

A regular meeting of the Building Code Board of Appeals was called to order on Wednesday, September 6, 1995 at 8:30 a.m., by acting chairman, Michael Culpepper.

PRESENT: Michael Culpepper
William Nelson
Kulsum Rashid
Mark Stimac

ABSENT: Ted Dziurman

APPROVAL OF MINUTES August 2, 1995

Motion by Nelson
Supported by Rashid

MOVED, to approve the August 2, 1995 minutes as printed.

Yeas: 4 - Stimac, Culpepper, Rashid, Nelson
Absent: 1 - Dziurman

MOTION TO APPROVE CARRIED

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

Mr. Stimac explained that 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).

Mark Pope was present and stated that he did not have a response from Vince DiLorenzo, the builder/developer, as yet. It was indicated, to him, by Mr. DiLorenzo's office that he did not want to get involved in the question, at this time.

Lori Stewart, 6687 Westpointe, was present and stated that she has met with Mr. DiLorenzo and he wanted to see the fence prior to responding to the question. Mrs. Stewart would like this item tabled until Mr. DiLorenzo can respond on this matter.

Motion by Rashid
Supported by Nelson

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, October 4, 1995, to give the builder/developer the opportunity to respond to the question regarding the fence height.

Yeas: 4 - Rashid, Nelson, Culpepper, Stimac
Absent: 1 - Dziurman

MOTION TO TABLE UNTIL OCTOBER 4, 1995 MEETING CARRIED

ITEM #2 Chris & Janet Hacker, 3160 Talbot, for relief of Chapter 83
(Fence Ordinance)

Mr. Stimac explained that the petitioner's property is located at the southeast corner of Talbot and Hartland and is by definition a double front corner lot. The petitioner is proposing to locate a 48 inch high chain link fence within the yard and along the property line adjacent to Hartland. This location, being a front yard is limited in height of fences by Chapter 83 to 30 inches tall.

Janet Hacker was present and cited other fences in the area that are on corner lots. The purpose of the fence is to keep their dog confined and keep their children from wandering into the street. If the fence were to meet the setback, it would cut their back yard in half, leaving them with a very small back yard. Mrs. Hacker questioned putting up a picket fence instead of a chain link fence.

ITEM #2

Mark Stimac explained that it could be no higher than advertised in the public hearing and would have to be non-obscuring as advertised in the public hearing.

The chairman opened the public hearing. Ken Christie, 5011 Berwyck, was present and questioned putting up a different fence than advertised in the public hearing. Mr. Stimac checked the public hearing and noted it only referenced a 48" high non-obscuring fence, therefore, it was not a problem.

There were 2 approval and 2 objections on file.

Motion by Nelson
Supported by Rashid

MOVED, to grant Chris & Janet Hacker, 3160 Talbot, a variance, as requested, for relief to erect a 48" high non-obscuring fence, in their rear yard parallel to Hartland.

Yeas: 4 - Culpepper, Rashid, Nelson, Stimac
Absent: 1 - Dziurman

MOTION TO APPROVE CARRIED

ITEM #3 Emad Arsanos, 5112 Hertford, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that 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.

Mr. Arsanos was present and stated that the fence was to provide privacy and security, as his property is adjacent to three streets. The fence would be erected starting at the side of the home facing Berwyck, run back to Long Lake and run parallel to Long Lake.

Ken Christie, 5011 Berwyck, was present and objected to the variance, expressing a concern about the angle of sight.

Mr. Stimac questioned the petitioner about erecting a 4 foot high picket fence that was not as visually objectionable to the neighbor and also questioned the fact that the file for this site had two different site plans, showing conflicting setbacks from Berwyck.

Motion by Stimac
Supported by Rashid

MOVED, to table the request of Emad Arsanos, 5112 Hertford, until the October 4, 1995 regular meeting to allow an investigation into the true location of the home of the property, in regards to the setback from Berwyck.

Yeas: 4 - Stimac, Culpepper, Nelson, Rashid
Absent: 1 - Dziurman

MOTION TO TABLE UNTIL THE OCTOBER 4, 1995 MEETING CARRIED

ITEM #4 Julio E. Dominguez, 2280 E. Maple, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner's property is located on the south side of Maple between Leafgreen and Milverton. Although it is on a lot within the subdivision where the adjacent houses front on Shaker, the house pre-dates the subdivision and actually fronts on Maple. The petitioner proposes to install a 4 foot high chain link fence in the front yard along Maple where Chapter 83 limits the height to 30 inches.

ITEM #4

Mr. Dominguez was present and stated that it is his proposal to locate the fence approximately 5 feet inside the sidewalk in line with the other fences along E. Maple, indicating his property is the only lot in the area that does not have a fence. The fence is being provided for security.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There was one letter of objection on file.

Motion by Nelson
Supported by Rashid

MOVED, to approve the request from Julio E. Dominguez, 2280 E. Maple, for relief of Chapter 83 to erect a 4 foot high chain link fence in the front yard along Maple Road.

Yeas: 4 - Nelson, Rashid, Culpepper, Stimac
Absent 1 - Dziurman

MOTION TO APPROVE REQUEST CARRIED.

ITEM #5 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 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 N.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 lack these requirements and they seek relief from these requirements.

Michael Young and Gretchen Ozertites were present. Mr. Young stated that they are leasing the building and have had no problems with the present set up. They recently installed a climate controlled vault for some of their storage. During an inspection by the Fire Department they were notified that they were required to install in rack sprinklers. Mr. Young stated that they have consulted a sprinkler company and found it to be very costly and difficult to install the required sprinklers. Mr. Young explained the shelving system for storage, noting that the different height and depth was to accommodate their customers needs. Also, to install the sprinkler system would cut their ability to do business, due to the room needed to provide the required aisles. Mr. Young did offer to eliminate the mezzanine. Mr. Young noted that their business is maned nearly 24 hours a day because of the demand for records. There is someone there from 5:00 a.m. to 10:00 p.m. Mr. Young explained that it was their proposal to install a photoelectric smoke and heat early warning system. Mr. Nelson explained the problems that could be encountered by the Fire Department during fire response activities.

Motion by Nelson
Supported by Stimac

MOVED, to table the request from Safesite Records Management Corporation, 379 Executive, for relief of Section 1004.2.1 of the 1990 B.O.C.A. Code until the October 4, 1995 meeting to give the Fire and Building Department the opportunity to study the facility and determine the best method of protection.

ITEM #5

Yeas: 4 - Stimac, Nelson, Culpepper, Rashid.
Absent: 1 - Dziurman

MOTION TO TABLE UNTIL THE OCTOBER 4, 1995 MEETING CARRIED.

ITEM #6 John B. Corradi, MKC, Inc., 1090 Rochester Road, for relief
of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner's property is located on the east side of Rochester and comprises the entire block between Elmsford and Rankin. The petitioner proposes to fence off an undeveloped portion of his property at the southeast corner of his property. This fencing is between the building and Elmsford. Chapter 83 prohibits fences in the yards between the Building and any frontage street in the non-residential districts.

Leo Corradi and John Corradi were present. John Corradi stated that they propose to improve the site by installing landscaping and provide fencing to eliminate the trucks that cut through their property from Rankin to Elmsford.

The chairman opened the public hearing. There were no comments and the public hearing was closed.

There was 1 approval on file.

Motion by Stimac
Supported by Nelson

MOVED, to grant John B. Corradi, MKC, Inc., 1090 Rochester Road, relief of Chapter 83 to install a 4 foot high chain link fence running north from Elmsford, along the rear of their parking lot and then east to the rear lot line.

Yeas: 4 - Culpepper, Rashid, Nelson, Stimac
Absent: 1 - Dziurman

MOTION TO APPROVE REQUEST CARRIED

The Building Code Board of Appeals Meeting Adjourned at 9:50 a.m.

MS/ddb

