

A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, August 2, 1995 by the Chairman, Ted Dziurman.

PRESENT: Ted Dziurman  
William Nelson  
Kulsum Rashid  
Tim Richnak  
Mark Stimac

APPROVAL OF MINUTES: July 5, 1995

Motion by Nelson  
Supported by Richnak

MOVED, approve the July 5, 1995 minutes as written.

Yeas: All 5

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 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.

Mark Pope was present and explained that they have a depression in the yard and rather than follow the contour of the underlying ground they kept the fence level. Mr. Pope stated the he felt the fence constructed in that manner was a more sturdy construction than if he had stepped it. The fence was installed to provide protection for their pool, stating that because of their deck situation, a 4'6" fence which would the be the height required would not provide the safety desired.

The Board questioned Mr. Pope on methods of changing the fence to meet the code height.

The chairman opened the public hearing.

Lori Stewart, 6687 Westpointe, was present and objected to the fence, stating they back up to the property and the fence boxes them in. Also, Mr. Pope did not receive approval from the subdivision association. Mr. Pope responded that the builder/developer had not turned the subdivision requirements over to a membership as yet, and he did not object to the fence.

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

There were 5 objections and 8 approvals on file.

Motion by Richnak  
Supported by Stimac

MOVED, that the request from Mary Lynn Brombach and Mark L. Pope, 6675 Westpointe be tabled until the September 6, 1995 meeting to give the petitioner the opportunity to contact the builder/developer and get an approval or opinion on the fence installation.

Yeas: All 5

MOTION TO TABLE UNTIL THE SEPTEMBER 6, 1995 MEETING CARRIED.

ITEM #2 Joseph Dembicki, 1392 Larayne, for relief of Chapter 83 (Fence Ordinance).

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Mr. Stimac explained that the petitioners property is located at the east end of Larayne Street. The petitioner proposes to install a 6 foot high wrought iron fence with 8 foot high gates and posts. The fence is proposed to be located within the front yard. Chapter 83 of the Troy City Code limits the height of fences in front yards to 30 inches.

Joseph Dembicki was present and stated that the fence and gate were to provide security to his property and match the architecture of the home. His home is constructed on an acreage parcel of property with much of the land left in its natural state, with trees and brush. Because the home's architecture is different, many people wander through the woods or pull into the drive way and wander onto the property. During Winter months they get a lot of snowmobilers riding onto and around their property. Mr. Dembicki feels the fence and gate would provide more privacy to the grounds and because the property is more secluded than subdivision lots, and is on a large parcel, he feels the fence and gate would have no impact on neighboring properties.

Mr. Stimac questioned the possibility of installing a fence of lesser height, indicating it would still define a private area. Mr. Nelson expressed concerns about the gate and entry for emergencies. Mr. Richnak questioned the possibility of just erecting a gate, indicating the trees and brush should provide a natural barrier to the property.

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

There were 2 approvals on file.

Motion by Richnak  
Supported by Stimac

MOVED, to grant Joseph Dembicki, 1392 Larayne, a variance of the Fence Ordinance allowing a 6 foot high gate without the fence.

Yeas: 2 - Richnak and Stimac  
Nays: 3 - Rashid, Dziurman, Nelson

#### MOTION FAILS

Motion by Stimac  
Supported by Rashid

MOVED, to grant Joseph Dembicki, 1392 Larayne, a variance of the Fence Ordinance to:

1. Erect a 4 foot high wrought iron fence with a 6 foot high gate with gate pillars not to exceed 8 feet.
2. Locate the fence 15 feet south of the north property line along Larayne and up to the property line on the east end of Larayne.
3. Any locking device on the gate must be acceptable to emergency services.

Yeas: 4 - Dziurman, Stimac, Rashid, Nelson  
Nays: 1 - Richnak

#### MOTION TO APPROVE, AS MODIFIED, CARRIED

ITEM #3 Arnold & Karen Smith, 2039 Gabriel, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioners propose to install a 6 foot high wood fence along their west property line. A portion of the fence is located within the front yard. Chapter 83 of the City Code limits fences in the front yard to 30 inches in height.

Karen Smith was present and stated that the fence was to provide privacy and cut down on the noise from John R.

ITEM #3

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

There were 3 approvals on file.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Arnold & Karen Smith, 2039 Gabriel, a variance of the Fence Ordinance to install a 6 foot high wood fence along the west property line up to the north end of the garage on the adjacent property.

Yeas: All 5

MOTION TO APPROVE, AS MODIFIED, CARRIED.

The Building Code Board of Appeals adjourned at 9:55 a.m.

MS/ddb



