

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 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,



Gary Abitheira, Chair


Kathy L. Czarnecki, Recording Secretary