

RESOLUTION TEMPLATE

Moved by:

Seconded by:

RESOLVED, That the variance request for [applicant name, company, address or location] ,
for relief of Chapter 85 (Chapter 83) to [request] ,

Be granted for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85 (Chapter 83); and
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign; 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.

Be denied for the following reasons:

1. The variance would be contrary to the public interest or general purpose and intent of Chapter 85 (Chapter 83); and
2. The variance would adversely affect properties in the immediate vicinity of the proposed sign; and
3. The petitioner has failed to demonstrate any hardship or practical difficulty because:
 - a) Reasonable use can be made of the property without the variance, and
 - b) Public health, safety and welfare would not be negatively affected in the absence of the variance, and
 - c) Conforming to the ordinance is not unnecessarily burdensome; and
 - d) There is no evidence of hardship or practical difficulties resulting from the unusual characteristics of the property because there is nothing unusual about the size, shape or configuration of the parcel that would make it unnecessarily burdensome to comply with the requirements of the sign (fence) ordinance.

Be postponed / tabled for the following reasons:

Yeas:

Nays:

MOTION CARRIED / FAILED



BUILDING CODE BOARD OF APPEALS REGULAR MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3344
www.troymi.gov
planning@troymi.gov

Gary Abitheira, Chair, Teresa Brooks
Matthew Dziurman, Sande Frisen, Mark F. Miller,

December 2, 2020

3:00 PM

REMOTE MEETING

Public Comment may be communicated to the Building Code Board of Appeals via telephone voice mail by calling 248-524-3546 or by sending an email to BCBAPublicComments@troymi.gov. All comments will be provided to the BCBA Board members. Public comment must be received by 9am the day of the meeting.

1. ROLL CALL
2. SUSPENSION OF BUILDING CODE BOARD OF APPEALS BYLAWS
3. APPROVAL OF MINUTES – November 4, 2020
4. HEARING OF CASES

- A. **VARIANCE REQUEST, EDDIE KRAJAWSKI, 3722 FORGE DRIVE** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 feet required front setback along the Forge Dr. and the Historic Dr. The petitioner is requesting a variance to install a 6-feet high, 163 feet long obscuring vinyl fence at the Historic Dr. side. At a distance of 23 feet from the property line, same location where an existing dilapidated obscuring wood fence now stands.

CHAPTER: 83

- B. **VARIANCE REQUEST, ERIC GORMAN, 5350 WESTMORELEAND DRIVE**– This property is on a curved lot. Since it is in the R1-C use district, as such it has a 30 feet required front setback along 5350 Westmoreland Drive front property line. The petitioner is requesting a variance to install a 6-feet high 130 feet long obscuring vinyl fence along 5350 Westmoreland Drive with a setback of one foot away from the property line, where City Code limits fences to 48 inches high due to the fact that there is a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 130 feet and a 12 feet double gate.

CHAPTER: 83

- C. **VARIANCE REQUEST, JOANNA GAY, 4437 YANICH** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Yanich Drive and Longfellow Drive. The petitioner is requesting a variance to install a 4-feet high, 118 feet non-obscuring wood fence along Longfellow Drive with a setback of [six or seven feet](#) away from the property line, where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 250 feet, which 132 feet of the fence do not require a variance.

CHAPTER : 83

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

5. COMMUNICATIONS
6. PUBLIC COMMENT
7. MISCELLANEOUS BUSINESS- 2021 BCBA Meeting Schedule
8. ADJOURNMENT

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PROPOSED RESOLUTION TO CONDUCT ELECTRONIC MEETING

RESOLVED, that the Troy Building Code Board of Appeals hereby allows all members to participate in public meetings by electronic means as allowed by Public Act 228 of 2020, since an in person meeting could detrimentally increase exposure of board members and the general public to COVID-19, and would also be difficult to facilitate in light of the Michigan Department of Health and Human Services epidemic orders protecting public health and safety.

Members participating electronically will be considered present and in attendance at the meeting and may participate in the meeting as if physically present. However, members must avoid using email, texting, instant messaging, and other such electronic forms of communication to make a decision or deliberate toward a decision.

RESOLVED, that the Troy Building Code Board of Appeals hereby establishes public participation rules for any eligible virtual meetings to provide for two methods by which members of the public can be heard by others during meetings. Email sent to BCBAPublicComments@troymi.gov and received by 9:00 am on the day of the meeting will be read during the public comment period of the meeting. Voicemail left at 248-524-3546 and received by 9:00 am on the day of the meeting will be played during the public comment period of the meeting. Both email and voicemail public comments will be limited to three minutes each.

Chair Abitheira called the virtual Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on November 4, 2020.

1. ROLL CALL

Members Present

Gary Abitheira

Teresa Brooks

Matthew Dziurman

Sande Frisen

Mark F. Miller, City Manager

Support Staff Present

Salim Huerta, Building Official

Jackie Ferencz, Planning Department Administrative Assistant

Kathy L. Czarnecki, Recording Secretary

2. SUSPENSION OF BUILDING CODE BOARD OF APPEALS BYLAWS

Chair Abitheira introduced the procedure to be followed for a remote meeting.

Moved by: Miller

Support by: Brooks

RESOLVED, That the Troy Building Code Board of Appeals hereby allows all members to participate in public meetings by electronic means as allowed by Public Act 228 of 2020, since an in-person meeting could detrimentally increase exposure of board members and the general public to COVID-19, and would also be difficult to facilitate in light of the Michigan Department of Health and Human Services epidemic orders protecting public health and safety.

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Yes: All present (5)

MOTION CARRIED

3. APPROVAL OF MINUTES

Moved by: Brooks

Support by: Frisen

RESOLVED, To approve the minutes of the January 8, 2020 Regular meeting as submitted.

Yes: All present (5)

MOTION CARRIED

4. HEARING OF CASES

A. **VARIANCE REQUEST, Vladimir Korcari, 2904 Thames** – This property is a corner lot and a double front setback is required per Chapter 83, Section 2-A. As such, the proposed fence cannot be placed in the 25-foot required Thames Drive front setback or the 25-foot required Dover Drive setback as defined for the R-1E Zoning District. This corner lot does not have a common rear yard relationship with a lot in the same block. Therefore, the only fence height allowed is that of a maximum height of 30 inches. The petitioner is requesting a total of 106 feet, 2 inches of a 4-foot tall non-obscuring chain link fence plus a 6-foot long, 4-foot tall chain link gate variance in the required Dover Drive setback.

The petitioner was granted Building Permit PF 2019-0219 for a 6-foot PVC privacy fence that did not require a variance. However, the permit was not closed since the 6-foot fence encroaches by 9 inches into the Dover Drive setback. The petitioner must correct the encroachment.

Mr. Huerta read the variance request narrative and briefly reviewed the request. He explained that either the Board can approve the 9-inch variance to correct the encroachment or the administration will ask the petitioner to move the fence back 9 inches.

The petitioner Vladimir Korcari was present; his son spoke on behalf of his father. It was expressed that a fence would provide safety for the grandchildren and protection from neighboring dogs and traffic. It was stated the 9-inch encroachment was in error by the fence contractor.

There was discussion on:

- Information and pictures submitted with request.
- Existing 4-foot high fence.
- Fence material.

Ms. Ferencz reported no public comment on the variance request.

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **approve** the variance as requested including the 9-inch extension of the obscuring PVC fence, for the following reason:

1. The variance would not be contrary to the intent of Chapter 83.

Yes: All present (5)

MOTION CARRIED

B. VARIANCE REQUEST, Austin and Rachael Czarnik, 2984 Cedar Ridge Drive –

This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Cedar Ridge Drive and West Big Beaver. The petitioner is requesting a variance to install a 6-feet high, 85 feet long privacy PVC Chesterfield, Clay fence set back from 4 to 5 feet from the property line along the West Big Beaver side where the City Code limits fences to a 48 inches height due to the back to back relationship to the neighboring lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 151 feet, which 66 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative.

Chair Abitheira disclosed he built the home at 2984 Cedar Ridge which was later sold to the Czarnik family. Mr. Abitheira confirmed he is no longer the owner of the property.

The Board voiced no objections to Chair Abitheira deliberating and acting on the matter.

The petitioner Austin and Rachael Czarnik were present. Ms. Czarnik said the fence would provide privacy and security for their dog and future child. She said the requested setback would provide more yard for play.

There was discussion on:

- Information and pictures submitted with request.
- Clarification on setback lines; relationship to driveway.
- Diagonal setback line; flows with sidewalk.
- Existing landscape, trees obscures visual of fence.

Ms. Ferencz reported one public comment and read the email message.

- Michael and Paula Koran of 3452 Dorothea Court, Troy, in support. (email)

Moved by: Frisen
Support by: Brooks

RESOLVED, To **approve** the variance as requested, for the following reason:

1. The variance would not be contrary to the intent of Chapter 83.

Yes: All present (5)

MOTION CARRIED

- C. **VARIANCE REQUEST, Joanna Gay, 4437 Yanich** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Yanich Drive and Longfellow Drive. The petitioner is requesting a variance to install a 4-foot high, 118 feet non-obscuring wood fence along Longfellow Drive with a setback of one foot away from the property line, where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 250 feet, which 132 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative.

The petitioner Joanna Gay was present (audibly only). Ms. Gay said the fence would provide privacy and security for their children and dog. She said a 48-inch high iron rod fence would provide protection and they could utilize more of their yard with a one foot setback. Ms. Gay stated the fence would also provide additional safety for their children because the neighbor to the rear has a pool with a chain link fence only.

There was discussion on:

- Information and pictures submitted with request.
- Corner triangular visual clearance.
- Requested setback; proximity to sidewalk, pedestrian traffic.
- Existing trees in relationship to property.

Ms. Ferencz reported three public comments. Ms. Ferencz read the email messages and played the voicemail message.

- Stephen and Jill Bachle, 640 Longfellow, Troy; in support. (email)
- William and Gina Sipila, 654 Longfellow, Troy; in opposition. (email)
- David and Linda Sysko, 4438 Yanich Troy; in opposition. (voicemail)

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **approve** the variance request with the change that the fence line be no closer than 10 feet off of the right of way on Longfellow, for the following reason:

1. The variance would have no conflict with the intent of Chapter 83.

Yes: All present (5)

MOTION CARRIED

- D. **VARIANCE REQUEST, Carl and Jeanette Losey, 485 Booth** – This property is a double front corner lot. Since it is in the R1-B use district, as such it has a 40 foot required front setback along both Booth Road and Montclair Avenue. The petitioner is requesting a variance to install a 6-foot high, 243 feet long vinyl privacy fence with a setback of 3 feet from the property line along Booth Road and Montclair Avenue, returning the fence to the house with two gates and a 10 feet short section. The variance is requested for all sections, since all fall on the setback restricted area, and where the City Code limits fences to 48 inches high due to the fact that there is a back to back relationship to the neighboring rear lot.

Mr. Huerta read the variance request narrative.

The petitioner Carl and Jeanette Losey were present. Ms. Losey said a fence would provide privacy and security for their family and dogs. She indicated the corner is very active and people can see into their living room. Ms. Losey said their submission included photographs of similar properties in their neighborhood with fences and they have signatures of ten neighbors who stated no objections to the variance request.

There was discussion on:

- Information and pictures submitted with request.
- Fence as relates to neighborhood environment with large open lots.
- Required setback in relation to house.
- Proposed setback as relates to right of way; dimension differentials of right of way.
- Signatures of neighbors in support; one of which submitted email message in opposition.
- 12 foot easement; DTE power lines overhead.
- Landscaping to soften effect.
- Width of lot.
- Fence material; professional installation, woodgrain and taupe in color.

Ms. Ferencz reported two public comments. Ms. Ferencz read the email message and played the voicemail message.

- Erin Bridge, 472 E. Hurst, Troy; in opposition (email)
- Larry Jonas, 473 E. Hurst, Troy; in support (voicemail)

Moved by: Abitheira
Support by: Miller

RESOLVED, To **approve** the variance request with a fence to be 6 feet off the lot line with no less than 10 bushes, for the following reason.

1. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yes: Abitheira, Brooks, Dziurman, Miller
No: Frisen

MOTION CARRIED

- E. **VARIANCE REQUEST, Linda Shears, 1538 Wrenwood Drive** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has 30 foot required front setback along West Big Beaver. The required setback from the property line. The petitioner is requesting a variance to install an 8-foot high, 80 feet long obscuring wood fence at the back-property line running North to South and two sections that will start at 6 feet high and will increase in height to 8 feet once connecting to the back-lot line fence section. These two fence sections will run from east to west on the side lot lines. The 68 feet east to west section on the West Big Beaver property line will require a variance that will allow for it to be re-installed at 20 feet from the property line at a 6 feet height.

Mr. Huerta read the variance request narrative.

Mr. Miller disclosed he has known the petitioner for many years and worked with her on the Best of Troy Committee for the Troy Chamber of Commerce. He said he has no conflict of interest in the matter.

The Board voiced no objections to Mr. Miller deliberating and acting on the matter.

Petitioner Linda Shears was present. Ms. Shears said she had a wilderness that provided visual privacy and acted as a sound barrier from Big Beaver and the church located behind her until DTE cut down all the trees. She said her property is visually wide open. Ms. Shears indicated she is asking for an 8 foot high fence only along the rear property abutting the church; the existing fence in disrepair would be replaced with a 6 foot high fence. She indicated she did not talk to surrounding neighbors about her request.

Mr. Huerta clarified the variance request is for an 8 foot high fence in the rear. A variance is not required to replace the remaining six-foot fence.

There was discussion on:

- Information and pictures submitted with request.
- Responsibility of church to provide barrier of some type; fence, wall and/or landscape treatment; administrative decision through Planning Department.
- Elevation difference between house and church.
- Locations, if any, of 8-foot high fences in residential neighborhoods.
- Landscaping along rear fence perimeter.
- Commercial use adjacent to home.

Ms. Ferencz reported one public comment. Ms. Ferencz played the voicemail message.

- No name, address given; in opposition. (voicemail)

Moved by: Miller
Support by: Frisen

RESOLVED, To **approve** the variance request, for the following reasons:

1. The property abuts a non-residential use.
2. There are existing grade issues.

Discussion on the motion on the floor

Mr. Dziurman addressed a graduation of the fence height to the setback along the church property.

Moved by: Dziurman
Support by: Brooks

RESOLVED, To **amend** the motion on the floor to include that the 8 foot high fence starts at the setback line and that the 6 foot high fence is granted on the north side as it is currently but that 10 foot of it be at 6 foot and increase to 8 foot on the back side property line facing east.

Yes: Brooks, Dziurman
No: Abitheira, Frisen, Miller

MOTION DENIED

Vote on the original motion on the floor

Yes: Abitheira, Frisen, Miller
No: Brooks, Dziurman

MOTION CARRIED

- F. **VARIANCE REQUEST, Jessica Harrington, 385 Cotswold** – This property is a double front corner lot. Since it is in the R1-B use district, as such it has 40 foot required front setback along both Cotswold Drive and Folkstone Drive. The petitioner is requesting a variance to install a 4-feet high, 144 feet long non-obscuring aluminum fence where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring lot. The total length of fence requested by the petitioner to be permitted by the Building permit is 307 feet, which 163 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative.

Petitioner Jessica Harrington was present. Ms. Harrington said a fence would provide privacy and security for their small children and a dog in the future. She said the existing fence is in disrepair of which a small portion of that fence was removed for the pool. Ms. Harrington said the requested setback would provide more use of their yard.

There was discussion on:

- Information and pictures submitted with request.
- Clearance for visibility of neighboring driveway.
- Requested setback as relates to pedestrian traffic.
- Existing trees; two small ornamental trees, pine trees removed.
- Similar corner lots in neighborhood.
- Pool; usable space around pool.

Ms. Ferencz reported there was no public comment on this item.

Moved by: Brooks
Support by: Abitheira

RESOLVED, To **grant** the variance request for relief of Chapter 83 for a non-obscuring 4 foot high fence, and that there be a 10 foot setback of the fence on the northwest corner and the fence along the west line be set back 5 feet, for the following reason:

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

Yes: All present (5)

MOTION CARRIED

- G. **VARIANCE REQUEST, Karen E. Arnette, 4988 Calvert Drive** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both East Long Lake Road and Calvert Drive. The petitioner is requesting a variance to install a 4-feet high, 140 feet non-obscuring metal fence, set back 17.5 feet from the property line along the East Long Lake Road side where City Code limits fences to 30 inches high due to the fact that there

isn't a back to back relationship to the neighboring lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 140 feet, which all 140 feet of the fence require a variance. At that location the East Long Lake Road is 120 feet R.O.W

Mr. Huerta read the variance request narrative.

The petitioner Karen Arnett was present. Ms. Arnett said the proposed setback would allow for easier maintenance of the yard. The fence would separate pine trees and mulch on one side and grass on the other side.

There was discussion on:

- Information and pictures submitted with request.
- Busy intersection along Long Lake Road.
- Material and type of fence.

Ms. Ferencz reported no public comment on the variance request.

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **approve** the variance request, for the following reason:

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

Yes: All present (5)

MOTION CARRIED

- H. **VARIANCE REQUEST, Steven Rockoff, 2949 Vineyards Drive** – This property is a double front corner lot. Since it is in the R1-A use district, as such it has a 40 foot required front setback along both Vineyards Drive; (East-West) and Vineyards Drive. (North-South section). The petitioner is requesting a variance to install a 5-foot high, 70 feet long non-obscuring metal fence set back 21.5 feet from the property line along Vineyards Drive (North-South section) where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring rear lot. The total length of fence requested by the petitioner to be permitted by the Building Department is 218.56 feet, which 148.56 feet of the fence will not require a variance.

Mr. Huerta read the variance request narrative.

The petitioner Steven Rockoff was present. Mr. Rockoff said the fence would provide privacy and security of their young children and the use of their pool structure. Mr. Rockoff said he would like to replace the existing fence, which is a combination of metal and chicken wire and not to code, with an ornamental fence with safety features. Mr. Rockoff said the existing two tree lines and arborvitaes and additional

arborvitaes he would plant would visually obscure the fence and property. He shared that he recently spoke with neighbors and believe they are amenable to the variance request.

Ms. Brooks asked the petitioner to use caution with any fence installation because of the geothermal borings along the west side of the property line.

There was discussion on:

- Information and pictures submitted with request.
- Landscaping; visually obscuring, aesthetically pleasing.
- Existing fence; approximate 3.5 feet in length, no record of permit.
- Homeowners Association restrictions; enforcement matter between homeowner and association.
- Hardship; unusual characteristics of property.
- Pool; security, safety features, liability to homeowner.
- Pool structure; door openings.

Ms. Ferencz reported two public comments. Ms. Ferencz read the email messages.

- Martin and Karen Makowski, 2905 Vineyards, Troy; Baileys Homeowners Association; in opposition. (email)
- William and Cecily Roney, 5164 Highmount, Troy; in opposition. (email)

Moved by: Miller
Support by: Brooks

RESOLVED, To **grant** the variance request, 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.
4. There exists heavy growth, most of the property is built upon and the property needs proper securing for safety reasons.

Yes: All present (5)

MOTION CARRIED

The Board agreed at the request of Petitioner Anthony Tony Podsiadlik of 2374 Cumberland to move Agenda item I and Agenda item K to the end of the agenda and consider simultaneously.

- J. **VARIANCE REQUEST, Katherine Pawlowski, 2718 Renshaw Drive** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has 30 feet required front setback along both Renshaw Drive and Argyle Drive. The petitioner is requesting a variance to install a 4-foot high, 150 feet non-obscuring aluminum fence, setback 1 foot from the property line along the Argyle Drive side where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 233 feet, which 83 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative.

The petitioner Katherine Pawlowski was present. Ms. Pawlowski said the fence would provide privacy and safety for their two small children and dog. She said placing the fence at the required setback would be close to the house and they would lose their play area.

There was discussion on:

- Information and pictures submitted with request.
- Setback in relation to curvature of road, sidewalk, existing landscaping.
- Visual barrier going north on Argyle.
- Similar lots in neighborhood, environment of neighborhood.
- Material and type of fence.

Ms. Ferencz reported there was no public comment on this item.

Moved by: Brooks
Support by: Miller

RESOLVED, To **approve** the variance request, for the following reasons:

1. The variance would not be contrary to the intent of Chapter 83.
2. The variance does not adversely affect surrounding properties.
3. There is a need for the property owner for the appeal.

Discussion on the motion on the floor

Mr. Frisen brought attention to the Board that the motion does not specify a 5 foot setback off the right of way, as discussed.

Moved by: Frisen
Support by: Brooks

RESOLVED, To **amend** the motion on the floor to provide a 5 foot setback off the right of way.

Yes: All present (5)

MOTION CARRIED

Vote on the motion on the floor as amended

Yes: All present (5)

- I. **VARIANCE REQUEST, Anthony J. Podsiadlik, 2374 Cumberland Drive** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Cumberland Drive and Greensboro Drive. The petitioner is requesting a variance to install a 6-feet high, 112 feet long vinyl privacy fence, setback 5 feet from the property line along the Greensboro Drive side where the City Code limits fences to a 48 inches height due to the back to back relationship to the neighboring lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 231 feet, which 119 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative.

The petitioner Anthony Podsiadlik was present. Mr. Podsiadlik said the fence would provide privacy and safety for their children and dog. He said there is greenery but no fence on either side of the property line to the south that is shared with Michael Sawyers, the next applicant at 2385 Hillcrescent. Mr. Podsiadlik said he and Mr. Sawyers would like to share the rear fence, and he would extend the fence on his property as outlined in the submission.

There was discussion on:

- Information and pictures submitted with request.
- Fence as relates to environment of neighborhood; open large lots, height obscurity.
- Setback distance from property line.
- Fence gate in relation to house.
- Wall effect of obscuring fence.
- Safety of pedestrian traffic.
- Visual clearance to adjacent driveway to north.

Ms. Ferencz reported no public comment on the variance request.

The Board asked the petitioner's consideration of setting the fence back further than the requested 5 feet.

There was conversation between the two petitioners, Mr. Podsiadlik and Mr. Sawyers. They informed the Board their desire to stay with the requested 5 foot setback, and should the variance request be denied, they would go to their "Plan B" and install a chain link fence with arborvitaes.

Mr. Huerta confirmed a 4 foot non-obscuring fence along the back to back relationship between the two properties would be allowed by right and a variance would not be required.

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **deny** the request, for the following reasons:

1. The variance would be contrary to the intent of Chapter 83.
2. The petitioner failed to demonstrate any hardship or practical difficulty.

Yes: All present (5)

MOTION CARRIED

- K. **VARIANCE REQUEST, Michael A. Sawyers, 2385 Hillcrescent Drive** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Hillcrescent Drive and Greensboro Drive. The petitioner is requesting a variance to install a 6-feet high, 120 feet long Vinyl privacy fence section that requires a variance. It will be setback 5 foot from the property line along the Greensboro Drive side where the City Code limits fences to a non-obscuring 48 inches height due to the back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 200 feet, which 80 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative, correcting the narrative to read a 5 foot setback from the property line.

Ms. Ferencz reported one public comment. Ms. Ferencz played the voicemail message.

- Sue Parkinson, 2369 Hillcrescent; in support. (voicemail)

The petitioner Michael Sawyers was no longer remotely connected.

Moved by: Frisen
Support by: Abitheira

RESOLVED, To **deny** the variance request, for the following reasons:

1. The variance would be contrary to the public interest or general purpose and intent of Chapter 83.
2. The petitioner failed to demonstrate any hardship or practical difficulty on the site.

Yes: All present (5)

MOTION CARRIED

5. COMMUNICATIONS – None

6. PUBLIC COMMENT – None

7. MISCELLANEOUS BUSINESS

There was discussion on:

- Format of public comment received for remote meetings as relates to State guidelines and Open Meetings Act.
- In-person Board meetings; administration working on feasible plan.
- Mr. Huerta announced to date there is one application on the December agenda.

8. ADJOURNMENT

The virtual Regular meeting of the Building Code Board of Appeals adjourned at 6:35 p.m.

Respectfully submitted,

Gary Abitheira, Chair

Kathy L. Czarnecki, Recording Secretary

C:\Users\bob\Documents\Kathy\COT Building Code Board of Appeals\Minutes\2020\2020 10 04 Regular Meeting_Draft.doc

- A. **VARIANCE REQUEST, Eddie Krajawski, 3722 Forge Drive** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 feet required front setback along the Forge Dr. and the Historic Dr. The petitioner is requesting a variance to install a 6-feet high, 163 feet long obscuring vinyl fence at the Historic Dr. side. At a distance of 23 feet from the property line, same location where an existing dilapidated obscuring wood fence now stands.

Chapter 83



Legend:

□ Tax Parcel

3722 FORGE DR.

30' FEET

SETBACK,
6' VINYL
OBSCURING
FENCE

*REQUIRED
VARIANCE IS
FOR: 163 FEET
OF VINYL FENCE.
(OBSCURING).

*LOCATION
SAME PLACE
AS THE EXISTING
WOOD FENCE
TO BE
REMOVED.

*SAME LOCATION
AS THE EXISTING
WOOD FENCE.

*6 FOOT WOOD
EXISTING FENCE
IS TO BE
REMOVED.

*EXISTING WOOD
FENCE DOES NOT
SHOW A PERMIT ON

Notes: BS AND A.

R1-C

30 FEET

SETBACK.





**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-MAIL: 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: 3722 Forge Drive
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): _____
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:
fence code
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 ☐ NO ☒

6. APPLICANT INFORMATION:

NAME AIS Installations / Bob Stralko

COMPANY AIS Installations

ADDRESS 6040 Wall St

CITY Sterling Heights STATE MI ZIP 48312

TELEPHONE 586-274-9100

E-MAIL bstralko@aisoutlet.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Fence Contractor

8. OWNER OF SUBJECT PROPERTY:

NAME Eddie Krajawski

COMPANY _____

ADDRESS 3722 Forge Dr

CITY Troy STATE MI ZIP 48083


TELEPHONE 313-244-9291

E-MAIL FAST.EDDIE1789@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.

I, Eddie Krajawski (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 8/21/20

PRINT NAME: Bob Stralko

SIGNATURE OF PROPERTY OWNER  DATE 8/21/20

PRINT NAME: Eddie Krajawski

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.

Variance request for 3722 Forge Dr

We are requesting a variance to install a fence at 3722 Forge Dr. There is currently a wood privacy fence that is falling down on the property now. We are requesting to remove that wood fence and put a new vinyl privacy fence in the same place. We are not asking to move any closer to the sidewalk. We are only requesting to replace what is already there. The fence is 23' away from the sidewalk so Mr. Krajawski will continue to be able to see pedestrians and traffic coming from both directions. Mr. Krajawski has dogs and kids that he would like to contain in his yard for their safety. Thank you for considering our proposal.

From: [Katie Krajewski](#)
To: [Jackie Ferencz](#)
Cc: [Salim Huerta](#)
Subject: 3722 Forge Dr. Fence permit
Date: Thursday, October 1, 2020 11:35:05 AM

Good morning Jackie,

I spoke with Salim this morning who graciously gave me your email address. My name is Kaitlin Krajewski, my husband Edward and I bought our home on Forge Dr. on March 31 (in the heat of COVID!) We understood with the current situation that we would hit some hiccups with building our fence on the corner lot. We contacted the city the day we bought our house and also called for Miss Dig to come Evaluate the property for a privacy fence. When we realized everything was pretty much shut down with the city, understandably, We contacted a contractor to help us get things started. This reputable contractor submitted our permit which was denied. There is a partial existing fence that we wanted to keep the same line due to landscaping and gates and such. We were instructed he would submit to the zoning board of appeals for them to look further into the denial. This was in June. We've been patiently waiting without any answers so I decided to contact the city myself despite the contractor assuring me he was taking care of it. When I spoke to Salim this morning he informed me there was nothing for our address on file so I am reaching out to you for assistance! We are really in desperate need of our fence, being on corner lot with a small child and dogs, not to mention that we have been paying for this privacy fence since June that we don't physically have. I am at a loss for what to do with this point, so if you could please help us or point us in the right direction to get this expedited it would be greatly appreciated. We've lived here for six months and just want to be able to settle in and enjoy our home to the fullest, and I trusted that our contractor was handling this appropriately. Thanks so much for your time,

Kaitlin Krajewski







FENCE PERMIT APPLICATION

CITY OF TROY

DEPARTMENT OF BUILDING INSPECTIONS

500 W. BIG BEAVER ROAD

TROY, MICHIGAN 48084

Phone: 248-524-3344 Fax: 248-689-3120

www.troy.mi.gov

Check # _____

FENCE

Date: 06/26/20

PF2020-0114

Project Information	Job Address: 3722 FORGE DRIVE	Suite # _____
	Lot: _____	Subdivision: _____
	Owner: EDDIE KRAJAWSKI	Phone: 313-244-9291
	Work to be Performed: <input checked="" type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair <input checked="" type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.	
Applicant Information	Name: AIS/MICHAEL ANDERSON	Phone: 586-274-9100 Fax: 586-274-4068
	Address: 6040 WALL STREET	City: STERLING HEIGHTS State: MI Zip: 48083
	Email: JMCALISTER@AISOUTLET.COM	

☐ Registration - \$10 (Due after 5/31 of each year)

Final lot grade shall be approved before a fence permit is issued.

Please use the box below as if it were a drawing of your lot.

Draw in the proposed fencing using the symbols from the chart.

Indicate the number of feet for each portion of fence.

Type, height, and lineal feet of material to be used:					
Type:	Wood	Wire	Metal	Masonry	Other
Symbols:	000000	xxxxx	///////	□□□□	Wavy
HEIGHT					6'
NO. OF FEET					163'
PERMIT FEE	<input checked="" type="checkbox"/> Under 300' \$15.00		<input type="checkbox"/> Over 300' \$25.00		

House

Sidewalk

Interior Lot ☐

Corner Lot ☒

Building Department Approval _____

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

☐ Ready for Inspection ☐ Will Call

Applicant Signature _____

Homeowner's signature indicates compliance with homeowner's affidavit

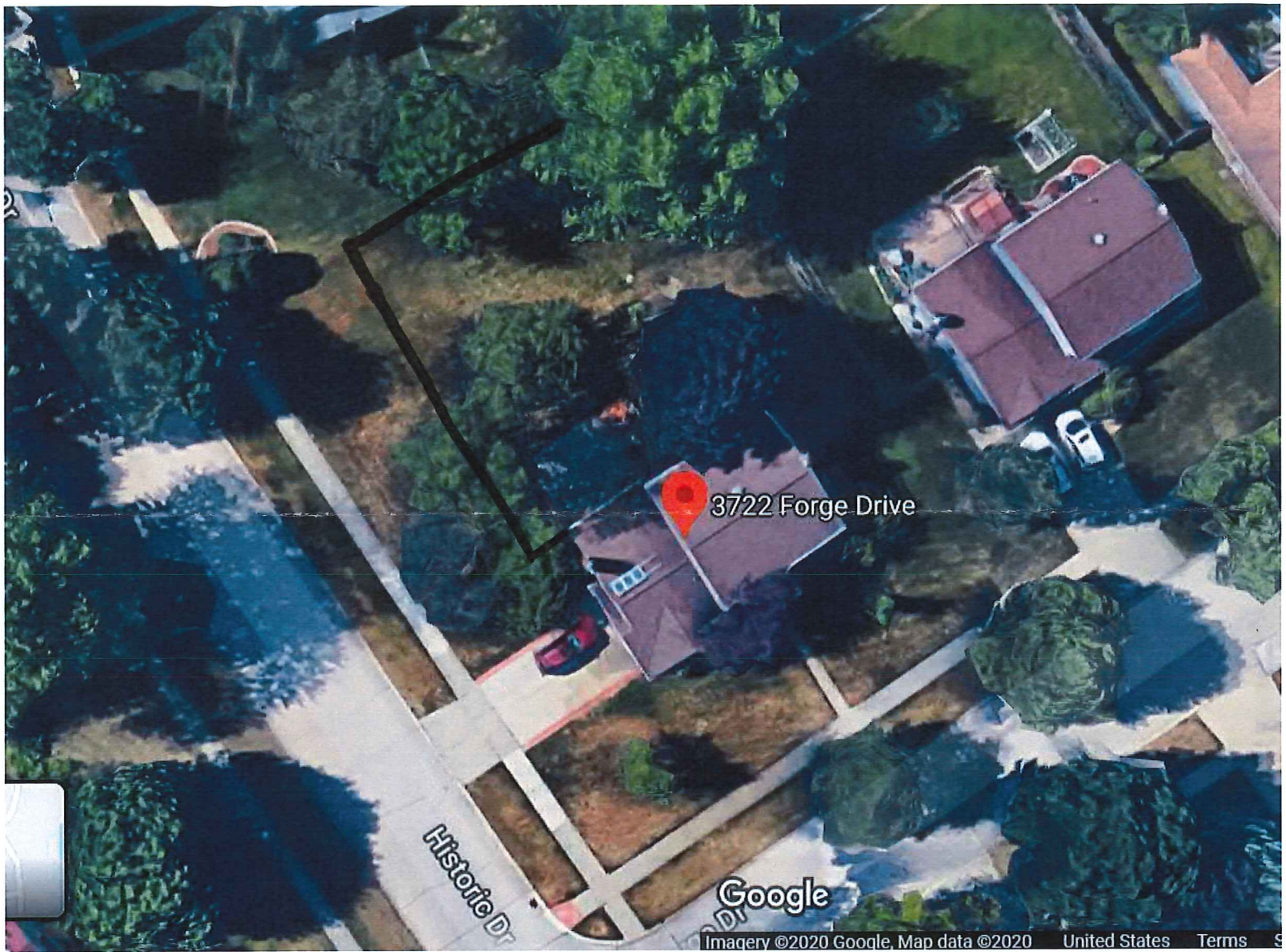
Homeowner Affidavit

I herby certify that the fencing described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Chapter 83 of the Troy City Ordinance. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.

I CERTIFY THAT THE INFORMATION ON THIS APPLICATION IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS WHICH MAY APPLY TO THIS CONSTRUCTION AND AM AWARE OF MY RESPONSIBILITY THEREUNDER.

Subscribed and sworn to before me this _____ day of _____ 20____ Notary Public, _____ County, Michigan

My commission expires _____



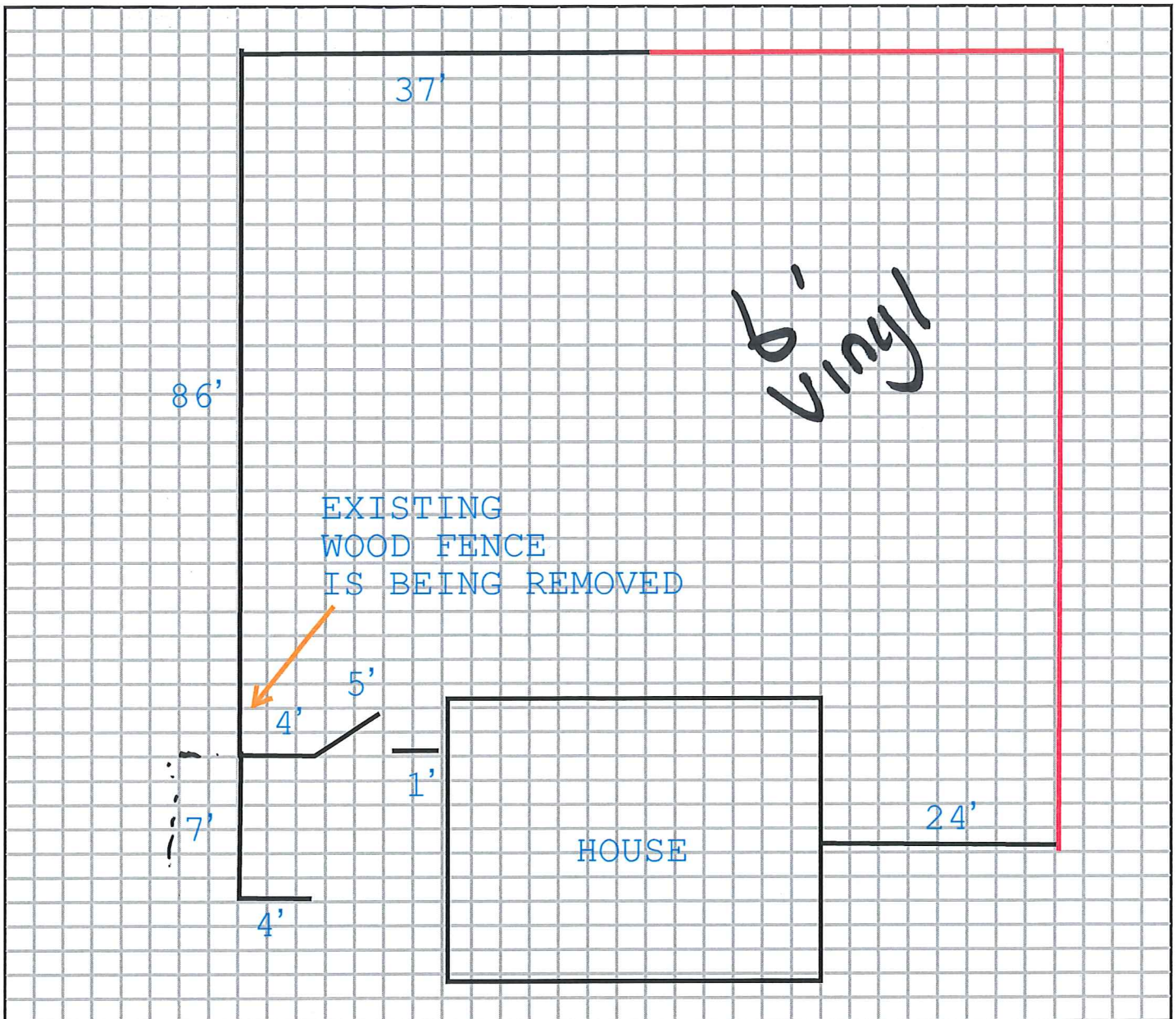
6' Vinyl

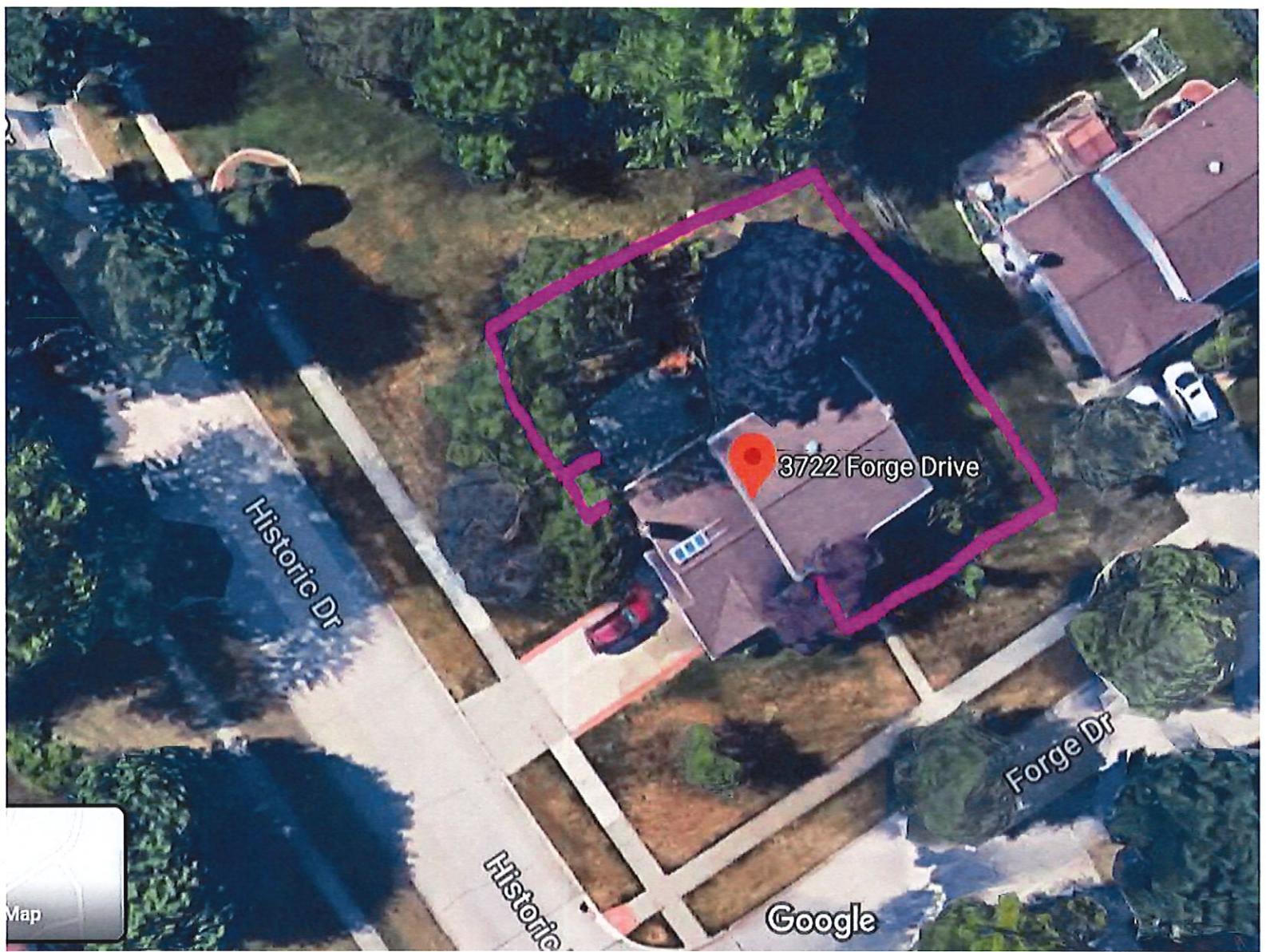


Fencing Quote/Specification

Home Depot License #'s - For the most current listing visit www.Homedepot.com/LicenseNumbers

Bob Stralko		2101186129	
Salesperson Name		Registration # (Req. in CA,CT,ME,MD,MI,NJ,DC)	
KRAJAWSKI	EDDIE	2711	1-67454588371
Customer Last Name	Customer First Name	Store # / Branch Name	Customer Lead/ PO#
3722 FORGE DRIVE		TROY	MI 48083
Customer Address		City	State Zip
313-244-9291			
Home Phone#	Work Phone#	Cell Phone#	Cross Street 1 Cross Street 2





25' from Sidewalk to fence



B. VARIANCE REQUEST, Eric Gorman, 5350 Westmoreland Drive – This property is on a curved lot. Since it is in the R1-C use district, as such it has a 30 feet required front setback along 5350 Westmoreland Drive front property line. The petitioner is requesting a variance to install a 6-feet high 130 feet long obscuring vinyl fence along 5350 Westmoreland Drive with a setback of one foot away from the property line, where City Code limits fences to 48 inches high due to the fact that there is a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 130 feet and a 12 feet double gate.



Legend:

Tax Parcel

5350
WESTMORELAND DR.

— 30' SETBACK
— 6' VINYL FENCE (OBSCURING)

— #1 GATE 5'
— #2 GATE 7'

* BUILDING PERMIT
TOTAL FENCE + GATES = 193 FEET

* REQUIRED VARIANCE IS FOR 133 FEET.

* SETBACK 1 FOOT FROM PROPERTY LINE.

* EXISTING WOOD FENCE IS UNDER 48"

* ALLOWED FENCE IS 48" WITH TRANSPARENCY

(NON-OBSCURING)
* EXISTING FENCE DOES NOT SHOW A PERMIT ON RS AND A.

Notes:

R1-e
30 FEET
SETBACK.







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-MAIL: planning@troymi.gov



FEE \$50

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COMPLETE APPLICATIONS ARE PLACED ON THE NEXT AVAILABLE AGENDA OF THE BUILDING CODE BOARD OF APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: _____

ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*

2. PROPERTY TAX IDENTIFICATION NUMBER(S): _____

3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:

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 ☐ NO ☐

6. APPLICANT INFORMATION:

NAME _____
COMPANY _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
E-MAIL _____

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: _____

8. OWNER OF SUBJECT PROPERTY:

NAME _____
COMPANY _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
TELEPHONE _____
E-MAIL _____

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.

I, _____ (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 Eric Don DATE _____

PRINT NAME: _____

SIGNATURE OF PROPERTY OWNER Kat K. Don DATE _____

PRINT NAME: _____

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The applicant will be notified of the time and date of the hearing by electronic mail.

City of Troy Planning Department
500 West Big Beaver Road
Troy, Michigan 48084

November 3, 2020

Re: Hardship Letter – solid white PVC fence construction at 5350 Westmoreland Drive

Dear Zoning Board:

We are requesting a variance to install a 6-foot solid white privacy fence with gate along the curved “corner” perimeter of our property at 5350 Westmoreland Drive in Troy, Michigan.

We prefer, and are requesting a variance for a 6-foot privacy fence, but would be willing to discuss other options with the Board. Specifically, we are requesting a variance for a 6’ white solid polymerizing vinyl chloride (PVC) fence, with a setback distance of 12” from the sidewalk along the “curved corner” perimeter of our property. This 12” setback will match the setback of our neighbor’s fence, thus providing a continuous fence line.

We moved to Troy in August 2019. The fence line of our property was completely covered by overgrown and unruly trees, shrubs and weeds. We tackled this project to improve the view of our neighborhood by removing these unsightly blemishes. However, once we removed these trees and shrubs, we found a partially deteriorated, rotted out, and falling-apart white picket fence. We immediately knew that this fence needed to be removed completely and replaced.

Our lot spans a curved “corner.” Westmoreland Drive leads straight to Long Lake Road, and is the main entrance to our subdivision. Also, our location on Westmoreland Drive is directly where Westmoreland Court begins. So, our lot location gets a lot of foot and vehicle traffic from people entering our subdivision or walking around our neighborhood. This became extremely apparent when we removed the tree and shrub line and we realized just how open and exposed our yard is. We have included a GoogleMaps photo that shows this foot and vehicle traffic path.

We would like to install a 6-foot privacy fence made of white PVC. We have two children: a 5 year old boy and a 2 year old girl. We would like privacy for them to be able to play outside in our yard without worry that they can climb the fence or wiggle through the pickets.

Additionally, we have a pool in our yard in the area which we wish to contain with this fence. When we are in the pool, any passerby can view and watch our family and children playing. A 6-foot privacy fence would eliminate this problem, and allow our family to play without prying eyes. Furthermore, a 6-foot privacy fence would more than satisfy the zoning code for yards with pools.

Finally, our family is considering adopting a puppy in the near future. A 6-foot privacy fence would allow us to puppy-train in our yard without fear that the pup would hop the fence or get out. A 6-foot privacy fence would also allow us to let the puppy out in the yard for exercise.

When discussing fence options with fence installation companies, we settled on a white PVC material because of the clean look for the neighborhood and the ease of maintenance. We are intent on contributing to our neighborhood by keeping a well-maintained lot.

For the reasons we have laid out, please consider our request for a variance for the 6-foot privacy fence along the curved “corner” of our lot at 5350 Westmoreland Drive. We have included photos for you to review. We have photos of the “before” of our fence line, as well as the “after” showing our current state.

Please let us know if you have any questions, or if further discussion is warranted.

Many thanks,

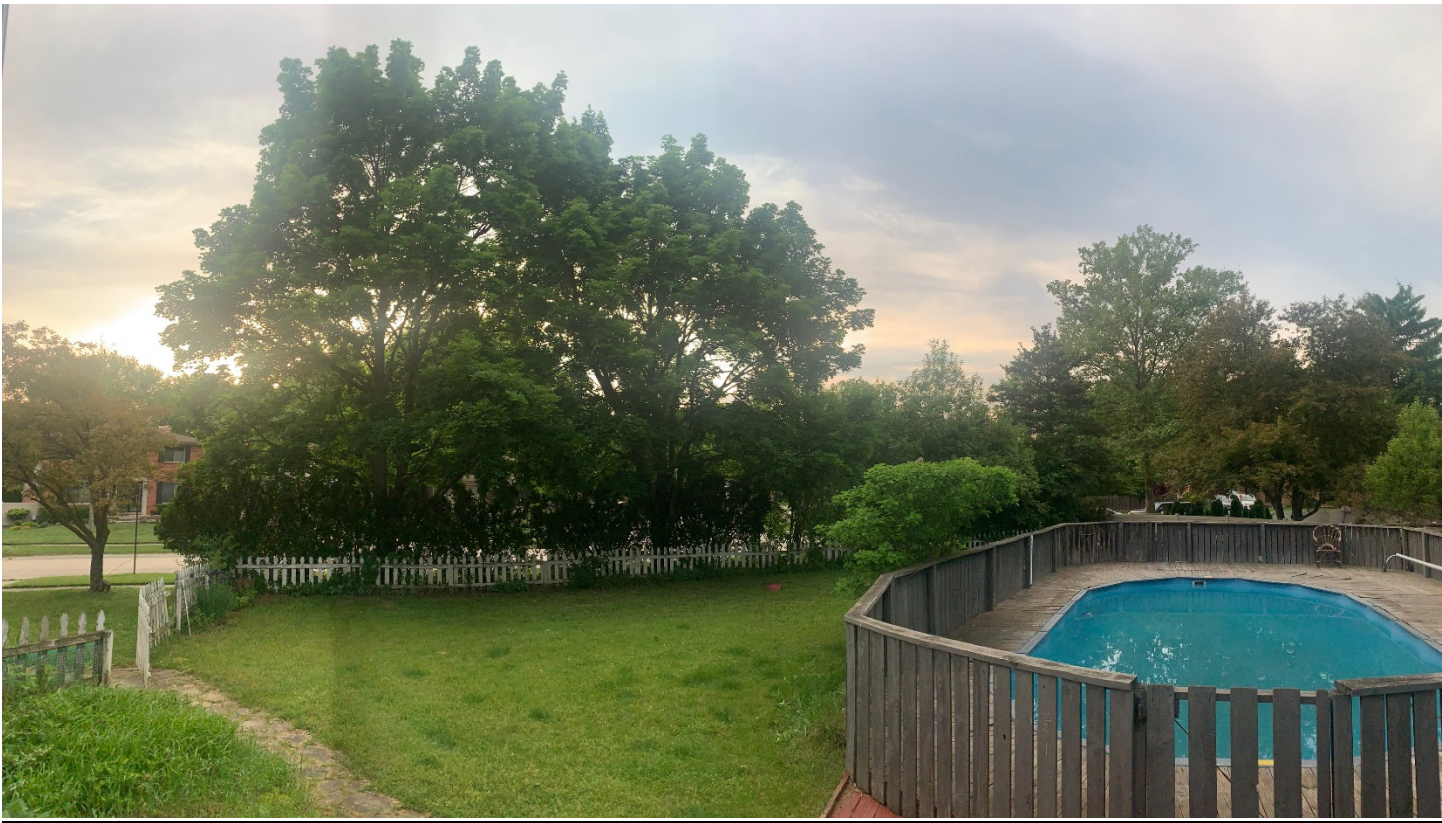
Katina and Eric Gorman
5350 Westmoreland Drive
Troy, Michigan 48085
gormane1@gmail.com
248-890-5881

“BEFORE” PHOTOS WITH OVERGROWN TREE LINE









"AFTER" PHOTOS WITH OVERGROWN TREE LINE REMOVED SHOWING EXPOSED AND OPEN YARD AND POOL







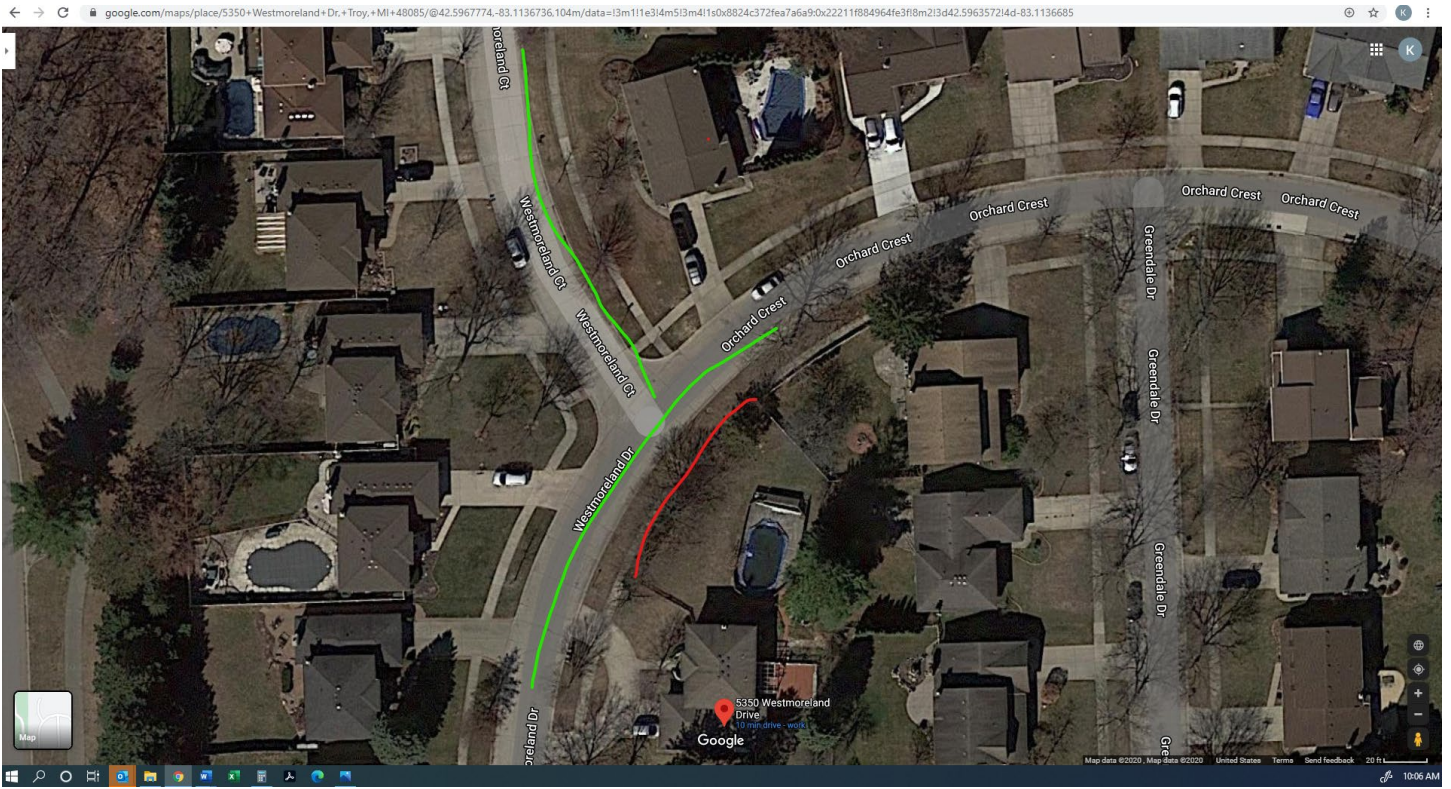








GOOGLE IMAGE
REQUESTED FENCE LINE IN RED; FOOT/VEHICLE TRAFFIC PATHS IN GREEN



From: [Salim Huerta](#)
To: [Jackie Ferencz](#)
Subject: 4437 Yanich ready for mailing
Date: Thursday, November 12, 2020 12:33:07 AM

Original variance request presented on the November 4th 2020 BCBA meeting.

- A. **VARIANCE REQUEST, Joanna Gay, 4437 Yanich** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Yanich Drive and Longfellow Drive. The petitioner is requesting a variance to install a 4-feet high, 118 feet non-obscuring wood fence along Longfellow Drive with a setback of one foot away from the property line, where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 250 feet, which 132 feet of the fence do not require a variance.

BCBA approved variance was conditional to a 10 feet off the right of way, as indicated below.

RESOLVED, To **approve** the variance request with the change that the fence line be no closer than 10 feet off of the right of way on Longfellow, for the following reason:

1. The variance would have no conflict with the intent of Chapter 83.

Yes: All present (5)

MOTION CARRIED

Variance request for the December 2nd 2020 meeting.

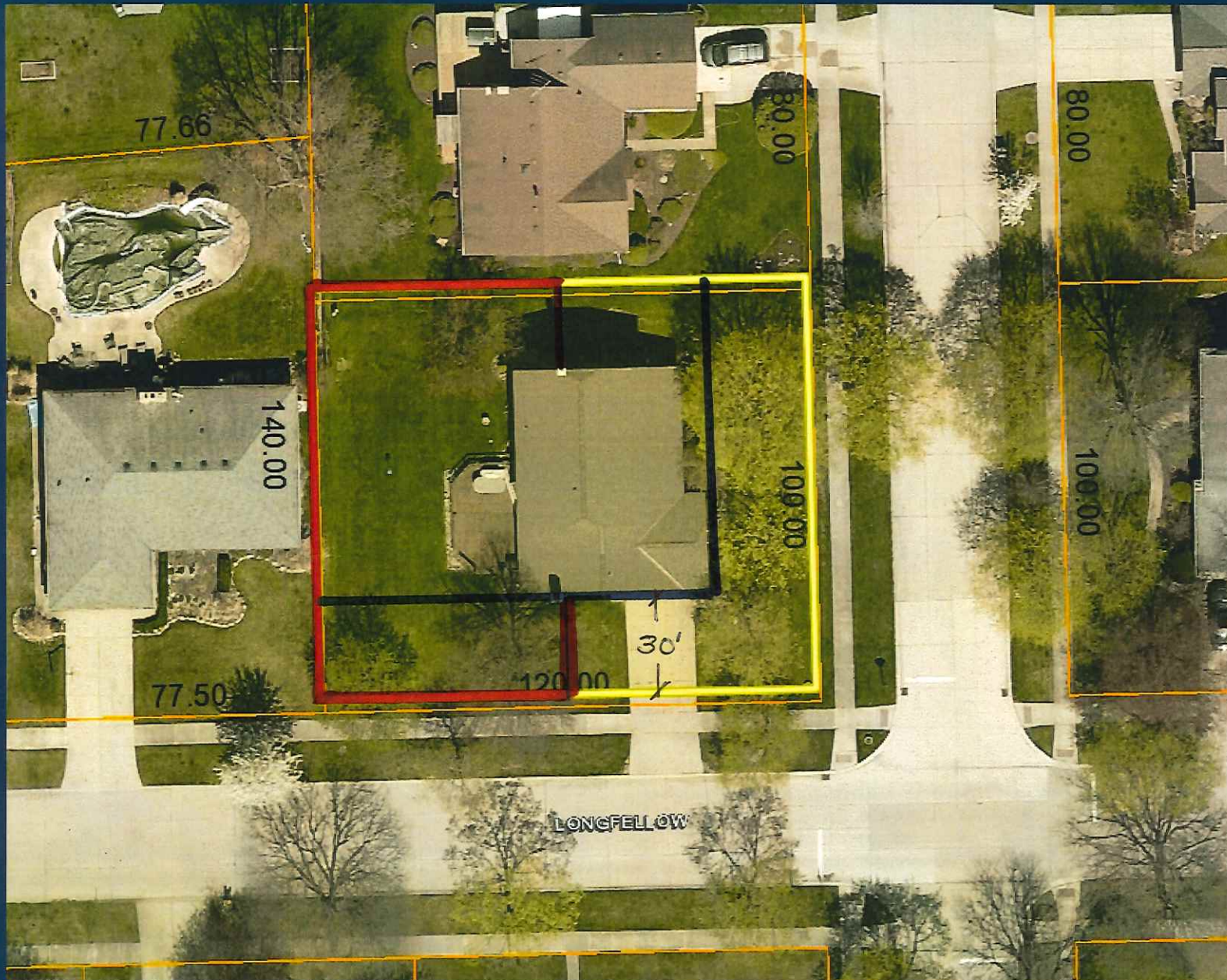
- B. **VARIANCE REQUEST, Joanna Gay, 4437 Yanich** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Yanich Drive and Longfellow Drive. The petitioner is requesting a variance to install a 4-feet high, 118 feet non-obscuring wood fence along Longfellow Drive with a setback of [six or seven feet](#) away from the property line, where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 250 feet, which 132 feet of the fence do not require a variance.

[The petitioner is adding to the Variance request the following hardship:](#)

We have had 4 quotes since the meeting last week (November 4th 2020 meeting) and unfortunately, the consensus is that we should have asked for a 6 or 7 foot setback instead of the 10 foot one we were approved for, since the 10 feet approved does not allow for the required footings. Due to obstruction from the tree roots and ground stones.



GIS Online



Legend:

4437 YANICH

30' SETBACK
4' NON -
OBSCURING
WOOD FENCE.

* BUILDING
PERMIT
TOTAL FENCE
250 FEET

* REQUIRED
VARIANCE IS
FOR 118 FEET

* VARIANCE IS
NOT REQUIRED
FOR 132 FEET

* OFF SET FROM
PROPERTY
LINE IS
1 FOOT FROM
THE LONG -
FELLOW SIDE.

Notes:

R-1c
30 FEET
SETBACK.

Map Scale: 1=47

Created: October 26, 2020



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.

**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
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FEE \$50

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1. ADDRESS OF THE SUBJECT PROPERTY: 4437 Yanich Drive, Troy MI 48085
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-15-405-023
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:
FENCE CODE
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 ☐ NO ☒

6. APPLICANT INFORMATION:

NAME Joanna Gay

COMPANY _____

ADDRESS 4437 Yanich Drive

CITY Troy

STATE MI

ZIP 48085

TELEPHONE 248-515-6226

E-MAIL joannakimberly11@gmail.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Owner of Property

8. OWNER OF SUBJECT PROPERTY:

NAME Joanna Gay

COMPANY _____

ADDRESS 4437 Yanich Drive

CITY Troy

STATE MI

ZIP 48085

TELEPHONE 248-515-6226

E-MAIL joannakimberly11@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.

I, Joanna Gay (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

Joanna K. Gay

DATE 5-27-2020

PRINT NAME:

Joanna K. Gay

SIGNATURE OF PROPERTY OWNER

Joanna K. Gay

DATE 5-27-2020

PRINT NAME:

Joanna K. Gay

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.







Longfellow

Longfellow



Longfellow



Longfellow





Longfellow

From the sidewalk

From: [Joanna Halls](#)
To: [Jackie Ferencz](#)
Cc: [Salim Huerta](#)
Subject: 4437 Yanich - BCBA Pictures (1 of 2)
Date: Tuesday, November 24, 2020 7:49:23 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)
[ATT00003.txt](#)
[ATT00004.txt](#)
[ATT00005.txt](#)

Hi Jackie - Please see below pictures showing the roots of this large tree which we've been told now prevent us from being able to put a fence on the inside of this tree. Within approximately 3 years time, the roots will grow larger and therefore uproot any fence above it.

Another email will follow this one with mock pictures of our desired fence. Please include all of these pictures in the presentation next week so that the board can see and understand our situation. Thank you.

From: [Joanna Halls](#)
To: [Jackie Ferencz](#)
Cc: [Salim Huerta](#)
Subject: 4437 Yanich - BCBA Pictures (2 of 2)
Date: Tuesday, November 24, 2020 7:53:01 PM
Attachments: [ATT00001.txt](#)
[ATT00002.txt](#)

Hi Jackie,

Please see pictures below of the mocked fence and include both of these pictures in the presentation next week so that the board can see and have a better idea of what we are trying to accomplish. Thank you.



Open with ▾

www.troymi.gov

FENCE PERMIT APPLICATION
CITY OF TROYDEPARTMENT OF BUILDING INSPECTIONS
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48064
Phone: 248-524-3344 Fax: 248-889-3120

Check # _____

FENCEDate: 3-30-2020

Project Information	Job Address: <u>4437 Yanich Drive</u>		Suite # _____
	Lot: _____	Subdivision: _____	
Applicant Information	Owner: <u>Matthew and Joanna Gay</u>		Phone: <u>248-515-6226</u>
	Work to be Performed: <input checked="" type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair		<input checked="" type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
	Name: <u>Matthew and Joanna Gay</u>		Phone: <u>248-515-6226</u> Fax: _____
Address: <u>4437 Yanich Drive</u>		City: <u>Troy</u>	State: <u>MI</u> Zip: <u>48085</u>
Email: <u>joannakimberly11@gmail.com</u>			

☐ Registration - \$10 (Due after 5/31 of each year)

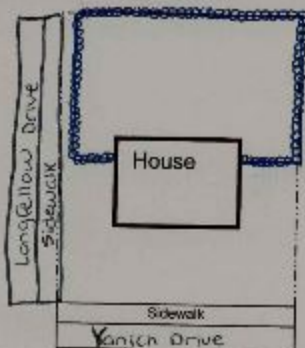
Final lot grade shall be approved before a fence permit is issued.

Please use the box below as if it were a drawing of your lot.

Draw in the proposed fencing using the symbols from the chart.

Indicate the number of feet for each portion of fence.

Type, height, and lineal feet of material to be used:					
Type:	Wood	Wire	Metal	Masonry	Other
Symbols:	000000	xxxxxx		□□□□	-----
HEIGHT	48"				
NO. OF FEET	~250'				
PERMIT FEE	<input checked="" type="checkbox"/> Under 300' \$15.00 <input type="checkbox"/> Over 300' \$25.00				

Interior Lot ☐Corner Lot ☒

Building Department Approval _____

Section 23a of the state construction code act of 1972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

☒ Ready for inspection ☐ Will Call

Applicant Signature

Joanna K. Gay

Homeowner's signature indicates compliance with homeowner's affidavit

Homeowner Affidavit

I hereby certify that the fencing described on this permit application will be installed by myself or my own hands in which I am living or about to occupy. All work shall be installed in accordance with the City of Troy Ordinance. I will cooperate with the Building Inspector and assume all responsibility to arrange for necessary inspections.

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From: gsipila@aol.com
To: [BCBA Public Comments](#)
Subject: Comment on 4437 Yanich Variance Request
Date: Wednesday, November 4, 2020 11:02:03 AM

654 Longfellow Drive
Troy, MI. 48085
Wednesday, November 4, 2020

Comments

Regarding Petition for Variance for 4437 Yanich Drive

Petitioner is requesting a variance to install a 4 foot fence along Longfellow Drive with a setback of one foot where the City Code limits fences to 2.5 feet when there is not a typical back to back relationship with their rear lot neighbor.

William & Gina Sipila are not in favor of approving the height variance for these reasons.

In Pine Meadows Subdivision there are 5 similar lots where there isn't a typical back to back relationship with the neighboring rear lot, same as the petitioner at 4437 Yanich. Of these five lots, two lots have fences but with a setback of approximately 30 feet; they are 4465 Yanich and 899 Thurber. The other three lots have chosen not to have a fence. There is not one double corner lot that has a fence with a one foot setback.

The request variance for fence height along the sidewalk on Longfellow Drive will change the appearance of continuous grassy lots along the Longfellow Drive with an abrupt addition of a 4 foot fence just one foot from the property line.

In keeping with the Pine Meadows Subdivision's appearance of not having definite lot dividing structures at the sidewalk, we would not object to a 4 foot non-obscuring fence if the setback is about 20 feet from the property line.

Thank you,

William and Gina Sipila

October 27, 2020

To: Troy Building Code Board of Appeals

From: Stephen and Jill Bachle, 640 Longfellow Dr

Re: Fence installation at 4437 Yanich Dr – Joanna Gay

We are writing in support of Joanna Gay's request for a variance to install a 4-foot high fence at 4437 Yanich. Their house is on the NW corner of Yanich and Longfellow, and their yard is directly in our view.

We are encouraged that new neighbors want to make an improvement to their home! They have young children and a dog that will benefit from the protection a fence brings. Plus, our street (Longfellow) has quite a bit of traffic, due to the fact Leonard Elementary is right down the street. The fence will bring peace of mind to both the Gay family, and their neighbors!

If we can be of further service in this matter, please do not hesitate to contact us at 248.840.2701.

- A. **VARIANCE REQUEST, Joanna Gay, 4437 Yanich** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has a 30 foot required front setback along both Yanich Drive and Longfellow Drive. The petitioner is requesting a variance to install a 4-feet high, 118 feet non-obscuring wood fence along Longfellow Drive with a setback of one foot away from the property line, where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring rear lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 250 feet, which 132 feet of the fence do not require a variance.

Mr. Huerta read the variance request narrative.

The petitioner Joanna Gay was present (audibly only). Ms. Gay said the fence would provide privacy and security for their children and dog. She said a 48-inch high iron rod fence would provide protection and they could utilize more of their yard with a one foot setback. Ms. Gay stated the fence would also provide additional safety for their children because the neighbor to the rear has a pool with a chain link fence only.

There was discussion on:

- Information and pictures submitted with request.
- Corner triangular visual clearance.
- Requested setback; proximity to sidewalk, pedestrian traffic.
- Existing trees in relationship to property.

Ms. Ferencz reported three public comments. Ms. Ferencz read the email messages and played the voicemail message.

- Stephen and Jill Bachle, 640 Longfellow, Troy; in support. (email)
- William and Gina Sipila, 654 Longfellow, Troy; in opposition. (email)
- David and Linda Sysko, 4438 Yanich Troy; in opposition. (voicemail)

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **approve** the variance request with the change that the fence line be no closer than 10 feet off of the right of way on Longfellow, for the following reason:

1. The variance would have no conflict with the intent of Chapter 83.

Yes: All present (5)

MOTION CARRIED

**CITY OF TROY
MICHIGAN
PUBLIC NOTICE
BUILDING CODE BOARD OF APPEALS**

Notice is hereby given that the Building Code Board of Appeals of the City of Troy will hold Public Meetings in accordance with the Michigan Open Meetings Act on the dates listed below. The meeting location will be City Hall, 500 West Big Beaver Road, Troy, Michigan, (248) 524-3364, unless posted otherwise and changed in accordance with Bylaws of the of the Building Code Board of Appeals and the Open Meetings Act to accommodate meetings held virtually.

2021 BUILDING BOARD OF APPEALS

January 6	August 4
February 3	September 1
March 3	October 6
April 7	November 3
May 5	December 1
June 2	January 2022
July 7	

All meetings are generally held at 3:00 p.m. in the Council Board Room of the City Hall Building and are open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act (MCLA 15.261 et seq.)

Salim Huerta
Building Official

Posted:

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by email at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.