

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on April 1, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Michael Morris  
Andrew Schuster

Absent:

Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Abitheira  
Support by: Schuster

**RESOLVED**, To approve the minutes of the March 4, 2015 Regular meeting as submitted.

Yes: All present (4)  
Absent: Kischnick

**MOTION CARRIED**

3. HEARING OF CASES

A. **VARIANCE REQUEST, JUSTIN L. CAMILLERI, 5231 ABINGTON** – This property is a double front corner lot. As such it has a 30 foot required front setback along both Abington and Church Hill. The petitioner is requesting a variance to install a 5-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received two written responses to the public hearing notices; one via email and one hand carried to today's meeting. Both communications express opposition to the variance request as submitted.

Mr. Camilleri said he and his wife believe a 5-foot high fence would provide a safe and secure play area for their two children who are under the age of five and a family pet in the future. He said they were not aware of the fence requirements for a corner lot when they purchased the home. Mr. Camilleri said the proposed placement of the fence would not cause any vision obstruction and would be aesthetically pleasing to the neighborhood. Mr. Camilleri distributed pictures of preferred fence styles.

There was discussion on:

- Lot size; hardship as relates to small back yard.
- Removal of existing shed; applicant addressed cost and timeliness in removal.
- Fence placement, height and material allowed without obtaining a variance.
- Location of two written communications, 5229 Church Hill and 5219 Abington, in relation to subject property.

Chair Dziurman opened the floor for public comment.

Mark Nicholson, 5272 Church Hill, voiced opposition. He addressed the proposed fence height, visual sight line, property values, fence material and color and aesthetics of neighborhood.

Larry Slimak, 5303 Church Hill, voiced opposition to any fence higher than 4 feet. Mr. Slimak addressed visual sight line at the corner, aesthetics, property values and the importance of fence color.

Erika Resh, 5320 Church Hill, voiced opposition. She specifically addressed the potential for vehicular visual obstruction at the corner, the proposed fence height and material.

Barbara Wright, 5255 Church Hill, voiced opposition. She addressed the proposed 5-foot height of the fence.

John Poholsky, 5279 Church Hill, voiced opposition. He would like to see the applicant match the material and color of the existing fence at 5272 Church Hill.

Chair Dziurman closed the floor.

Mr. Grusnick addressed:

- Procedure to postpone a variance request.
- City Code relating to corner clearance obstruction of vision.
- Visual sight line from intersection.
- City Code relating to fence material and color.

Mr. Abitheira identified various options available to the applicant.

Mr. Camilleri asked to postpone the variance request so he could address concerns of the neighbors.

Moved by: Abitheira  
Support by: Schuster

**RESOLVED**, To postpone the item at the request of the applicant to the May 6, 2015 meeting.

Yes: All present (4)  
Absent: Kischnick

**MOTION CARRIED**

Mr. Grusnick announced there would be no public notices mailed on this matter for the May 6<sup>th</sup> meeting.

- B. **VARIANCE REQUEST, BAISHALI DEB, 42249 DEQUINDRE** – A variance to install a 4-foot high gate across the driveway along the front property line. The fence code limits the height of fencing in front yards to 30 inches.

Mr. Grusnick reviewed the variance request. Mr. Grusnick said the applicant submitted a revised drawing showing the gate height at 4 feet. The Board’s agenda packet showed the gate height at 4 feet, 8 inches. Mr. Grusnick reported the department received no responses to the public hearing notices.

Mr. Deb said the 4-foot high gate would protect his toddler from the heavily trafficked Dequindre Road. The applicant advised the Board that he intends to construct a 48-inch high fence that would enclose the open space areas between the gate and his neighbor’s fence to the south and to the bushes to the north.

Mr. Grusnick said the Board could only make a determination on the variance request as published for the 4-foot high gate. Mr. Grusnick suggested the applicant withdraw the application for consideration in front of the Board today and submit a new variance request application for both the gate and fence.

Mr. Grusnick addressed future plans of the County to widen Dequindre in 2016. He shared that the Superintendent of Streets for the County suggested to set back the fence and gate another 10 feet to accommodate the road widening. Mr. Grusnick addressed measurements of the open spaces alongside the proposed gate and the existing bushes.

Mr. Deb withdrew the variance request in front of the Board today for consideration.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

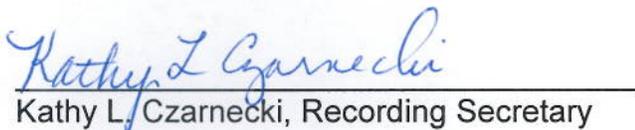
Chair Dziurman said he hopes to see all the Board members at the City's 2015 Volunteer Appreciation Lunch on May 12.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:55 p.m.

Respectfully submitted,

  
Theodore Dziurman, Chair

  
Kathy L. Czarnecki, Recording Secretary