Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 6, 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: Schuster
Support by: Abitheira

RESOLVED, To approve the minutes of the April 1, 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. This variance request was an item on last month's April 1, 2015 meeting. The owner, Mr. Camilleri requested to postpone this item until the May 6 meeting so he could address concerns with his neighbors. The Board granted the motion for postponement.

Mr. Grusnick reviewed the variance request.

Mr. Camilleri said he and his neighbors reached an agreement on the height and style of the fence. He asked the Board to grant the variance for a 4 foot high non-obscuring vinyl fence. Mr. Camilleri presented a written letter of support from neighbors Barbara and Jack Wright of 5255 Church Hill and indicated a few neighbors are present in the audience in support of the variance request.

Chair Dziurman opened the floor for public comment.

The following persons spoke in support of the variance request.
- Mark Nicholson, 5272 Church Hill
- Lawrence Slimak, 5303 Church Hill

Mr. Grusnick identified the following persons who spoke at the April 1, 2015 meeting and asked if they were present:
- Erika Resh, 5320 Church Hill (not present)
- Barbara Wright, 5255 Church Hill (not present, written comment in support)
- John Poholsky, 5279 Church Hill (not present)

Chair Dziurman closed the floor.

Moved by: Abitheira
Support by: Morris

RESOLVED, To grant the request for a 4-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill, based on the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

B. **<u>VARIANCE REQUEST, JOE GLASER OF LOWES, 3971 ESTATES</u>** – This property is a double front corner lot. The Board of Zoning Appeals granted a variance in 2002 establishing a 32 foot front setback requirement along W. Wattles. The petitioner is requesting a variance to install a 6 foot high vinyl privacy fence set back 4 feet from the property line along W. Wattles where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received three written responses to the public hearing notices; two comments were from the same person in opposition; one comment in support.

Joe Glaser of Lowes addressed the proposed location of the fence and the fence style and quality.

Robert Bellini stated the primary purpose to install the fence is for the safety of his two young children. He indicated he discussed his plans with two of his neighbors, to the west and to the south, and neither neighbor voiced objection.

There was discussion on:

- Proposed location of fence; inside existing hedgerow, 4 feet inside sidewalk.
- Angling of fence to provide clearance of any visual obstruction.
- Public hearing responses; relationship to variance request.
- Existing fences in the neighborhood.
- Setback variance granted in 2002 for sunroom addition.

Chair Dziurman opened the floor for public comment. There was no one present who wished to speak; the floor was closed.

Moved by: Abitheira
Support by: Schuster

RESOLVED, To grant the request for a 6 foot high vinyl privacy fence set back 4 feet from the property line along W. Wattles, with the condition of providing a triangular corner clearance starting at the northwest corner measuring 25 feet south and 25 feet east, based on the following reason:

1. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

Mr. Glaser provided a brochure of the fence to be installed. He said he would resubmit plans showing the corner clearance.

C. **VARIANCE REQUEST, BAISHALI DEB, 42249 DEQUINDRE** – A variance to install a 4 foot high 12 foot long steel gate and 14 linear feet of 4 foot high aluminum fence in the front yard. The fence and gate are proposed to be set back 13 feet from the Dequindre Road public sidewalk. City Code limits the height of fences in front yards to 30 inches. A similar variance request was an item on last month's April 1, 2015 meeting. During the meeting Mr. Deb realized his request was for a gate only with no additional fencing and withdrew his variance request.

Mr. Grusnick reviewed the variance request. He reported the department received no responses to the public hearing notices.

Mr. Deb said the gate and fence would provide protection from the busy Dequindre Road for his two young children.

There was discussion on:
- Setback allowance for future widening of Dequindre.

Chair Dziurman opened the floor for public comment. There was no one present who wished to speak; the floor was closed.

Moved by: Abitheira
Support by: Morris

RESOLVED, To grant the request, based on the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

D. **VARIANCE REQUEST, RANDY HUYCK OF ACTION FENCE, 1804 WOODGATE** – This property is a double front corner lot. As such it has a 25 foot required front setback along both Woodgate and Crestline. The petitioner is requesting a variance to install a 4 foot high non-obscuring chain link fence along the Crestline property line 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 in opposition of the proposed variance.

Tony and Meggan Iacona were present. They addressed:
- Reason for fence; safety for children.
- Location of fence; utilize as much property for back yard.
- Contact with adjoining property owner (1809 Crestline); no objection voiced.
- No traffic control sign at the intersection.

There was discussion on:
- Public hearing responses; relationship to variance request.
- Location of proposed fence along property line.

Chair Dziurman opened the floor for public comment.

Norm Langevin of 1769 Woodgate, confirmed specifics about the variance request. He voiced no objection.

Chair Dziurman closed the floor.

Mr. Iacona asked to postpone the variance request so concerns of the neighbors could be addressed.

Moved by: Morris
Support by: Schuster

RESOLVED, To postpone the item at the request of the applicant to the June 3, 2015 meeting.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

Mr. Grusnick announced there would be no public notices mailed on this postponed item for the June 3rd meeting.

E. **VARIANCE REQUEST, DANIEL HEILEMAN OF HEILEMAN SIGNS, 1821 MAPLELAWN** – A variance to the Sign Code to allow a 24.1 foot tall, 129.5 square foot ground sign to be set back 17 feet from the front property line. The Sign Code requires the sign to be set back at least 30 feet from the front property line.

Item pulled from agenda because it was incorrectly publicized. The item will be re-publicized and scheduled for the June 3, 2015 meeting.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:06 p.m.

Respectfully submitted,

Theodore Dziurman /klc

Theodore Dziurman, Chair

Kathy L Czarnecki

Kathy L. Czarnecki, Recording Secretary

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BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

May 6, 2015

NAME (PLEASE PRINT)		*ADDRESS*
Justin Camilleri	✓	5231 Abington Dr, Troy, MI
Randy Huycek	✓	1804 WOODGATE
Meggan Jacona	✓	1804 Woodgate
Tony Jacona	✓	1804 Woodgate
Robert Belliwi	✓	3971 Estates
LAWRENCE SCIMAK	✓	5303 CHURCH HILL
JOE GLASER	✓	LOWE'S
NORM LANGEVIN	✓	1769 WOODGATE
BARSHOOK DFB	✓	
Mark Nicholson	✓	5272 church Hill pr.
NAME (PLEASE PRINT)		*ADDRESS*

BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET

May 6, 2015