Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on September 4, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:
Theodore Dziurman, Chair
Gary Abitheira
Teresa Brooks
Michael Carolan

Member(s) 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: Carolan
Support by: Abitheira

RESOLVED, To approve the minutes of the July 10, 2013 Regular meeting as submitted.

Yeas: All present (4)
Absent: Kischnick

MOTION CARRIED

3. HEARING OF CASE(S)

A. **VARIANCE REQUEST, JON AND LISA BRUNT, 5637 MARTELL DRIVE** – A variance for relief of Chapter 83 to install a 6 foot high privacy fence in the front setback along the south frontage of Martell Drive where the Fence Code limits the height to 48 inches.

Mr. Grusnick reviewed the variance request. He stated the department received no responses to the public hearing notices. Mr. Grusnick displayed photographs of the property and addressed concern for the potential vision obstruction of school children and pedestrians using the public sidewalk along Martell.

Jon and Lisa Brunt were present. They cited reasons for the request: the desire for privacy from the school activity, children and pedestrian traffic and potential liability with future installation of an in-ground pool. They indicated the fence contractor is aware of the obstruction view and propose to cut back the fence on a diagonal angle at the property corner.

Mr. Grusnick showed to the applicant the scale of the 25' corner clearance triangular cutback necessary to eliminate the obstruction view.

Mr. and Mrs. Brunt said they would have no problem with the triangular cutback as required by the City.

Mr. Abitheira shared he is very familiar with the school baseball activity and traffic. He said the subject lot is very unique and he identifies with the applicant's request for the privacy fence.

Discussion followed on:

- House setback from lot line.
- Preservation of existing trees.
- Existing chain link fence; ownership, maintenance of weed growth.

Moved by: Abitheira
Support by: Brooks

RESOLVED, That the variance request for relief of Chapter 83 to install a 6 foot high privacy fence in the front setback along the south frontage of Martell Drive, be granted for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83; and
2. The variance does not adversely affect properties in the immediate vicinity; and
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

FURTHER RESOLVED, That the variance is subject to providing a corner clearance triangular area without fencing starting at the intersection of the Martell right-of-way and the driveway approach, extending for a distance of 25 feet north of the driveway and 25 feet west along Martell for the purpose of eliminating the public sidewalk vision obstruction.

Yeas: Abitheira, Brooks, Carolan
Nay: Dziurman
Absent: Kischnick

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 3:20 p.m.

Respectfully submitted,

Theodore Dziurman, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Building Code Board of Appeals Minutes\2013\Final\2013 09 04 Regular Meeting_Final.doc

BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

September 4, 2013

NAME ***(PLEASE PRINT)***	***ADDRESS***
JON & LISA BRUNT	5637 MARTELL DR. TROY, MI 48085
NAME ***(PLEASE PRINT)***	***ADDRESS***

BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET

September 4, 2013