

A regular meeting of the Building Code Board of Appeals was called to order on Wednesday, October 4, 1995 at 8:40 a.m., by Chairman, Ted Dziurman.

PRESENT: Michael Culpepper
William Nelson
Kulsum Rashid
Ted Dziurman
Mark Stimac

APPROVAL OF MINUTES September 6, 1995

Motion by Rashid
Supported by Nelson

MOVED, to approve the September 6, 1995 minutes as printed.

Yeas: All 5

MOTION TO APPROVE CARRIED

TABLED ITEMS:

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

Mr. Stimac explained 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 September 6, 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.

Motion by Culpepper
Supported by Rashid

MOVED, to remove Item #1 from table.

Yeas: All 5

MOTION TO REMOVE ITEM #1 FROM TABLE CARRIED

Mark Pope was present and stated the builder, Mr. DiLorenzo agreed to allow the homeowners to form a subdivision association. Mr. Pope asks the board to table the item once more to allow time to complete the paper work for the subdivision association and have a decision regarding the fence. Mr. Pope stated that if he did not have a decision by the next meeting he would withdraw the request and comply with the ordinance.

Lori Stewart, 6687 Westpointe, was present and stated she felt the fence ordinance should be enforced as written.

Motion by Stimac
Supported by Culpepper

MOVED, to table the request of Mary Lynn Brombach and Mark Pope, 6675 Westpointe, for relief of Chapter 83 (Fence Ordinance) until the next regular meeting, November 1, 1995 to give Mr. Pope the opportunity to complete the paper work for the subdivision association and render a decision on the fence.

Yeas: All 5

MOTION TO TABLE UNTIL NOVEMBER 1, 1995 MEETING CARRIED

ITEM #2 Emod Arsanos, 5112 Hertford, for relief of Chapter 83
(Fence Ordinance)

Mr. Stimac explained the petitioner's property is located at the intersection of Berwyck and Hertford. It also has a front yard which is adjacent to Long Lake. Because there is an existing house fronting on Long Lake within the same block, this yard adjacent to Long Lake is considered to be a front yard and is restricted to a 30 inch maximum fence height. The petitioner is proposing to install a 6 foot high wood privacy fence. This item was tabled at the September 6, 1995 meeting to give the Building Department the opportunity to review the plot plan, to determine which plan is correct.

Motion by Stimac
Supported by Culpepper

MOVED, to remove Items #2 & 3 from table.

Yeas: All 5

MOTION TO REMOVE ITEM #2 AND 3 FROM TABLE CARRIED

Mr. Arsanos was present and he wanted the fence to provide security for his children and privacy. He felt a 4 foot or non-obscuring fence would not achieve this objective.

There were two letters of objection and one approval on file.

Motion by Stimac
Supported by Culpepper

MOVED, to approve the request from Emod Arsanos, 5112 Hertford, for relief of Chapter 83 to install a 6 foot privacy fence 15 feet from the property line along Long Lake.

MOTION TO APPROVE REQUEST CARRIED.

ITEM #3 Safesite Records Management Corporation, 379 Executive,
(for relief of Section 1004.2.1 of the 1990 BOCA Code)

Mr. Stimac explained the petitioners operate a records storage company in Troy. The building is required by the B.O.C.A. Code to have a full fire sprinkler system. Section 1004.2.1 of the B.O.C.A. Code requires that the sprinkler system comply with the requirements of N.F.I.P.A. 13, which is the standard for the design and installation of sprinkler systems. Section 4-1.3.10 of N.F.I.P.A. 13 requires that systems which protect storage in racks over 12 feet in height be designed to comply with the requirements of F.F.I.P.A. 231C which is the standard for the sprinkler protection of rack storage of materials. This standard requires, in part, that this area be protected by an in rack sprinkler system and have access aisles at least 4 feet wide adjacent to the racks. The petitioners' facility lacks these requirements and they seek relief from these requirements. This request was tabled at the September 6, 1995 meeting to give the Fire Department the opportunity to visit the site and submit a recommendation on acceptable protection.

A letter from Assistant Chief, Dave Roberts, was presented indicating the existing conditions and recommendations.

Gretchen Ozertites was present and stated she was not given the Fire Department report until the day of the meeting.

The Board agreed to hear item 3 after item 7 to allow Ms Ozertites time to review the Fire Department's report.

ITEM #4 Mattathu Raju, 4947 Davis Ct., for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained the petitioner's property is located on the north side of Davis Ct. It also backs up to Long Lake. The property immediately to the west fronts onto Long Lake Road. The petitioners propose to install a 6 foot high wood privacy fence located 27 feet from the property line along Long Lake. Since this is considered a front yard location, Chapter 83 limits the height of fences to 30 inches.

Mr. Raju was present. He states he wants the fence to stop trespassing. When asked if he would accept a non-obscuring fence, or if he would move the fence to conform to the code, he agreed.

There were two letters of approval on file and three letters of objection.

Motion by Culpepper
Supported by Stimac

MOVED, to deny the request of Mattathu Raju, 4947 Davis Ct., for relief of Chapter 83 (Fence Ordinance) to erect a 6 foot high wood privacy fence 27 feet from the property line along Long Lake as no hardship was shown.

Yeas: All 5

MOTION TO DENY APPROVED.

ITEM #5 Paul J. Nicoletti, 3885 Estates, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained the petitioner's property is located at the northwest corner of the intersection of Estates Drive and Estates Court and is by definition a double front corner lot. The petitioner is proposing to install a 4 foot high chain link fence which would be located parallel to and 34 feet from the property line along Estates Drive. Chapter 83 limits the height of fences in these front yard locations to 30 inches tall.

Mary Ann Nicoletti was present and stated she wanted the fence in that location in order to enclose the gas grill. She stated the fence would be obscured by bushes which would be left in place. She wanted the fence to protect her children and the dog.

There was one letter of approval on file and six letters of objection.

Joyce Tull was present and stated she objected to the fence as it will detract from the appearance of the neighborhood.

Mr. Stimac suggested moving the grill to within the required fence setback.

Motion by Culpepper
Supported by Rashid

MOVED, to deny the request by Paul Nicoletti, 3885 Estates, for relief of Chapter 83 (Fence Ordinance) to install a 4 foot high chain link fence parallel to, and 34 feet from, the property line along Estates Drive as no hardship exists.

Yeas: All 5

MOTION TO DENY REQUEST CARRIED

ITEM #6 Lowell Davis, 4320 John R, for relief of Chapter 83
(Fence Ordinance)

Mr. Dziurman asked if the petitioner for Item #6 was present and there was no response.

Motion by Stimac
Supported by Nelson

MOVED, to table the request of Lowell Davis, 4320 John R for relief of the Chapter 83 (Fence Ordinance) until the next meeting, November 1, 1995, to give the petitioner the opportunity to be present.

Yeas: All 5

MOTION TO TABLE UNTIL NOVEMBER 1, 1995 MEETING CARRIED.

ITEM #7 Jack Stine, 1915 Boulan, for relief of Chapter 83
(Fence Ordinance)

Mr. Stimac explained the petitioner's property is located at the southwest corner of the intersection of Boulan and Alpine and is, by definition, a double front corner lot. The petitioner's application indicates a proposal to install an 8 foot high chain link fence parallel to and 25 feet away from the front lot line along Alpine. Chapter 83 limits the height of fences to 6 feet and the height of fences in the front yard to 30 inches.

Mr. Stine was present and stated he wanted the fence enclosure for a large dog. Mr. Stine also stated the fence is now only proposed to be 6 feet tall and he presented pictures of a row of tall pines which would shield the fence from view along Alpine.

Mr. Stimac asked if the trees would remain and Mr. Stine assured him they would.

There were four letters of approval on file.

Motion by Stimac
Supported by Culpepper

MOVED, to approve the request of Jack Stine, 1915 Boulan, for relief of Chapter 83 (Fence Ordinance) to install a 6 foot high chain link fence parallel, to and 25 feet from, the front lot line on Alpine.

Yeas: All 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 (ITEM #3) Safesite Records Management Corporation,
379 Executive for relief of Section 1004.2.1 of the
1990 BOCA Code

Ms Ozertites returned to the table and requested tabling until the next regular meeting, November 1, 1995 to consult with company directors regarding the Fire Department Report which she received this date.

Motion by Stimac
Supported by Dziurman

MOVED, to table the request of Safesite Management Corporation, 379 Executive, for relief of Section 1004.2.1 of the 1990 Boca Code until the next regular meeting, November 1, 1995.

Yeas: All 5

OCTOBER 4, 1995

MOTION TO TABLE ITEM #8 (ITEM #3) UNTIL THE NEXT REGULAR MEETING,
NOVEMBER 1, 1995 CARRIED.

Motion by Nelson
Supported by Dziurman

MOVED, to adjourn the October 4, 1995 meeting of the Building
Code Board of Appeals.

Yeas: All 5

The October 4, 1995 meeting of the Building Code Board of Appeals
adjourned at 9:55 a.m.

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