

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

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



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
planning@troymi.gov

September 1, 2021

3:00 PM

Council Chambers

1. ROLL CALL
2. SUSPENSION OF BUILDING CODE BOARD OF APPEALS BYLAWS
3. APPROVAL OF MINUTES –August 11, 2021
4. HEARING OF CASES:
 - A. **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 vinyl privacy fence at a height of seven (7') feet in the back yard, where City Code limits the height to six (6') feet

CHAPTER: 83
 - B. **VARIANCE REQUEST, MICHAEL BOOKER SR. & LYNETTE BOOKER, 2026 BLUE SPRUCE-** – This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R-1C use district. As such per Chapter 83 of the City of Troy Code it has 30 feet required front setback along both John R & Blue Spruce Dr. The petitioner is requesting a Building Permit to install 103.5 feet of a 6-feet high, vinyl obscuring fence at the rear property line perpendicular to John R. Out of the 103.5 feet of fence, the petitioner is requesting a variance for the 30 feet that encroach into the John R 30 feet required setback. Where the City Code limits obscuring fences to 30 inches in height; due to the fact that there isn't a back-to-back relationship to the rear neighboring lot

CHAPTER 83
 - C. **VARIANCE REQUEST, MANDY AUSTIN & BOB HAAG, 2685 TIMBERWYCK-**This property is an interior lot of the R-1A 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 120 feet at the rear property line of vinyl privacy fence at a height of eight (8') feet, where City Code limits the height to six (6') feet.

CHAPTER: 83
5. COMMUNICATIONS
6. PUBLIC COMMENT

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

7. MISCELLANEOUS BUSINESS

8. ADJOURNMENT

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:01 p.m. on August 11, 2021 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira

Teresa Brooks

Matthew Dziurman

Mark F. Miller, City Manager

Members Absent

Sande Frisen

Support Staff Present

Salim Huerta, Building Official

Kathy L. Czarnecki, Recording Secretary

Moved by: Abitheira

Support by: Dziurman

RESOLVED, To amend the agenda to (1) remove Agenda item 2 (Suspension of Building Code Board of Appeals Bylaws); (2) move the order of the Agenda item 4.A. (1682 Bur Oak Drive) to third position; and (3) postpone Agenda item 4.B. (2026 Blue Spruce) to the September 1, 2021 meeting at the request of the applicant.

Yes: All present (4)

Absent: Frisen

2. SUSPENSION OF BUILDING CODE BOARD OF APPEALS BYLAWS – *Item removed; refer to Resolution to amend agenda.*

3. APPROVAL OF MINUTES

Moved by: Miller

Support by: Abitheira

RESOLVED, To approve the minutes of the July 7, 2021, Regular meeting as submitted.

Yes: Abitheira, Dziurman, Miller

Abstain: Brooks

Absent: Frisen

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.*

B. VARIANCE REQUEST, MICHAEL BOOKER SR. AND LYNETTE BOOKER, 2026 BLUE SPRUCE – *Item postponed to September meeting at request of applicant. Refer to Resolution to amend agenda.*

C. VARIANCE REQUEST, JOHN AND LAURA NEWMAN, 5970 SUSSEX – This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R1-A use district. As such per Chapter 83 of the City of Troy Code it has a 40 feet required front setback along Sussex Drive and Arlund Way. The petitioner is requesting a variance to install 119 feet of the 6 feet tall vinyl obscuring fence that will encroach into the Arlund Way 40 feet setback as well as a variance for the 40 feet 4 feet tall of the aluminum non-obscuring fence that will encroach into the Arlund Way 40 feet setback as well. The total fence to be permitted by the Building Department will be 308 feet of 6 feet tall vinyl obscuring fence and 89 feet of 4 feet tall aluminum non-obscuring fence. *CHAPTER 83*

Mr. Huerta read the variance request narrative. Mr. Huerta reported there were no written responses to the notice.

The applicant John and Laura Newman were present. Ms. Newman said they are new owners of the house as of February 2021. She said the proposed fence would provide safety for their daughter and dog, provide privacy and act as a sound barrier from I-75 expressway, and obscure the biking and running route along Arlund Way. Ms. Newman stated the fence as proposed would maximize the usable space of their side yard and keep the existing shed within the fenced area. She noted that their property line currently is six (6) feet from Arlund Way and the additional feet required for the setback places their property line ninety (90) feet from Arlund Way. Ms. Newman explained the 4-foot high rod aluminum fence would be aesthetically more pleasing than vinyl.

There was discussion on:

- No active permit on file for the shed; existing shed as relates to fence line.
- Previous variance request filed and withdrawn from former homeowner.
- Fence material; tan PVC vinyl and black rod aluminum.
- Existing split rail and wire fence; not part of request; applicant to eventually repair and/or remove.
- 2.5 feet obscuring fence permitted.
- Existing trees as relates to fence installation; mature trees in straight line.
- Distance of house across the street; 154 feet to the lot line.
- Shape, configuration of property in relation to proposed fencing.
- Applicant desire to maximize usable yard area.
- Provide greater setback to potentially accommodate future sidewalk.

Chair Abitheira offered the applicant an opportunity to postpone the variance request until there is a full Board present. The applicant said they would like to go forward with the request.

Chair Abitheira acknowledged there was no one present to speak.

Moved by: Dziurman
Support by: Brooks

RESOLVED, To grant the variance request at 5970 Sussex with the exception that the setback is no less than three (3) feet from the property line on the north property side of Arlund Way and the remaining fence as proposed, for the following reasons:

- The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.
- The variance does not adversely affect properties in the immediate vicinity of the proposed fence.

Yes: All present (4)
Absent: Frisen

MOTION CARRIED

Vice Chair Brooks presided as Chair for the remainder of the meeting. Chair Abitheira exited the meeting.

- A. **VARIANCE REQUEST, SASI GOWNIWARI, 1682 BURR 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 vinyl privacy fence at a height of seven (7') feet in the back yard, where City Code limits the height to six (6') feet. *CHAPTER 83*

Chair Abitheira recused himself because he built the home for which the petitioner is seeking the variance and he currently has homes on the market in that subdivision.

Mr. Huerta read the variance request narrative.

Vice Chair Brooks advised the applicant that she would need affirmative votes from all three Board members to be granted approval for the request. She asked the applicant if she would like to postpone the item until a full Board is present.

The applicant Ms. Gowniwari was present. Ms. Gowniwari said she would like to move forward with the request.

Ms. Gowniwari said the proposed 7-foot high fence would provide security and safety for their 11 year old son who is on the autism spectrum disorder.

There was discussion on:

- Varying height fences for protection.
- Height potential of applicant's son.
- Consideration of alternative fence material.
- Public comment received; not in support of request.
- Condominium/subdivision bylaws.
 - Not enforceable by City.
 - Verification whether fences of any type or height are allowed.
 - Potential of legal conflict with Association even if City grants permit.
- 6-foot privacy fence permitted by right.

Ms. Gowniwari agreed with the Board's advice to obtain a copy of the condominium bylaws and review them. She asked the Board's consideration to postpone the item to the next meeting.

Moved by: Miller
Support by: Dziurman

RESOLVED, To postpone the variance request to the September 1, 2021 meeting and provide the petitioner with a copy of the condominium bylaws for review in consideration of moving forward with the variance request.

Yes: Brooks, Dziurman, Miller
Absent: Frisen
Abitheira (recused)

MOTION CARRIED

Mr. Abitheira returned to the meeting.

5. COMMUNICATIONS – None

6. PUBLIC COMMENT

There was no one present in the audience to speak.

7. MISCELLANEOUS BUSINESS

None.

8. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:55 p.m.

Respectfully submitted,

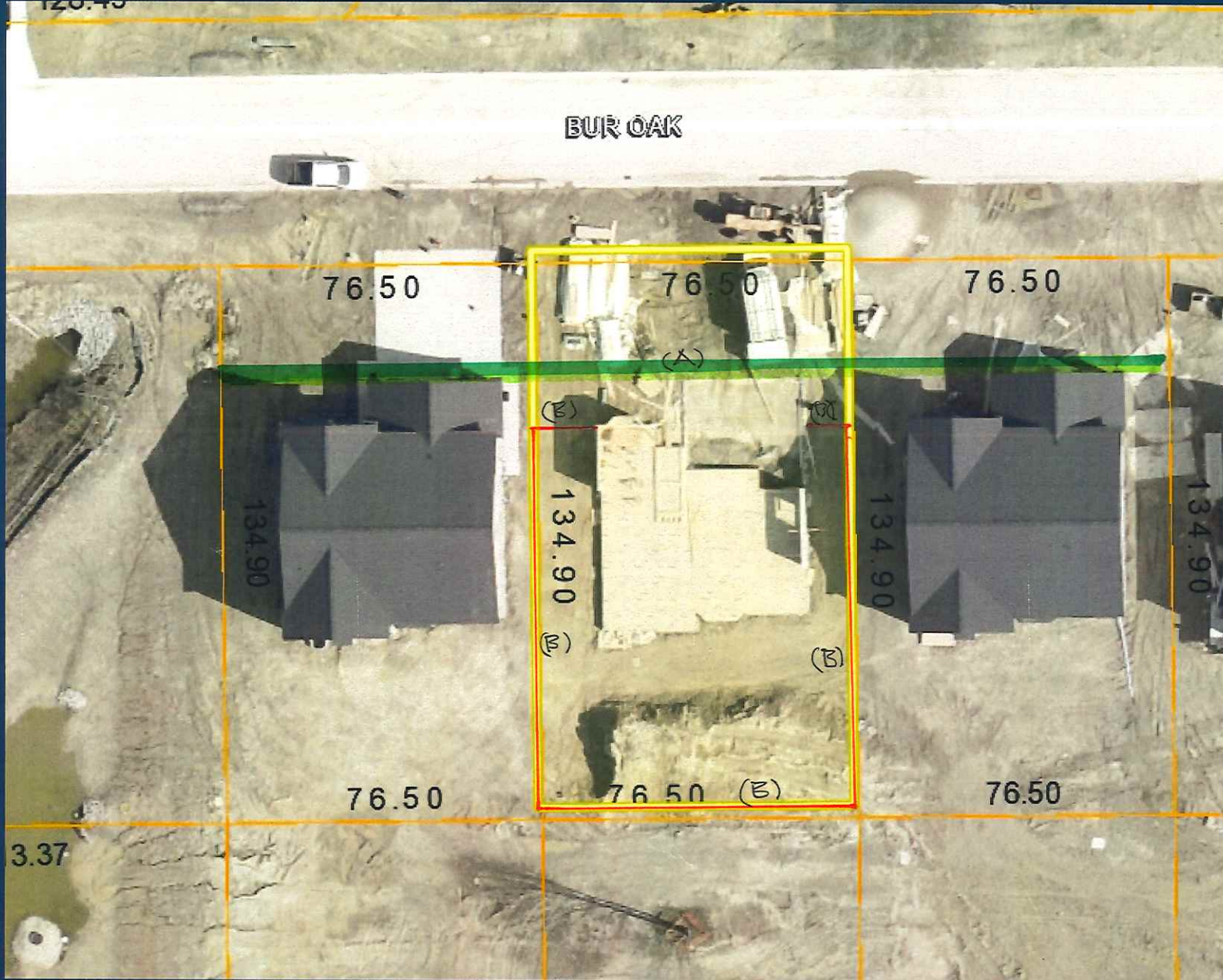
Gary Abitheira, Chair

Kathy L. Czarnecki, Recording Secretary

C:\Users\bob\Documents\Kathy\COT Building Code Board of Appeals\Minutes\2021\2021 08 11 Regular Meeting_Draft.doc



GIS Online



Legend:

1682 BUR OAK,
R-1C

30' FRONT
SETBACK.

(A) 7' WOOD
OBSCURING
FENCE

* REQUESTED
VARIANCE
280' OF 7'
WOOD FENCE

(B) REJECTED
APPLICATION IS
NOT SHOWING
GATES.

* PER CHAPTER
83 FENCES
SECTION (2)
ITEM (A)
RESIDENTIAL
FENCES SHALL
BE CONSTRUCTED
TO A HEIGHT
OF 6 FEET MAX.
* NO TOPOGRAPHIC
SURVEY WAS
SUBMITTED.



- A. **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 vinyl privacy fence at a height of seven (7') feet in the back yard, where City Code limits the height to six (6') feet. CHAPTER 83









**CITY OF TROY PLANNING DEPARTMENT
BUILDING CODE BOARD OF APPEALS APPLICATION**

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3364
E-MAIL: planning@troymi.gov



FEE \$50

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE BUILDING CODE BOARD OF APPEALS ARE HELD ON THE FIRST **WEDNESDAY OF EACH MONTH AT 3:00 P.M.** AT CITY HALL.

PLEASE FILE A COMPLETE APPLICATION, TOGETHER WITH THE APPROPRIATE FEE, **NOT LESS THAN TWENTY-SEVEN (27) DAYS** BEFORE THE MEETING DATE.

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

1. ADDRESS OF THE SUBJECT PROPERTY: _____

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.

SIGN CODE APPEALS CRITERIA

Subject to the provisions below, the Board of Appeals shall grant specific variances from the requirements of this Chapter, upon a showing of each of the following:

- 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
- 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;
- 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.

In no case shall any variance be granted that would result in a sign that exceeds the height, size, or setback provisions of the Sign Ordinance by 25% or that would increase the number of signs permitted by the Sign Ordinance by more than 25%.



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 # _____

FENCE

Date: 02/09/2021

Project Information	Job Address: 1682 BUR OAK DR TROY-48085	Suite # _____
	Lot: 9	Subdivision: _____
	Owner: SASI GOWNIWAR	Phone: 248-877-5380
	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: SASI GOWNIWAR	Phone: 248-877-5380 Fax: _____
	Address: 1682 BUR OAK DR	City: TROY State: MI Zip: 48085
	Email: SKGOWNIWAR@gmail.com	

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

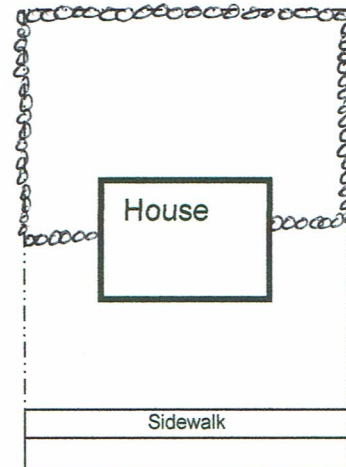
Final lot grade shall be approved before a fence permit is issued.

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	7-FT				
NO. OF FEET	280				
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 G. Gowniwar
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: 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](#)

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.

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®

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>

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

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

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®

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Real Living Great Lakes Real Estate
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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: public notice on fence approval/1682 Bur Oak Drive
Date: Friday, May 21, 2021 10:13:50 PM

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).

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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: [Clark Allan](#)
To: [BCBA Public Comments](#)
Subject: Public Hearing 6/2/21 3:00 pm
Date: Tuesday, June 1, 2021 4:59:01 PM

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.

Regarding the petition for variance to build a 7' privacy fence at 1682 Bur Oak Dr:

I live on Abbotsford Dr and walk the Oak Forest developments 1, 2, 3 and 4 every day. I have never seen a single privacy fence in any of the hundreds (?) of new yards. New residents have planted arbrovitae or other hedges for privacy. I do not know if there is an Association for these new developments that prohibit privacy fencing, but I hope so.

I not only object to an additional foot of solid fencing, I object to a solid privacy fence, period. I miss the woods that were clear cut for these new neighborhoods, but accept the growth in Troy. Instead of woods, I would appreciate the view of lawns, shrubs and trees, not an obstructive fence.

Thank you for your consideration.
Terri Clark
1760 Abbotsford Dr
Troy

[Sent from AT&T Yahoo Mail on Android](#)

From: [Amy Dell](#)
To: [BCBA Public Comments](#)
Subject: Opposing Fence for 1682 Bur Oak
Date: Tuesday, July 6, 2021 4:23:54 PM

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.

Hello,

Writing to oppose the vinyl/wood fence being requested by 1682 Bur Oak. We live in a home behind Bur Oak and we built in Oak Forest with the understanding that vinyl or wood fences would not be allowed. We specifically selected a lot backing to other homes, creating a common area and would have expected anyone selecting a lot in such an open area would love the concept as much as we do. 1682 Bur Oak's having a vinyl or wooden fence will impact all neighbors around them. They can install a wrought iron fence as other folks have in this sub, for more privacy, they can add trees. The vinyl/wood fence is a bit of an eye sore.

Thanks

From: [Jennifer Halucha](#)
To: [BCBA Public Comments](#)
Subject: Hearing for 1682 Bur Oak dr/ fence
Date: Wednesday, July 7, 2021 8:25:00 AM

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 morning,

This is to voice our opinion and comments on the request for a fence on the property of 1682 Bur Oak dr.

We do not approve any type or style of fencing other than what is approved by the Builder and what is stated in the Master deed/by Laws.

It is stated that no fence is allowed unless approved and can only be a alum. Or rod iron 4ft fence if approved.

The fence they are requesting is not acceptable and will be a eye sore to others, lower values of the homes and will be a burden to others. The inconsistency of the neighborhood would lower values and take away from the open concept of area.

1. Each owner had 10 days to review the master deed and by laws prior to agreeing to purchase the home. If they did not agree to those terms they should not have purchased the home. It was told to us that the owner of 1682 never read the master deed and ignored the laws set forth in that document.

2. Based on fair housing act and disability act, fencing is NOT a accommodation that enables a person to enjoy the home and doesn't assist in any disability to enjoy or use the home. It doesn't offer equal opportunity to the home owner bc of the fact it doesn't assist. It also would be considered a burden to others both financially and physically by being an eye sore.

*** noting that reasonable accommodations have been met by offering a fence by approval and it being the same as everyone else(making it equal opportunity). Court cases going all the way to the Michigan Supreme Court of appeals have denied plaintiff stating the above.(just saying)

3. If the city approves the variance for a vinyl 7ft compound fence, it opens open everyone else to be able to install any kind, style and type of fence making this neighborhood look like a hodgepodge sub. We followed the rules and have a alum, 4ft fence and no normal person can climb over.

This being said, I understand their situation and I am willing to agree to a 5 ft metal fence being made of rod iron or alum.

The fence he is requesting is just not reasonable, will look like a compound, blocking the views and enjoyment of surrounding neighbors and is just not something that will fit the neighborhood over all feel.

We will also be attending the meeting this afternoon. Thank you for allowing us to voice our opinion and facts.

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

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

From: [Megan Phelps](#)
To: [BCBA Public Comments](#)
Subject: Comment regarding 1682 Bur Oak Dr Fence Request
Date: Wednesday, July 7, 2021 8:18:45 AM

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.

To the City of Troy Building Code Board of Appeals,

As a resident on Bur Oak Dr, I petition that the request for a 7ft vinyl privacy fence at 1682 Bur Oak Drive be denied. A vinyl privacy fence goes against the land deed for our homeowners association, as the only reasonable accommodation is a 4 ft metal fence as 1669 Bur Oak Drive has installed. A fence of 7 ft is not necessary to enjoy one's property and would be a burden for surrounding neighbors for a multitude of reasons, including the fact that it is a financial burden as it decreases home values based on HOA guidelines. One of the reasons I chose to build a home on Bur Oak Drive is because of the aesthetics of the neighborhood and HOA guidelines to keep each property well maintained and according to the rules of the contract we signed when we purchased the property. This is a guideline that anyone purchasing a home on Bur Oak Dr should have taken into consideration prior to purchasing the property.

I ask that you take these points into consideration and deny the request for this fence as it violates the HOA guidelines that all neighbors are required to adhere to. Again, this is something that all of the other neighbors on Bur Oak Dr. agreed to in the land contract and the owners of 1682 Bur Oak Drive should have considered before purchasing the property - no exceptions should be granted based on the agreement signed.

Thank you,
Megan Phelps

1668 Bur Oak Dr.
Troy, MI 48085

--

Megan Phelps
meganphelps7@gmail.com

From: [Ann Sobey](#)
To: [BCBA Public Comments](#)
Subject: Public Hearing - July 7, 2021 - 1682 Burr Oak Drive - fence variance request
Date: Friday, July 2, 2021 1:30:56 PM

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.

Wattles Square, Inc. is the Owner/Developer of eight lots that would be adversely affected by this variance being granted.

This fence would not be in harmony with our development's Master Deed and By-Laws by which we have marketed and sold our lots to our customers. This fence would stick out like a sore thumb to every home in both our subdivision and the subdivision that the applicant resides in. As another concerned resident communicated, our homeowners have time to review the Master Deed along with all By-Laws and Restrictions prior to finalizing their contracts so they know what they are buying into.

We oppose the granting of this variance.

Wattles Square, Inc.

Ann Sobey
President



GIS Online



Legend:

Tax Parcel

2026
BLUE SPRUCE
R1-C
30' FRONT
SETBACK.

* 6' FENCE
(OBSCURING VINYL)
103.5 FEET.
- ONE FOOT AWAY
FROM SIDEWALK.

* 30 FEET
REQUIRED
FRONT SETBACK.

Notes:



- D. VARIANCE REQUEST, MICHAEL BOOKER SR. & LYNETTE BOOKER, 2026 BLUE SPRUCE** – This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R-1C use district. As such per Chapter 83 of the City of Troy Code it has 30 feet required front setback along both John R & Blue Spruce Dr. The petitioner is requesting a Building Permit to install 103.5 feet of a 6-feet high, vinyl obscuring fence at the rear property line perpendicular to John R. Out of the 103.5 feet of fence, the petitioner is requesting a variance for the 30 feet that encroach into the John R 30 feet required setback. Where the City Code limits to obscuring fences to 30 inches in height; due to the fact that there isn't a back-to-back relationship to the rear neighboring lot. CHAPTER 83



CITY OF TROY | PLANNING DEPT. | 500 WEST BIG BEAVER | TROY, MI 48084 | 248-524-3364

Zoning Board of Appeals Application

planning@troymi.gov | Fee \$150.00

THE ZONING BOARD OF APPEALS MEETS THE **THIRD TUESDAY OF EACH MONTH AT 7:30 P.M. AT CITY HALL**. PLEASE FILE A COMPLETE DIGITAL APPLICATION AND FEE AT LEAST **29 DAYS BEFORE** THE MEETING DATE. PRE APPLICATION MEETING WITH PLANNING DEPARTMENT REQUIRED BEFORE FILING APPLICATION.

1. ADDRESS OF THE SUBJECT PROPERTY: 2026 Blue Spruce
2. PROPERTY TAX IDENTIFICATION NUMBER(S): unit 22, Tary Pines Condominium, Liber 21367, page 142-149, Oakland County
3. ZONING ORDINANCE SECTIONS RELATED TO THE REQUEST: RIC
4. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? If yes, provide date(s) and particulars: NO
5. APPLICANT:
NAME Michael Booker SR. Lynette Booker owner's
COMPANY Anchor Fence
ADDRESS 2026 Blue Spruce
CITY Troy STATE MI ZIP 48085
PHONE 313-350-0080
E-MAIL LHuckiebert@AOL.com
AFFILIATION TO THE PROPERTY OWNER: Contractor

RECEIVED

MAY 04 2021

PLANNING



Zoning Board of Appeals Application

6. PROPERTY OWNER:

NAME Michael Booker Sr.
COMPANY _____
ADDRESS 2026 Blue Spruce
CITY Troy STATE MI ZIP 48085
TELEPHONE 313-350-0080
E-MAIL LHuckleber@AOL.com

The undersigned hereby declares 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, Michael Booker Sr. (APPLICANT) HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO ENTER THE PROPERTY TO ASCERTAIN PRESENT CONDITIONS.

APPLICANT SIGNATURE [Signature] DATE 4/29/2021
PRINT NAME: Michael Booker Sr.

PROPERTY OWNER SIGNATURE [Signature] DATE 4/29/2021
PRINT NAME: Michael Booker Sr.

Lynette Booker 4/29/21

Failure of the applicant or their authorized representative to appear before the Board as scheduled shall be cause for denial or dismissal of the case with no refund of fees. The applicant will be notified of the time and date of the hearing by mail. If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

Approved variances are good for a one year period.



ANCHOR FENCE INC

26345 Plymouth Rd. Redford, MI 48239
www.Anchorfenceonline.com
E-mail: Sales@AnchorFenceOnline.com

Phone: 313-937-0101
Fax: 313-937-0404

Contract / Invoice

This Contract Supersedes Any And All Other Contracts Related To This Job. Any Changes and or Charges will Be In Written Form by our Office ONLY.

Customer: LYNETTE BOOKER Date: 7-9-20
Address: 1305L BLUE SPRUCE DR.
City & Zip: TROY MI 48065
Phone: 313-479-0728 Office: _____ Fax: _____
CONTACT PERSON: _____ Cell: _____
Purchase Order #: _____ Vendor #: _____
Email: _____

*CUSTOMER SIGNATURE TO START JOB:

X Lynette Booker

*Customer Signature for Changes made by customer and for added Costs to Final Balance:

X COST TO BE ADDED: \$ _____

ANY CHANGES - MUST BE MADE THROUGH THE OFFICE BEFORE MATERIAL IS ORDERED OR DELIVERED.

PVC:\$ _____ WD:\$ _____ C/L:\$ _____ STL:\$ _____ ALM:\$ _____

☐ DIRT REMOVAL COST: _____ ☒ LEAVE DIRT

Side Street Name: _____

Side Street Name: _____

CUSTOMER INITIALS
INSTALL TO:
AIR LEVEL ☒
GRADE LEVEL ☐

CUSTOMER INITIALS
Verify diagram, lot lines
And gate swing as drawn are
Correct to customer specifications
And all terms have been read.

Corner ☒ Interior ☐ SHOW DOORS on House or Bldg.

FENCE SPECIFICATIONS

C/L ☐ WOOD ☐ STEEL ☐ VINYL ☐ ALUM ☐
Style: TAHOE

4' ☐ 5' ☐ 6' ☒ 7' ☐ 8' ☐ 10' ☐ 12' ☐

11.5 ga. ☐ 9 ga. ☐ barb wire ☐ razor ribbon ☐

Color: White ☐ Almond ☐ Khaki ☐ Gray ☐ Brown ☐
Black ☐ Bronze ☐ Green ☐

Texture Vinyl ☐

Cap Style: HAZEL

Cap Size: 4 x 4 ☐ 5 x 5 ☒

Top rail _____

Line post 12

Corner post _____

End post 2

Gate post _____

Panels _____

Pickets _____

Walk gate _____

Drive gate _____

Gate hardware _____

Clear Fence Line No

Tear out existing YES 103'6" CL

Haul away existing YES

HAUL AWAY DIRT, DEBRIS, ETC. (\$20.00 a hole) ☐

Concrete footings CONCRETE

Concrete breaks NO

Asphalt breaks NO

AIR LEVEL ☐

GRADE LEVEL ☒

Hard digs 9 160 2000

Core Drill NO

TOTAL FOOTAGE 103'6"

Customer Must Mark All Personal Electrical
Wiring and All Sprinkler Systems

Does Miss Dig need to be called? Yes ☒ No ☐

1-800-482-7171

AUTHORIZATION #: _____

Staked By Date: _____

* IS A PERMIT NEEDED ? Yes ☐ No ☒

DEPOSIT AMOUNT: 2,200.00 DATE: 7/31/20

CHECK #: 7900 M/C ☐ VISA ☐ DIS ☐ AE ☐

DATE BAL. PD: _____ AMT. _____ CHECK #: _____

M/C ☐ VISA ☐ DIS ☐ AE

WE BEAT OR MATCH ALL QUOTES

FENCE CONTRACT AND TERMS

THE SUM OF EARNEST MONEY: \$ 4,370.00 + Permit

TERMS— RENDER 1/2 DOWN PRIOR TO START: \$ 2,185.00

CITY _____ OUR COST _____

PERMIT COST: VAIREF TO PULL: 7500 ← THESE 2 CHARGES WILL BE ADDED TO THE BALANCE

TOTAL FINAL BALANCE DUE ON COMPLETION: \$ _____

SALESMAN: Bob

X
CUSTOMER SIGNATURE ON COMPLETION:

DATE COMPLETED: _____

INSTALLER(S): _____

CONTRACT TERMS ON BACK OF SHEET

rev. 3/5/2020



TROY PINES





John R Rd
Blue Spruce Dr











A. **VARIANCE REQUEST, MANDY AUSTIN & BOB HAAG, 2685 TIMBERWYCK TRAIL DRIVE–**

This property is an interior lot of the R-1A 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 120 feet at the rear property line of vinyl privacy fence at a height of eight (8') feet, where City Code limits the height to six (6') feet. CHAPTER 83

**CITY OF TROY PLANNING DEPARTMENT
BUILDING CODE BOARD OF APPEALS APPLICATION**

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3364
E-MAIL: planning@troymi.gov



FEE \$50

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE BUILDING CODE BOARD OF APPEALS ARE HELD ON THE FIRST **WEDNESDAY OF EACH MONTH AT 3:00 P.M.** AT CITY HALL.

PLEASE FILE A COMPLETE APPLICATION, TOGETHER WITH THE APPROPRIATE FEE, **NOT LESS THAN TWENTY-SEVEN (27) DAYS** BEFORE THE MEETING DATE.

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

1. ADDRESS OF THE SUBJECT PROPERTY: 2685 Timberwyck Trail Dr
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-18-176-015
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 Mandy Austin & Bob Haag

COMPANY _____

ADDRESS 2685 Timberwyck Trail Dr

CITY Troy STATE MI ZIP 48098

TELEPHONE (248) 585-7355

E-MAIL mjx259@yahoo.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Manjiang (Mandy) Austin

COMPANY _____

ADDRESS 2685 Timberwyck Trail Dr

CITY Troy STATE MI ZIP 48098

TELEPHONE (248) 585-7355

E-MAIL mjx259@yahoo.com

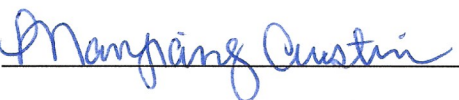
The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

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, Manjiang Austin (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 6/29/21

PRINT NAME: Manjiang (Mandy) Austin, Bob Haag

SIGNATURE OF PROPERTY OWNER  DATE 6/29/21

PRINT NAME: Manjiang Austin

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 Appeal
2685 Timberwyck Trail

Request:

Your consideration to allow us to build an 8-foot vinyl privacy fence on the south side of our property, to block/reduce frequent noises from neighbor's outdoor heavy bass boom box radio (property address: 2664 Red Fox Trail).

Reasons:

- Our backyard slopes down to the south side, therefore our pool (built on a raised bed) and our house sit higher than the neighbor's yard. Our pool is about 2 feet above ground, and the west side of the yard is about 2 feet above our pool patio (please see pictures A, B, C). We currently have metal fence all around the back.
- A situation has prompted us to consider a solid, and more private fence that can block or reduce noises coming from adjacent property at 2664 Red Fox, which also has an in-ground pool.
- Residents at 2664 Red Fox frequently play their boom box radio outdoors, either music, or live sports events (the Tigers and the Lions games), for hours at length, throughout the summer. The radio produces a disturbing heavy bass and constant low frequency noise, especially from a live sports event (announcer and commercials). They also frequently host outdoor parties with the radio on.
- Due to the close proximity of our pools (please see picture D), and the higher elevation of our pool and house, the sound of their radio seems to travel straight up and across the open air to us. So much so, we can hear the radio/parties from inside of our living room (patio door completely closed), as well as our 2nd floor bedroom, with windows completely closed (please see picture E).
- We have courteously approached these neighbors several times in person to let them know their radio is too loud. They would turn it down then, but it would return the next day, or weekend, or holiday. It would be impossible for us to do so every time.
- Lastly an observation: the residents at 2642 Red Fox next door to them have recently built a vinyl privacy fence also (please see pictures D, F).
- If we understand correctly, this would seem to be a violation according to the City of Troy Nuisances Ordinance, under Chapter 88, 9.5 (b) Radio & Instruments:
(quote)
 “The playing of any **radio**, television, phonograph, or any musical instruments in such a manner or with such volume, particularly during the hours between 11:00 p.m. and 7:00 a.m. **or at any time or place so as to annoy or disturb the quiet, comfort, or repose of persons in any office or in any dwelling, hotel, or other type of residence, or of any persons in the vicinity.**”

Fence Permit Appeal
2685 Timberwyck Trail

Conclusion:

We are empty-nesters and both work full time. We look forward to our weekends and holidays during the pool season to garden, swim, read and just relax in our backyard. We understand young children play and families gather outdoors in any neighborhood. Unfortunately, this neighbor's frequent radio noises, sometimes over loud parties, have been an extreme disturbance and cause of anxiety for us every summer. Lack of any other viable solutions, we decided to put a tall privacy fence. It is entirely not our preference to do so, considering the time and resources involved, but it seems to be our only and last resort to resolve the situation, and due to our irregular and raised ground levels, we are concerned that a 6-foot fence would only have the effect of a 4-foot fence. Therefore, we would like to ask the board to kindly consider granting our permit.

We are also open and welcome any suggestions you may have for us to improve this situation.

Please let us know if any additional information you might need from us, and if you have any questions we can address.

Thank you all very much for your time and consideration!

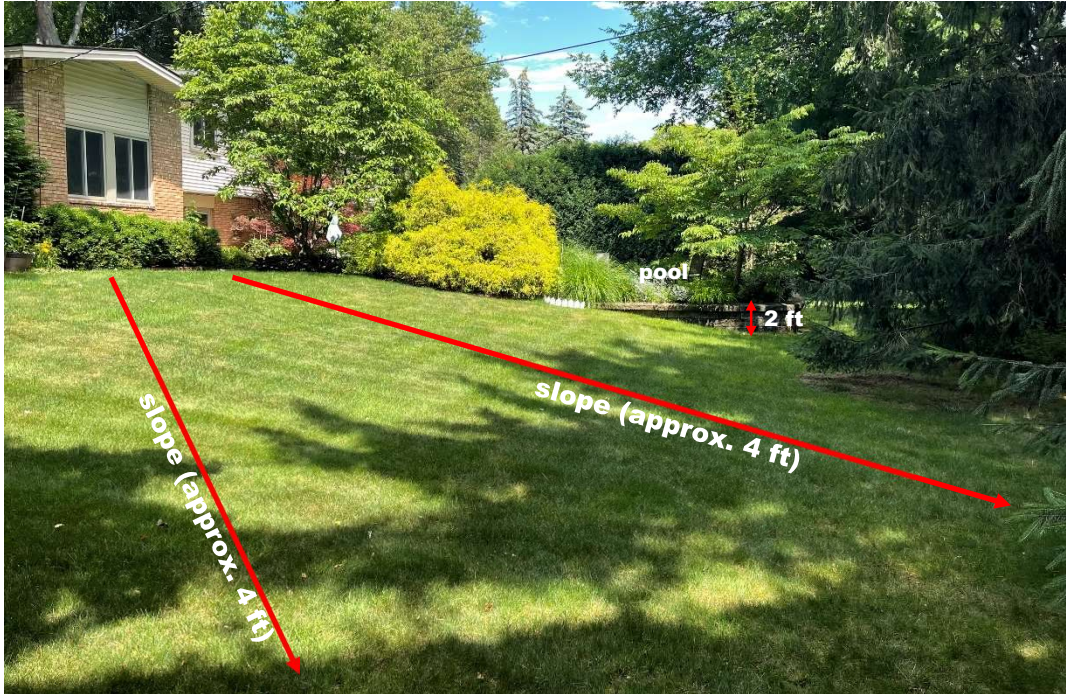
Sincerely,

Mandy Austin and Bob Haag

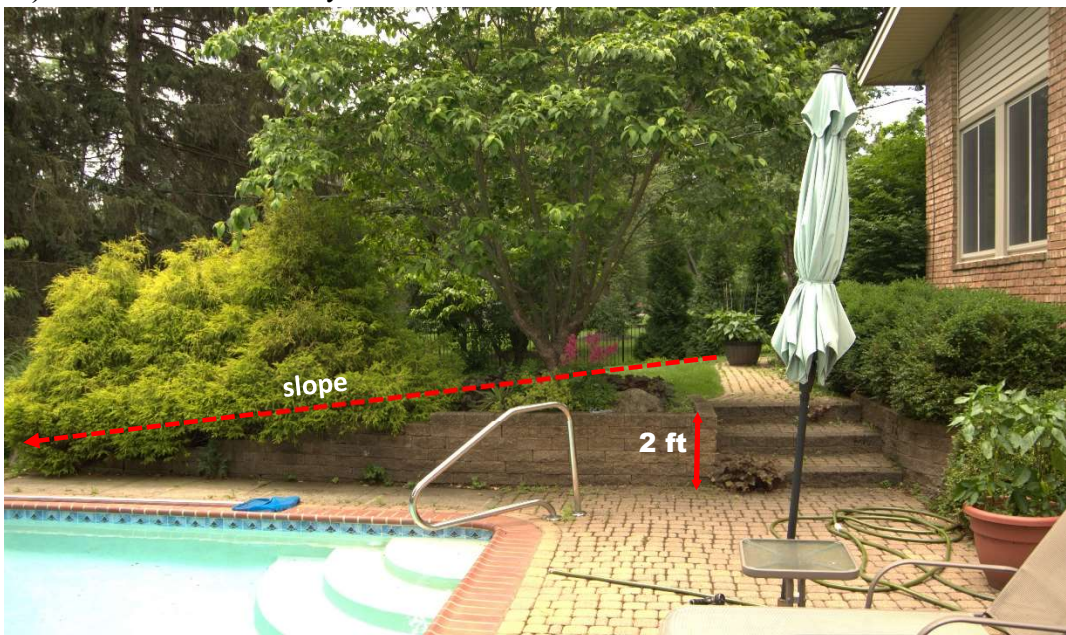
Fence Permit Appeal
2685 Timberwyck Trail

Picture exhibits:

A) View from westside of yard



B) View from eastside of yard



Fence Permit Appeal 2685 Timberwyck Trail

C) View of raised pool wall



D) Aerial view of properties (courtesy of troymi.gov)



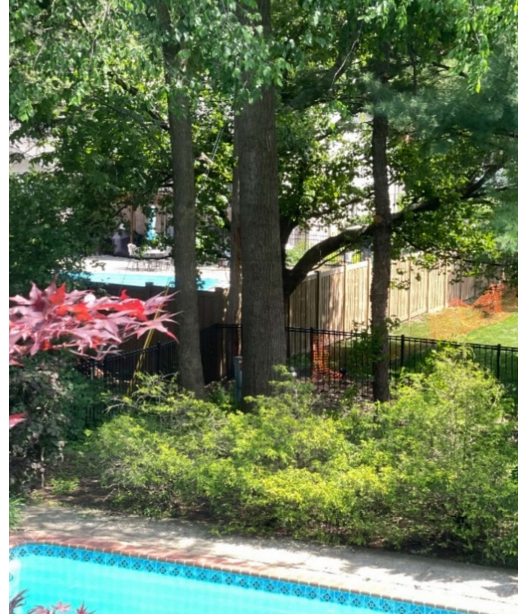
Map source: City of Troy Michigan, troymi.gov

Fence Permit Appeal
2685 Timberwyck Trail

E) View from 2nd floor room



F) Neighbor's new fence





Building Inspection Department

June 10th, 2021

MANDY AUSTIN
2865 TIMBERWYCK TRAIL
TROY, MI 48098

RE: 2865 Timberwyck – Fence Application

To whom it may concern,

Sorry to inform you that your fence application has been denied because Per chapter 83 of the City of Troy (fence ordinance) no fence may be erected over 6' in height in a residentially zoned area.

A new application may be submitted for a fence with a maximum height of 6' or you can appeal this application to Building Board of Appeals.

Sincerely,

Dana V. Self

Dana V. Self
Building Official, SAFEbuilt, Inc.

/mb