

## 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](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

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

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JANUARY 6, 2021

3:00 PM

REMOTE MEETING

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***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](mailto:BCBAPublicComments@troymi.gov). All comments will be provided to the BCBA Board members. All comments must be received by 9 am the day of the meeting.***

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

- A. **VARIANCE REQUEST, ERIC GORMAN, 5350 WESTMORELAND – The applicant seeks to construct a 130-foot long, 72-inch high obscuring fence within the 30 feet required front yard setback when the maximum height limit is 48 inches.**

This property is on a curved lot. Since it is in the R1-C use district, 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 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. The total length of the fence requested by the petitioner to be permitted by the Building Department is 130 feet and a 12 feet single gate.

\*New proposed set back request of 6 feet to be discussed at the BCBA meeting on January 6<sup>th</sup> 2021.

CHAPTER: 83

- B. **VARIANCE REQUEST, GREGORY ZAGORSKI, 982 BROOKLAWN - The applicant seeks to construct a 63-feet long, 72-inch high obscuring fence within the required front yard setback of 25 feet when the maximum height limit is 30 inches.**

This property is a double front corner lot. Since it is in the R1-E use district, as such it has 25 feet required front setback along both Wrenwood Dr. and Brooklawn Dr. The petitioner is requesting a variance to install a 6-feet high 144 feet obscuring Vinyl fence. Setback 3 feet from the property line along the Wrenwood Dr side where City Code limits to 30 inches high fences due to the fact that there isn't a back to back relationship to the rear neighboring lot. This is a non-conforming structure/lot so the fence shall not increase the non-conformity, per Chapter 39, Article 14 of the City of Troy Zoning Ordinance. The total length of the fence requested by the petitioner to be permitted by the Building Department is 144 feet, which 81 feet of the fence do not require a variance.

**NOTICE:** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@troymi.gov](mailto: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.

CHAPTER: 83,39 Article 14

- C. **VARIANCE REQUEST, LEANN BLANKENSHIP, 5970 SUSSEX DRIVE – The applicant seeks to construct a 126-foot long, 60-inch high chain-link non-obscuring fence and 103-foot, 72 inch high wood obscuring fence within the required 40 feet front yard setback when the maximum height limit is 30 inches.**

This property is a double front corner lot. Since it is in the R1-A use district, as such it has a 40 feet required front setback along the Sussex Drive and the Arlund Way. The petitioner is requesting a variance to install a 6-foot high, 103 feet long obscuring wood fence parallel with Sussex Dr. and aligned with the front house elevation. The wood fence will encroach into the Arlund Way set back by 39 feet, since it will be at a distance of 1 foot from the property line. The petitioner is requesting in the variance to install a 5 feet high 253 feet long residential black vinyl chain-link, of these 253 feet long fence 87 feet will encroach into Arlund Way and it will be at a distance of 1 foot from the Arlund Way side property line and 39 feet will encroach into Arlund Way in a perpendicular way from the property line. Out of the 253 residential black vinyl chain-link fence only 126 feet requires a variance. The City Code limits to 30 inches high fences due to the fact that there isn't a back to back relationship to the rear neighboring lot.

CHAPTER : 83

5. COMMUNICATIONS
6. PUBLIC COMMENT
7. MISCELLANEOUS BUSINESS
8. ADJOURNMENT

## **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](mailto: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 December 2, 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: Dziurman

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.

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 to 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](mailto: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.

Yes: All present (5)

**MOTION CARRIED**

### 3. APPROVAL OF MINUTES

Moved by: Frisen  
Support by: Abitheira

**RESOLVED**, To approve the minutes of the November 4, 2020 Regular meeting as submitted.

Yes: All present (5)

### **MOTION CARRIED**

### 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 Drive and the Historic Drive. The petitioner is requesting a variance to install a 6-foot high, 163 feet long obscuring vinyl fence at the Historic Drive side at a distance of 23 feet from the property line and in the same location where an existing dilapidated obscuring wood fence now stands.

Mr. Huerta read the variance request narrative.

The petitioner Eddie and Kaitlin Krajawski were present. Mr. Krajawski said the existing wood fence does not enclose their entire yard. They would like to remove the existing fence and install a vinyl privacy fence along the same lines of the existing fence. Mr. Krajawski said the privacy fence would provide security and safety for their children and pets.

There was discussion on:

- Information and pictures submitted with request.
- Existing Buckeye pipeline easement.
- Installation of fence as relates to easement and existing vegetation.

Mr. Krajawski said they are aware of the existing utility easement and have been informed any excavation must be completed in a specific manner. He indicated neighboring properties within the easement have fences.

Mr. Huerta suggested any approval of the variance should be contingent upon verification of pipeline easement regulations.

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

- Bud Stockdale, 3728 Forge; in support. (email)
- Sandra Sarnacki, 3704 Forge; in support. (email)

- Kyle L, no address; in opposition. (email)
- No name, no address; in opposition. (voicemail)

Moved by: Frisen  
Support by: Brooks

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

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

Yes: All present (5)

**MOTION CARRIED**

Moved by: Miller  
Support by: Abitheira

**RESOLVED**, To **amend** the last Resolution to allow a condition for the Building Official to verify the Buckeye pipeline regulations and that the fence is appropriate.

Yes: All present (5)

**MOTION CARRIED**

- 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-foot 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 (*single*) gate.

Mr. Huerta read the variance request narrative and noted the agenda incorrectly states a double gate; it should read single gate.

The petitioner Eric and Katina Gorman were present. Mr. Gorman said a 6-foot high fence would provide privacy and safety for their children and the use of their pool. He said the existing fence around the pool does not provide privacy due to the position of the pool deck. Mr. Gorman indicated the proposed one foot setback would match the setback of their neighbor's fence. Mr. Gorman said they experience vehicular headlights shining into their home because of the curvature of the road, and they believe the privacy fence would also help obscure the headlights.

There was discussion on:

- Information and pictures submitted with request.
- Placement of fence in relation to tree line; preservation of tree.
- Proposed setback as relates to proximity of sidewalk.
- Curvature of street; visual clearance of vehicular traffic.
- Options for petitioner to consider; lower fence height, non-obscuring material, plant vegetation, alternate options for pool privacy.

Mr. Huerta confirmed there is no permit on record for the neighboring fence. There was discussion on setting a precedent if approval was granted to the petitioner for the proposed one foot setback.

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

- Doug Van Noord, 5354 Greendale; in opposition. (email)
- Azar Afnan, 5227 Greendale; request clarification on variance request. (voicemail)

Ms. Ferencz indicated she returned the call to Mr. Afnan and responded to his questions. There was no further communication from the resident.

Moved by: Miller  
Support by: Frisen

**RESOLVED**, To **postpone** the variance request to the January 6, 2021 meeting to allow the petitioner to consider alternate options.

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-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.

Mr. Huerta read the variance request narrative that was before the Board at the November 4, 2020 meeting and the variance request narrative before the Board today.

The petitioner Joanna Gay was present. Ms. Gay said they received quotes from four fence companies since the November 4, 2020 meeting in which the Board granted a variance with a 10-foot setback. She said all four companies indicated a 10-foot setback does not allow for the required footings due to the obstruction from the existing tree roots and ground stones. Ms. Gay said the companies suggested a 5-foot setback to allow tree root growth and to prohibit tree damage. Ms. Gay said they would like to install a 4-foot high, non-obscuring rod iron fence, bronze in color, as shown in a mocked-up picture included in the agenda packet.

There was discussion on:

- Information and pictures submitted with request.
- Varying setback distances in relation to existing tree.
- Preservation of existing tree; potential to angle fence around tree.
- Proposed fence material; aesthetically pleasing.

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

- William and Gina Sipila, 654 Longfellow; in opposition. (email)
- David Sysko, 4438 Yanich; in opposition. (voicemail)

Ms. Ferencz confirmed appropriate notification of this variance request, as revised, was mailed and posted to the City website. She stated the public comment received for the November 2020 meeting was inclusive in the December agenda packet.

Mr. Huerta confirmed a 30 inch non-obscuring fence at a one foot setback would require no variance.

Moved by: Frisen  
Support by: Brooks

**RESOLVED**, To **approve** the variance request to install a 4-foot high, non-obscuring aluminum picket fence at 5 feet off the lot line and 6 feet off the sidewalk, for the following reason:

1. The petitioner has a hardship resulting from the unusual characteristics of the property.

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

### **MOTION CARRIED**

5. COMMUNICATIONS – None

6. PUBLIC COMMENT – None

7. MISCELLANEOUS BUSINESS – 2021 Building Code Board of Appeals Meeting Schedule

Moved by: Miller  
Support by:

**RESOLVED**, To approve the 2021 meeting schedule as presented.

Chair Abitheira informed the Board he would not be able to attend the August 4, 2021 meeting and suggested to move the meeting to August 11.

Moved by: Miller  
Support by:

**RESOLVED**, To approve the 2021 meeting schedule as presented with the exception of the August 4, 2021 date and moving it to August 11, 2021.

Discussion continued on meeting dates with respect to City Council meeting dates and personal vacation plans.

Mr. Miller withdrew both motions from the floor.

Moved by: Abitheira  
Support by: Dziurman

**RESOLVED**, To **approve** the 2021 meeting calendar as presented with the exception of August 4, 2021 and scheduling the meeting on August 11, 2021.

Yes: All present (5)

**MOTION CARRIED**

8. ADJOURNMENT

The virtual Regular meeting of the Building Code Board of Appeals adjourned at 4:53 p.m.

Respectfully submitted,

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Gary Abitheira, Chair

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Kathy L. Czarnecki, Recording Secretary





## 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](mailto: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: 5350 Westmoreland Drive, Troy, MI 48085  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-11-477-001
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:  
City of Troy Permits & Codes, 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 ☐ NO ☒



6. APPLICANT INFORMATION:

NAME Eric and Katina Gorman

COMPANY \_\_\_\_\_

ADDRESS 5350 Westmoreland Drive

CITY Troy STATE MI ZIP 48085

TELEPHONE 248-890-5881

E-MAIL gormane1@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Same as applicant

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, Eric and Katina Gorman (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 Gorman DATE 11/3/2020

PRINT NAME: Eric Gorman

SIGNATURE OF PROPERTY OWNER Katina Gorman DATE 11/3/2020

PRINT NAME: Katina Gorman

*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.*

**“BEFORE” PHOTOS WITH OVERGROWN TREE LINE**



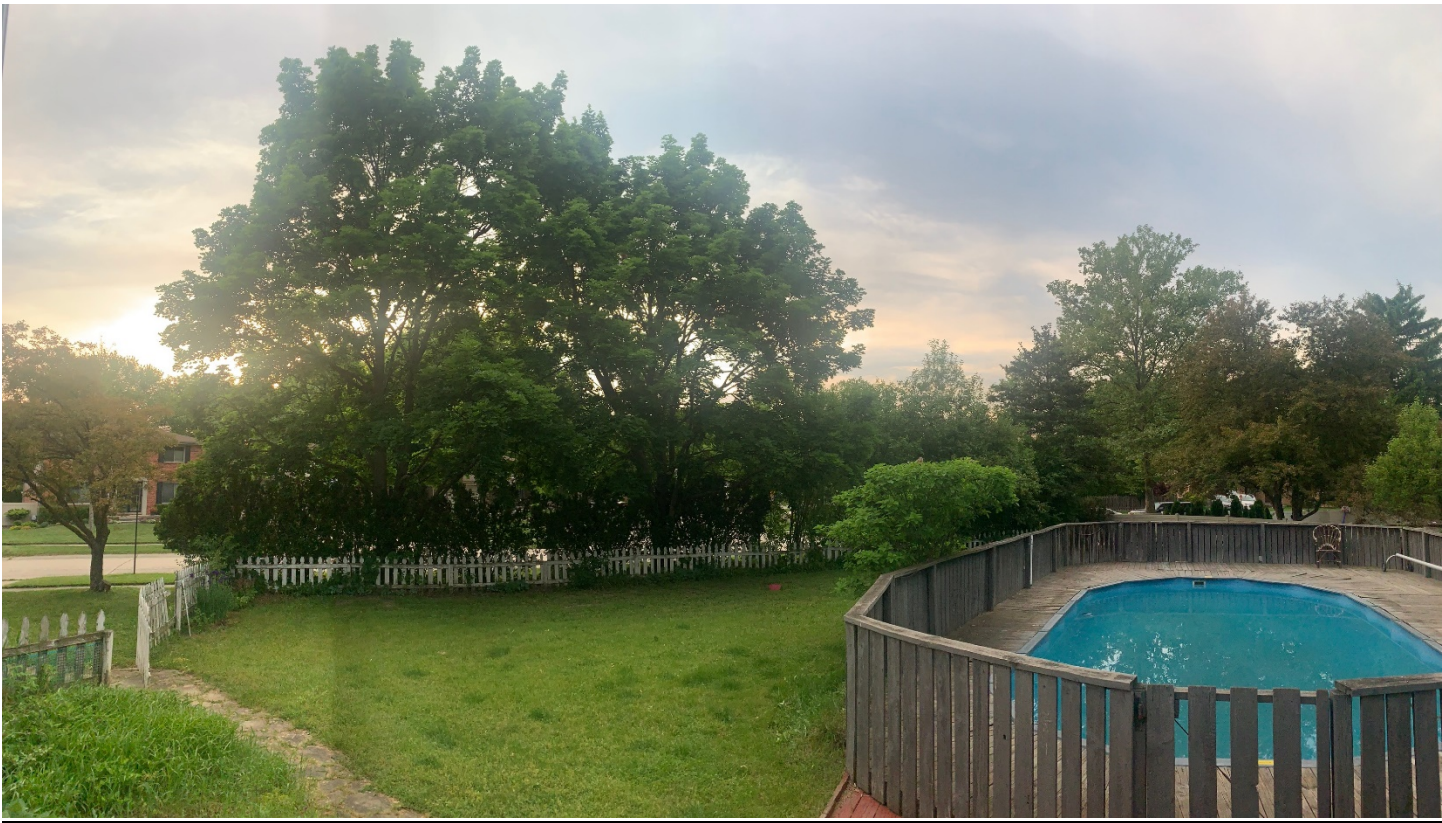














**"AFTER" PHOTOS WITH OVERGROWN TREE LINE REMOVED SHOWING EXPOSED AND OPEN YARD AND POOL**





















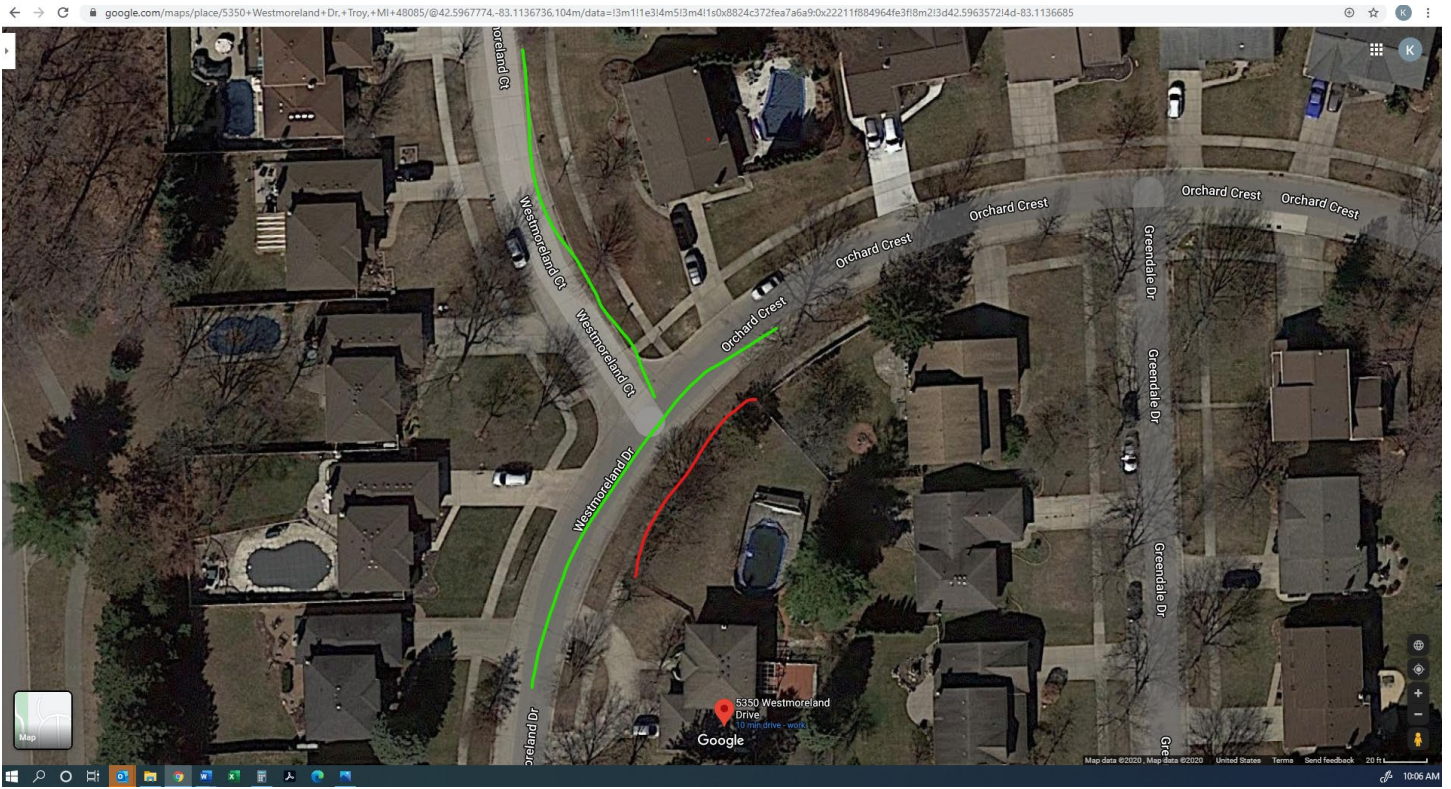








**GOOGLE IMAGE**  
**REQUESTED FENCE LINE IN RED; FOOT/VEHICLE TRAFFIC PATHS IN GREEN**







# GIS Online



## Legend:

Tax Parcel

982 BROOKLAWN  
TROYTON MANOR  
SUB. R-1E  
25' SETBACK  
6' VINYL  
OBSCURING  
FENCE

\* REQUESTED  
VARIANCE IS  
FOR: 144'.

\* SETBACK 3'  
FROM THE  
PROPERTY LINE.  
ALONG THE  
WRENWOOD DR.  
SIDE.

\* CITY CODE  
CHAPTER 83  
LIMITS FENCE  
TO A HEIGHT  
OF 30 INCHES  
AT THE REQU-  
ESTED LOCATION

\* NON-CONFORMING  
STRUCTURE  
PER CHAPTER 39  
ARTICLE 14  
(SETBACK AT

Notes: WRENWOOD DR.)

R-1E  
AREA A  
7,500 VS. 6,612.5  
LOT SIZE  
FRONTAGE  
60 VS. 57 ft.

Map Scale: 1=47

Created: December 16, 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  
E-MAIL: [planning@troymi.gov](mailto: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: 982 Brooklawn Drive  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-30-126-024
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 Gregory Zagorski  
COMPANY N/AP  
ADDRESS 982 Brooklawn Drive  
CITY Troy STATE MI ZIP 48084  
TELEPHONE 860-508-4814  
E-MAIL gregoryzagorski@yahoo.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Gregory Zagorski  
COMPANY N/AP  
ADDRESS 982 Brooklawn Drive  
CITY Troy STATE MI ZIP 48084  
TELEPHONE 860-508-4814  
E-MAIL gregoryzagorski@yahoo.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, Gregory Zagorski (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 Gregory Zagorski DATE \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

SIGNATURE OF PROPERTY OWNER Gregory Zagorski DATE \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

**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.**



**From:** [Doug Van Noord](#)  
**To:** [BCBA Public Comments](#)  
**Subject:** 5350 Westmoreland - application for a fence variance  
**Date:** Wednesday, November 18, 2020 8:29:01 AM

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Building Code Board of Appeals,

We have been a resident at 5354 Greendale Drive, which is only a couple of houses over on the next block, for 25+ years and one of the things we have enjoyed about this neighborhood are the fence restrictions. We oppose a variance to allow for a 6-foot high fence.

Thanks,

Doug Van Noord  
248-385-8480 – personal cell

**Doug Van Noord**  
**Vice President of Leasing**



Real Estate Development and Investment Company  
One Towne Square | Suite 1600  
Southfield | MI 48076  
T 248.286.5214  
C 248.303.7312  
E-Mail [dvannoord@redico.com](mailto:dvannoord@redico.com)  
<http://www.redico.com>

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Member of BOMA Metro Detroit.



November 12, 2020

AIS Outlet  
6040 Wall Street  
Sterling Heights, MI 48312  
[jmcalister@AISOutlet.com](mailto:jmcalister@AISOutlet.com)

RE: 982 Brooklawn – Fence Application

The above permit application has been reviewed and is denied for the following reasons:

1. This is a corner lot, which results in a double front-yard setback of 25' required for the R-1E zoning district. Therefore, the fence would have to be placed back 25' off the Wrenwood side, per Chapter 83 of the City of Troy fence ordinance.
2. This is also a non-conforming structure/lot so the fence shall not increase the non-conformity, per Chapter 39, Article 14 of the City of Troy Zoning Ordinance.

Your customer may revise the fence placement to reflect the changes required or seek a variance from the BBOA.

Sincerely,

*Dana V. Self*

DANA V. SELF  
Building Official  
City of Troy/Safebuilt  
248-524-3348 or 248-918-1261

/bh

11/12



# 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

Check # \_\_\_\_\_

FENCE

www.troymi.gov

Date: 11/3/20

PF2020-0255

Project Information	Job Address: 982 Brooklawn Drive	Suite # _____	
	Lot: _____	Subdivision: _____	
	Owner: ASHLEY KONGS	Phone: 785-713-2169	
	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: 48312
	Email: JMCALISTER@AISOUTLET.COM		
	<input type="checkbox"/> 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	///////	□□□□	Vinyl
HEIGHT					6'
NO. OF FEET					144'
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

*Michael Anderson*

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 \_\_\_\_\_





## Fencing Quote/Specification

Home Depot License #'s - For the most current listing visit [www.Homedepot.com/LicenseNumbers](http://www.Homedepot.com/LicenseNumbers)

David Lanz

Salesperson Name

2105218410

Registration # (Req. in CA,CT,ME,MD,MI,NJ,DC)

KONGS

Customer Last Name

ASHLEY

Customer First Name

982 Brooklawn Drive

Customer Address

785-713-2169

Home Phone#

586-274-9100

Salesperson Phone #

2706

Store # / Branch Name

TROY

City

1-143494718168

Customer Lead/ PO#

MI

State

48084

Zip

Work Phone#

Cell Phone#

Cross Street 1

Cross Street 2

55'

37'

38'

Core Cut

5' gate

3'

5'

HOME

Brooklawn Drive

Wrenwood Drive

















## Legend:

Tax Parcel

5970 SUSSEX DR.

R-A

40' SETBACK

A/WOOD 6'H.  
OBSCURING

B/CHAINLINK  
5' HIGH  
NON-OBSCURING

C/CHAINLINK  
5' HIGH.  
NON-OBSCURING

\* REQUIRED  
VARIANCE  
- 103' C' HIGH.  
OBSCURING FENCE  
- 126' 5' LINK FENCE  
TOTAL LINK FENCE  
IS: 253 FEET.

\* SURVEYOR IS  
REQUIRED.  
- CORNERS OF  
LOT BOUNDARIES  
MUST BE  
INSPECTED  
BEFORE  
INSTALLATION OF  
FENCE.

## Notes:

GIS DISTANCE TO  
CENTER OF ROAD  
60'  $\approx$   
MIDDLESEX COUNTRY  
HOME SITES.

Map Scale: 1=47

Created: December 16, 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  
E-MAIL: [planning@troymi.gov](mailto: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: 5970 Sussex Dr. Troy MI 48098  
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 LeAnn Blankenship & Anya Mansouri  
COMPANY \_\_\_\_\_  
ADDRESS 5970 Sussex Drive  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 812-431-0984  
E-MAIL LMBLANKE@GMAIL.COM

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: \_\_\_\_\_

8. OWNER OF SUBJECT PROPERTY:

NAME Anya Mansouri & LeAnn Blankenship  
COMPANY \_\_\_\_\_  
ADDRESS 5970 Sussex Drive  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 812-431-0984 (LeAnn's cell)  
E-MAIL LMBLANKE@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, LeAnn Blankenship (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

11/24/2020

PRINT NAME:

LeAnn M Blankenship

SIGNATURE OF PROPERTY OWNER

DATE

11/24/2020

PRINT NAME:

LeAnn M Blankenship

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.

November 24, 2020

Dear City of Troy Planning Department,

I am writing this letter to request a variance to the current fence code in the City of Troy. We live on a corner lot between Sussex Drive and Arland Way. We are trying to install a fence around the back of our house which also includes both side yards. The side yard that is in conjunction with Arland Way is the larger portion which will hopefully allow for a swing set and more trees for better barrier protection in the near future. The purpose of this fence is not only for the safety of our dog but will be used for the safety of our children and family in the future. Arland Way is a busy road and Interstate 75 is directly behind Arland Way. Unfortunately, noise and protective barriers were not installed behind our house during the recent I-75 updates. We feel this fence will help keep our family safe while allowing them the most room to enjoy our beautiful property.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature is a cursive script that appears to read 'LeAnn M Blankenship'. The second signature is also in cursive and appears to read 'Arya Mansouri'. Both signatures are fluid and stylized.

LeAnn M Blankenship and Arya Mansouri

# BLANKENSHIP



500 West Big Beaver  
Troy, MI 48084  
troymi.gov

November 24, 2020

Kimberly Fence & Supply  
6470 E. Nine Mile Road  
Warren, MI 48091  
[gordie@kimberlyfence.com](mailto:gordie@kimberlyfence.com)

RE: 5970 Sussex - Fence

Your permit has been reviewed and is denied for the following reasons: This is a corner lot resulting in a double front-yard setback of 40 feet in the R-1A zoning district. This means that unless the fence is 40' from the Arlund Way street property line, the height of fence shall not exceed 30" in height. Please keep in mind that the property line is not Arlund Way, it sets back approximately 44 feet by our records.

You may readjust the plans to indicate changes or seek a variance from the Building Board of Appeals. Please advise if you would like your check returned.

Sincerely,

*Dana V. Self*

DANA V. SELF  
Building Official, City of Troy/SAFEbuilt Inc.

9/11



# 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

Check # \_\_\_\_\_

FENCE

www.troymi.gov

Date: 9/4/2020

PF2020-0194

Project Information	Job Address: 5970 Sussex Dr. Suite # _____
	Lot: _____ Subdivision: _____
	Owner: LeAnn Blankenship Phone: 812-431-0984
	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: Kimberly Fence Phone: 586-920-2014 Fax: 586-510-4939
	Address: 6470 E. 9 MILE RD. City: Warren State: MI Zip: 48091
	Email: SALES@KIMBERLYFENCE.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	////////	□□□□	-----
HEIGHT	6'	5'			
NO. OF FEET	103'	253'			
PERMIT FEE	<input type="checkbox"/> Under 300' \$15.00		<input checked="" type="checkbox"/> Over 300' \$25.00		

House

Sidewalk

Interior Lot ☐

Corner Lot ☒

Building Department Approval \_\_\_\_\_

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☐ 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.

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Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ Notary Public, \_\_\_\_\_ County, Michigan

My commission expires \_\_\_\_\_



## JOB SKETCH

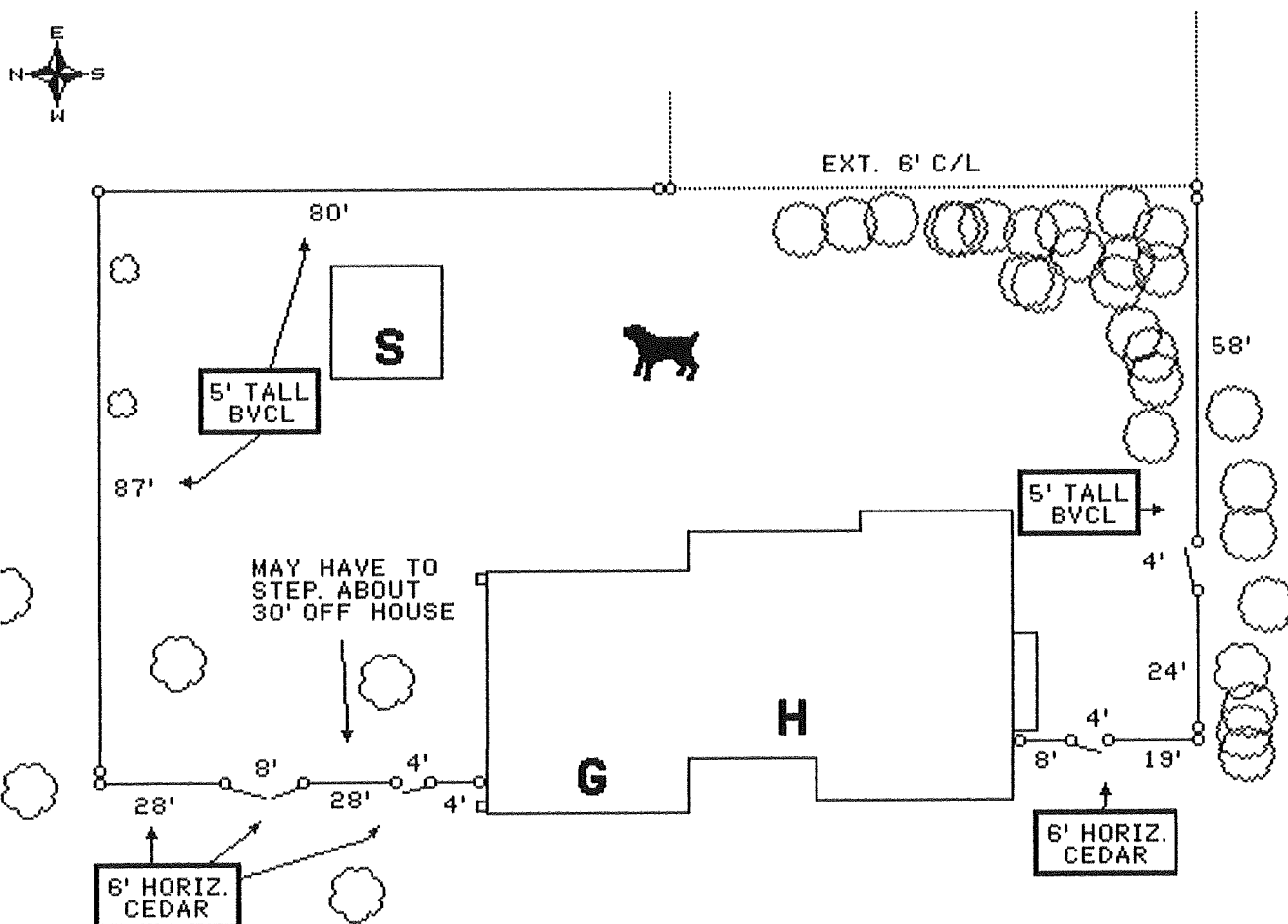
BILL TO:

LEANN BLANKENSHIP  
C-812-431-0984  
5970 SUSSEX DR  
TROY, MI 48098

SHIP TO:

E-LMBLANKE@GMAIL.COM

NO REMOVAL. INSTALL 103' OF 6' SPACED HORIZONTAL CEDAR ON DRIVEN STEEL POSTMASTERS AND 253' OF 5' RESIDENTIAL BLACK VINYL CHAINLINK.



**100 ft**



On your left: 5970  
Sussex Dr, Troy



5970 Sussex Dr



Sussex Dr

**2:37**  
arrival

**0**  
min

**100**  
ft

**End**









































SUSSEX DR  
ARLUND WAY

STOP