

## **RESOLUTION TEMPLATE**

Moved by:

Seconded by:

That the variance request for [applicant name, address or location], for [request]

*Be granted for the following reasons:*

The applicant has demonstrated that:

- a) Exceptional characteristics of the property for which the variance is sought make compliance with the requirements of this Chapter substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation, and other similar characteristics; and
- b) The characteristics which make compliance with the requirements of this Chapter difficult must be related to the premises for which the variance is sought, not some other location; and
- c) The characteristics which make compliance with the requirements of this Chapter difficult shall not be of a personal nature; and
- d) The characteristics which make compliance with the requirements of this Chapter difficult must not have been created by the owner of the premises, a previous owner, or the applicant; and
- e) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the danger of fire or endanger public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Yeas:

Nays:

**MOTION CARRIED / FAILED**



# BUILDING CODE BOARD OF APPEALS REGULAR MEETING AGENDA

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

500 W. Big Beaver  
Troy, MI 48084  
(248) 524-3344  
[www.troymi.gov](http://www.troymi.gov)  
[planning@troymi.gov](mailto:planning@troymi.gov)

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June 2, 2021

3:00 PM

COUNCIL CHAMBERS

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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 –May 5, 2021

4. HEARING OF CASES:

- A. VARIANCE REQUEST, 1525 E MAPLE- In February 2021, the Building Code Board of Appeals granted petitioner a variance to install a ground sign that was to be setback 20 feet from the front property line. Petitioner requests to install same ground sign with a proposed 18 foot setback from the front property line.

CHAPTER: 85 Signs

- B. VARIANCE REQUEST, SASI GOWNIWARI, 1682 BUR OAK DRIVE-This property is an interior lot of the R-1C Zoning District. Per the City of Troy Code Chapter 83 Fences section (2) Fence Construction in residential areas, item (A) It indicates that in residential areas no fence shall be constructed to a height of more than six (6') feet above the existing grade of the land. The petitioner is requesting a variance to install 280 feet of wood privacy fence at a height of 7 feet in the back yard, where City Code limits the height to six feet.

CHAPTER: 83

- C. VARIANCE REQUEST, CARY BOLTON, 1085 SHADOW –This property is a double front corner lot. Per the City of Troy Zoning Ordinance it is in the R1-C use district, as such per Chapter 83 of the City of Troy Code it has 30 feet required front setback along both Shadow Dr. and Harold Dr. The petitioner is requesting a variance for an existing fence of 6-feet high 100 feet obscuring Vinyl fence that is 3 feet from the property line along the Harold Dr side where City Code limits to 48 inches high non-obscuring fences due to the fact that there is a back to back relationship to the rear neighboring lot. The total length of the fence requested by the petitioner to be permitted by the Building Department is 175 feet, which 75 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](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.

D. VARIANCE REQUEST, MICHELLE LAMACCHIO, 4578 POST Dr.- This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R1-C use district, as such per Chapter 83 of the City of Troy Code it has 30 feet required front setback along both Post Dr. and Waltham Dr. The petitioner is requesting a variance to install a 4-foot high 315 feet non-obscuring aluminum fence at the property line along the Waltham Dr. 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.

CHAPTER 83

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

ZOOM Public Comment Info

**Link:** <https://zoom.us/j/97663139890?pwd=dm1vUHNxZVdBUIUwdURTY1Nwa3gxZz09>

**Passcode:** 965053

**Telephone:** +1 312 626 6799 or

**Webinar ID:** 976 6313 9890

**Passcode:** 965053

**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.

Moved by:  
Seconded by:

That the variance request for [applicant name, address or location], for [request]

Be denied for the following reason(s):

The applicant has not demonstrated that:

- f) Exceptional characteristics of the property for which the variance is sought make compliance with the requirements of this Chapter substantially more difficult than would be the case for the great majority of properties in the same zoning district. Characteristics of property which shall be considered include exceptional narrowness, shallowness, smallness, irregular shape, topography, vegetation, and other similar characteristics; and
- g) The characteristics which make compliance with the requirements of this Chapter difficult must be related to the premises for which the variance is sought, not some other location; and
- h) The characteristics which make compliance with the requirements of this Chapter difficult shall not be of a personal nature; and
- i) The characteristics which make compliance with the requirements of this Chapter difficult must not have been created by the owner of the premises, a previous owner, or the applicant; and
- j) The proposed variance will not be harmful or alter the essential character of the area in which the property is located, will not impair an adequate supply of light and air to adjacent property, or unreasonably increase congestion in public streets, or increase the danger of fire or endanger public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

Yeas:  
Nays:

**MOTION CARRIED / FAILED**

Moved by:  
Seconded by:

***RESOLVED***, that the variance request for [applicant name, address or location], for [request]

*Be postponed for the following reason(s):*

Yeas:  
Nays:

**MOTION CARRIED / FAILED**

G:\BUILDING CODE BOARD OF APPEALS\Resolution templates signs.doc

## **RESOLUTION TEMPLATE**

Moved by:  
Seconded by:

**RESOLVED**, That the variance request for [applicant name, company, address or location], for relief of Chapter 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 \_\_\_\_\_ 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 83 and
2. The variance would adversely affect properties in the immediate vicinity of the proposed \_\_\_\_\_.
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**

## **PROPOSED RESOLUTION TO CONDUCT ELECTRONIC MEETING**

RESOLVED, that the Troy Building Code Board of Appeals hereby allows its members and members of the public to participate in public meetings by electronic means as allowed by Public Act 228 of 2020, and in accordance with Troy City Council Resolution 2021-04-048 declaring a local state of emergency and determining that an in-person meeting could detrimentally increase exposure of board members and the general public to COVID-19. The allowance to participate in public meetings shall continue until the Troy City Council lifts the local state of emergency or through December 31, 2021, whichever is earlier.

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 May 5, 2021.

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

Ms. Ferencz read the following Resolution into the record.

Moved by: Frisen

Support by: Brooks

**RESOLVED**, That the Troy Building Code Board of Appeals hereby allows its members and members of the public to participate in public meetings by electronic means as allowed by Public Act 228 of 2020, and in accordance with Troy City Council Resolution 2021-04-048 declaring a local state of emergency and determining that an in-person meeting could detrimentally increase exposure of board members and the general public to COVID-19. The allowance to participate in public meetings shall continue until the Troy City Council lifts the local state of emergency or through December 31, 2021, whichever is earlier. 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.

Yes: All present (5)

**MOTION CARRIED**

### 3. APPROVAL OF MINUTES

Moved by: Dziurman

Support by: Brooks

**RESOLVED**, To approve the minutes of the February 3, 2021 Regular meeting as submitted.

Yes: All present (5)

### **MOTION CARRIED**

### 4. HEARING OF CASES \*

*\* Note the Chair opened the floor for public comment for the following cases without verbally stating the Public Hearing(s) were opened and closed.*

- A. **VARIANCE REQUEST, 1525 E MAPLE, ESTHER GAYFIELD** – In February 2021, the Building Code Board of Appeals granted petitioner a variance to install a ground sign that was to be set back 20 feet from the front property line. Petitioner requests to install same ground sign with a proposed 18 foot setback from the front property line.

Mr. Huerta reported that due to the Covid 19 publication changing deadlines, the public notice for Agenda item 4.A. was not published in time to satisfy the legal requirement of the City of Troy law. He asked that the item be postponed to the Building Code Board of Appeals June 2, 2021 meeting.

Chair Abitheira asked if there was any public comment.

Ms. Ferencz reported no public comment either by email or voicemail was received.

There was no one virtually present to speak.

Moved by: Miller

Support by: Frisen

**RESOLVED**, To postpone the variance request to the June 2, 2021 Building Code Board of Appeals meeting.

Yes: All present (5)

### **MOTION CARRIED**

- B. **VARIANCE REQUEST, 914 ECKFORD DRIVE, LISA RUFFIN** – This property is an interior lot of the R-1C Zoning District, per Chapter 83 Fences/2. Fence Construction in residential areas (A); indicates that in residential areas no fence shall be constructed to a height more than six (6') feet above the existing grade of the land. The petitioner is requesting a variance to install an eight (8') feet vinyl privacy fence in the back yard, away from property lines, where City code limits the height to six (6') feet.

Mr. Huerta read the variance request narrative. Mr. Huerta addressed the dimensions of the applicant's property and how the size of the property relates to the proposed fence line. He confirmed the interior fence would abut the applicant's home. Mr. Huerta said existing landscaping offers a barrier to neighboring properties.

The petitioner Lisa Ruffin was present. Ms. Ruffin is the proud owner of a Bichon Frise puppy and grandmother to two Bichon Frise dogs. She said an 8-foot high fence would provide protection for the dogs from coyotes that frequently use her property that backs up to woods as a pathway. Her research on coyotes found that coyotes cannot clear an 8-foot high fence but easily can clear a 6-foot high fence.

There was discussion on:

- Previous application requests for fences at an 8-foot height; one related to protection of pets from coyotes, another related to a grade difference between neighboring properties.
- Concerns of setting a precedent for 8-foot high fences.
- Informational resources to research how high coyotes can jump.
- Existing buffer from neighboring properties; distance and vegetation.
- Maintenance of vinyl fence and coyote rollers.
- Alternative options to protect pets, i.e., enclosed dog run.

Ms. Ruffin said she was not asked by the administration to provide information on coyote research with the application. She was asked only to pay the application fee and state the reason for her request. Ms. Ruffin said she considered other options, such as a 6-foot high fence and coyote rollers.

Mr. Huerta confirmed that a 10-foot high fence is permitted for a tennis court on residential property.

Mr. Miller said he is not convinced the applicant's request is a solution to the problem and is hesitant to grant approval unless more information on coyotes is provided.

Mr. Frisen referenced criteria considerations in deliberation of a variance request.

Chair Abitheira asked if there was any public comment.

Ms. Ferencz reported the following public comment was received and was provided in the agenda packet.

- James D. Meadows, 901 Eckford, in support (email).  
*(It was noted that Mr. Meadows home is located across the street from the applicant.)*

There was no one virtually present to speak.

Moved by: Frisen

Support by: Brooks

**RESOLVED**, To approve the variance request based on the characteristics of the property and that the request is not an undue burden on the neighbor or neighborhood or beyond any intent of the Code.

Yes: Abitheira, Brooks, Dziurman, Frisen

No: Miller

### **MOTION CARRIED**

5. COMMUNICATIONS – None

6. PUBLIC COMMENT

Ms. Ferencz reported there were no email or voicemail messages received, and that there are no virtual attendees present.

7. MISCELLANEOUS BUSINESS

Chair Abitheira addressed the Zoom meeting format.

8. ADJOURNMENT

The virtual Regular meeting of the Building Code Board of Appeals adjourned at 3:40 p.m.

Respectfully submitted,

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Gary Abitheira, Chair

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Kathy L. Czarnecki, Recording Secretary

**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: Courtyard, 1525 E. Maple Road  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-26-326-024
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:  
Sign 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 JIM FIELDS  
 COMPANY Allied Signs, Inc.  
 ADDRESS 33650 Giftos  
 CITY Clinton Twp. STATE MI ZIP 48035  
 TELEPHONE 586-791-7900  
 E-MAIL Kim@alliedsignsinc.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Sign Contractor8. OWNER OF SUBJECT PROPERTY:

NAME Esther Gayfield  
 COMPANY CMP / Owner-T, LLC  
 ADDRESS 590 Madison Avenue, 34th Floor  
 CITY New York STATE NY ZIP 10022  
 TELEPHONE 212-547-2618  
 E-MAIL egayfield@clyn.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, Esther Gayfield (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 3/5/21

PRINT NAME: JIM FIELDS

SIGNATURE OF PROPERTY OWNER  DATE 9/24/2020

PRINT NAME: Esther Gayfield

*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.*

# ALLIED SIGNS INC.

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March 5, 2021

City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

**RE: Courtyard by Marriott, 1525 E. Maple Rd.**

Dear Members of the Building Code Board of Appeals:

We were granted relief of the sign ordinance to replace a cabinet on an existing pylon sign, utilizing the existing pole and foundation on February 3<sup>rd</sup>, 2021. However, there was a discrepancy with the math for the setback.

The new sign cabinet granted will be setback 18'-11 3/4" from the front property line, instead of meeting the existing 20'.

The proposed sign would not have an adverse effect to the surrounding property as the proposed is replacing close to what is already existing.

Thank you for your consideration.

## D/F ILLUM. PYLON

Scale: 3/16" = 1'-0"

2

OPTION A

Cabinet=62.5 square feet  
Pole Cover=60.1 square feet  
4" Reveals= 2.0 square feet  
124.6 total square feet

### Cabinet Specifications:

**Construction:**  
Reverse angle iron frame/carbon steel structure to comply with local static requirements, hot-dip galvanized after welding

**Face Construction:**  
3M Panagraphics III flexible face/3M Envision Flexible Substrate FS-1

**Retainer:**  
Bleed face

**Illumination:**  
GE 7100K White LED's as required  
or Sloan PrismBeam 24V 6500K White LED's as required

**Exterior Finish:**  
Paint Pantone® 426 C gray/RAL9004, satin finish

**Interior Finish:**  
Paint reflective white/RAL9003, glossy finish

### Face Specifications:

**Face Construction:**  
3M Panagraphics III flexible face/

**Decoration:**  
Digitally printed Pantone® 426 C gray @ 95% opacity/3M 3635-20B matte white blackout film with digital printing to match Pantone 426 C, laminated with 3M Scotchcal Matte Overlaminate 8520 film for UV protection  
\* To be printed using a 3M MCS Authorized Graphic Manufacturer  
\* Faces appear gray and white during the day and copy illuminates white at night (background does not illuminate)

### Pole Cover Specifications:

**Construction:**  
Aluminum angle frame with .080"/2mm aluminum skins

**Exterior Finish:**  
Paint Matthews 41342SP Brushed Aluminum/RAL9006, satin finish

**Reveal Construction:**  
.063"/2mm bent-up aluminum

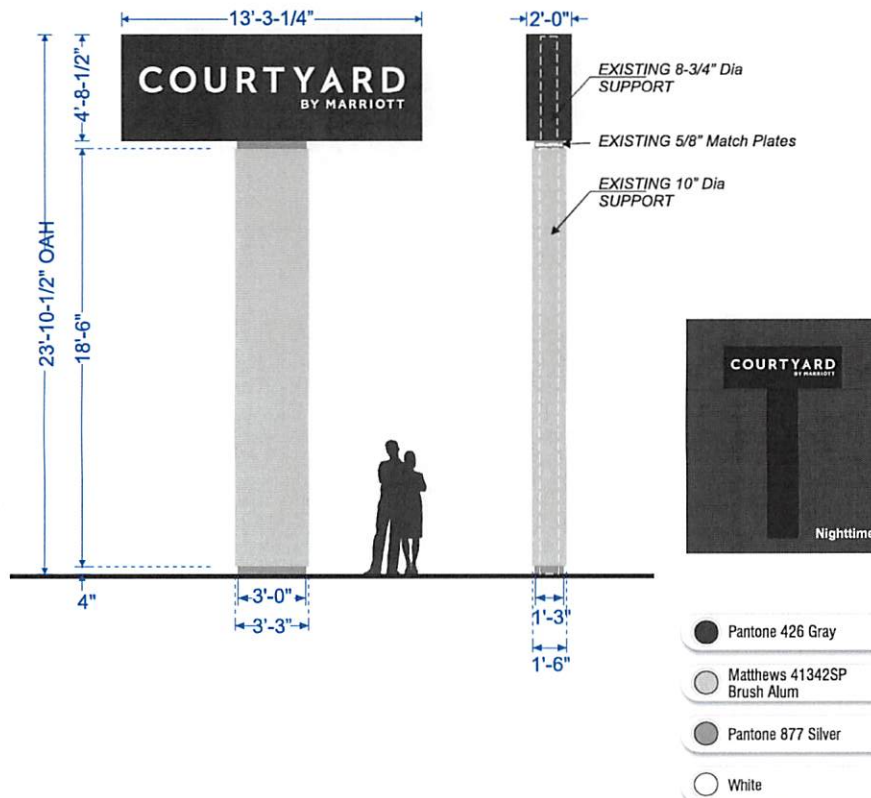
**Reveal Finish:**  
Paint Pantone® 877 C silver/RAL9007, satin finish

### Installation:

Existing cabinet to be removed; Existing 10" Dia. Lower and 8-3/4" Dia. Upper support poles to remain -  
Upper Support to be cut down to fit inside upper cabinet.  
New cabinet to sleeve over existing support pole and saddle welded into place

### Scope of work:

1. Remove existing pole sign with pole cover and scrap.
2. Install new pole sign on existing pole to be cut down and new sign installed to top with new pole cover; All details to be verified.
3. Connect to existing power.



### EXISTING CONDITIONS

For Reference only



EXISTING CABINET & POLE COVER TO BE REMOVED;  
NEW POLE COVER AND CABINET TO BE INSTALLED  
7'-0" X 11'-3" PYLON SIGN

### PROPOSED PYLON



**Stratus™**

stratusunlimited.com

8959 Tyler Boulevard  
Mentor, Ohio 44060  
888.503.1569

CLIENT:

**COURTYARD**  
BY MARRIOTT

ADDRESS:

1525 E. MAPLE ROAD  
TROY, MI 48063

PAGE NO.

6

TICKET NO.:

574710

DATE:

04/08/20

PROJECT MANAGER:

LISA KRUTZ

DESIGNER:

KW

ELECTRONIC FILE NAME:

MARRIOTT/COURTYARD/2020/WI/Courtyard\_Troy\_Permit ONLY R1

### REVISION HISTORY:

04/23/20	TC	Adjusted per survey, added shops
05/19/20	TC	Increased size to match sq. feet, and adjusted pole cover size
10/14/20	NS	Reduced cabinet & pole cover size
12/02/20	NS	Reduced cabinet & pole cover size

CLIENT SIGNATURE:

APPROVAL DATE:

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.





**COURTYARD**  
**Marriott**







# 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: \_\_\_\_\_

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 G. Jan Dwy DATE \_\_\_\_\_

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

SIGNATURE OF PROPERTY OWNER G. Jan Dwy 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.***



# 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.troymi.gov

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

Date: 02/09/2021

FENCE

Project Information	Job Address: <u>1682 BUR OAK DR TROY-48085</u> Suite # _____
	Lot: <u>9</u> Subdivision: _____
	Owner: <u>SASI GOWNIWAR</u> Phone: <u>248-877-5380</u>
	Work to be Performed: <input checked="" type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair <input type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
Applicant Information	Name: <u>SASI GOWNIWAR</u> Phone: <u>248-877-5380</u> Fax: _____
	Address: <u>1682 BUR OAK DR</u> City: <u>TROY</u> State: <u>MI</u> Zip: <u>48085</u>
	Email: <u>SKGOWNIWAR@gmail.com</u>

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

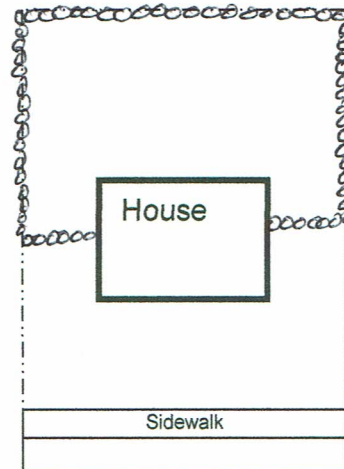
Final lot grade shall be approved before a fence permit is issued.

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	xxxxx	///////	□□□□	-----
HEIGHT	<u>7-FT</u>				
NO. OF FEET	<u>280</u>				
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 [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 \_\_\_\_\_











**From:** [Jennifer Halucha](#)  
**To:** [BCBA Public Comments](#)  
**Subject:** public notice on fence approval/1682 Bur Oak Drive  
**Date:** Friday, May 21, 2021 10:13:50 PM

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**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Evening,

I am sending my response just in case I may miss the meeting( I plan on attending as well).

This is to voice my opinion on the request to install a 7ft privacy fence at 1682 Bur Oak.

We all have many issues with this request and I would like to list them

1. It is unacceptable to have a fence that tall in a sub. that height is reserved properties that are larger in size. It does not fit the landscape of the neighborhood.
2. It would take away from the open feel of the area.
3. Be a eye sore, like looking at a compound
4. would decrease the value of the homes in the neighborhood which would be a burden of others and harm resale values.
5. The HOA/ by laws and Master deed states no fences unless approved by the builder or HOA and IF approved can only be 48" tall. Also, the material needs to be approved and we were approved for either a rod iron or alum. fence.

\*\*side note, we would of liked a privacy fence but after thinking about it and got approval of a metal alum decorative fence I agree with the builders stance. It is more prestigious, still gives an open feel to the area, doesn't take away from the value by being an eye sore and not as noticeable. If a fence is approved( which I have no problems with that) it should be consistent all through and be either rod iron or alum. If we allow vinyl, wood or chain link to be installed it will really detract from the value of our homes(looking like a hodge podge area) and that is not acceptable in this neighbor. Lets keep our neighborhood looking beautiful and desirable.

Thank you for your time and have a great night.

The best compliment I can receive is the referral of your friends, family, neighbors and business associates, whether moving in the area or relocating inside of Michigan.

**Jennifer J. Halucha**  
**Associate Broker, REALTOR®**

**BPOR, E-PRO, ABR, SRS, SRES, RENE**  
**Real Living Great Lakes Real Estate**  
**248-763-6611 cell**  
**248-293-0000 office ext 608**  
**248-997-8600 office fax**  
**248-528-1565 home fax**

*Jhalucha@yahoo.com*

*www.RealLiving.com/Jennifer.Halucha*

<https://www.facebook.com/Jen.Halucha>

**From:** [Jennifer Halucha](#)  
**To:** [BCBA Public Comments](#)  
**Subject:** Re: public notice on fence approval/1682 Bur Oak Drive  
**Date:** Wednesday, May 26, 2021 12:29:56 PM  
**Attachments:** [image006.png](#)  
[image004.png](#)  
[image005.png](#)  
[image002.png](#)  
[image003.png](#)  
[image001.png](#)

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Thank you,

I forgot to mention that I talked to a sales rep about fencing and he said that they don't make 7ft vinyl fencing and only either 6 or 8 ft. They would have to order a 8 ft and have it cut which would cost more in labor then the cost of the fence material. even If they requested wood it would have to be cut to size as well. I know that's not even an issue for approval but its not even readily available as requested.

Regardless of the reasons they may want to install such an eye sore, having a fence of that magnitude isn't in line with the master deed restrictions( which they agreed on when purchasing the home. They had 7 days to review before moving forward with the purchase of the home), doesn't fit the neighborhoods landscape, feel and would be a burden to the value of the rest of the homes in the sub. If approved outside the scope of the Master deed restrictions it would allow others to not obey the guidelines in which we all agreed upon prior to purchasing homes to install any kind of fence they wish. this would distract from the views, landscape, open feel, and values.

If they wish to install a fence, a metal fence of aluminum or rod iron and 48" should only be approved.

The best compliment I can receive is the referral of your friends, family, neighbors and business associates, whether moving in the area or relocating inside of Michigan.

***Jennifer J. Halucha***  
***Associate Broker, REALTOR®***

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*www.RealLiving.com/Jennifer.Halucha*

<https://www.facebook.com/Jen.Halucha>

On Wednesday, May 26, 2021, 11:11:58 AM EDT, BCBA Public Comments <bcbapubliccomments@troymi.gov> wrote:

Thank you for the public comment. It will be part of the agenda packet and reviewed by Board members.



**Jackie Ferencz**  
**Administrative Assistant |**

**City of Troy Planning Dept**  
O: 248.524.3364

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**From:** Jennifer Halucha <jhalucha@yahoo.com>  
**Sent:** Friday, May 21, 2021 10:14 PM  
**To:** BCBA Public Comments <BCBAPublicComments@troymi.gov>  
**Subject:** public notice on fence approval/1682 Bur Oak Drive

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Good Evening,

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We all have many issues with this request and I would like to list them

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5. The HOA/ by laws and Master deed states no fences unless approved by the builder or HOA and IF approved can only be 48" tall. Also, the material needs to be approved and we were approved for either a rod iron or alum. fence.

**\*\*side note, we would of liked a privacy fence but after thinking about it and got approval of a metal alum decorative fence I agree with the builders stance. It is more prestigious, still gives an open feel to the area, doesn't take away from the value by being an eye sore and not as noticeable. If a fence is approved( which I have no problems with that) it should be consistent all through and be either rod iron or alum. If we allow vinyl, wood or chain link to be installed it will really detract from the value of our homes(looking like a hodge podge area) and that is not acceptable in this neighbor. Lets keep our neighborhood looking beautiful and desirable.**

Thank you for your time and have a great night.

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[www.RealLiving.com/Jennifer.Halucha](http://www.RealLiving.com/Jennifer.Halucha)

<https://www.facebook.com/Jen.Halucha>

**From:** [kausar.jabbar](#)  
**To:** [BCBA Public Comments](#)  
**Subject:** Ref: Public hearing letter ( fence height)  
**Date:** Friday, May 21, 2021 8:16:41 PM

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**CAUTION:** This email did not originate from within the City of Troy. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Mr. Huerta

We have recieved a public hearing notice yesterday, in regards to a fence installment for 1682 Bur Oak Drive.

As the city letter mentions, city of Troy building code allows a 6 feet height fence; however our Homeowner association bylaws require an approval from HOA first to place a fence and if approved only a 4 feet height fence is allowed to install.

We support and favor our HOA bylaws/master deed for only allowing a 4 feet height fence.

Best regards,

Kausar Jabbar  
1655 Bur Oak Drive  
Troy, Mi

**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: 1085 Shadow Drive Troy 48085

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

2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-14-153-010

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 CARY Bolton / Britney Kanon  
COMPANY \_\_\_\_\_  
ADDRESS 1085 Shadow Dr  
CITY Troy STATE ME ZIP 48085  
TELEPHONE 248 252-1178  
E-MAIL CaryBolton@me.com / BritneyKanon@me.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Husband & Wife

8. OWNER OF SUBJECT PROPERTY:

NAME Same as Above  
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, CARY Bolton (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 C. Bolton Britney Kanon DATE 3-1-2021

PRINT NAME: CARY Bolton Britney Kanon

SIGNATURE OF PROPERTY OWNER C. Bolton DATE 3-1-2021

PRINT NAME: CARY Bolton

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:** [Cary Bolton](#)  
**To:** [Cary Bolton](#); [Jackie Ferencz](#)  
**Subject:** Letter of explanation and Hardship  
**Date:** Wednesday, March 31, 2021 9:35:47 PM

---

To: Board of Planning and Variance  
From: 1085 Shadow Dr  
Regards to: Fence Variance

Hello,

My name is Cary Bolton husband to Brittney Kanan whom this matter is named in; our two newly born twins Julius n Sebastian and our loving dog Jaxx.

I am writing to the board and appealing to your empathy in regards to the position of our fence on the Howard Street side.

I am hoping that through our explanations we will gain your understanding and as well your support in granting us a variance for this particular circumstance.

First I do want to apologize for it not being done correctly and following the proper guidelines.

During the time we bought the house real estate was just released from its Covid restrictions and the market along with every other business related to homes was out of control busy and backed up.

It took two months to get a mortgage, we finally closed July 30th.

My wife at the time was 8 1/2 months pregnant with twins. I just had a horrible injury where I lost all the strength and mobility in my arms. I literally could not lift 5lbs or my arms past my waist. So moving in was much more then we could handle at the time.

We had always planned on putting a fence up for our dog but now we desperately needed it just so we could let him out without it being such a challenge.

I called at least a dozen fence companies all whom were booked through the season. Finally a contractor told me what I wanted to hear "he could get it done in two weeks".

Which of course wasn't true but I needed to believe him and trust him.

During this time my mother who was only 73 years old and healthier and stronger then anyone I have ever known - suddenly got Cancer and become horrible sick and died within 3-weeks on August 28, 2020.

That put us all in a state of shock and a whirlwind of emotions especially with the twins on the way.

The boys were born September 30th 2020 -my mother never got to meet them.

I was unable to lift them, the use of my arms and hands were worse. I had to reschedule my neck surgery twice because of my wife's pregnancy and my mothers death. Finally I went in Nov 4, a second surgery Nov 6 and a third surgery Nov 9th.

I am still recovering and slowly gaining my mobility n strength.

My father gave us a card from my mother Saying she wished she could do more and be there for the boys but she would like to us to know she will always have her arms around us and gave us a check for the fence knowing we couldn't afford it at this time.

I am telling you all this so you understand the state we were in and why I was relying so heavily on our contractor to do it correctly.

I know the City, David Koss did come out and talk to him about permits. We were told he was handling it and everything was fine.

Our fence is just ten feet short of where it needs to be.

It does line up with our neighbors and looks very good.

We had all the trees trimmed back and branches cut down in order for it to fit.

Had I known about the 30' it would have been easier to put inside our tree line rather then outside where it is now.

We just did not know.

The post have been cemented in, so the fence would need to be destroyed and we would have to pay for a whole new one on that side.

I also already have been calling around and am finding out once again what a great business fencing is because every seems to be booked several months out already.

We ask that you please give our situation your consideration of it being a special circumstance and timing due to Covid and allow us to keep our fence, Please.

Thank you for your time

Sincerely,  
Cary Bolton  
1085 Shadow Drive  
Troy Mi 48085

248-252-1178

Sent from my iPhone















**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**

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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: 4578 Post Drive, Troy, MI 48085  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-13-180-001
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 Michelle Lamacchio

COMPANY \_\_\_\_\_

ADDRESS 4578 Post Drive

CITY Troy

STATE MI

ZIP 48085

TELEPHONE 734-717-8152

E-MAIL michellelamacchio@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Michelle Lamacchio

COMPANY \_\_\_\_\_

ADDRESS 4578 Post Drive

CITY Troy

STATE MI

ZIP 48085

TELEPHONE 734-717-8152

E-MAIL michellelamacchio@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, Michelle Lamacchio (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 Michelle Lamacchio DATE 04/23/2021

PRINT NAME: Michelle Lamacchio

SIGNATURE OF PROPERTY OWNER Michelle Lamacchio DATE 04/23/2021

PRINT NAME: Michelle Lamacchio

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

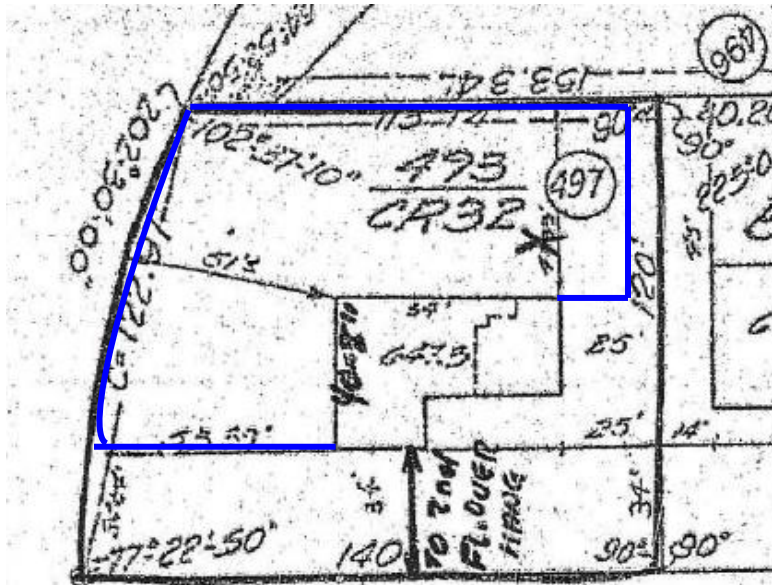
## Fencing Project Description / Request

4578 Post Drive, Troy, MI 48085

**Fencing Description:** House is located on a corner lot which is 0.40 of an acre. Desire to install 315' of a 4' 3-Rail Black Aluminum Fencing. Variance is being requested due to the property being on a corner lot, as there is a 30' setback on the north property line (side of house) in addition to the west side (front of house).

**Fencing Location:** Fence would run from the front corner of the house located on the west side to the sidewalk, then run 1' off sidewalk on the north side to the back of the property, following the property line along the east side behind the arborvitaes, and then along the south side to the back corner of the house.

**Fencing Justification:** This fence would be a **non-obstructing** fence on property for security/safety reasons. Have two small children - currently 20 months (boy) and 10 weeks old (girl). Desire to install fence to avoid children running into street/off property. Property adjacent to house has a 1 year old puppy (golden retriever) with an invisible fence and fear children going on property. The back of the house has limited grassy areas due to the patio, trees and landscaping, so the side yard is a desired area to be fenced in. Nearby corner property also has an aluminum fence along the sidewalk (2321 Terova Drive). Other nearby corner properties have arborvitaes along the side walk in lieu of a fence.



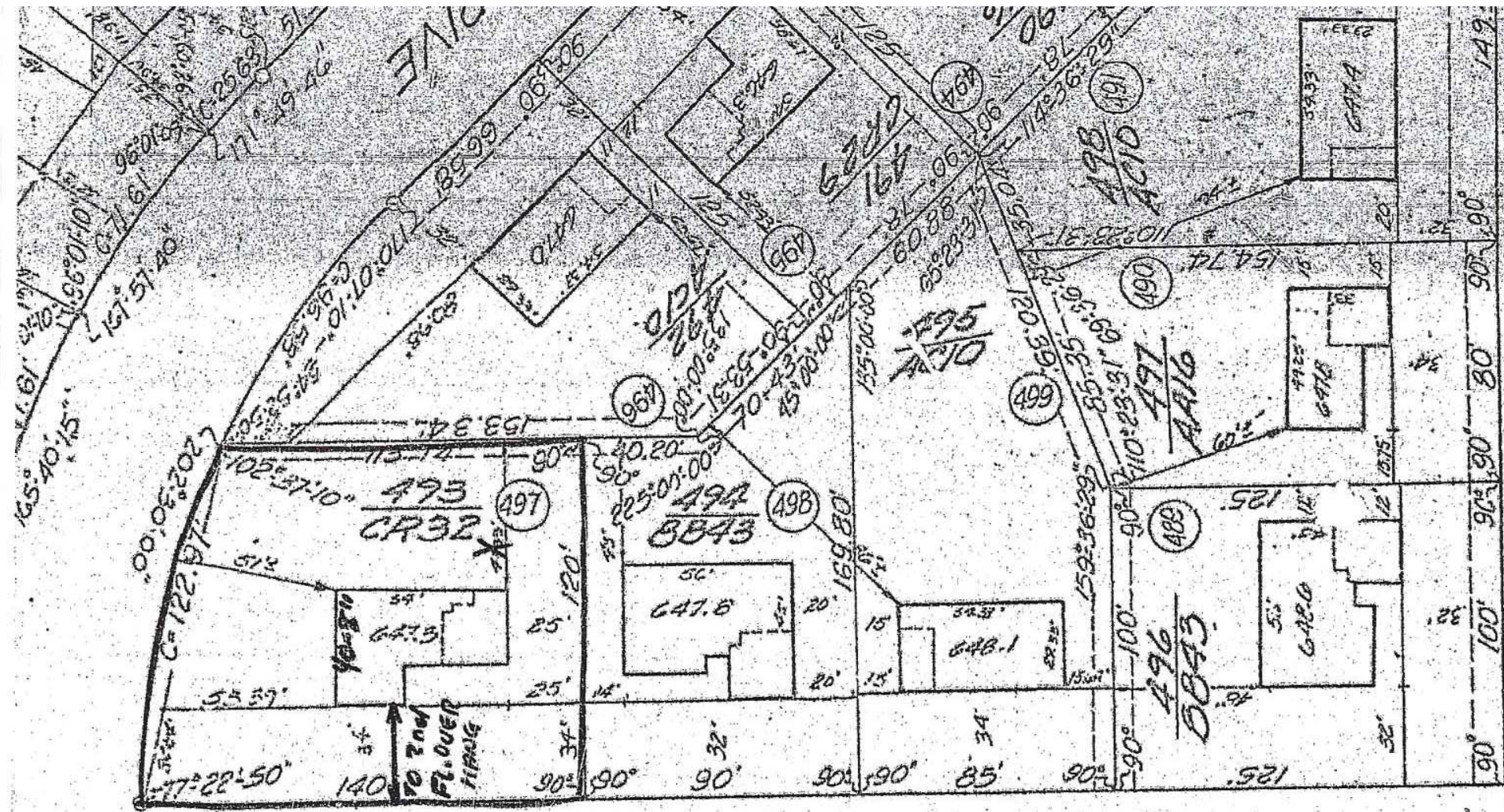
Front of House (west side) - Blue Line indicates fence location



North Side of property (side of house)



Example of Fence to be installed



DRIVE

4578 POST  
T-69-302 A CR-32  
POST

1-85  
85-120  
120.



















