

A meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, June 4, 1986 by the Chairman, Ted Dziurman.

PRESENT: Ted Dziurman  
Don Spurr  
James Halsey  
Larry Harris  
Gerald VandenBussche

ITEM #1. MINUTES - Minutes will be presented at the July 9, 1986 meeting.

ITEM #2. H.M.S. Products Co., 1200 E. Big Beaver Road, for relief of Article 8 of the B.O.C.A. Code.

Mr. VandenBussche explained that the petitioner is requesting renewal to maintain an enclosed mezzanine. This enclosure resulted in what we consider a second floor. The area has only one unenclosed stairway that leads to it and which terminates within the building. The B.O.C.A. Code in Article 8 requires that when a second floor is created, at least two stairways be enclosed with 3/4 hour fire resistant construction and that all exits be arranged so as to lead directly to the street. The board in June of 1984 granted the petitioner relief of these requirements with the following conditions: That the variance would be subject to review after two years. That the use of the area be for storage only of their computer chips. That a smoke alarm system be installed, tying the first floor with the second floor. The Fire Inspector, at a recent inspection, has indicated that the use is not for storage only. They presently have about 5 or 6 work stations in this second story area.

Hugh and David Sofy were present and stated that their business has increased and that they ran out of room when a large machine was moved in and increased the use of the lower level. They only have 2 people working in the upper level at any one time, which they feel would be comparable to the number of people that might be up there in conjunction with storage. All five work stations are not used at any one time. Mr. Sofy further stated that they do have plans in the works to add to the rear of their building and this would alleviate using the second story area for anything other than storage. He hopes to start fairly soon and hopefully finish this Fall or Winter.

Motion by VandenBussche  
Supported by Halsey

MOVED, to grant H.M.S. Products, 1200 E. Big Beaver Road, renewal of their variance for relief of Article 8 of the B.O.C.A. Code.

1. The renewal is for 6 months to allow for the construction of an addition.
2. The variance is renewed with the provision that the Fire Department make a monthly inspection to assure that the use does not become more nonconforming or more of a hazard.
3. The variance is renewed with the provision that only 2 persons be allowed on the second floor area at any one time.

Ayes: 4

Nays: 1 - Spurr It is obvious from pictures of the area that it was the petitioners intent, all along, to use this as a work area - it was designed as a work station.

Absent: 0

MOTION TO RENEW VARIANCE FOR 6 MONTHS CARRIED.

ITEM #3. Joseph M. Muller, 10 Wendelton, for relief of Chapter 83 (Fence Ordinance).

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 6 foot high stockade fence along the east property line of their site parallel to Livernois. This site is located at the northwest corner of Wendelton and Livernois and the Fence Ordinance limits fences adjacent to streets to a maximum of 4 feet in height and requires that they be non-obscuring. In other words a 4 foot high chain link fence would be permitted, but a 6 foot high wood fence is prohibited. This item was tabled at the last regular meeting to allow the petitioner the opportunity to be present.

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## ITEM #3.

Joseph Muller was present and stated that they were across the street from Walsh College and that they got a great deal of light reflection in their family room when people were exiting from the Walsh College driveway. They also get a lot of glass breakage on the sidewalk which spills into their yard and also a lot of debris. Because they are adjacent to a main street and have three small children; they want the fence to obscure the children's play area, which is entirely exposed to Livernois, to keep their children hidden and safe from the main street. Mr. Muller also indicated that Livernois narrows to two lanes at that point and he feels that there is also a traffic hazard.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 6 letters of approval on file: Bruce and Cameron Koch, 30 Wendelton - the resident from 85 Scottsdale, Gus B. Littke, 71 Wendelton - Charles Savino, 52 Kirk Lane - John T. Cunningham, Jr., 50 Wendelton - Floyd and Loretta Gates, 37 Scottsdale.

Motion by Halsey  
Supported by Harris

MOVED, to grant Joseph M. Muller, 10 Wendelton, a variance for relief of Chapter 83 (Fence Ordinance).

1. The variance is granted with the condition that the fence only continue to the rear of the garage.
2. This is a continuation of an existing fence at the rear of the property.
3. The fence affords needed protection and security to the rear yard.
4. The majority of the neighbors are in favor of the variance.

Ayes: 4  
Nays: 1 - Spurr  
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #4. Lowell Davis, 4320 John R., for relief of Chapter 83 (Fence Ordinance).

Mr. VandenBussche explained that the petitioner is requesting a permit to install a fence in the required setback from John R. The plot plan shows that a 42 inch wood fence will be installed in this required setback. The Fence Ordinance does not permit fences to exceed 30 inches in a required front setback of this type.

Mrs. Davis was present and stated that there is a high school across the street from their property and they feel that this will give the property more protection from the high school traffic and children than a 30 inch fence would. They propose an attractive fence that would be in character with the home. They feel that the fence will keep their dog confined to their property and people out - they also plan to install a gate across the entry.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: Herman Kaluzny, 2028 Cumberland

Motion by VandenBussche  
Supported by Spurr

MOVED, to deny the request of Lowell Davis, 4320 John R., for relief of Chapter 83 (Fence Ordinance)

## ITEM #4.

1. The petitioner can provide adequate security for the yard by complying with the Fence Ordinance.

Ayes: 3

Nays: 2 - Halsey and Dziurman - fence is more decorative and in keeping with the style of architecture

Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #5. Aladdin Heating & Cooling, 6564 Parkview, for relief of the Troy City Code, Chapter 79.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain an air conditioner condensing unit in a required side yard setback, approximately 6 feet from the side property line. The Troy City Code under Chapter 79 does not permit air conditioning units to be installed in a required side yard and in no case can they be closer than 10 feet to a side lot line.

Dave Turowski was present and stated that the home owner has a deck the entire length of the rear of their home and it was felt that the condenser unit would interfere with the use of the deck. The unit is a high efficient quiet unit and it should not be heard by the adjacent neighbor since the unit is almost 30-1/2 feet from their home and would not be adjacent to any bedrooms. Also there are no windows on that side of the neighbors or the petitioner's home.

The chairman opened the public hearing.

Dr. Taylor Lewis, the home owner (6564 Parkview) was present and stated that he has had some concerns expressed by his immediate neighbor and since there is an existing cut-out in the patio area for an air conditioner, he has no objections to the rear yard installation.

There were no other comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: Deborah L Kembell, 6556 Parkview.

There were 2 letters of objection: Leslie Butler, 6573 Parkview and David W. Prichard, 6568 Parkview.

Motion by Spurr  
Supported by Harris

MOVED, to deny the request of Aladdin Heating and Cooling, 6564 Parkview, for relief of the Troy City Code, Chapter 79.

1. There was no practical or physical difficulty or hardship indicated as to why the installation cannot be properly installed in compliance with the code.
2. The immediate or most affected neighbor has expressed an objection to the side yard installation.

Ayes: 5

Nays: 0

Absent: 0

MOTION TO DENY REQUEST CARRIED.

ITEM #6. Janis Raiffiani, 4388 Clarke, for relief of the Troy City Code, Chapter 79

Mr. VandenBussche explained that the petitioner is requesting relief to maintain an air conditioner condensing unit in the required side yard setback, approximately 6 feet from the side property line. The City Code, does not permit air conditioning condenser units to be installed within a required side yard setback and in no case can it be closer than 10 feet to a side property line.

## ITEM #6.

Janis Raffiani was present. Ms. Raffiani stated that the installation was well screened from view and that her immediate neighbor had no objection. There are no windows in the neighbor's home or her home on the side where the unit was installed. They placed it on the side before they were aware that they would be in violation. A rear yard installation would be less desirable in that the lot tapers to the rear which limits installation, it would end up in the patio area which is not desired, and it would also be more visible to adjacent properties and create more noise than the side installation.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were three letters of approval on file: Robert and Mary Jane Klimenko, 4332 Clarke - D. Vandyke, 4360 Clarke and Frank Oblak, 4402 Clarke.

Motion by Halsey  
Supported by Harris

MOVED, to grant Janis Raffiani, 4388 Clarke, a variance for relief of the Troy City Code, Chapter 79 - to place an air conditioning condenser in the side yard approximately 6 feet from the side lot line.

1. The unit is adequately screened and is not visible from the street.
2. The immediate neighbor, on that side, has no objections to the installation.

Ayes: 4  
Nays: 1 Spurr  
Absent: 0

MOTION TO APPROVE CARRIED

ITEM #7. Krzysztof Borkowski, 3034 Heritage, for relief of Chapter 83,  
(Fence Ordinance)

Mr. VandenBussche explained that the petitioner is requesting relief to maintain a 6 foot high wood fence that is located approximately 5 feet from the Big Beaver Road Right-Of-Way. The site is located at the northeast corner of Big Beaver and Heritage and the fence is located in what is considered a front setback from Big Beaver Road. The Fence Ordinance requires that any fence located in this setback be limited to a height of not more than 30 inches.

Krzysztof Borkowski was present and stated that he has partially constructed the fence before he was aware of the requirements of the ordinance. He would like to continue construction of the fence, stating that their side and rear yard is adjacent to Big Beaver Road and they feel that they need the privacy and security for their family and also they feel a fence will cut down on the noise from Big Beaver.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There was 1 letter of approval on file: Joann M. Mekal, 3043 Heritage.

There were 2 letters of objection on file: Matthew F. Haley, 3059 Heritage and Wesley and Evelyn Paull, 2735 E. Big Beaver Road

Motion by VandenBussche  
Supported by Harris

MOVED, to grant Krzysztof Borkowski, 3034 Heritage, a variance for relief of the Troy City Code, Chapter 83 (Fence Ordinance).

## ITEM #7

1. The fence only be allowed to extend to the 15 foot landscape easement adjacent to Big Beaver Road and not within that 15 foot landscape easement.
2. The fence also be limited to extend only to the rear of the building at the closest point to Big Beaver Road.

Ayes: 4  
Nays: 1 - Spurr  
Absent: 0

MOTION TO APPROVE, AS STIPULATED, CARRIED

ITEM #8. George R. and Laurie A. Gobel, 2990 Charnwood, for relief of Chapter 83 (Fence Ordinance)

Mr. VandenBussche explained that the petitioner is requesting a permit to install a 6 foot high fence at their west property line adjacent to Adams Road in the required setback from Adams Road and also a portion of fence will be located in the required setback of Charnwood. The Fence Ordinance does not permit fences to exceed 4 foot in height in the required setback of Adams and 30 inches in height in the required setback from Charnwood. The Fence Ordinance also stipulates that when a 4 foot fence is placed in the required setback it must be non-obscuring. This request is for a 6 foot high wood privacy fence.

George Gobel was present stated that they have two small children and desire the privacy from Adams Road. They are across the street from the I-75 entrance/exit ramps and also the road narrows northbound causing vehicles to be forced off the road and feels that the fence will provide protection to their property. They feel that the fence will also reduce the noise level from the Adams Road traffic. They also have a problem with passerbys who stop to ask directions, ask to use their telephone, etc. By fencing the area and installing gates at their drives, they feel they can stop this nuisance. Mr. Gobel stated that at one time there was extensive shrubbery on that side (west) but during water main construction shrubs were removed and never replaced.

The chairman opened the public hearing.

Harry Bullock, 2991 Charnwood, was present and objected, stating that the shrubs that had been removed were replaced but not taken care of and died. The petitioner does not have a situation any different than they do and they do not have a fence. Also, the Charnwood Subdivision has been known for being open with no fences.

Ruth Coyro, 6284 Malvern, was present and objected stating that the deed restrictions for the area do not allow fences and a fence at the corner or entry to the subdivision will detract from the area.

There were no further comments from the audience.

The chairman closed the public hearing.

There were 3 letters of approval on file: Stanley Franco, 2983 Bretby - Mary Ann Bielski, 2949 Bretby - William Cousins, 2960 Charnwood.

Motion by Spurr  
Supported by VandenBussche

MOVED, to deny the request of George R. & Laurie A. Gobel, 2990 Charnwood, for relief of the Fence Ordinance.

1. The desired privacy and protection can be provided by fencing that meets the requirements of the code.

Ayes: 5  
Nays: 0  
Absent: 0

MOTION TO DENY REQUEST CARRIED.

The Building Code Board of Appeals adjourned at 9:55 a.m.

