



BUILDING CODE BOARD OF APPEALS REGULAR MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3344
www.troymi.gov
planning@troymi.gov

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

May 4, 2016

3:00 PM

COUNCIL BOARD ROOM

1. ROLL CALL
2. APPROVAL OF MINUTES – April 6, 2016
3. HEARING OF CASE
 - A. **VARIANCE REQUEST, KIMBERLY LEHR, 1408 MINNESOTA** – This property is a double front corner lot. As such it has a 25 foot required front setback along both Minnesota and Iowa. The petitioner is requesting a variance to install a 6-foot high wood privacy fence in the Iowa front setback where City Code limits fences to 30 inches high.

CHAPTER 83

4. COMMUNICATIONS
5. PUBLIC COMMENT
6. MISCELLANEOUS BUSINESS
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 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.

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:05 p.m. on April 6, 2016 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Theodore Dziurman, Chair
Gary Abitheira
Brian Kischnick
Andrew Schuster

Members Absent

Michael Morris

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 2, 2016 Regular meeting as submitted.

Yes: All present
Absent: Morris

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, PATRICK STIEBER OF ALLIED SIGNS, INC., QUEST DIAGNOSTICS, 1947 TECHNOLOGY DRIVE** – A variance from the Sign Code to install a 35 square foot wall sign. The Sign Code allows a maximum 20 square foot wall sign.

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

Jim Fields of Allied Signs, 33650 Giftos Drive, Clinton Township, was present.

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

Moved by: Abitheira
Support by: Schuster

RESOLVED, To grant the variance as requested, for the following reason:

- 1. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.

Yes: Abitheira, Kischnick, Schuster
No: Dziurman
Absent: Morris

MOTION CARRIED

- B. **VARIANCE REQUEST, KELLY AND GUY BRUSCA, 6696 MICHAEL** – This property is a double frontage lot. As such it has front setback requirements along both Michael and Livernois. The petitioner is requesting a variance to install a 48 inch-high non-obscuring fence set back 18 feet from the Livernois property line.

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

The applicant Kelly Brusca was present.

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

Moved by: Kischnick
Support by: Abitheira

RESOLVED, To grant the variance as requested, for the following reasons:

- 1. The applicant has a hardship based on the shape of the lot.
- 2. The variance does not have any adverse impact on neighboring properties.

Yes: All present (4)
Absent: Morris

MOTION CARRIED

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 3:18 p.m.

Respectfully submitted,

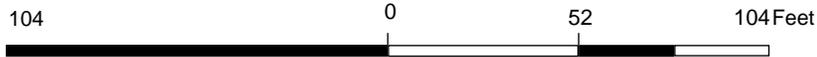
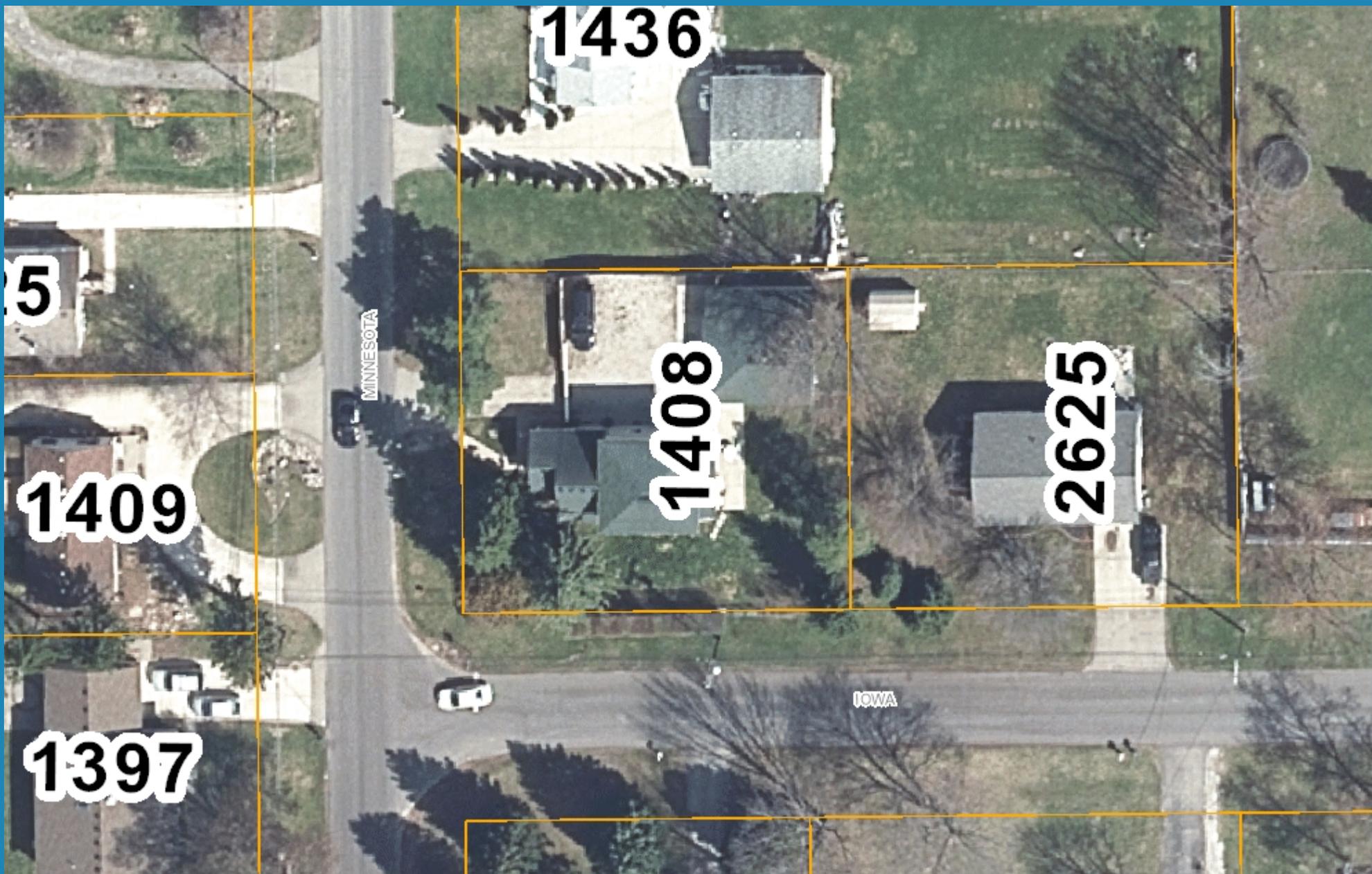
Theodore Dziurman, Chair

Kathy L. Czarnecki, Recording Secretary

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3. HEARING OF CASE

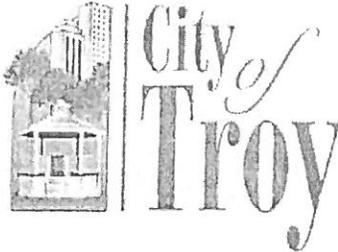
- A. VARIANCE REQUEST, KIMBERLY LEHR, 1408 MINNESOTA – This property is a double front corner lot. As such it has a 25 foot required front setback along both Minnesota and Iowa. The petitioner is requesting a variance to install a 6-foot high wood privacy fence in the Iowa front setback where City Code 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



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: 1408 Minnesota Drive
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-36-226-057
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:
Fence Code, Chapter 83 - Fences, Section 2, Paragraph (A)
4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist. See attached reasons for appeal/variance.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES NO

6. APPLICANT INFORMATION:

NAME Kimberly Lehr (f/k/a Kangas-Hosner)
COMPANY _____
ADDRESS 1408 Minnesota Drive
CITY Troy STATE MI ZIP 48083
TELEPHONE (586) 907-9705
E-MAIL kimberly.lehr@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Kimberly Lehr (f/k/a Kangas-Hosner)
COMPANY _____
ADDRESS 1408 Minnesota Drive
CITY Troy STATE MI ZIP 48083
TELEPHONE (586) 907-9705
E-MAIL kimberly.lehr@gmail.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, Kimberly Lehr (f/k/a Kangas-Hosner) (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 Kimberly Lehr DATE 4/5/2016

PRINT NAME: Kimberly Lehr

SIGNATURE OF PROPERTY OWNER Kimberly Lehr DATE 4/5/2016

PRINT NAME: Kimberly Lehr

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.

April 5, 2016

City of Troy Planning Department
Building Code Board of Appeals
500 W. Big Beaver Road
Troy, MI 48084

RE: Appeal - Variation to Fence Ordinance

Dear Members of the Board:

My name is Kimberly Lehr (*f/k/a Kangas-Hosner*) and I am the homeowner of 1408 Minnesota Drive in Troy. My husband and I contracted Action Fence to construct a six foot high privacy fence along the entire length of our rear property line (northeast corner to southeast corner), and ten feet extending from the northeast corner west. The initial permit was denied by the City of Troy Department of Building Inspections, per Chapter 83 – Fences, Section 2, Paragraph (A), which states in part:

“...In residential areas no fence shall be constructed to a height more than six (6’) feet 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.

...The maximum heights requirements of this section may be waived with the approval of the Building Board of Appeals. “

Unfortunately, my husband and I were not aware of this ordinance, and we are respectfully appealing to the Board for a variance, allowing the additional footage of six foot high privacy fence along the rear property line extending to the southeast corner of our lot. Please refer to “**Exhibit A**” attached.

Our property is located at the corner of Minnesota and Iowa Roads. My husband and I have wanted more privacy for some time now, especially living on a corner, and we finally have the means to get it done. Our children are grown and we have grandchildren who visit frequently and enjoy playing outside and running around our backyard. We also have three rescued canine boys (95 pounds / 40 pounds / puppy expected to be 80 lbs). The safety of our grandchildren and our canine boys is a concern and priority.

Again, we are asking for additional footage (approximately 25 feet) of six foot high privacy fence along the rear property line extending to the southeast corner of our lot. Last year, we had a sparse, frail pine tree cut down in our backyard. A week or so later, our neighbor (behind us) had trees removed (one was a large fuller tree) which has left our backyard wide-open and exposed to traffic and passersby/strangers on Iowa Road. Please refer to “**Exhibit B**” attached. Our property along Iowa Road is landscaped with vinery, trees and shrubbery and when in full bloom, an adequate amount of privacy is provided. It is the rear property line that is our current concern.

April 5, 2016
Page Two

A six foot high privacy fence along the entire length of our rear property line will provide our family added protection and security. We will not be completely visible to the flow of traffic on Iowa Road while we are in our backyard enjoying the outdoors with our grandchildren and canine boys. Again, protecting our grandchildren and canine boys is priority. Further, in the interest of our neighbor (behind us), their driveway is on the east side of their house, not the west side (along our rear property line). Considering the easement (from Iowa Road) is a good 16 feet and our neighbor's driveway is a good distance from our rear property line (**please refer to "Exhibit C"**), interference from a six foot high privacy fence extending to the southeast corner of our lot would appear unlikely.

We are replacing the rusty old cyclone fence currently running our rear property line with a six foot high true privacy (board on board) cedar fence—please refer to "**Exhibit D.**" We understand that the City of Troy allows the "nice" side of the privacy fence to face us, but we informed our contractor, Action Fence, that we want the "nice" side to face our neighbor.

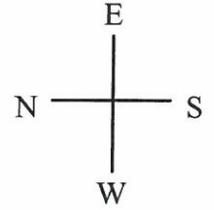
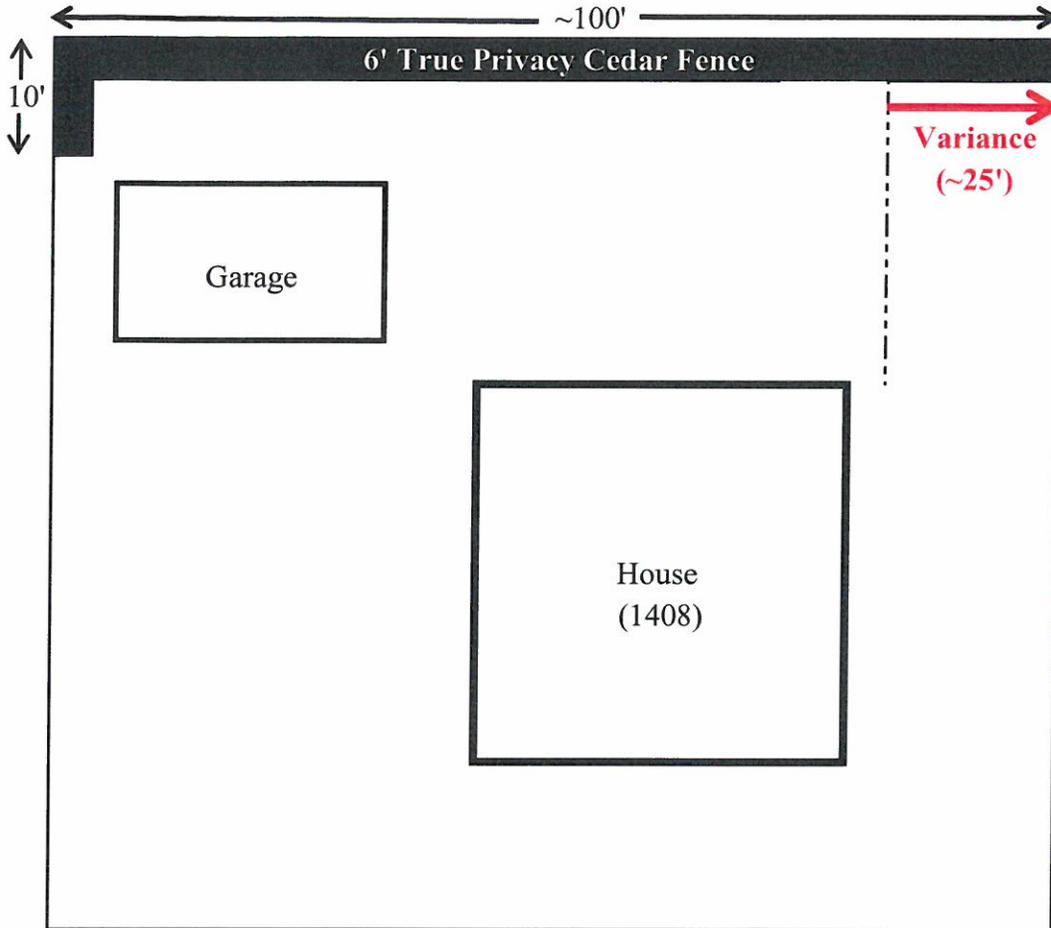
Your consideration in granting this variation, the additional footage of six foot high privacy fence along our rear property line extending to the southeast corner, is greatly appreciated. Thank you for your time and this opportunity to express our concerns. I look forward to discussing further at the May 4th Board Meeting.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Kimberly Lehr', with a stylized flourish at the end.

Kimberly Lehr (*f/k/a Kangas-Hosner*)
1408 Minnesota Drive
Troy, MI 48083
Tel: 586.907.9705
Email: kimberly.lehr@gmail.com

"Exhibit A"
1408 Minnesota Drive, Troy, Michigan



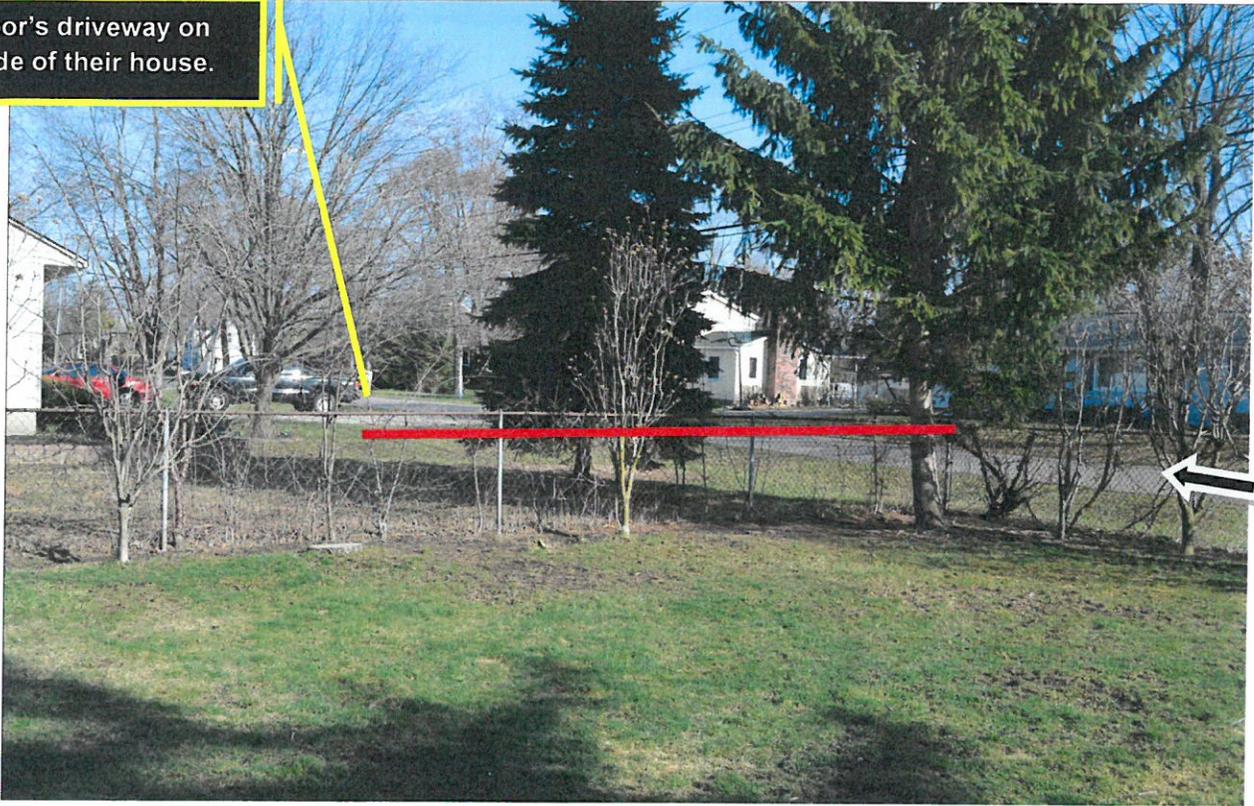
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Minnesota Drive

“Exhibit B”
1408 Minnesota Drive – View of Backyard (From House)

Neighbor’s driveway on east side of their house.



Iowa Rd

Southeast corner of our property. Requested variance denoted by red line.

“Exhibit C”

2625 Iowa Road – Neighbor East of 1408 Minnesota Drive

****Photos obtained from Google Maps, Sept 2014 View****



View from the West



View from the East

“Exhibit D”
Example of a Cedar True Privacy Fence

