

A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, November 2, 1994 by the Chairman, Ted Dziurman.

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

APPROVAL OF MINUTES: October 5, 1995

Motion by Culpepper  
Supported by Rashid

MOVED, to approve the October 5, 1994 minutes with the following correction: The date of the minutes be corrected to read October 5, 1994 instead of October 7, 1994.

Yeas: All 5

MOTION CARRIED

ITEM #1 Akram Y. Alnaraie, 2956 Truffle, for relief of Chapter 83  
(Fence Ordinance)

Mr. Stimac explained that the petitioners property is located on the north side of Truffle. The property also has a property line on Big Beaver. Since there are other properties in the same block which front on Big Beaver. The yard adjacent to Big Beaver is considered to be a front yard. The petitioner is proposing to place a 6 foot high wood fence in this area where Chapter 83 limits the height to 30 inches. Mr. Stimac further explained that there is a 41 foot landscaped greenbelt easement across the rear of this property. This request has been reviewed by Parks and Recreation and placement of a 6 foot high fence within this greenbelt would be denied. Also, the Board cannot grant approval to install a fence of this type within this greenbelt easement.

Akram Alnaraie was present and stated that the proposed fence is to keep his dog in the yard and give the dog the run of the full back yard. If he were to place the fence inside the greenbelt easement, he would lose half of the rear yard.

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

Motion by Culpepper  
Supported by Stimac

MOVED, to deny the request of Akram Y. Alnaraie, 2956 Truffle, for relief of Chapter 83 to place a 6 foot high wood fence along the rear property line, parallel to Big Beaver;

1. There is a 41 foot greenbelt easement across that portion of the rear yard and a fence of the proposed height is not permitted and the Board does not have the authority to grant a variance.

Yeas: All 5

MOTION TO DENY REQUEST CARRIED

ITEM #2 Orion Homes, Inc., Melanie and Livernois, for relief of  
Chapter 83 (Fence Ordinance)

Mr. Stimac explained that the petitioners is developing a new subdivision on the west side of Livernois between Lovell and Aspinwall. Along the Livernois frontage, the developer 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.

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## ITEM #2

Murray Diegle was present to represent Orion Homes and stated that this is a single entrance new subdivision, the proposed structure would identify a concept of the subdivision and block the view of the retention pond. Mr. Diegel further commented that a 30 inch structure would not give the same concept and would not screen the retention pond.

Mr. Culpepper expressed concerns about future maintenance of the structure. Mr. Diegel responded that they would be happy to post a service bond.

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

There were 4 objections on file.

Motion by Stimac  
Supported by Sinclair

MOVED, to table the request of Orion Homes, Inc., Malanie and Livernois, for relief of Chapter 83 to place a 4'6" high brick walls with picket fences at the subdivision entrance, to permit the petitioner and the City the opportunity to investigate the possibility of providing a method for future maintenance of the structure and area of the structure.

Yeas: All 5

MOTION TO TABLE REQUEST CARRIED

ITEM #3 Scott E. Zilincik, 5975 Diamond, for relief of Chapter 83  
(Fence Ordinance)

Mr. Stimac explained that the petitioners property is at the north end of Diamond. It also has a yard adjacent to Square Lake Road. Since there is an existing residence fronting on Square Lake within the same block, this yard adjacent to Square Lake is considered a front yard. The petitioner is proposing to locate a 6 foot high wood fence in this area where Chapter 83 limits the height of any fencing to 30 inches.

Scott and Gina Zilincik were present and stated that the fence was for the safety of their small children and to block the view of the church parking lot across Square Lake Road. Their fence would not obstruct the view of traffic. The Board questioned moving the fence in and Mr. & Mrs. Zilincik stated that to move the fence in to meet code would cut down their rear yard and destroy landscaping.

The chairman opened the public hearing. Doug Bordes was present to represent the Homeowners Association and objected to the variance, indicating that subdivision regulations prohibit fences exceeding 48 inches in height. There were no further comments and the chairman closed the public hearing

There was 1 approval and 2 objections on file

Motion by Stimac  
Supported by Culpepper

MOVED, to deny the request of Scott E. Zilincik, 5975 Diamond, for relief of Chapter 83 to erect a 6 foot high fence along the rear lot line, parallel to Square Lake.

Yeas: All 5

There was further discussion on the fence location.

Motion by Stimac  
Supported by Rashid

NOVEMBER 2, 1994

ITEM #3

MOVED, to reconsider the motion.

Yeas: All 5

Motion by Stimac  
Supported by Rashid

MOVED, to table the request of Scott E. Zilincik, 5975 Diamond, for relief of Chapter 83, to erect a 6 foot high wood fence along the rear property line, parallel to Square Lake Road, to give the petitioner the opportunity to submit revisions to the fence location.

Yeas: All 5

MOTION TO TABLE REQUEST CARRIED.

ITEM #4 Karen & Greg Mead, 3023 Oakhill, for relief of Chapter 83  
(Fence Ordinance)

Mr. Stimac explained that the petitioners property is located on the west side of Oakhill. The property continues through and has a property line on Adams Road. Since other houses, within the same block, front on Adams, this yard adjacent to Adams is considered a front yard. The petitioner is requesting permission to locate a 6 foot high wood fence along Adams Road where Chapter 83 limits the height of fences to 30 inches.

Karen and Greg Mead were present. The petitioners stated that the proposed fence was for the safety of their children and provide security and privacy from Adams Road. There are evergreens and shrubs that would partially block the view of the fence. The Board and Mr. & Mrs. Mead discussed location of the fence.

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

There were 4 approvals on file.

Motion by Stimac  
Supported by Culpepper

MOVED, to grant Karen & Greg Mead, 3023 Oakhill, a variance for relief of Chapter 83 to erect a 6 foot high wood fence across the rear of their lot parallel to Adams Road, with the following stipulation:

1. The fence be located on the east side of the row of evergreens along the rear lot line area.

Yeas: All 5

MOTION TO APPROVE, AS STIPULATED, CARRIED.

The Building Code Board of Appeals adjourned at 9:45 a.m.

MS/ddb



