

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on February 6, 2019 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira
Teresa Brooks
Sande Frisen
Andrew Schuster

Absent

Mark F. Miller, City Manager

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.

It was the consensus of the Board to add “Election of Officers” under Miscellaneous Business.

2. APPROVAL OF MINUTES

Moved by: Frisen
Support by: Brooks

RESOLVED, To approve the minutes of the November 7, 2018 Regular meeting as submitted.

Yes: All present (4)
Absent: Miller

MOTION CARRIED

3. HEARING OF CASE

A. **VARIANCE REQUEST, KIM LATIMER-SMITH, 1291 ASHLEY DRIVE** – This property is a double front corner lot. As such the proposed fence cannot be placed in the 30 foot required front setback along either Ashley or Abington. The petitioner is requesting a variance to install a 5 foot high obscuring fence set back 5 feet from the Abington public sidewalk where City Code limits fences to non-obscuring 30 inches high.

Mr. Grusnick gave a review of the variance request. He reported the department received no written responses to the public hearing notices. Mr. Grusnick also displayed a photograph of the property.

The applicant Ms. Latimer-Smith said a fence would provide security and privacy and allow them to make full use of their yard. She said they did not contact the neighbors regarding the fence but they have good relationships with all the neighbors. Ms. Latimer-Smith addressed the existing 4-foot high chain link fence that would remain and solar lighting on the new fence caps.

There was discussion on:

- Variances granted for other homes in the area.
- Sidewalk more defining for placement of fence because of measurement differences of north and south property lot lines.
- Fence as relates to existing open space, proposed setback, non-obscuring and traffic flow.

Ms. Latimer-Smith was agreeable to a 10 foot setback from the sidewalk. She consented to a vote by the Board with only four Board members present.

Chair Abitheira acknowledged there was no one present in the audience to speak on the application.

Moved by: Abitheira
Support by: Schuster

RESOLVED, To grant the variance request as submitted for a 5 foot high obscuring fence set back 10 feet off the sidewalk, for the following reasons:

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

Yes: All present (4)
Absent: Miller

MOTION CARRIED

4. COMMUNICATIONS
5. PUBLIC COMMENT – None.

6. MISCELLANEOUS BUSINESS

A. ELECTION OF OFFICERS

Moved by Brooks
Support by Schuster

To maintain our current officer positions, that being Gary Abitheira as Chair and Teresa Brooks as Vice Chair.

Yes: All present (4)
Absent: Miller

MOTION CARRIED

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:27 p.m.

Respectfully submitted,

Gary Abitheira, Chair

Kathy L. Czarnecki, Recording Secretary