

A regular meeting of the Building Code Board of Appeals was called to order at 8:35 a.m. on Wednesday, January 4, 1995 by acting chairman, Michael Culpepper.

PRESENT: Michael Culpepper
William Nelson
Kulsum Rashid
Mark Stimac

ABSENT: Ted Dziurman

APPROVAL OF MINUTES: December 7, 1994

Motion by Nelson
Supported by Stimac

MOVED, to approve the December 7, 1994 minutes.

Yeas: All 4
Absent: Dziurman

MOTION TO APPROVE CARRIED

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

Mr. Stimac notified the Board that the petitioner was unable to attend the meeting and that since this is already a tabled item, tabling action can remain until the February meeting.

ITEM #2 Michael Cloutier, 2018 Brinston, for relief of Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioners property is located at the Southeast corner of John R and Brinston. Because there are other houses within the same block along John R which front on John R this is considered to be a double front corner lot. The petitioner has installed a 6' high wood fence within the yard along John R. Chapter 83 of the Troy City Code limits the height of fences within front yard locations to 30 inches high. The petitioner is asking relief to maintain this taller fence. This item was tabled at the December meeting to allow the petitioner to be present.

Michael Cloutier was present and stated that his fence does set back the same distance or further than other fences along John R. in the same area. The fence was constructed for the safety of his 3 year old and for privacy from the corner of John R. and Brinston.

Motion by Nelson
Supported by Rashid

MOVED, to grant Michael Cloutier, 2018 Brinston, a variance, as requested, to maintain a 6 foot high wood fence which runs parallel to John R. and is within the required setback from John R.

Yeas: All 4

MOTION TO APPROVE REQUEST CARRIED

ITEM #3 Brian D. Milidrag, 5300 John R., for relief of Chapter 83 (Fence Ordinance)

The chairman moved this request to the end of the agenda (Item #6) to give the petitioner the opportunity to be present.

ITEM #4 Larry Aronoff, 115 Cherry, for relief of Section 805.1 of the 1990 BOCA National Building Code.

Mr. Stimac explained that the petitioner has been hired to install a wheelchair lifting device on the basement stairs in a single family residence. The device, when in operation and when located at the top of the stairway, makes the stairway unusable. Section 805.1 of the BOCA Code prohibits the obstruction of a required means of egress.

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ITEM #4

Mr. Aronoff was present and stated that he has contracted to install the wheelchair lift platform, which is a State approved lift. The residence where the lift is to be installed is a single resident home and the homeowner requires the lift to access his basement as he is a quadruparaplegic and requires access to the basement for physical therapy and access to utilities. The lift will not affect anyone else in the home as he lives alone. Also the chair will not block the stairs as it sets at the bottom of the basement stairs when not in use. The chair has a brake release in the case of a power failure. The lift device is State inspected. Mr. Aronoff also submitted a letter from the homeowner indicating his need for the lift.

Motion by Nelson
Supported by Stimac

MOVED, to grant Larry Aronoff, 115 Cherry, a variance, as requested, for relief to install a wheelchair lifting platform, with the stipulation that the device be kept at the lower level when not in use.

Yeas: All 4
Absent: Dziurman

MOTION TO APPROVE REQUEST CARRIED

ITEM #5 Larry Aronoff, 4488 Reilly, for relief of Section 817.3 of the BOCA National Building Code.

Mr. Stimac explained that the petitioner has been hired to install a chair lifting device of the stairway between the first and second floor of a single family residence. The device, when installed will leave a clear stair width of only 20". Section 817.3 of the BOCA Code requires 36" minimum clear width on a stair within a single family residence. Mr. Stimac further commented that the clear stair width is approved in the 1993 B.O.C.A. Code. However, the City has not adopted the 1993 code yet.

Mr. Aronoff was present and stated that he has been contracted to install a chair lifting device for the resident at 4488 Reilly. The homeowner has a two story home and the bedrooms are on the second floor. The homeowner has a neurological degenerative muscle disorder and is unable to climb the stairs to have access to the bedroom areas.

Motion by Rashid
Supported by Nelson

MOVED, to grant Larry Aronoff, 4488 Reilly, a variance, as requested for relief to install a chair lift to access the second floor, resulting in a 20" clear stair width where 36" is required.

Yeas: All 4
Absent: Dziurman

MOTION TO APPROVE REQUEST CARRIED.

ITEM #6 (ITEM 3) Brian D. Milidrag, 5300 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 Tucker. The petitioner has installed a six foot high wood fence along a portion of the North property line. A portion of that fence extends in front of the front building line. Chapter 83 of the Troy City Code limits fences in front of the front building setback line to a maximum of 30 inches. The petitioner is requesting relief to maintain the fence in this location.

Brian D. Milidrag was present and stated that he obtained a Fence Permit and erected the fence, he did not realize that the one section of fence (approximately 8 feet) that extends beyond the front of the house was in violation. The fence was erected along the side lot line to a line of dense evergreen type trees to provide privacy.

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ITEM #6 (ITEM #3)

The chairman opened the public hearing. Mrs. Virginia Holman, 5318 John R. was present and objected to the section of fence extending in front of the front building line, indicating it blocked her view. Mrs. Bridget Brown, 5280 John R. was present and objected, noting that the fence blocked her view. There was no one else who wished to be heard. The chairman closed the public hearing.

There were 2 letters of objection on file.

Motion by Stimac
Supported by Rashid

MOVED, to grant Brian D. Milidrag, 5300 John R., a variance, as requested to maintain the section of fence that extends beyond the front building line by approximately 8 feet.

Yeas: Stimac, Rashid, Nelson
Nays: Culpepper

MOTION TO APPROVE REQUEST CARRIED.

The Building Code Board of Appeals adjourned at 9:25 p.m.



