

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