BUILDING CODE BOARD OF APPEALS

Gary Abitheira, Chair, Teresa Brooks
Sande Frisen, Mark F. Miller, Andrew Schuster

July 10, 2019
3:00 PM
COUNCIL BOARD ROOM

1. ROLL CALL
2. APPROVAL OF MINUTES - May 1, 2019
3. HEARING OF CASES
A. VARIANCE REQUEST, MATTHEW LOMBARDI, 1452 WACON DRIVE -This property is a double frontage lot. As such the proposed fence cannot be placed in the 25' required Burtman Dr. or the 25' required Wacon Dr. front setback. The petitioner is requesting a total of 103' linear feet of 6' high Privacy Cedar obscuring fence variance in the required Burtman Dr. setback.

## CHAPTER 83

B. VARIANCE REQUEST KIMBERLY NOWAK, 3901 BRISTOL - This property is a double frontage lot. As such the proposed fence cannot be placed in the 30' required Bristol Dr. or the 30' required Root Dr. front setback. The petitioner is requesting a total of 118' of 6' high Privacy Cedar obscuring fence variance in the required Root Dr. setback.

## CHAPTER 83

4. COMMUNICATIONS
5. PUBLIC COMMENT
6. MISCELLANEOUS BUSINESS

## 7. ADJOURNMENT

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 1, 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
Salim Huerta, Building Official
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: Frisen
Support by: Brooks
RESOLVED, To approve the minutes of the March 6, 2019 Regular meeting as submitted.

Yes: All present (4)
Absent: Miller
MOTION CARRIED

## 3. HEARING OF CASE

A. VARIANCE REQUEST, ROSANNA BASILISCO, 3028 CEDARCREST DRIVE This property is a double frontage lot. As such the proposed fence cannot be placed in the 25 foot required Cedarcrest front setback or the 50 foot required Big Beaver front setback. The petitioner is requesting a 46 foot variance to install a 6 foot high obscuring fence in the required Big Beaver setback.

Mr. Grusnick gave a review of the variance request. Mr. Grusnick said the department received no responses to the public hearing notices. He displayed photographs depicting both the west and east views of the existing berm and plantings. Mr. Grusnick noted that research shows there is no greenbelt easement. He said the variance relates to the height and request for an obscuring fence.

The applicant Rosanna Basilisco said the fence would provide privacy from neighboring surroundings, a collection of trash along the west side of her property and children using the existing berm as a bike ramp.

There was discussion on:

- Retention area to east; fenced for protection.
- Berm and existing trees as relate to required setbacks, access for maintenance.

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

Moved by: Abitheira
Support by: Frisen
RESOLVED, That the variance be granted no closer than 20 feet off the south property line, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)
Absent: Miller

## MOTION CARRIED

B. VARIANCE REQUEST, FLORIANE BISHAY, 3459 TALBOT - The petitioner is requesting approval to install 40 feet of an 8 foot high privacy fence in a section of the rear and side yards. The fence code limits the height of fences in residential zoning district to 6 feet high.

Messrs. Schuster and Abitheira disclosed living near the proposed variance request. It was agreed there would be no conflict of interest on either party.

Mr. Grusnick gave a review of the variance request. Mr. Grusnick said the department received no responses to the public hearing notices. He addressed the significant change in elevation in relation to the property to the south.

Ameer and Floriane Bishay were present. Mr. Bishay said the proposed fence is a joint project with his neighbor to the south, who is also present at today's meeting. The fence would provide privacy between the two homeowners. Mr. Bishay addressed the grade difference between the properties and noted the fence would not be visible from the street.

There was discussion on:

- Placement of fence between existing two trees; no perimeter fence.
- Applicant confirm fence would be on his property.

Chair Abitheira opened the public hearing.
Dave Goodenough, 3445 Talbot, indicated agreement to the proposed variance request.

Chair Abitheira closed the public hearing.
Moved by: Schuster
Support by: Brooks
RESOLVED, That the variance be granted, for the following reason:

1. The significant grade between the properties result in the lack of privacy.

Yes: All present (4)
Absent: Miller

## MOTION CARRIED

4. COMMUNICATIONS - Mr. Grusnick extended an invitation to his farewell coffee on May 9 at 1:30 p.m. in the Lower Level Conference Room.

A warm welcome was extended to Salim Huerta as the incoming Building Official.
5. PUBLIC COMMENT - None.
6. MISCELLANEOUS BUSINESS - None.

## 7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:36 p.m.
Respectfully submitted,

Gary Abitheira, Chair

Kathy L. Czarnecki, Recording Secretary
C:\Users\bob\Documents\Kathy\COT Building Code Board of Appeals\Minutes\2019\20190501 Regular Meeting_Draft.doc

VARIANCE REQUEST, MATTHEW LOMBARDI, 1452 WACON DRIVE -This property is a double frontage lot. As such the proposed fence cannot be placed in the 25 ' required Burtman Dr. or the 25' required Wacon Dr. front setback. The petitioner is requesting a total of 103 ' linear feet of 6 ' high Privacy Cedar obscuring fence variance in the required Burtman Dr. setback

## GIS Online



Map Scale: 1=179
Created: June 20, 2019
0

## 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-MAlL: 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 1452 Wacon Dr, Troy, MI 48083

ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S): $88-20-35-354-003$
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:
Fence Code Chapter 83 Section 2(A)
4. REASONS FOR APPEAL/VARIANCE: On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES $\square$ NO
6. APPLICANT INFORMATION:
name Matthew Lombardi
COMPANY
1452 Wacon Drive
ADDRESS
CITY Troy
TELEPHONE 313-701-9167
E-MALL mslombardi5@gmail.com
7. APPLICANT'S AFFILATION TO THE PROPERTY OWNER: Self
8. OWNER OF SUBJECT PROPERTY:
namE Matthew Lombardi
COMPANY $\qquad$
1452 Wacon Drive
ADDRESS STATE MI_ZIP 48083
cITY Troy $\qquad$ state MI zip 48083

TELEPHONE 313-701-9167
E-MAL_ mslombardi5@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.
, Matthew Lombardi
(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
 DATE 6/5/2019 PRINT NAME:

## Matthew Lombardi

 DATE 6/5/2019

## print name: Matthew Lombardi

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.

Matthew Lombardi
1452 Wacon Dr
Troy, MI 48083
(313) 701-9167

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

June 4, 2019

To the Board of Appeals,

This letter is to support the request for the approval of a Fence Code Variance at 1452 Wacon Dr in Troy, MI. My house is on a corner lot, at the intersection of Wacon Dr and Burtman Dr. As such, the maximum fence height allowed on the East side portion of my lot is 30 ". The proposed fence would be a 6' privacy fence with multiple gates that would encapsulate the East side front setback with the existing backyard portion to the South of the house.

I purchased my home on Wacon in April 2017. I am a first-time homeowner and I plan on starting and raising a family here in Troy. Fencing on the East side portion of the lot together with the backyard, which is currently open, would allow for maximum usage of the property and provide security and privacy to my future family. I also have pets and a fenced in yard would provide safety to them and peace of mind for me when they are outside.

I believe a large fenced in area, as described above, would also increase the value and appeal of the property. The current state of the backyard is mostly concrete and severely limits what can be done for recreation. The fence would be no less than $30^{\prime}$ from the southern property line, with my driveway and garage in between. Further the proposed fence line would not substantially alter the view or encroach upon my neighbors, many of whom I've described the plan to and were very supportive. I take great pride in the appearance of my property, and the proposed fence would be no exception. The fence will have ornamental aesthetics, lined with attractive landscaping on the outside portion to go along with the existing front and backyard landscaping.

My goal is to have one of the best looking properties in the area and I know that the fence and added benefits that come with it would help to ensure that goal.

Thank you for your consideration,

## Matthew Lombardi



## SCOPE:

Most 6' Tall Cedar Privacy (w/Routed top rail ( $2 \times 4 \times 8$ )) and
(19) PostMaster Steel Post

Plus (1) Core Drill

- Install 103' Fence (6' Tall)
- Install 3' Single Gate (6' Tall)
- Install 10’ Double Gate (6' Tall)

Part 4' Tall Chain Link [Galvanized]

- Install 19' Fence (4' Tall)
- Install 3' Single Gate (4' Tall)
- Install 3' Single Gate (4' Tall)


## NOTES:

Owner plans to present their fence project to ZBA for a fence variance.


photo courtesy of - Paramount Fence - www.paramountfenceco.com

photo courtesy of - Paramount Fence - www.paramountfenceco.com

photo courtesy of - Paramount Fence - www.paramountfenceco.com


photo courtesy of -Paramount Fence-www paramountfenceco.com


Example: Cedar privacy fence with top rail by Paramount

## PostMaster ${ }^{\circledR}$ Delivers...

Master Halco's patented PostMaster steel post for wood fencing is engineered to provide you with the strength of steel without sacrificing the natural beauty of wood. Constructed of structural steel with a heavy galvanized coating, PostMaster can withstand high winds and heavy rain and will never rot or warp. Master Halco guarantees it - every PostMaster steel post is backed by a 15 -year limited warranty.* PostMaster provides longevity and performance in a wood fence system which results in uncompromised value.

## END OF 1452 WACON CASE

VARIANCE REQUEST KIMBERLY NOWAK, 3901 BRISTOL - This property is a double frontage lot. As such the proposed fence cannot be placed in the 30' required Bristol Dr. or the 30' required Root Dr. front setback. The petitioner is requesting a total of 118' of 6' high Privacy Cedar obscuring fence variance in the required Root Dr. setback

## GIS Online



CITY OFTROY | PLANNING DEPT. 500 WEST BIG BEAVER | TROY, MI 48084 | 248.524.3364

## Building Code Board of Appeals Application

6. APPLICANT INFORMATION:

Kimberly Nowak NAME $\qquad$
COMPANY
3901 Bristol Dr.
ADDRESS
号
CITY $\qquad$ STATE $\qquad$ 48083

248-835-2992
TELEPHONE
248-835-2992
kimberlylnowak@yahoo.com
E-MAIL
7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER:

Self
8. OWNER OF SUBJECT PROPERTY:

Kim and Kevin Nowak
NAME $\qquad$
COMPANY
3901 Bristol dr.
ADDRESS
3901 Bristol dr.
CITY
Troy state

MI $\qquad$ ZIP 48083

TELEPHONE
kimberlylnowak@yahoo.com
E-MAIL $\qquad$

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.

Kimberly Nowak

1. $\qquad$ (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 Nowak
PRINT NAME: Kimberly Nowak DATE 6 PRINT NAME:

Kimberly Nowak
$\qquad$ DATE $\qquad$

CITY OF TROY | PLANNING DEPT. 500 WEST BIG BEAVER | TROY, MI 48084 | 248.524 .3364
Building Code Board of Appeals Application

## NOTICE TO THE APPLICANT | FEE: \$50

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3901 Bristol Dr, Troy MI 48083

1. ADDRESS OF THE SUBJECT PROPERTY $\qquad$
ACREAGE PROPERTY: Attach legal description if this an acreage parcel
2. PROPERTY TAX IDENTIFICATION NUMBER(S):

88-20-22-202-021
$\qquad$
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:
Fence code
4. REASONS FOR APPEALNARIANCE: On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES NO

CITY OF TROY | PLANNING DEPT 500 WEST BIG BEAVER | TROY, MI 48084 | 248.524.3364

Kimberly Nowak
PRINT NAME: $\qquad$
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.

## Hello,

In regard to a variance request for 3901 Bristol Dr in Troy, there is currently a 30 ft setback requirement for a privacy fence. If a fence were put 30 ft back from the sidewalk, it would cut my yard in half rendering that part of the yard useless for my family. Please approve a variance that requires only a 6 ft setback from the sidewalk. My original request was 3 ft but have since decided that I want enough room to plant flowers on the outside of the fence lining the sidewalk.

The requested 6 ft variance will not block anyone's view from their driveway. The fence would only be seen by my neighbor to the west and will not block their view when pulling out.

This requested variance will not be harmful or alter the character of the area. On the contrary, it will improve the curb appeal of the property and the neighborhood. A fence would allow much needed privacy as a result of having a corner lot.

In 2011, before purchasing this property, I repeatedly emailed and called a Mr . Evans and Mr. Rice in regard to having a privacy fence on this property, extending almost to the south sidewalk. It was going to be a deciding factor on whether or not I should buy this property. I was unable to receive a response from the city of Troy but went ahead and purchased this property anyway. Now, I would like to move forward with getting this much-needed privacy fence.

Thank you so much!!!
Kim Nowak


May 22, 2019

Paramount Fence LLC
32580 Grand River, Ste. 5
Farmington, MI 48336

## RE: Fence Permit - 3901 Bristol

The permit application submitted for the above fence has been reviewed and denied for the following reason:

This corner lot has a double front set-back, which is 30 feet. The fence must be placed 30 feet off the Root Drive property line.

If the homeowner wishes to place the fence as indicated, he/she can apply for a variance with the Planning and Zoning Department. For more information on the variance process, please have the homeowner contact them at 248-524-3364.

Sincerely,

$$
(z-C .)
$$

DANA SELF
Deputy Building Official
City of Troy/SAFEbuilt Inc.
/bh







END OF 3901 BRISTOL CASE

