

A regular meeting of the Building Code Board of Appeals was called to order at 8:34 a.m. on Wednesday, January 5, 1994 by the Chairman Ted Dziurman.

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

APPROVAL OF MINUTES - November 3, 1993

Motion by Rashid
Supported by Culpepper

MOVED, to approve the November 3, 1993 minutes as presented.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #1. Jerry L. Whitefoot, 3414 Eagle, for relief of Chapter 83,
Fence Ordinance.

Mr. Stimac explained that the petitioner's property is located at the southeast corner of Eagle and Academy. This parcel, by definition, is a double front corner lot. The petitioner has requested permission to install a 48" high chain link fence within the front yard along Academy. Chapter 83 of the Troy City Code (Fence Ordinance) limits the height of fences in the front yard to no taller than 30". The petitioner seeks relief to install this taller fence.

Jerry Whitefoot was present and stated that they are on a corner lot and he is requesting relief to construct a 48 inch high vinyl clad chain link fence, which he feels will be the least noticeable. Mr. Whitefoot stated that he has a large dog and the fence will confine the dog and provide more safety to children in the area, than a 30 inch fence would. The fence will not obstruct view and he does not feel 18 inches would be that noticeable. Mr. Whitefoot indicated that there are shrubs in the area that block the view more than the fence would. Also, there are several similar fences in the subdivision. Mr. Whitefoot stated that to construct a fence that conformed to code would cause him to loose approximately half of the rear yard.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

ITEM #1.

There were 3 approvals on file: Laura Michon, 3410 Colwell - Robert C. & Mei Rong Yew, 3413 Eagle - Renee M. Kaczmarczyk, 3408 Eagle.

There were 2 objections on file: James E. Kostrzewa, 2254 Academy - Mary Polidori, 2230 Academy.

Motion by Culpepper
Supported by Rashid

MOVED, to grant Jerry L. Whitefoot, 3414 Eagle, a variance, as requested, to construct a 48" high green vinyl clad chain link fence, within the required setback from Academy, where a 30 inch high fence would be permitted:

1. There are similar fences in the area.
2. The green vinyl fence is superior to a chain link fence, in appearance.
3. The higher fence will confine their dog.
3. The immediate neighbor has substantial landscaping, screening the view of the fence.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE VARIANCE REQUEST CARRIED.

The Building Code Board of Appeals adjourned at 8:50 a.m.

MS/ddb

