



# BUILDING CODE BOARD OF APPEALS REGULAR MEETING AGENDA

500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3344  
[www.troymi.gov](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

Theodore Dziurman, Chair; Gary Abitheira  
Brian Kischnick, Michael Morris, Andrew Schuster

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**December 2, 2015**

**3:00 PM**

**COUNCIL BOARD ROOM**

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1. ROLL CALL

2. APPROVAL OF MINUTES – November 4, 2015  
November 18, 2015

3. HEARING OF CASES

- A. **VARIANCE REQUEST, ALHAJ-SALEH ABDALLAH, 5691 LIVERNOIS** – This property is a double front corner lot. As such it has a 40 foot minimum required setback along Blanche. The petitioner is requesting a variance to install a 6 foot high privacy fence set back 10 feet along the Blanche property line where City Code limits fences to 30 inches high and non-obscuring.

**CHAPTER 83 (2) (a)**

- B. **VARIANCE REQUEST, LISA J. DAIK, 3452 WOLVERINE** – This property is a double front corner lot. It has a 25 foot minimum required setback along both Wolverine and Winter. The petitioner is requesting a variance to install a 4 foot high non-obscuring fence along the Winter property line where City Code limits fences to 30 inches high.

**CHAPTER 83 (2) (a)**

4. COMMUNICATIONS

5. PUBLIC COMMENT

6. MISCELLANEOUS BUSINESS

- A. 2016 MEETING DATES

7. ADJOURNMENT

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto:clerk@troymi.gov) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Acting Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:20 p.m. on November 4, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira  
Brian Kischnick  
Michael Morris

Members Absent

Theodore Dziurman, Chair  
Andrew Schuster

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Allan Motzny, Assistant City Attorney  
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: Kischnick  
Support by: Morris

**RESOLVED**, To approve the minutes of the October 7, 2015 Regular meeting as submitted.

Yes: All present (3)  
Absent: Dziurman, Schuster

**MOTION CARRIED**

3. HEARING OF CASES

A. VARIANCE REQUEST, TINA PRIESKORN FOR PARAMOUNT FENCE, 2165

WOODINGHAM – This property is a double front corner lot. As such it has a 30 foot required front setback along both Woodingham and Colonial. The petitioner is requesting a variance to install a 4 foot high non-obscuring fence set back 1 foot along the Colonial property line and a 6 foot high rear yard privacy fence set back 1 foot from the Colonial property line where City Fence Code limits fences to 30 inches high and non-obscuring.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Property owner Julie Rochowiak informed the Board the height of all of the fencing would be 4 feet. The application submitted by the fence company was in error stating the rear fence would be 6 feet high.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Kischnick  
Support by: Morris

**RESOLVED**, To grant the variance request as corrected for an 18-inch variance in fence height, for the following reason:

- 1. The proposed fence is transparent.

Yes: All present (3)  
Absent: Dziurman, Schuster

**MOTION CARRIED**

- B. **VARIANCE REQUEST, KEYI XING AND YUAN CHI, 5917 MARBLE** – This property is a double front corner lot. As such it has a 30 foot required front setback along both Marble and Marble Court. The petitioner is requesting a variance to install a 4 foot high vinyl obscuring fence, set back 10 feet along the Marble Court property line where City Fence Code limits fences to 30 inches high and non-obscuring.

Mr. Grusnick reported the department received one written response in opposition of the variance request.

Property owner Keyi Xing was present.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Morris  
Support by: Kischnick

**RESOLVED**, To grant the variance as requested, for 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 (3)  
Absent: Dziurman, Schuster

**MOTION CARRIED**

- C. **VARIANCE REQUEST, PATRICK DEPA FOR INTERNATIONAL OUTDOOR, INC., 1125 NAUGHTON** – The petitioner is requesting relief of the Sign Code to install a 70 foot tall, 1,608 square foot ground sign set back 0 feet from the property line adjacent to I-75 and 148 feet from the property line adjacent to Naughton, and less than 1,000 feet from any sign exceeding 100 square feet in area. The following variances are requested:
- A 200 foot variance to the required 200 foot setback from the adjacent I-75 property line.
  - A 52 foot variance to the required 200 foot setback from the adjacent Naughton property line.
  - A 1308 square foot variance from the requirement that the sign not exceed 300 square feet in area.
  - A 45 foot variance from the requirement that the sign not exceed 25 feet in height.
  - A 625 foot variance from the requirement that the sign be located at least 1,000 feet from any sign exceeding 100 square feet in area.
- D. **VARIANCE REQUEST, PATRICK DEPA FOR INTERNATIONAL OUTDOOR, INC., PARCEL ON AUSTIN (88-20-26-401-056), ASSOCIATED WITH 1705 AND 1709 AUSTIN** – The petitioner is requesting relief of the Sign Code to install a 70 foot tall, 1,608 square foot ground sign set back 0 feet from the property line adjacent to I-75, and less than 1,000 feet from any sign exceeding 100 square feet in area. The following variances are requested:
- A 200 foot variance to the required 200 foot setback from the adjacent I-75 property line.
  - A 1308 square foot variance from the requirement that the sign not exceed 300 square feet in area.
  - A 45 foot variance from the requirement that the sign not exceed 25 feet in height.
  - A 425 foot variance from the requirement that the sign be located at least 1,000 feet from any sign exceeding 100 square feet in area.

Agenda items C and D were considered concurrently.

Mr. Grusnick reported the department received one written response in opposition to 1705 and 1709 Austin and one written response in opposition to 1125 Naughton.

Present were:

- Randy Oram, International Outdoor, Inc., President
- Patrick Depa, International Outdoor, Inc., Real Estate/Certified Planner
- Jim Renshaw, Giffels Webster, Traffic Engineer

Mr. Abitheira opened the floor for public comment.

- Jim Ellison, 1309 Mohawk, Royal Oak, present on behalf of 1750 Austin; spoke in opposition.
- Jodie Ellison, 1309 Mohawk, Royal Oak; business owner of 1750 Austin (Play & Stay Pet Center); spoke in opposition.
- Kevin Mancier, 852 Lynhaven Court, Rochester Hills, on behalf of C&C Grinding, 1685 Austin; spoke in opposition.
- Derek Dickow, 6476 Orchard Lake Road, West Bloomfield; identified and submitted written correspondence from numerous business owners in support.
- Steve Shaya, International Outdoor Inc., 28423 Orchard Lake Road, Farmington Hills; spoke in support.

Moved by: Abitheira  
 Support by: Kischnick

**RESOLVED**, To table the items to a Special meeting of the Board on November 18, 2015 at 3:00 p.m.\* and to keep the public hearing open.

Yes: All present (3)  
 Absent: Dziurman, Schuster

**MOTION CARRIED**

*\* During process of preparing minutes, meeting time changed to 10:00 a.m. due to time conflict of Board members' schedules.*

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

A. 2016 MEETING DATES – Item postponed to December 2, 2016 meeting.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:40 p.m.

Respectfully submitted,

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Gary Abitheira, Acting Chair

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Kathy L. Czarnecki, Recording Secretary

G:\Building Code Board of Appeals Minutes\2015\Draft\2015 11 04 Regular Meeting\_Draft.doc

Acting Chair Abitheira called the Special meeting of the Building Code Board of Appeals to order at 10:03 a.m. on November 18, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira  
Brian Kischnick  
Michael Morris

Members Absent

Theodore Dziurman, Chair  
Andrew Schuster

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Allan Motzny, Assistant City Attorney  
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. HEARING OF CASES

A. **VARIANCE REQUEST, PATRICK DEPA FOR INTERNATIONAL OUTDOOR, INC., 1125 NAUGHTON**

– The petitioner is requesting relief of the Sign Code to install a 70 foot tall, 1,608 square foot ground sign set back 0 feet from the property line adjacent to I-75 and 148 feet from the property line adjacent to Naughton, and less than 1,000 feet from any sign exceeding 100 square feet in area. The following variances are requested:

- A 200 foot variance to the required 200 foot setback from the adjacent I-75 property line.
- A 52 foot variance to the required 200 foot setback from the adjacent Naughton property line.
- A 1308 square foot variance from the requirement that the sign not exceed 300 square feet in area.
- A 45 foot variance from the requirement that the sign not exceed 25 feet in height.
- A 625 foot variance from the requirement that the sign be located at least 1,000 feet from any sign exceeding 100 square feet in area.

**B. VARIANCE REQUEST, PATRICK DEPA FOR INTERNATIONAL OUTDOOR, INC., PARCEL ON AUSTIN (88-20-26-401-056), ASSOCIATED WITH 1705 AND 1709**

**AUSTIN** – The petitioner is requesting relief of the Sign Code to install a 70 foot tall, 1,608 square foot ground sign set back 0 feet from the property line adjacent to I-75, and less than 1,000 feet from any sign exceeding 100 square feet in area. The following variances are requested:

- A 200 foot variance to the required 200 foot setback from the adjacent I-75 property line.
- A 1308 square foot variance from the requirement that the sign not exceed 300 square feet in area.
- A 45 foot variance from the requirement that the sign not exceed 25 feet in height.
- A 425 foot variance from the requirement that the sign be located at least 1,000 feet from any sign exceeding 100 square feet in area.

Agenda items A and B were presented and discussed concurrently.

Present were:

- Randy Oram, International Outdoor, Inc., President
- Patrick Depa, International Outdoor, Inc., Real Estate/Certified Planner

Mr. Abitheira opened the floor for public comment.

- Dean Fitzpatrick, 1125 Naughton, Troy; spoke in opposition.
- Derek Dickow, 6476 Orchard Lake Road, West Bloomfield; submitted written correspondence from Ronny Eid of Troy Real Estate One, in support.
- Brian Tomina of Aqua Tots, 845 E. Big Beaver, Troy; spoke in support.
- Kristie Mancier, 1685 Austin, Troy; spoke in opposition.

Mr. Abitheira closed the floor for public comment.

Mr. Kischnick asked the record to reflect his opinion that the Building Code Board of Appeals is not the appropriate Board to make a decision on the variance requests because of the magnitude of the proposed signs. He feels the proposed signage is both a policy-making and community value issue.

Moved by: Morris  
Support by: Abitheira

**RESOLVED**, To deny the variance requests for both properties, for the following reasons:

1. The applicant has not proved the variance would not be contrary to the public interest or general purpose and intent of Chapter 85.
2. The applicant has not proved the variance does not adversely affect properties in the immediate vicinity.
3. The applicant has not proved a hardship or practical difficulty.

Yes: All present (3)  
Absent: Dziurman, Schuster

**MOTION CARRIED**

3. ADJOURNMENT

The Special meeting of the Building Code Board of Appeals adjourned at 10:45 a.m.

Respectfully submitted,

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Gary Abitheira, Acting Chair

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Kathy L. Czarnecki, Recording Secretary

3. HEARING OF CASES

- A. VARIANCE REQUEST, ALHAJ-SALEH ABDALLAH, 5691 LIVERNOIS –  
This property is a double front corner lot. As such it has a 40 foot minimum required setback along Blanche. The petitioner is requesting a variance to install a 6 foot high privacy fence set back 10 feet along the Blanche property line where City Code limits fences to 30 inches high and non-obscuring.



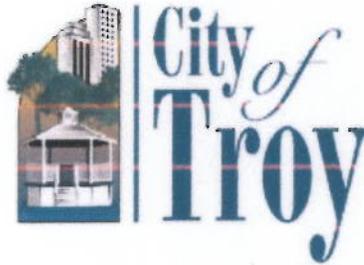
200 0 100 200Feet



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**CITY OF TROY PLANNING DEPARTMENT  
BUILDING CODE BOARD OF APPEALS APPLICATION**

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248-524-3364  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)



**FEE \$50**

**NOTICE TO THE APPLICANT**

REGULAR MEETINGS OF THE BUILDING CODE BOARD OF APPEALS ARE HELD ON THE FIRST WEDNESDAY OF EACH MONTH AT 3:00 P.M. AT CITY HALL.

PLEASE FILE A COMPLETE APPLICATION, TOGETHER WITH THE APPROPRIATE FEE, NOT LESS THAN TWENTY-SEVEN (27) DAYS BEFORE THE MEETING DATE.

COMPLETE APPLICATIONS ARE PLACED ON THE NEXT AVAILABLE AGENDA OF THE BUILDING CODE BOARD OF APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 5691 Livernois Rd Troy MI 48098  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-09-276-021
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:  
FENCE CODE "Chapter 83"
4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES  NO

6. APPLICANT INFORMATION:

NAME Alhaj-Saleh Abdallah  
COMPANY Home owner  
ADDRESS 5691 Livernois Rd  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 248-996-5313  
E-MAIL aaabdall@oakland.edu

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Homeoner

8. OWNER OF SUBJECT PROPERTY:

NAME Alhaj-Saleh Abdallah  
COMPANY Home owner  
ADDRESS 5691 Livernois Rd  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 248-996-5313  
E-MAIL aaabdall@oakland.edu

The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, Alhaj-Saleh Abdallah (PROPERTY OWNER), HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT  DATE 10/21/2015

PRINT NAME: Alhaj-Saleh Abdallah

SIGNATURE OF PROPERTY OWNER  DATE 10/21/2015

PRINT NAME: Alhaj-Saleh Abdallah

*Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.*

*The applicant will be notified of the time and date of the hearing by electronic mail.*



**FENCE PERMIT APPLICATION**  
**CITY OF TROY**  
 DEPARTMENT OF BUILDING INSPECTIONS  
 500 W. BIG BEAVER ROAD  
 TROY, MICHIGAN 48084  
 Phone: 248-524-3344 Fax: 248-689-3120

Check # \_\_\_\_\_  
**RECEIVED**  
 OCT 19 2015  
**CITY OF TROY**  
**BUILDING DEPT.**

**FENCE**

Date: \_\_\_\_\_

PF2015-0210

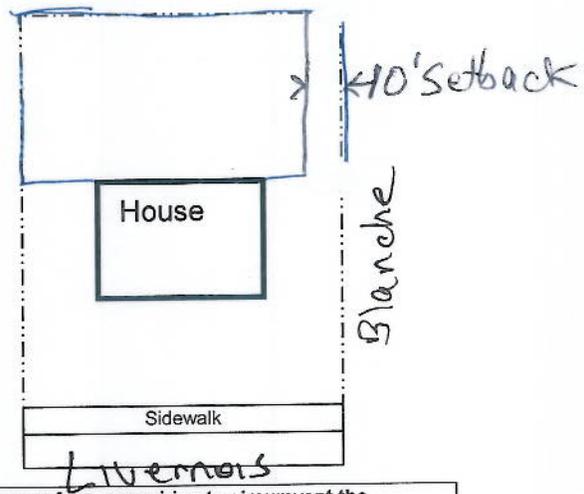
Project Information	Job Address: <u>5691 Livernois Rd. Troy MI 48098</u> Suite # _____
	Lot: _____ Subdivision: _____
	Owner: <u>ALHAJ-SALEH ABDALLAH</u> Phone: <u>248-996-5313</u>
	Work to be Performed: <input type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair <input checked="" type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
Applicant Information	Name: <u>ALHAJ-SALEH ABDALLAH</u> Phone: <u>248-996-5313</u> Fax: _____
	Address: <u>5691 Livernois Rd</u> City: <u>Troy</u> State: <u>MI</u> Zip: <u>48098</u>
	Email: <u>AAABDALL@OAKLAND.EDU</u>

Registration - \$10 (Due after 5/31 of each year)

Final lot grade shall be approved before a fence permit is issued.

Please use the box below as if it were a drawing of your lot.  
 Draw in the proposed fencing using the symbols from the chart.  
 Indicate the number of feet for each portion of fence.

Type, height, and lineal feet of material to be used:					
Type:	<u>Wood</u>	Wire	Metal	Masonry	Other
Symbols:	000000	xxxxx	///////	□□□□	-----
HEIGHT	<u>6 ft</u>				
NO. OF FEET	<u>425 ft</u>				
PERMIT FEE	<input type="checkbox"/> Under 300' \$15.00	<input checked="" type="checkbox"/> Over 300' \$25.00			



*Denied JLT*

Interior Lot   
 Corner Lot   
 Building Department Approval \_\_\_\_\_

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Ready for Inspection  Will Call  
 Applicant Signature \_\_\_\_\_  
 Homeowner's signature indicates compliance with homeowner's affidavit

**Homeowner Affidavit**  
 I hereby certify that the fencing described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Chapter 83 of the Troy City Ordinance. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.  
**I CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS WHICH MAY APPLY TO THIS CONSTRUCTION AND AM AWARE OF MY RESPONSIBILITY THEREUNDER.**

Subscribed and sworn to before me this 19th day of Oct 20 15 Notary Public, MACOMB County, Michigan  
Rebecca A Holt  
 My commission expires 1/23/2017

REBECCA A. HOLT  
 NOTARY PUBLIC, STATE OF MI  
 COUNTY OF MACOMB  
 MY COMMISSION EXPIRES Jan 23, 2017  
 ACTING IN COUNTY OF Macomb



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

Proposal letter to building/zoning code board of appeals, requesting a variance for allowing a property fence to be built for the safety and security of our children.

City of Troy Planning Department

500 W. Big Beaver Rd.

Troy, MI 48084

October 20<sup>th</sup>, 2015

Dear Building Code Board,

My wife and I are writing to you to request a variance for our home at **5691 Livernois Rd in Troy**. The variance requested is relatively minor and will not be a contrary to the public interest or general purpose or intent of Chapter 83. As well as it will not affect properties in the immediate vicinity.

#### **Property Fence**

My wife and I request a variance allowing a 6 foot height fence to be built around just the backyard of our home following the property line. Our home is sitting on a corner lot facing Livernois Rd, and the other side is facing Blanche St. This encroachment would only occur from primarily one side "Blanche St. side" in which the maximum height allowed for a fence is a 30 inches. We are correspondingly asking you to allow the fence facing Blanche St. to be built to a height of 6 feet instead of 30 inches.

The important need of this fence is to provide a safe and secure play ground to our three precious children aging 3, 5, and 6 years old, since we are always in constant fear that they might run into the street from Blanche St side. Also at this age, a 30 inch height fence might cause more harm than security to our kids, because kids at this age are very active and might start climbing the fence and jumping over it as a game. In addition, this fence will add sound barrier, security, and privacy to our home especially that our living room is easily viewed by anyone walking down the street.

Please note that we checked with all immediate surrounding neighbors and they were happy to construct such fence since it will provide them with more privacy and security to their properties.

It is our *absolute* intent (for our own personal architectural preferences as well as the needs of the Zoning Administrator/Planning Commission) to create a fence that specifically blends in with not only the existing *landscape* and *vegetation*, but is also in complete harmony with the neighboring fence types and appearances:

- The proposed fence shall be constructed of wood in an identical manner as several neighboring properties' fences.

- The proposed fence shall be finished in the identical manner (paint/stain/varnish, etc) as several neighboring properties' fences.
- The proposed fence shall be planted with creeping vines and indigenous vegetation to further become harmonious and blend in with several neighboring properties' fences
- The fence shall not incorporate any "standout" features such as concrete pillars or visually attention-getting decorative protrusions.
- The proposed fence is desired, intended, and shall be built specifically to be unobtrusive and "low key", blending in with the neighborhood.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized initial 'S' followed by a horizontal line and a smaller signature below it.

Sawsan Aloudat & Alhaj-Saleh Abdallah

5691 Livernois Rd.

Troy, MI 48098

248-996-5313

aaabdall@oakland.edu







**Kathy Czarnecki**

---

**From:** Bee Lawson <beecool2002@gmail.com>  
**Sent:** Friday, November 20, 2015 9:03 AM  
**To:** Planning  
**Subject:** zoning ordinance section chapter 83 Owner-Alhaj-Saleh Abdaliah

To Whom it may Concern,

I have no problem with the request for a privacy fence variance. I live next to Mr. Saleh Abdaliah, first house south on Livernois RD. Thomas F. Conley.

sincerely,

Tom Conley

3. HEARING OF CASES

- B. **VARIANCE REQUEST, LISA J. DAIK, 3452 WOLVERINE** – This property is a double front corner lot. It has a 25 foot minimum required setback along both Wolverine and Winter. The petitioner is requesting a variance to install a 4 foot high non-obscuring fence along the Winter property line where City Code limits fences to 30 inches high.



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**CITY OF TROY PLANNING DEPARTMENT  
BUILDING CODE BOARD OF APPEALS APPLICATION**

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248-524-3364  
E-MAIL: [planning@troymi.gov](mailto:planning@troymi.gov)



**FEE \$50**

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COMPLETE APPLICATIONS ARE PLACED ON THE NEXT AVAILABLE AGENDA OF THE BUILDING CODE BOARD OF APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 3452 Wolverine (Lot 115 of Beaver Trail Sub.)  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): Tax Parcel #20-24-406-001
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:  
"Fence Code"
4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES  NO

6. APPLICANT INFORMATION:

NAME Lisa J. Daiek

COMPANY \_\_\_\_\_

ADDRESS 3452 Wolverine

CITY Troy STATE MI ZIP 48083

TELEPHONE 248-444-1876

E-MAIL lisaj2485@yahoo.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Property Owner/Self

8. OWNER OF SUBJECT PROPERTY:

NAME Lisa J. Daiek

COMPANY \_\_\_\_\_

ADDRESS 3452 Wolverine

CITY Troy STATE MI ZIP 48083

TELEPHONE 248-444-1876

E-MAIL lisaj2485@yahoo.com

The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, Lisa J. Daiek (PROPERTY OWNER), HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT *Lisa J. Daiek* DATE 10/27/15

PRINT NAME: Lisa J. Daiek

SIGNATURE OF PROPERTY OWNER *Lisa J. Daiek* DATE 10/27/15

PRINT NAME: Lisa J. Daiek

*Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.*

*The applicant will be notified of the time and date of the hearing by electronic mail.*

# CITY OF TROY PLANNING DEPARTMENT BUILDING CODE BOARD OF APPEALS APPLICATION

## #4. REASONS FOR APPEAL/VARIANCE:

### Preface:

I have been a member of the Troy community for 40+ years. After my mother passed away three years ago, I moved into my childhood home, with my three of my four children to care for my elderly father. I immediately installed a fence around the yard. I have lived there, with my kids and two dogs for the past several years. In August, my father suffered a stroke which left him wheelchair bound, and requiring full time care. He now resides in an Assisted Living facility in Troy.

My kids are now in college and/or living independently. My childhood home in Troy is much too large for me to manage on my own, although, the fenced-in yard is ideal for my dogs. I decided to downsize to a smaller home, still hoping to remain in Troy, where I have been an elementary teacher for the past 20+ years, and enjoy the friendly and active community.

I started searching for a home in August and found the house on Wolverine to be almost perfect. Although I had hoped for a basement, this house was move-in ready, and had a nice yard for the dogs, *if* I would be permitted to install a fence.

- At the time of the home inspection (Aug. 4<sup>th</sup>) I had my realtor call the City of Troy to request information regarding the fence ordinance. (See email Documents #1-2). The response she received indicated we were able to fence the entire backyard, which of course, sealed the deal for me. We measured the yard while waiting for the inspector to complete his assessment. After the house cleared inspection and I knew I could get a fence installed, I made the final offer on the house, and everything seemed great.
- After taking possession of the Wolverine home mid-September, I immediately began the process of having a fence installed utilizing Home Depot services. They sent a gentleman to measure my yard on October 7. At that time, the gentleman explained that it was *unlikely* the City of Troy would allow a fence to go completely around the backyard. I was extremely distraught. I had just made a major financial commitment, and needed this full yard for my friendly, but

active dogs. I would *not* have purchased this house had I known that in advance. I was in disbelief, due to the fact that my realtor *had* called the City of Troy prior to my making an offer.

- The Home Depot rep. discussed options. At this point, I felt I had no choice but to settle for the partial yard. I cannot explain my disappointment and felt angry and misinformed. I thought I had been wise to call the City prior to purchasing the home.
- As I walked my dogs daily around my new neighborhood, I took notice of fenced in backyards. There are many in this Beaver Trail neighborhood! I began to question why my house could not have a fence all the way to the sidewalk, while several other homes (each facing Wolverine, each with a double-front setback lot, and each having the back of the house towards the side of a neighbors' house) were able. This did not make sense to me. (See Photos A-C)
- I considered installing an "Electric" fence, but in my personal experience, these fences can only inconsistently protect an active dog.
  - The collar battery can wear out without owner's awareness, allowing the dog to escape the boundary.
  - If/when there are power outages, or other electrical mishaps, the 'fence' will not work.
  - An electric fence will not keep other unwelcomed critters or dogs out of a yard, which could potentially lead to other problems.
  - As a pedestrian who has been scared to death by other dogs who charge their electric fence, as I am walking past with my dog, I do not feel this is an appropriate solution for this yard.
- The Ordinance allows: On corner lots where a double front setback is required, and where there is a common rear yard relationship with a lot in the same block, a non-obscuring fence no greater than forty-eight (48") inches in height above the existing grade of the land may be installed along the common street line from the front building setback line to the rear property line. The fence I am requesting is a simple 48" chain link. It will be well maintained and will allow my dogs space to run, while keeping them safe in my yard. The variance only comes into play due to the lack of a "common rear yard relationship".
- Additionally, the Ordinance allows: above the existing grade of the land, and no fence shall be constructed to a height of more than thirty (30") inches above the existing grade of the land in that portion of the property in front of the front building setback line  
A 30" fence will not safely contain my pet Boxer.

- I have discussed installing a fence with both of my immediate neighbors and have received positive feedback to my proposal to fence my yard completely. The neighbor to the East of my house actually commented that the heavy amount of leaves, from a large oak tree on my property, would be better contained in my yard, and cleaned up easier by me.
- The fence will be well-maintained and provide a safe containment for two friendly dogs to play and explore. The fence will also keep any leaves or other natural debris on home owner's property for homeowner to maintain with high expectations for neatness.

In conclusion, I am requesting a variance in the installation of a 48" chain link fence, to surround my backyard completely (See drawing Document #3). I plan to live in this home for a long time to come and only wish to make it a safe and comfortable place for my pets to reside as well.

Thank you for your consideration,

Lisa J.Daik  
3452 Wolverine  
Troy, MI 48083

inspectorglenn4u@aol.com Aug 3 at 7:42 PM

## DOCUMENT 1

To [jamessilverteam@gmail.com](mailto:jamessilverteam@gmail.com)

CC [lisaj2485@yahoo.com](mailto:lisaj2485@yahoo.com)

Message body:

See you both at 3!

Glenn Loisel

(248) 670-5555

ASHI Certified Home Inspector

Certified Level I Thermographer

Safe & Sound Home Inspection Services, LTD.

-----Original Message-----

From: Stephanie Shelton [jamessilverteam@gmail.com](mailto:jamessilverteam@gmail.com)

To: InspectorGlenn4U [InspectorGlenn4U@aol.com](mailto:InspectorGlenn4U@aol.com)

Cc: Lisa <[lisaj2485@yahoo.com](mailto:lisaj2485@yahoo.com)>

Sent: Mon, Aug 3, 2015 5:20 pm

Subject: Lisa Daiek Inspection: 3452 WOLVERINE Drive, Troy 48083

Good Afternoon,

I was just given your contact info to do the subject inspection, thanks for meeting at such last minute notice. I just received confirmation from the owners for 3pm tomorrow, my cell # is below, see you there!!

-- Stephanie Shelton

James Silver Team

Email: [jamessilverteam@gmail.com](mailto:jamessilverteam@gmail.com)

Cell: (586) 322-4143

Fax: (248) 649-7208

Office: (248) 530-7290

Keller Williams Troy

1700 W Big Beaver Rd Ste. 100

Troy MI, 48084

THIS IS PROOF OF DATE OF INSPECTION

AT WOLVERINE, AT WHICH TIME MY

REALTOR, STEPHANIE SHELTON, CALLED THE

CITY OF TROY TO ASK ABOUT

THE TROY FENCE ORDINANCE.

BASED ON WHAT MY REALTOR HEARD AT THE

TIME, SHE INDICATED THAT WE COULD

MEASURE THE ENTIRE BACKYARD, TO THE

SIDE WALK. OUR ESTIMATED MEASUREMENT

OF THE YARD I HAD REQUESTED TO FENCE IN

WAS 263'

## DOCUMENT 2

Stephanie Shelton <jamessilverteam@gmail.com> Oct 27 at 5:30 PM

To:Lisa

Message body

Yes I called the city, I do not have the sheet I made notes on but I may recognize her name if I heard it. Maybe Heather?

On Tue, Oct 27, 2015 at 5:27 PM, Lisa <lisaj2485@yahoo.com> wrote:

when you and I came to look at this wolverine house, you called the city of Troy, to find out if I could get a fence installed here (while we waited for the inspector to check out this house)-they told you I could because you and I went outside to measure the yard and sketched a picture. My question is: Do you remember calling the city? Do you remember who you spoke with ?

Sent from my iPhone

--

Stephanie Shelton

James Silver Team

Email: jamessilverteam@gmail.com

Cell: (586) 322-4143

Fax: (248) 649-7208

Office: (248) 530-7290

Keller Williams Troy

1700 W Big Beaver Rd Ste. 100

Troy MI, 48084

Ranked One of the Top Teams

In the U.S. by Wall Street Journal









# FENCE PERMIT APPLICATION

CITY OF TROY  
 DEPARTMENT OF BUILDING INSPECTIONS  
 500 W. BIG BEAVER ROAD  
 TROY, MICHIGAN 48084  
 Phone: 248-524-3344 Fax: 248-689-3120

Check # \_\_\_\_\_

FENCE

Date: 10/12/15 Revised 10/26

Project Information	Job Address: <u>3452 Wolverine Dr.</u> Suite # _____
	Lot: _____ Subdivision: _____
	Owner: <u>Lisa Daiek</u> Phone: <u>248-444-1876</u>
	Work to be Performed: <input checked="" type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair <input checked="" type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
Applicant Information	Name: <u>United Home Services</u> Phone: <u>586-274-9100 x 1318</u> Fax: <u>586-274-4068</u>
	Address: <u>35455 Veronica Street</u> City: <u>Livonia</u> State: <u>MI</u> Zip: <u>481510</u>
	Email: <u>danc@unitedhs.net</u>

Registration - \$10 (Due after 5/31 of each year)

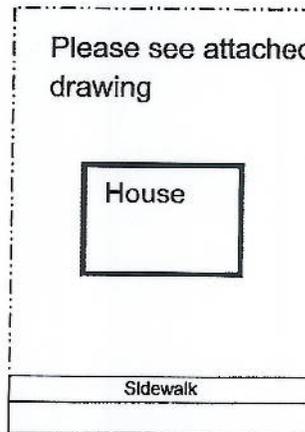
Final lot grade shall be approved before a fence permit is issued.

Please use the box below as if it were a drawing of your lot.

Draw in the proposed fencing using the symbols from the chart.

Indicate the number of feet for each portion of fence.

Type, height, and lineal feet of material to be used:					
Type:	Wood	Wire	Metal	Masonry	Other
Symbols:	000000	xxxxx	///////	□□□□	-----
HEIGHT		4'			
NO. OF FEET		275			
PERMIT FEE	<input checked="" type="checkbox"/> Under 300' \$15.00		<input type="checkbox"/> Over 300' \$25.00		



Interior Lot

Corner Lot

Building Department Approval Denied

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Ready for Inspection  Will Call

Applicant Signature \_\_\_\_\_  
 Homeowner's signature indicates compliance with homeowner's affidavit

**Homeowner Affidavit**  
 I hereby certify that the fencing described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Chapter 83 of the Troy City Ordinance. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.  
 I CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS WHICH MAY APPLY TO THIS CONSTRUCTION AND AM AWARE OF MY RESPONSIBILITY THEREUNDER.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_

Revised 10/26

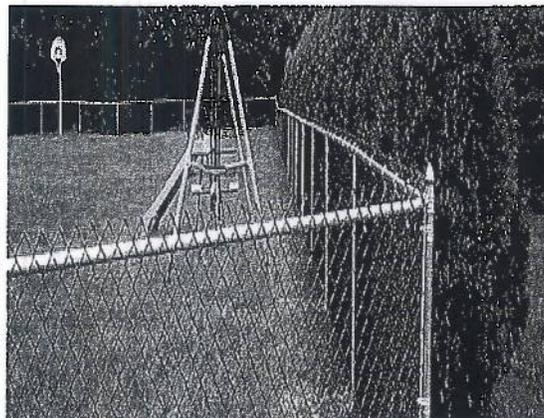
## Plot Plan for 3452 Wolverine Dr



= existing fence that stays



= 4' Galvanized Chain Link fence that we are installing

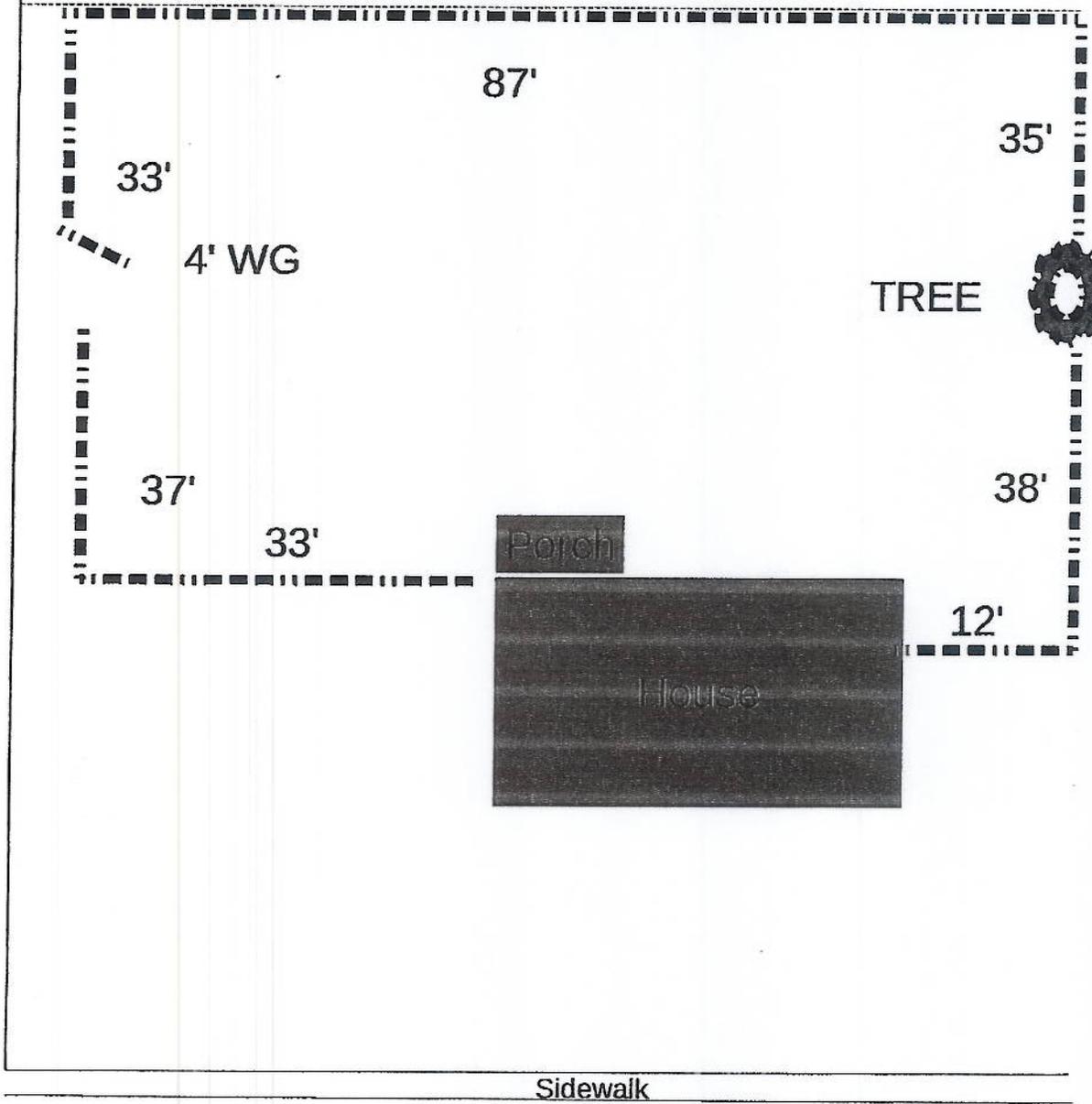




Revised  
10/26



Winter Drive



Wolverine Drive

DATE: October 23, 2015  
TO: Building Code Board of Appeals  
FROM: Mitch Grusnick, Building Official / Code Inspector  
SUBJECT: BUILDING CODE BOARD OF APPEALS 2016 MEETING DATES

The first Wednesday of each month in 2016 fall on the following dates. Noted are potential scheduling conflicts related to the observance of national holidays.

January 6  
February 3  
March 2  
April 6  
May 4  
June 1 (Monday May 30, Memorial Day)  
July 6 (Monday, July 4, Independence Day)  
August 3  
September 7 (Monday, September 5, Labor Day)  
October 5  
November 2  
December 7

The first Wednesday in 2017 falls on January 4, 2017. Note City Hall is closed on December 30, 2016 and January 2, 2017 to observe the New Year holiday but it appears there would be no scheduling conflict in the notification process of applications.

**CITY OF TROY  
MICHIGAN  
PUBLIC NOTICE  
BUILDING CODE BOARD OF APPEALS**

In accordance with the provisions of the Michigan State Law, Notice is hereby given that the Building Code Board of Appeals of the City of Troy will hold Public Meetings in the City Hall, 500 West Big Beaver Road, Troy, Michigan, 248.524.3364, on the following dates:

**2016 BUILDING BOARD OF APPEALS MEETING DATES**

January 6	July 6
February 3	August 3
March 2	September 7
April 6	October 5
May 4	November 2
June 1	December 7

All meetings are generally held at 3:00 p.m. in the Council Board Room of the City Hall Building and are open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act (MCLA 15.261 et seq.)

---

Mitch Grusnick  
Building Official

Posted: December ????, 2015

***NOTICE:*** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by email at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.