

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 2, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Nelson  
Tim Richnak  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Pam Pasternak, Recording Secretary

### **ITEM #1 – APPROVAL OF MINUTES – JUNE 4, 2008**

Motion by Kessler  
Supported by Richnak

MOVED, to approve the minutes of the meeting of June 4, 2008 as written.

Yeas: All

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUEST. MR. & MRS. BENJAMIN PALMER, 3024 NEWPORT CT.**, for relief of Chapter 83 to install a 6' high wood privacy fence at the property line along W. Big Beaver.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a 6' high wood privacy fence. This property is a double front thru-lot. It has front yard setback requirements along both Newport and W. Big Beaver. Chapter 83 limits the maximum height of fences in front setbacks to 30". The site plan submitted indicates a 6' high wood privacy fence along the property line along W. Big Beaver.

Mr. Benjamin Palmer was present and stated that he and his wife have four (4) children and would like this fence to keep them in the yard and away from Big Beaver. This privacy fence will also help to alleviate the lights and noise from traffic along Big Beaver.

Mr. Dziurman asked what type of fence Mr. Palmer is proposing.

Mr. Palmer said that it is the typical 6' wood privacy fence. Mr. Palmer also said that they are planning to put a more decorative type of fence along Newport Ct., which will include a design at the top of the fence. The fence along Newport Ct. will only be 4' high.

Mr. Richnak asked about the location of the fence along Big Beaver.

**ITEM #2 – con't.**

Mr. Palmer stated that his plan was to put the fence at the top of the berm along Big Beaver.

Mr. Richnak asked where the location of the fence would fall in relation to the existing trees in the area.

Mr. Palmer said that the fence would be behind the first row of trees. Mr. Palmer also stated that they had purchased this home approximately one year ago and it needs a lot of work. There are two rows of existing trees and the fence would be placed in between these trees.

Mr. Richnak asked why Mr. Palmer wanted a 6' high fence at the top of the berm rather than a 4' high fence.

Mr. Palmer stated that there is a pathway along this area and they would prefer to have the higher fence.

Mr. Richnak stated that he understands what Mr. Palmer is saying and asked what is located on the northeast corner of the property.

Mr. Palmer said that this is a utility easement and the fence will go around it.

Mr. Richnak stated that Mr. Palmer will be responsible to maintain this area as well as the area behind the fence along Big Beaver.

Mr. Kessler asked if the petitioner planned to replace the existing split rail fence along the property.

Mr. Palmer stated that this fence is on City property and the City maintains that part of the property. Mr. Palmer further stated that his property line is approximately 6' to 8' off the sidewalk, and currently there is a lot of ground cover in the area.

Mr. Kessler asked which side of the fence would be facing out.

Mr. Palmer said that along Big Beaver the post side would be facing his home and the blank side of the fencing would be facing Big Beaver.

Mr. Kessler said that wood fences can become unsightly over time and when the trees lose their leaves the fence would be very visible. Mr. Kessler also asked who had placed the stakes out on the berm.

Mr. Palmer stated that he had done that in order to outline where the fence would be.

Mr. Kessler asked how much vegetation would be outside the fence.

**ITEM #2 – con't.**

Mr. Palmer said that there are trees half way up, and due to the nature of the berm there is no vegetation at the top of the berm. There is quite a bit of vegetation on the side of the berm that slopes into the yard. Mr. Palmer also said that if this Board wanted him to add additional vegetation he would be willing to do that.

Mr. Dziurman asked if a 30" high fence could be placed around the entire yard without a variance.

Mr. Stimac confirmed that was correct.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Richnak asked who would be installing the fence.

Mr. Palmer indicated that he planned on doing the installation himself.

Mr. Richnak stated that he has found through personal experience that it is very difficult to put 6' high panels at the top of a berm and stated that in his opinion a fence that was 4' in height would serve the same purpose.

Mr. Kessler stated that he can understand Mr. Palmer's concerns as there is a lot of vegetation and the area is quite secluded due to the growth around the property. Mr. Kessler further stated that he would like to see a 4' fence and more landscaping added such as evergreens.

Mr. Dziurman stated that a 4' high fence will definitely increase the height of the berm and Mr. Richnak said that he though the berm was probably 6' in height.

Mr. Dziurman asked the petitioner if he would be willing to make a compromise.

Mr. Palmer stated that a lot of the vegetation is over growth and not very attractive. He plans to clean up the area and remove a lot of the over growth. Mr. Palmer said that they are trying to improve the look of the property. Mr. Palmer also stated that he did not believe the 4' height would give them the privacy they want and would not help with the sound or the lights from cars using Big Beaver. Mr. Palmer said that they would prefer the 6' height, but would put up the 4' fence if that is all the Board would approve.

Mr. Palmer also said that he has spoken to the neighbors to the west and the three neighbors to the right of his property and they have all indicated that they approve this request.

**ITEM #2 – con't.**

Mr. Zuazo asked if they had considered using any other material for this fence.

Mr. Palmer indicated that they had, but it is cost prohibitive.

Motion by Kessler  
Supported by Nelson

MOVED, to grant Mr. & Mrs. Benjamin Palmer, 3024 Newport CT. relief of Chapter 83 to install a 6' high wood privacy fence at the property line along W. Big Beaver.

- Additional landscaping to be provided along Big Beaver.
- Fence posts to face inside petitioner's property.
- Area around utility boxes and area between fence and Big Beaver to be maintained by petitioner.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 8:54 A.M.

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Ted Dziurman, Chairman

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Pam Pasternak, Recording Secretary