

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

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**October 6, 2021**

**3:00 PM**

**Council Chambers**

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1. ROLL CALL
2. SUSPENSION OF BUILDING CODE BOARD OF APPEALS BYLAWS
3. APPROVAL OF MINUTES –September 1, 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
5. COMMUNICATIONS
6. PUBLIC COMMENT
7. MISCELLANEOUS BUSINESS
8. ADJOURNMENT

**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.

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on September 1, 2021 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira

Teresa Brooks

Matthew Dziurman

Sande Frisen

Members Absent

Mark F. Miller, City Manager

Support Staff Present

Salim Huerta, Building Official

Kathy L. Czarnecki, Recording Secretary

2. SUSPENSION OF BUILDING CODE BOARD OF APPEALS BYLAWS

Moved by: Brooks

Support by: Frisen

**RESOLVED**, To suspend the Suspension of Building Code Board of Appeals Bylaws.

Yes: All present (4)

Absent: Miller

3. APPROVAL OF MINUTES

Moved by: Brooks

Support by: Dziurman

**RESOLVED**, To approve the minutes of the August 11, 2021, Regular meeting as submitted.

Yes: All present (4)

Absent: Miller

**MOTION CARRIED**

4. HEARING OF CASES

- 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 announced the petitioner requests to postpone the item to the October 6, 2021 regular meeting.

Moved by: Frisen  
Support by: Dziurman

**RESOLVED**, To postpone the item to the October 6, 2021 regular meeting.

Yes: All present (4)  
Absent: Miller

**MOTION CARRIED**

- B. **VARIANCE REQUEST, MICHAEL BOOKER SR. AND 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 and Blue Spruce Drive. The petitioner is requesting a Building Permit to install 103.5 feet of a 6-foot 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*

Chair Abitheira announced the petitioner requests to postpone the item to the October 6, 2021 regular meeting.

Moved by: Frisen  
Support by: Brooks

**RESOLVED**, To postpone the item to the October 6, 2021 regular meeting.

Yes: All present (4)  
Absent: Miller

**MOTION CARRIED**

- \* *Note: The Chair opened the floor for public comment for the following case without verbally stating the Public Hearing was opened and closed.*

- C. **VARIANCE REQUEST, MANDY AUSTIN AND 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*

Mr. Huerta read the variance request narrative. He addressed pictures submitted by the applicant relating to the change in elevation from the back of the house to the rear property line, the lines of demarcation on the pictures and the existing pool.

Bob Haag and Mandy Austin were present. Mr. Haag said an 8-foot fence would provide more privacy for their rear yard and pool area. He said there is an existing four foot fence around the entire property to secure their pool. Mr. Haag said their house sits up higher than neighboring houses.

Chair Abitheira opened the floor for public comment.

- Dennis Scheich, 2718 Red Fox Trail; opposed; addressed original subdivision deed restrictions on fences, park-like community, applicant's concern with noise.
- Maureen Brudenell, 2709 Red Fox Trail; opposed; expressed concern with height.
- Mark Brummer, 2664 Red Fox Trail; opposed; addressed applicant's concern with noise, no knowledge of noise concern, visual view of applicant's yard, family lifestyle with two young children.
- Stuart Vedder, 2663 Red Fox Trail; opposed; addressed noise concern, nature of community, height and material of fence, property values.
- Craig Jarvis, 2783 Timberwyck; opposed; addressed green space, bylaws, unique community, property values, no knowledge of noise concern.

Chair Abitheira closed the floor for public comment.

Chair Abitheira acknowledged receipt of several email messages received by the Planning Department. He stated the messages were distributed to board members prior to the beginning of today's meeting.

There was discussion on:

- Distance from house to back property line (36 feet).
- 6-foot fence permitted by right.
- Association bylaws as relates to City ordinance and permit process.
- Grade of land; difference in elevations.
- Effectiveness of fence in minimizing sound/noise.
- Alternative methods to screen/minimize noise; landscape, arborvitae, placing 6-foot fence closer to pool.

Ms. Austin said they moved to the neighborhood because of its beauty and peacefulness. She said noise from the base tones of a nearby radio is a disturbance and it was suggested by the building department to install a fence. Ms. Austin said she would prefer not to have a solid white fence and that she enjoys children at play and family gatherings.

Board members acknowledged the concerns of the applicant and expressed appreciation to the neighbors for their comments. In general, Board members encouraged the applicants and the neighbors to discuss their concerns and expressed confidence the situation could be reasonably resolved.

Moved by: Frisen  
Support by: Dziurman

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

1. The request does not meet the intent of Chapter 83.
2. The applicant has failed to demonstrate the uniqueness of the property.

Yes: All present (4)  
Absent: Miller

**MOTION CARRIED**

5. COMMUNICATIONS – None

6. PUBLIC COMMENT

There was no one present in the audience to speak.

7. MISCELLANEOUS BUSINESS

Mr. Huerta said he would check with the City Attorney on the protocol of suspending the Bylaws to conduct future meetings.

8. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:31 p.m.

Respectfully submitted,

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Gary Abitheira, Chair

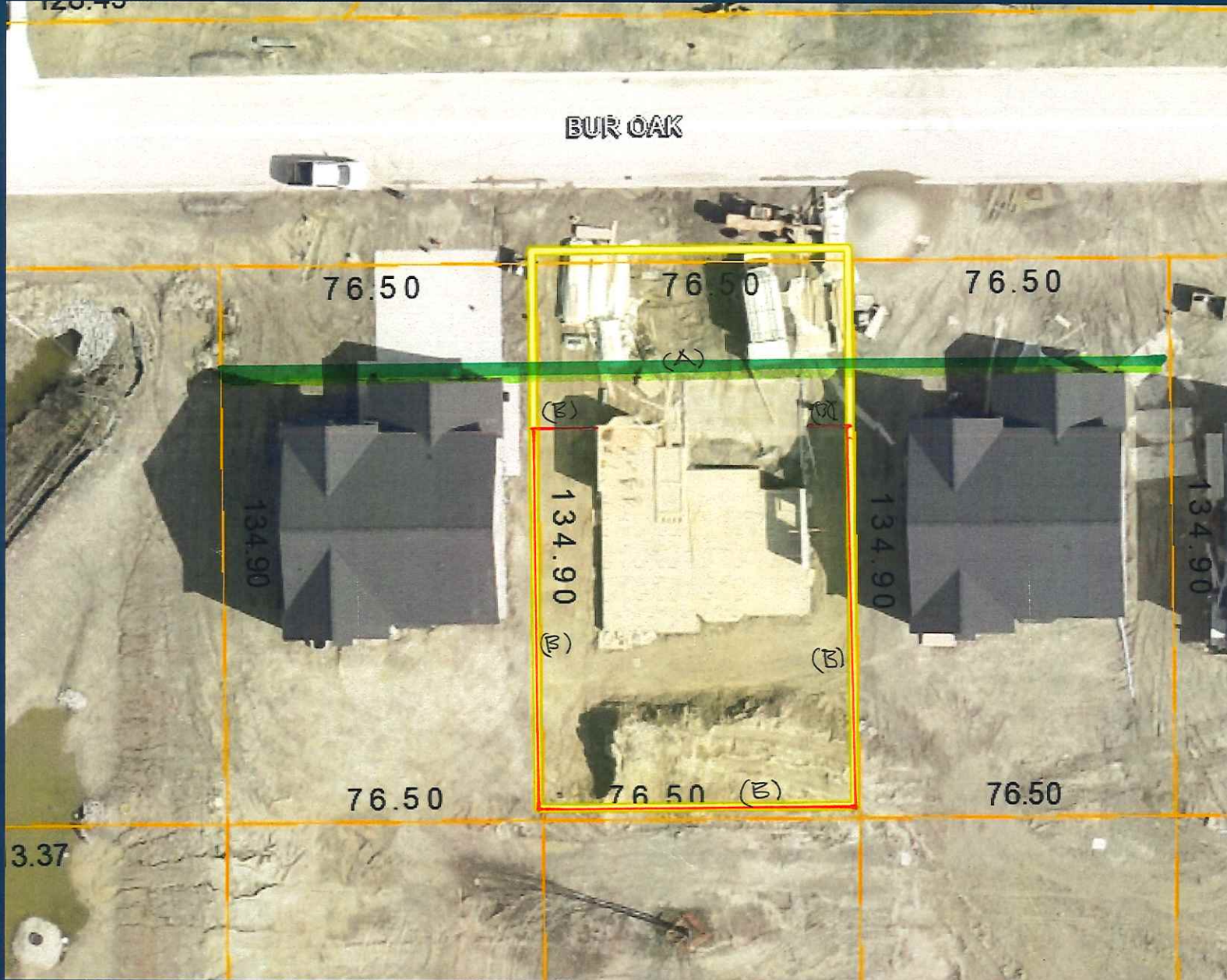
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Kathy L. Czarnecki, Recording Secretary

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# 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](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.***

## **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 # \_\_\_\_\_

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)

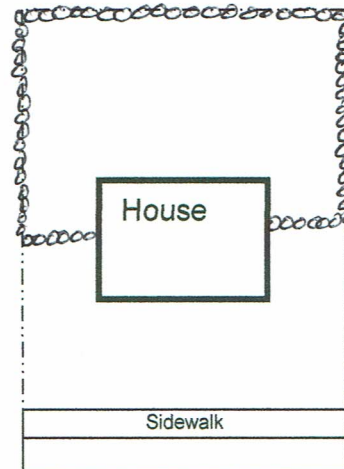
Final lot grade shall be approved before a fence permit is issued.

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:** 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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**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

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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

**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](mailto:Jhalucha@yahoo.com)

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

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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 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

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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.

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

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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.

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

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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 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®***

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***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

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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

**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

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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.

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](mailto: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

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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.

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



## Zoning Board of Appeals Application

[planning@troymi.gov](mailto: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 LHuckiebaer@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 Phone: 313-937-0101  
www.Anchorfenceonline.com Fax: 313-937-0404  
E-mail: Sales@AnchorFenceOnline.com

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

### 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: 4x4

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

Survey & approvals, etc. date received: \_\_\_\_\_  
Material Ordered ☐ Permit Obtained ☐ Email sent date & Initials \_\_\_\_\_



**TROY PINES**





John R Rd  
Blue Spruce Dr









