

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 3, 2017 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira  
Teresa Brooks  
Sande Frisen  
Brian Kischnick  
Andrew Schuster

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: Brooks  
Support by: Frisen

**RESOLVED**, To approve the minutes of the May 3, 2017 Regular meeting as submitted.

Yes: All present (5)

**MOTION CARRIED**

3. HEARING OF CASES

- A. VARIANCE REQUEST, SID THOMAS FOR HEATING PLUS COOLING, 1485 TEMPLE CITY – This property is a double frontage lot. In non-residential districts, no fence is permitted in the yards between the building and frontage streets. The petitioner is requesting a variance to install a 6 foot high privacy fence in the yard between the building and Premier Drive, set back 30 feet from the Premier property line.

Mr. Grusnick gave a review of the variance request. He reported the department received no written response to the public hearing notices.

The applicant, Sid Thomas, said as a mechanical contractor and new owner of the building, he stores some of his vehicles and equipment outside. Mr. Thomas said the fence would obscure visibility of the equipment from neighboring businesses.

Chair Abitheira opened the floor for public comment.

Toby Buechner, 1600 W. Maple, addressed parking in the area.

Chair Abitheira closed the floor for public comment.

There was discussion on:

- Parking in the area; number of parking spaces on site.
- Adjusting the setback of the fence to accommodate on-site parking.

Moved by: Schuster

Support by: Frisen

**RESOLVED**, To grant the variance request as discussed with either a 9 foot or 18 foot setback from the existing grass area, and at a minimum of a 30 foot setback, 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 (5)

**MOTION CARRIED**

B. **VARIANCE REQUEST, DANIEL HOSIE, 1615 HARTLAND** – This property is a double front corner lot. As such it has a 25 foot minimum required front setback along both Hartland and Boyd. The petitioner is requesting a variance to install a 48 inch high privacy fence setback 3 feet from the Boyd property line where City Code limits fences to 30 inches high.

Mr. Grusnick gave a review of the variance request. He reported the department received two written responses to the public hearing notices, both in support.

The applicant, Daniel Hosie, said a privacy fence would provide a safe environment for his family from traffic and pets. They plan to provide landscaping along the fence on the Boyd property side. Mr. Hosie said he spoke with several neighbors, none of whom voiced any objections.

Chair Abitheira disclosed he is the builder of the homes in this area and is currently building additional homes in the area. He asked the Board if they felt he should recuse himself.

It was the consensus of the members that there was no need for Mr. Abitheira to recuse himself from the matter.

There was discussion on:

- Existing easements.
- Legal notice advertised proposed setback 3 feet from the property line, not 3 feet from the sidewalk as noted on the applicant’s drawing.

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

Moved by: Schuster

Support by: Frisen

**RESOLVED**, To grant the variance as requested, 3 feet from the Boyd property line, 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 (5)

**MOTION CARRIED**

4. COMMUNICATIONS – None.
5. PUBLIC COMMENT – None.
6. MISCELLANEOUS BUSINESS – Mr. Grusnick notified members a variance request to the 2012 Michigan Building Code relating to fire suppression would be coming back to the Board for 1855 Stephenson Highway.
7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:33 p.m.

Respectfully submitted,

---

Gary Abitheira, Chair

---

Kathy L. Czarnecki, Recording Secretary

