A regular meeting of the Building Code Board of Appeals was called to order at 8:32 a.m. on Wednesday, February 1, 1995 by the Chairman, Ted Dziurman.

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

APPROVAL OF MINUTES: January 4, 1995

Motion by Rashid
Supported by Culpepper

MOVED, to approve the January 4, 1995 minutes.

Yeas: All 5

MOTION TO APPROVE CARRIED

ITEM #1 Orion Homes, Inc., Melanine & Livernois, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner is developing a new subdivision on the west side of Livernois between Lovell and Aspinwall. Along the Livernois frontage, the petitioner is proposing to install an entrance way, which includes 4'6" high brick walls and picket fences. Chapter 83 of the Troy City Code limits the height of fences in the front yard setback to 30 inches. This item was tabled at the November 1994 meeting to allow the petitioner to investigate the maintenance options for the fence. This item was again tabled at the December and January meetings to give the petitioner the opportunity to be present.

Mike Lamb of Orion Homes was present and stated that the owner to the south has no objection to the proposed fence, they would like to see the fence with some landscaping. They are negotiating with the neighbor to the north to purchase the site for development of phase II of their subdivision. The fence and area of the fence will be maintained by the developer/builder until it is turned over to the subdivision association. The deed restrictions and subdivision by-laws will require maintenance. This will be an open type fence will not obstruct the view of traffic.

Motion by Stimac
Supported by Sinclair

MOVED, to grant Orion Homes, Inc., Outlot A and Lot #12, Melanine & Livernois, Lamb's End Subdivision, a variance to construct a 4' to 5' high fence, with the following conditions;

1. Screening elements be planted.
2. The petitioner shall provide a maintenance agreement to care for the fence located on non-private property.

Yeas: All 5

MOTION TO APPROVE CARRIED

ITEM #2 Gerald D. Kupel, 3641 Livernois, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner is proposing to erect an 8 foot high wood fence along a portion of their side (south) lot line. The Fence Ordinance limits fences along side or rear lot lines to 6 feet high.

Mrs. Kupel was present and stated that the higher fence was to provide privacy between her home and the property to the south. Mrs. Kupel noted that she did not want to plant screening elements, such as Arborvitae, as it would be very costly and cut down on the light into her home. Mrs. Kupel noted that she would be willing to replace the one or two sections, of fence in the area that privacy was desired, with an 8 foot high section of fence rather than add to the top of the existing fence.

ITEM #2

The chairman opened the public hearing and there was no one who wished to be heard. The chairman closed the public hearing.

There were 2 approvals on file.

Motion by Culpepper
Supported by Sinclair

MOVED, to grant Gerald D. Kupel, 3641 Livernois, a variance to replace 1 to 2 sections of their fence with 8 foot high sections or to raise those sections, to achieve the 8 foot height and add new fencing to the bottom where it is less likely to be seen. Also, with the condition that the posts on the 6 foot high sections of fence be cut down to match the fence height.

Yeas: Culpepper, Stimac, Rashid, Sinclair
Nays: Dziurman

MOTION TO APPROVE CARRIED

ITEM #3 Gary A. Tadian, Troy Lake Estates Homeowners Association, Lots 35, 37, 38, and 39, Troy Lake Estates, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioner is requesting permission to maintain a 48 inch high split rail fence which was constructed along the lot lines of Lots #35, 37, 38, and 39, parallel to John R. Because Lot #35 has frontage on Lakeside and John R. and lots 37, 38, and 39 have frontage on both Southpointe and John R., the ordinance requires that the front setbacks from both streets be met and the ordinance limits fences in this required setback to 30" high. Also, the fence is shown in a Greenbelt Easement, which has been reviewed and approved by Parks and Recreation. Mr. Stimac also mentioned that Parks and Recreation would like to see the same type fence installed along other lots that back up to John R. to maintain a consistency.

Gary Tadian was present and stated that because of a misunderstanding in a communication between himself and the developer, the fence had already been erected. Mr. Tadian indicated that if the Board did not approve the request, the fence would be removed. However, if the fence were approved, he would work with Parks and Recreation in regards to additional fencing, if reasonable. The subdivision deed restrictions would provide for maintenance of the fences.

The chairman opened the public hearing and there was no one who wished to be heard. The public hearing was closed.

Motion by Sinclair
Supported by Rashid

MOVED, to grant Gary A. Tadian, Troy Lake Homeowners Association, Lots 35, 37, 38 and 39, Troy Lake Estates, a variance to maintain a 48" high split rail fence, with the condition, landscaping be installed as directed.

Yeas: All 5

MOTION TO APPROVE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 p.m.

MS/ddb

MS