportunity to obtain approval from the subdivision association.

Mark Pope was present and stated that homeowners have assembled and presented the necessary paper work to the Register of Deeds to register the subdivision restrictions in the subdivision name rather than the developer/builder's name. Mr. Pope noted that they have no officers or architectural control committee as yet. Mr Pope also submitted a petition of no objection from 26 of the 42 neighboring lots. Mr. Pope noted that his hardship is created by the grade of the land. The fence is to provide privacy and security.

Mike Stewart was present and stated that there is an association and they are gathering by-laws from other associations to form their own by-laws. He very strongly objected to the 7'6" portion of the fence.

Motion by Culpepper
Supported by Stimac

MOVED, to deny the variance request from Mary Lynn Brombach and Mark L. Pope, 6675 Westpointe for relief of Chapter 83 (Fence Ordinance), to maintain a 7'6" portion of fence in their rear yard where 6 foot is the maximum allowed:

1. The fence could be constructed to the contour of the land, maintaining a fence that is 6 foot above the underlying ground.
2. The petitioner has failed to present a hardship to exceed the limits of the Fence Ordinance.

Yeas: 4 - Culpepper, Dziurman, Rashid, Stimac
Nays: 1 - Sinclair

MOTION TO DENY REQUEST CARRIED

Motion by Stimac
Supported by Culpepper

MOVED, to remove item #2 from tabling for discussion.

Yeas: All 5

MOTION TO REMOVE FROM TABLING ACTION CARRIED

ITEM #2 Lowell Davis, 4320 John R., for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner's property is located on the east side of John R. north of Wattles. He proposes to install a 38 inch high wood picket fence along the front property line along John R. Chapter 83 limits the height of fences in front yards to 30 inches. This item was tabled to allow the petitioner to be present.

Lowell Davis was present and stated that he has a historic home and it is only 11'8" from the sidewalk. He is across from Athens High School and often has people come into his yard, look into windows and tap on the windows. Mr. Davis stated that he is the only home in the block that faces John R., the homes to each side of him have their rear lots facing John R. and have 6 foot high wood fences. Mr. Davis stated that the proposed picket fence will blend with the home and would not obstruct view and would provided them with some privacy, stating that a 30" high fence could easily be stepped over. He also stated that he intended to install a gate across the driveway, but it would be setback 20 feet so cars would not be parked over the sidewalk.

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

There were 5 approvals and 1 objection on file.

Motion by Culpepper
Supported by Rashid

MOVED, to grant Lowell Davis, 4320 John R., a variance, as requested, to erect a 38" high wood picket fence along his front property line, parallel to John R.

Yeas: All 5

MOTION TO APPROVE REQUEST CARRIED.

ITEM #3 Safesite Records Management Corporation, 379 Executive, for relief of Section 1004.2.1 of the 1990 B.O.C.A. Code.

Mr. Stimac explained that Gretchen Ozertites who had been representing Safesite Records was unable to attend the meeting and the company is working with another company representative, bringing them up to date so that they could represent Safesite at the December meeting. Therefore, the tabling action on this item should remain.

ITEM #4 Raymond A. Jagodzinski, 2051 Hartshorn, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioners property is located on the southwest corner of Hartshorn and Larchwood and is by definition a double front corner lot. The petitioner's propose to locate a 6 foot high fence 17 feet from the property line along Larchwood where Chapter 83 limits the height of fences to 30 inches.

Raymond Jagodzinski was present and stated that because they were on a corner lot they would like to erect a fence for their privacy in the rear yard. Mr. Jagodzinski stated that to put the fence at the required setback line would result in the loss of half their back yard. Mr. Jagodzinski stated that he could not move the fence in because of trees that he wished to preserve. He also noted that the was trying to work around a sewer catch basin and an electrical box.

ITEM #4

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

There was 1 approval and 5 objections on file.

The Board discussed alternatives with Mr. Jagodzinski, who indicated he preferred to keep a straight line of fencing. Mr. Jagodzinski stated that he would accept a tabling action to give the Board the opportunity to meet with him and determine if the fence could be installed at a location that would be acceptable to the Board as well as himself.

Motion by Stimac
Supported by Sinclair

MOVED, to table the request of Raymond A. Jagodzinski, 3051 Hartshorn, for relief of Chapter 83 (Fence Ordinance) until the next regular meeting (December 6, 1955) to give the petitioner the opportunity to meet with Board members and present an alternative to the fence proposal.

Yeas: All 5

MOTION TO TABLE REQUEST UNTIL THE NEXT REGULAR MEETING (DECEMBER 6, 1995) CARRIED

ITEM #5 Turner-Brooks, Inc., 888 W. Big Beaver, Suite #1100, for relief of Sections 813.4.1, 813.4.1.2, Items #5, 6 and 7.

Mr. Stimac explained that the petitioners are altering a tenant space within an existing office building in Troy. The tenant space comprises the entire 11th floor of the building. The plans indicate that the exit access from the elevator lobby must pass through a locked door. Section 813.4.1.2 indicates the requirements for locks on doors of this type. The petitioners are asking relief of Item 5, 6, and 7 of this Section.

Pat Ryan of Turner-Brooks was present. Mr. Ryan stated that they have one tenant who will be occupying the entire floor. Mr. Ryan stated that the door in question would remain open during the occupant's business hours. Their alternative to the code requirements is to install an audible fire alarm pull station next to the door. This would be tied into their fire panel and when pulled it would open the door. They would erect a sign that would state "pull until alarm sounds, door will open automatically".

The Board discussed the proposal and alternatives. A concern was expressed about it being tied into the fire alarm system in that it would unnecessarily alert the Fire Department. The Board further discussed a button system that would activate the door in the same manner.

Motion by Stimac
Supported by Sinclair

MOVED, to grant Turner-Brooks, Inc., 888 W. Big Beaver, Suite #1100, relief of Sections 813.4.1, 813.4.1.2, items #5, 6, and 7:

1. To allow the petitioner to have a secured alarm device in lieu of the exit device required by item #5.

Yeas: 5

MOTION TO APPROVE, AS STIPULATED, CARRIED

The Building Code Board of Appeals adjourned at 9:35 a.m.

MS/ddb

MS