

A regular meeting of the Building Code Board of Appeals was called to order at 8:35 a.m. on Wednesday, September 7, 1994 by the Chairman, Ted Dziurman.

PRESENT: Ted Dziurman  
Mike Karloff  
Kulsum Rashid  
Richard Sinclair  
Mark Stimac

APPROVAL OF MINUTES

Motion by Sinclair  
Supported by Stimac

MOVED to approve the August 3, 1994 minutes.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO APPROVE CARRIED.

Motion by Sinclair  
Supported by Stimac

MOVED, to approve the August 24, 1994 minutes.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #1 Nick Mitchell, Athens Plaza, 120-140 W. Maple, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioner is asking for renewal of a relief granted, by this Board, in August of 1992. The petitioner owns a multi-tenant commercial center at 120-140 W. Maple. He was granted relief to construct a 45" high fence in the front yard of a non-residential development where Chapter 83 prohibits fences. This item was tabled at the last regular meeting to give the petitioner the opportunity to be present.

Nick Mitchell was present and stated that although the vegetation has grown, during the Winter months when the leaves drop the area is more open and he is very concerned about the 2 foot drop off. Because there is the 2 foot drop off, Mr. Mitchell stated that he is concerned with the safety of customers that may try to take a short cut through the area. Because of the drop off, Mr. Mitchell indicated that he was interested in a permanent variance.

Motion by Stimac  
Supported by Rashid

MOVED, to grant Nick Mitchell, 120-140 W. Maple, a two year renewal of the variance for relief to maintain a 45 inch high fence along the east line of the front setback.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO RENEW VARIANCE FOR TWO YEARS CARRIED.

ITEM #2 Barry and Linda Adams, 2047 Prescottt, for relief of Chapter 83 (Fence Ordinance).

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## ITEM #2

Mr. Stimac explained that the petitioners property is located on the west side of Prescott. Their property also has a property line on John R. Since there are other properties within the same block fronting on John R., the yard adjacent to John R. is considered to be a front yard. The petitioners propose to locate a 6 foot high wood fence in this front yard adjacent to John R., where Chapter 83 (Fence Ordinance) limits fences to 30 inches.

Linda Adams was present and stated that the request for the 6 foot high fence along their rear lot line was for safety of their children and other children that may be playing in their yard and to keep dogs out their yard because they back up to John R., which is a busy street. Mrs. Adams stated that when they purchased the home, they were not aware of the double front yard setbacks and to move the fence in to the required setback would cut their rear yard in half. Mrs. Adams also stated they would like install the same type fence and keep their fence in line with the neighbor to the south to create a more uniform look

The chairman opened the public hearing.

There were no comments.

The chairman closed the public hearing.

There were 3 approvals on file: Lisz Berschbach, 2094 Prescott - Robert Vogel, 2086 Brinston - James Wallace, 2023 Prescott.

Motion by Rashid  
Supported by Karloff

MOVED, to grant Barry & Linda Adams, 2047 Prescott, a variance, as requested for relief to construct a 6 foot high wood fence along their rear lot line, abutting John R., based on the following:

1. The fence will provide safety for their children.
2. The fence shall be kept in line with the neighbor's fence to the south and shall be of the same type.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO APPROVE, AS STIPULATED, CARRIED.

ITEM #3 David R. Samuel, 1282 Tennyson, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioners property is located at the southwest corner of the intersection of Tennyson and Sandburg. This lot, by definition, is a double front corner lot. The petitioner has erected a 6 foot high wood fence within the front yard adjacent to Sandburg. They are now requesting relief to keep the fence in this location where Chapter 83 (Fence Ordinance) limits the height of fences to 30 inches.

Mr. Samuel was present stated that when he erected the fence he was not aware that he was in violation. The fence was erected because of the location of his home and the adjacent streets. Car light shine directly into their family room and in the Summer when the doorwall is open they have no privacy.

The chairman opened the public hearing.

There were no comments.

The chairman closed the public hearing.

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## ITEM #3

There were 8 approvals on file: Jeff & Laurie Mentley, 3714 Sandburg - Suikeng Lai, 1283 Tennyson - Keith Gust, 3666 Sandburg - Martin Ceremuga, 3701 Sandburg - Bob & Shirley Lay, 3726 Sandburg - JoAnn Woyak, 3776 Mark - Cynthia King, 3690 Sandburg - Scott Behn, 1242 Tennyson.

Motion by Karloff  
Supported by Rashid

MOVED, to grant David Samuel, 1282 Tennyson, a variance as requested, for relief to erect a 6 foot high wood fence within the front setback adjacent to Sandburg, based on the following:

1. The fence will provide privacy.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED

ITEM #4 James M. Bonnici, 2988 Winter, for relief of Chapter 83  
(Fence Ordinance).

Mr. Stimac explained that the petitioners property is located at the southwest corner of Winter and Dequindre. The lot, by definition, is a double front corner lot. The petitioner is proposing to replace an existing 5 foot high wood fence with a new 5 foot high fence within the front yard adjacent to Dequindre. Chapter 83 (Fence Ordinance) limits fences in front yard locations to 30 inches high.

Mr. Bonnici was present and stated that the fence was there when he moved in 8 years ago and had deteriorated. Mr. Bonnici further stated that he re-erected the fence to provide safety for his children and reduce the noise from Dequindre.

The chairman opened the public hearing.

There were no comments.

The chairman closed the public hearing.

There 4 approvals on file: Wm. T. Brines, 2987 Winter - Sheri & Mary Vinicki, 2952 Winter - Sherrill Ann Howatt, 2964 Winter - Sharon & James Phillips, 2976 Winter.

Motion by Stimac  
Supported by Karloff

MOVED, to grant James M. Bonnici, 2988 Winter, a variance, as requested for relief to maintain a 5 foot high wood fence erected along the rear lot line and parallel to Dequindre, based on the following:

1. This is a replacement of a fence that was erected a number of years ago.
2. The fence will not obstruct traffic from Mr. Bonnici's site or the adjacent site.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO APPROVE REQUEST CARRIED.

ITEM #5 Clement Levy for L & W Services, Inc., 2670 Industrial Row, for relief of Section 2801.3 of the B.O.C.A. Fire  
Prevention Code.

## ITEM #5.

Mr. Stimac explained that the petitioner is the owner of an airplane service located at the Troy-Oakland Airport. The petitioner is proposing to install two 10,000 gallon above ground storage tanks. Section F-2803.1 of the 1984 B.O.C.A. National Fire Prevention Code does not permit the installation of above ground tanks for flammable liquids. the petitioner is asking relief to install this system.

Mr. Levy was present and stated that the tanks were needed to fuel airplanes. The tanks will not be seen from adjacent properties as they will be screened by a 10 foot high fire protective wall as required for safety purposes. There will be no fueling of planes, at the tank site, by individuals. A tank truck will be filled at the tank location and taken out to fuel the planes. Mr. Levy further stated that there would be no additional above ground tanks at this site.

Motion by Stimac  
Supported by Sinclair

MOVED, to grant Clement Levy, L & W. Services, Inc., 2670 Industrial Row, a variance to install two (2) 10,000 gallon above ground fuel storage tanks, with the following provisions:

1. The tanks be located 50 feet from any property line and 350 feet from other existing tanks.
2. The tanks be located within a 2-hour rated wall or shall be 2-hour rated tanks in compliance with N.F.P.A. Standards.

Yeas: 5  
Nays: 0  
Absent: 0

MOTION TO APPROVE, AS STIPULATED, CARRIED.

The Building Code Board of Appeals adjourned at 9:30 a.m.

MS/ddb

