

## **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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**February 2, 2022**

**3:00 PM**

**Council Chambers**

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1. ROLL CALL

2. APPROVAL OF MINUTES –November 3, 2021

3. HEARING OF CASES:

- A. **VARIANCE REQUEST, CHERYL L. SMITH, 1299 MILVERTON-** – This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R-1E use district. As such per Chapter 83 of the City of Troy Code it has a 25 feet required front setback along both Milverton (North-South) and Milverton (East-West). The petitioner is requesting a variance to install a 6 -feet high, 132 feet long obscuring Vinyl fence one foot from the property line along the Milverton (North-South) side. Where the City Code limits to 30 inches obscuring high fences due to the fact that there isn't a back-to-back relationship to the rear neighboring lot. The variance request is for 36 feet of the total 132 feet of fence, 96 feet of the fence do not require a variance.

CHAPTER 83

- B. **VARIANCE REQUEST, SAPPHIRE BUILDING, INC., 1432 WATTLES** - This property is an interior lot and it is in the R1-B use district, as such it has 40 feet required front setback along W Wattles. The petitioner is requesting a variance to install 4.5 feet high 253.95 feet non-obscuring metal fence and 6 masonry columns at 5 feet high. All items with a setback of one foot from the property line along W Wattles and sides of the 40 feet setback. Where the City Fence Code limits fences to 30 inches. The total length of the fence requested by the petitioner to be permitted by the Building Department is 970 feet, which only the 253.95 feet of the fence require a variance.

CHAPTER: 83

4. COMMUNICATIONS

5. PUBLIC COMMENT

6. MISCELLANEOUS BUSINESS

7. 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 November 3, 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. APPROVAL OF MINUTES

Moved by: Frisen

Support by: Brooks

**RESOLVED**, To approve the minutes of the October 6, 2021 Regular meeting as submitted.

Yes: All present (4)

Absent: Miller

**MOTION CARRIED**

3. HEARING OF CASES

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

- A. **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 a 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 encroaches 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 is not a back-to-back relationship to the rear neighboring lot. *CHAPTER 83*

Mr. Huerta read the variance request narrative. Mr. Huerta reported the department received no recent public comments on the variance request.

Applicant Lynette Booker referenced the pictures provided in the application and said the fence would obscure the abandoned cars from the neighboring property to the rear and prevent unwanted rodents onto her property.

There was discussion on:

- Location of fence.
  - Perpendicular to John R.
  - As relates to existing berm.
- Existing chain link fence.
  - Applicant said it would be removed.
  - Applicant advised to confirm ownership prior to removal.
- Distance of setback from sidewalk/property line.

Chair Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, Chair Abitheira closed the floor for public comment.

Moved by: Dziurman  
Support by: Abitheira

**RESOLVED**, That the variance request for 2026 Blue Spruce be **granted** with a caveat that there be a five (5) foot setback from the west property line adjacent to the sidewalk, for the following reasons:

1. The variance does not adversely affect properties in the immediate vicinity.
2. The petitioner has a hardship based on the difficulty of the unusual characteristics of the property.

Yes: All present (4)  
Absent: Miller

### **MOTION CARRIED**

- B. **VARIANCE REQUEST, VIKAS SHEORAN, 3040 ALBANY COURT** – This property is in the R-1C use district. Per the City of Troy Zoning Ordinance and from the City of Troy Codes Chapter 83-Fences-2. Fence Construction in Residential Areas, Item (A), it indicates that no fence shall be constructed to a height more than six (6) feet above the existing grade of the land. The petitioner is requesting a variance to install a 9 feet high, 41 feet long obscuring fence along the back property lot line starting at the north corner towards the south lot corner. *CHAPTER 83*

Mr. Huerta read the variance request narrative. Mr. Huerta reported the department received no public comments on the variance request. He said the applicant is permitted to construct a six foot obscuring fence.

Applicant Vikas Sheoran said his house backs up to Golden Gate Plaza and is subjected to the smell of food and trash from the dumpsters located on the retail property. He said there are two dumpsters and a grease pit located within 35 feet of his home's living quarters. Mr. Sheoran referenced the photographs provided in the application and the communications between him and City officials regarding the matter. He indicated to date there has been no resolution. Mr. Sheoran said the dumpsters are located too close to his property and his family is not able to utilize their back yard for pleasure. He said the fence is a last resort attempt to resolve the matter.

There was discussion on:

- Height of existing masonry wall, dumpsters and dumpster enclosures.
- Location of dumpsters; determined at site plan approval.
- Grade difference between the two properties.
- Fence material; wood, decorative.
- Fence location as relates to existing masonry wall.
- Code enforcement of retail center.
- Neighboring properties do not appear to be affected by smell.
- Consideration of retail property to higher the height of dumpster enclosures.

Ms. Brooks, Oakland County Health Department Board representative, advised the applicant that the Health Department has the authority to investigate matters such as this, and the authority to increase the number of dumpsters on site and/or the frequency of trash pickups that could potentially alleviate the problem. She said there appears to be no registered complaints on file at the Health Department regarding this issue. Ms. Brooks encouraged the applicant to register a complaint with the Health Department for potential violations. She offered the contact phone and website information to the petitioner.

Chair Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, Chair Abitheira closed the floor for public comment.

Board members expressed empathy for the situation the applicant has brought to their attention and expressed concern that a fence would not solve the issue.

A brief discussion followed. Board members encouraged the applicant to seek assistance from the Health Department prior to proceeding with the variance request.

Mr. Sheoran agreed to seek the assistance of the Health Department.

Moved by: Dziurman  
Support by: Brooks

**RESOLVED**, To **postpone** the variance request for 3040 Albany Court until the first meeting in February 2022 for the Building Code Board of Appeals to rehear the case.

Yes: All present (4)  
Absent: Miller

**MOTION CARRIED**

- C. **VARIANCE REQUEST, JOHN AND ALEXANDRA KOUMOUTSOPOULOS, 793 ISLAND COURT** – 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 Island Court and Gatwick Drive. The petitioner is requesting a variance to install a 5 feet high, 85 feet long non-obscuring aluminum fence 10 feet from the property line along the Gatwick Drive side, where City Code limits to 30 inches obscuring high fences due to the fact that there is not a back-to-back relationship to the rear neighboring lot. The total fence requested to be permitted is 257 feet and 172 feet do not require a variance. *CHAPTER 83*

Mr. Huerta read the variance request narrative. He reported the department received one public comment in opposition of the variance request, a copy of which was distributed to the Board prior to the beginning of today's meeting. Mr. Huerta said the applicant is permitted to construct a 30 inch obscuring fence.

Applicant Alexa Koumoutsopoulos shared their intent to install a pool. She said the fence would be non-obscuring and decorative to add to the existing landscaping, trees and perennial garden. Ms. Koumoutsopoulos said the required 30 foot setback would go through the middle of their landscaping and that's the reason they are asking for a variance.

Chair Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, Chair Abitheira closed the floor for public comment.

There was discussion on:

- Fence material; non-obscuring, decorative.
- Pool requirements as relates to setbacks and fences.
- Existing storm drains on site; seek approval by Department of Public Works.
- Existing trees and landscaping.
- Characteristics of neighborhood.
- Alternative options to obscuring pool.

Mr. Frisen said he is somewhat opposed to the variance request because he feels the fence would be out of character for the neighborhood. He expressed appreciation to the applicant in doing her homework and coming in with an application that addresses the Board's considerations, i.e., non-obscuring fence, corner visibility and setback from sidewalk.

Moved by: Brooks  
Support by: Dziurman

**RESOLVED**, To **approve** the variance request for 793 Island Court for relief of Chapter 83, for the following reasons:

1. The characteristics of the property for which the variance is sought make compliance with the requirements more difficult.
2. The variance would not have a negative impact on the property or properties in the neighborhood.

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

#### **MOTION CARRIED**

- D. **VARIANCE REQUEST, FRANK PAUL, 2982 ATHENA DRIVE** – This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R-1E use district. As such per Chapter 83 of the City of Troy Code, it has 25 feet required front setback along both Athena Drive and Dequindre Road. The petitioner is requesting a variance to install a 6 feet high, 100 feet long obscuring wood fence 15 feet from the property line along the Dequindre Road side, where City Code limits to 30 inches obscuring high fences due to the fact that there is not a back-to-back relationship to the rear neighboring lot. *CHAPTER 83*

Mr. Huerta read the variance request narrative.

Present were applicant Frank Paul and Marvin Pauls, who spoke on behalf of the applicant.

Marvin Pauls said a fence would provide privacy and security and a quieter environment that is generated by traffic noise, litter and bus stop activity that they currently experience. Mr. Pauls said the fence would be located on the inside of the existing chain link fence and that the existing vegetation would be removed.

Following a brief discussion on the location of the fence as drawn on the sketch provided in the application, the applicant discovered the sketch is not drawn to their intent.

Mr. Huerta said the Board can act only on the variance request as initially submitted to the Building Department to start the permit process. Mr. Huerta said multiple phone calls were made to the applicant asking him to provide a sketch, and the applicant said he did not know how to design it. Mr. Huerta told the applicant to get an architect or somebody who knew how to draw.

Mr. Paul said the girl at the front desk drew the sketch and he told her the new fence would be with the old fence. He was not sure about the distance and whether it would be inside or outside.

Mr. Huerta informed the applicant that the girl at the front desk cannot draw the sketch for him. He advised the applicant to provide a sketch that he has drawn or by someone he delegates to draw the sketch.

Mr. Huerta advised the applicant if he wants the fence in a different location, he must submit a new application so the variance request can be correctly publicized. Mr. Huerta said he would waive the application fee.

Mr. Pauls requested to cancel the application before the Board's consideration today so that they can resubmit the application with a revised sketch of the proposed fence location.

Moved by: Brooks  
Support by: Dziurman

**RESOLVED**, to **cancel** the appeal request for 2982 Athena for relief of Chapter 83 requesting a fence be set off of the house 10 feet.

Yes: All present (4)  
Absent: Miller

#### **MOTION CARRIED**

#### 4. COMMUNICATIONS – None

#### 5. PUBLIC COMMENT

There was no one present in the audience to speak.

6. MISCELLANEOUS BUSINESS – 2022 Proposed Calendar Dates

After a brief discussion, the Board agreed to adopt the proposed 2022 calendar dates as submitted and if necessary make changes at the next meeting.

Moved by: Dziurman

Support by: Brooks

RESOLVED, To **approve** the Building Code Board of Appeals 2022 proposed meeting dates as presented.

Yes: All present (4)

Absent: Miller

**MOTION CARRIED**

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:24 p.m.

Respectfully submitted,

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Gary Abitheira, Chair

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Kathy L. Czarnecki, Recording Secretary

F:\COT Building Code Board of Appeals\Minutes\2021\2021 11 03 Regular Meeting\_Draft\_Revised SH.docx



**A. VARIANCE REQUEST, CHERYL L. SMITH, 1299 MILVERTON-** – This property is a double front corner lot. Per the City of Troy Zoning Ordinance, it is in the R-1E use district. As such per Chapter 83 of the City of Troy Code it has a 25 feet required front setback along both Milverton (North-South) and Milverton (East-West). The petitioner is requesting a variance to install a 6 -feet high, 132 feet long obscuring Vinyl fence one foot from the property line along the Milverton (North-South) side. Where the City Code limits to 30 inches obscuring high fences due to the fact that there isn't a back-to-back relationship to the rear neighboring lot. The variance request is for 36 feet of the total 132 feet of fence, 96 feet of the fence do not require a variance.



1299 MILVERTON  
R1-E

25' SETBACK

— G'VINYL  
OBSCURING  
FENCE.

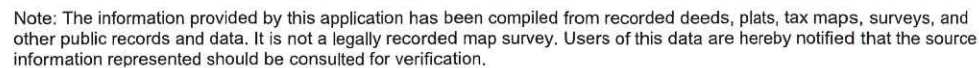
\*REQUIRED  
VARIANCE IS  
FOR 36' OF 6'  
VINYL OBSCURUS  
FENCE.

\* TOTAL FENCE IS 132'

Notes:

Map Scale: 1=47

Created: December 10, 2021





























**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: 1299 MILVERTON  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): PARCEL # 88-20-36-132-001
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:  
FENCE CODE
4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES ☐ NO ☒

6. APPLICANT INFORMATION:

NAME BRIAN PARKS  
COMPANY EASTSIDE FENCE  
ADDRESS 22034 DEQUINDRE  
CITY WARREN STATE MI ZIP 48091  
TELEPHONE 586-806-0482 FAX: 586-806-0458  
E-MAIL eastsidefencemi@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME CHERYL L. SMITH  
COMPANY \_\_\_\_\_  
ADDRESS 1299 MILVERTON  
CITY TROY STATE MI ZIP 48063  
TELEPHONE 248-528-3185 or 586-306-3185  
E-MAIL cls1uke137@aol.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, CHERYL L. SMITH (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 Cheryl L. Smith DATE 11/30/21  
PRINT NAME: CHERYL L. SMITH

SIGNATURE OF PROPERTY OWNER Cheryl L. Smith DATE 11/30/21  
PRINT NAME: CHERYL L. SMITH

*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.*



FW: Re: Fence

From: clsluke137 (clsluke137@aol.com)

To: mdjeffreys1@yahoo.com

Date: Tuesday, November 30, 2021, 03:59 PM EST

Sent from my Galaxy

----- Original message -----

From: Michelle Jeffrey <mdjeffreys1@yahoo.com>

Date: 11/30/21 3:04 PM (GMT-05:00)

To: clsluke137 <clsluke137@aol.com>

Subject: Re: Fence

On Tuesday, November 30, 2021, 11:36:07 AM EST, clsluke137 <clsluke137@aol.com> wrote:

TO:

City of Troy Planning Dept.

Building Code Board of Appeals

To whom it may concern:

My name is Cheryl Smith, and I have lived at 1299 Milverton, Troy, MI, since July 1983.

Recently I contracted with Eastside Fence to replace a wooden fence that had spanned the back of my lot and also covered 12' from the back corner to a gate parallel to the dead end sidestreet. The new fencing would be white resin.

My lot originally backed onto a strip of private property. Silcot, the sidestreet, dead ended at the point of this neighboring property. Silcot also dead ends on the west side of that strip. A few years ago the City of Troy put in a park - Milverton Park - in that narrow strip of land. The park runs from the north at Maple Rd. to a drain on the south end.

It was explained to me that a 6' resin fence would not be allowed to extend to the side street corner because City regulations changed regarding a corner lot. That would be understandable if Silcot was a through street. As it stands, barricades block all but sidewalk traffic as Silcot dead ends on both the east and west side of the park. No auto traffic can pass through the barricades, and there is no roadway across the park.

My property is east of the park. Both properties that flank Silcot from the west side have resin fences similar to what I want to install. I doubt if any complaints have been filed regarding those fences.

With the amount of foot traffic and bicycles using the pathway around the park, a privacy fence was great. With less opportunity to see the traffic, my dogs at that time were much quieter. However, the wooden fence required maintenance that was difficult for me to complete. I also discovered the fence was poorly installed when 2 sections literally blew out during heavy storms.

At this point in time a resin fence would be ideal. There is a storm drain in the southwest corner of my yard, and a resin fence would allow for proper drainage, as did the wooden fence.

Another concern is that since my back fence has been removed, children frequently come into my yard. When my next door neighbor's dog (1297 Milverton) is in their fully fenced backyard, kids come into my yard and reach over the chain link fence to try to touch the dog. These neighbors have a privacy fence across the back, but with mine gone, these kids have full view and access from the park. Kids see the dog and react. Blocking their view plus limiting the access would limit the temptation. In reality it would be a safety measure for children and the property owners.

As I said at the beginning, I have lived at this address since 1983. Widowed in 1998, the care and upkeep has been mine alone. Recently I refinanced my house to help pay for upgrades and repairs. This fencing is one of those things. The added security for me, and the more limited visual of everything in my yard by park passers-by is relevant.

I would suggest that a simple look at the property and Milverton Park (even via maps) would clearly indicate that this fencing is a unique situation where the City regulation simply does not fit, and certainly is not needed.

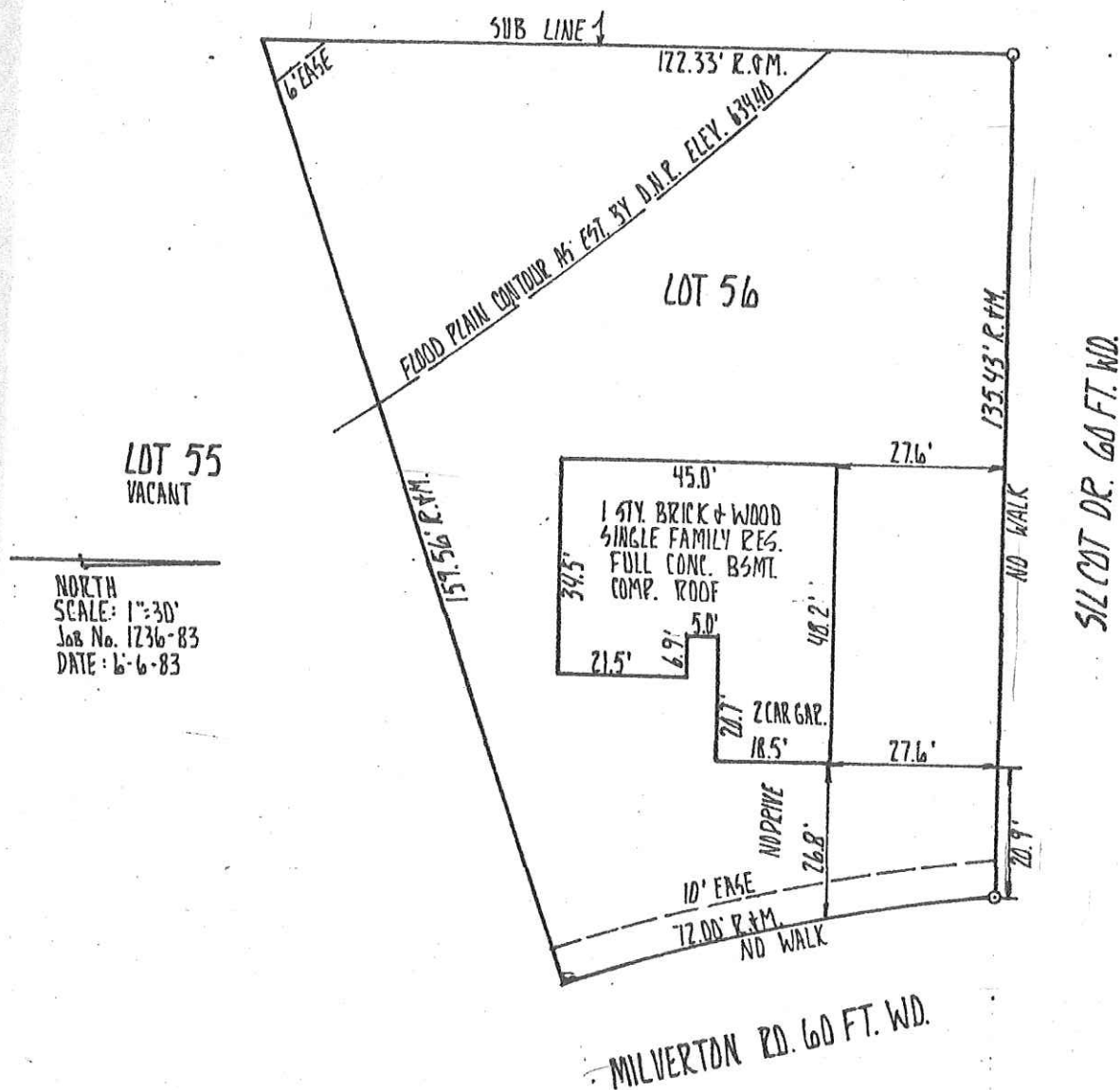
Thank you for your time and consideration.

Sincerely,



Cheryl Smith  
1299 Milverton  
Troy, MI 48083  
(248) 528-3185

Sent from my Galaxy



LEGAL DESCRIPTION: Lot 56 of "Gulason Subdivision" part of the N.W.  $\frac{1}{4}$  of Section 36, T. 2 N., R. 11 E., City of Troy, Oakland County, Michigan as recorded in Liber 175 of plats, Pages 11-13 of Oakland County Records.

APPLICANT:  
 Michael D. & Cheryl L. Smith  
 1299 Milverton Road  
 Troy, Mi. 48084

CERTIFIED TO:  
 Empire of America  
 24700 Northwestern Hwy.  
 Southfield, Mi. 48075





# GIS Online

## Legend:

- DFIRM Flood Hazard Area
- X (500 Year)
  - A (100 Year)
  - AE (100 Year with Eng Study)
  - AE (100 year with Eng Within Floodway)



Notes:

Map Scale: 1=94

Created: November 23, 2021



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



PF2021-0262



**FENCE PERMIT APPLICATION**  
**CITY OF TROY**  
 DEPARTMENT OF BUILDING INSPECTIONS  
 500 W. BIG BEAVER ROAD  
 TROY, MICHIGAN 48064  
 Phone: 248-524-3344 Fax: 248-689-3120

Check # \_\_\_\_\_  
**RECEIVED**  
**OCT 04 2021**  
**CITY OF TROY**  
**BUILDING DEPT.**

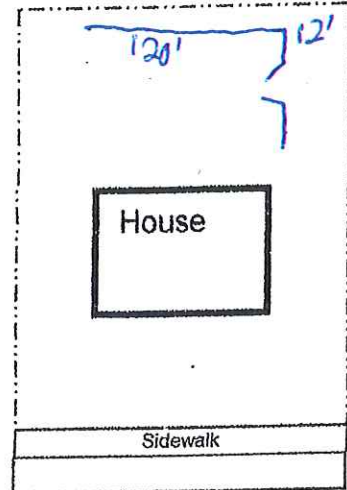
Date: \_\_\_\_\_

Project Information	Job Address: <u>299 Milverton</u> Suite # _____
	Lot: <u>56</u> Subdivision: _____
	Owner: <u>Cheryl Smith</u> Phone: <u>248-528-3185</u>
	Work to be Performed: <input checked="" type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair <input checked="" type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
Applicant Information	Name: <u>East Side Fence</u> Phone: <u>586-806-0482</u> Fax: <u>586-806-0488</u>
	Address: <u>22034 Deguindre</u> City: <u>Warren</u> State: <u>MI</u> Zip: <u>48091</u>
	Email: <u>East Side Fence MI@gmail.com</u>
	<input type="checkbox"/> Registration - \$10 (Due after 5/31 of each year)

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

Please use the box below as if it were a drawing of your lot.  
 Draw in the proposed fencing using the symbols from the chart.  
 Indicate the number of feet for each portion of fence.

Type, height, and lineal feet of material to be used:					
Type:	Wood	Wire	Metal	Masonry	Other
Symbols:	000000	xxxxx	///////	□□□□	-----
HEIGHT				<u>6'</u>	
NO. OF FEET				<u>132'</u>	
PERMIT FEE	<input checked="" type="checkbox"/> Under 300' \$15.00		<input type="checkbox"/> Over 300' \$25.00		



*This was marked in error. Fencing is to be resin, NOT masonry.*

*Cheryl L. Smith*  
*11/30/21*

972, 1972PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the sons who are to perform work on a residential building or a residential structure. Violators of

Applicant Signature \_\_\_\_\_

Homeowner's signature indicates compliance with homeowner's affidavit

application shall be installed by myself in my own home in which I am living or about to occupy. All 3 of the Troy City Ordinance. I will cooperate with the Building Inspector and assume all

**STATEMENT IS TRUE AND CORRECT AND THAT I HAVE REVIEWED ALL DEED RESTRICTIONS AM AWARE OF MY RESPONSIBILITY THEREUNDER.**

Notary Public, \_\_\_\_\_ County, Michigan

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



Specializing In  
Aluminum, PVC Vinyl, Wood,  
Wrought Iron, Chain Link  
Custom Gates of All Kinds  
& Repairs



Phone: 586-806-0482  
Fax: 586-806-0458  
eastsidefencemi.com

Date: 9/29/21  
23272

## PROPOSAL/CONTRACT

Customer Information:

Job Information:

Cheryl Smith  
1299 Milverton  
Troy, MI  
248 528 3185

CLSLuke137@aol.com

General Specifications:	
6' White Kingston	
Underground In Front	
Associated Shop Drawings:	
Work Description:	
Furnish and install 132' of 6' white Kingston.	
Knock down old chain link plugs left exposed as best as possible.	

The undersigned EASTSIDE FENCE, and CLIENT, agree as follows:

1. (a) Eastside shall construct a fence to comply with the above specifications and diagram. (b) Upon request EF will obtain any required Building permit and/or contact MISS DIG. (c) All work performed is warranted to be free from material and workmanship defects for two years after completion. Damage caused by children, pets, abuse, neglect, vandalism, severe weather or acts of God are excluded from this warranty.

4. Client shall make payments to Eastside as follows: Residential: 1/3 deposit 1/3 when posts are set, 1/3 upon rendering of all services specified. Commercial: 1/2 deposit, 1/2 upon rendering of all services specified. PVC fence 1/2 deposit 1/2 upon rendering of all services specified. Deposits become nonrefundable 72 hours after this contract is executed. Interest of seven (7%) percent annually shall be assessed against all amounts overdue more than ten (10) days. Eastside Fence shall not be responsible for any damages or losses of any kind resulting from the use of the fence.



January 14, 2022

City of Troy Planning Department  
500 W Big Beaver Road  
Troy, MI 48084

Reference: **1299 Milverton Dr-CAMS #202200039**  
**Part of the NW ¼ of Section 36, City of Troy**

To Whom It May Concern,

This office has received a Public Hearing Notice for 1299 Milverton Drive in part of the Northwest ¼ of Section 36, City of Troy.

Our stormwater system review indicates that the proposed project does not have an involvement with any legally established County Drain under the jurisdiction of this office. Therefore, a storm drain permit will not be required from this office.

The water system is operated and maintained by the City of Troy and plans must be submitted to the City of Troy for review.

The sanitary sewer is within the Southeastern Sewage Disposal System. Any proposed sewers of 8" or larger may require a permit through this office.

Any related earth disruption must conform to applicable requirements of Part 91, Soil Erosion and Sedimentation Control of the Natural Resource and Environmental Protection Act, Act 451 of the Public Acts of 1994. Applications should be submitted to the City of Troy for the required soil erosion permit.

Please note that all applicable permits and approvals from federal, state or local authorities, public utilities and private property owners must be obtained.

If there are any questions regarding this matter, please contact Dan Butkus at 248-897-2744.

Sincerely,

Brian Bennett, P.E.  
Civil Engineer III













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OPENING INSTRUCTIONS



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Patent Number US 7,975,904 B2

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**B. VARIANCE REQUEST, SAPPHIRE BUILDING, INC., 1432 WATTLES** - This property is an interior lot and it is in the R1-B use district, as such it has 40 feet required front setback along W Wattles. The petitioner is requesting a variance to install 4.5 feet high 253.95 feet non-obscuring metal fence and 6 masonry columns at 5 feet high. All items with a setback of one foot from the property line along W Wattles and sides of the 40 feet setback. Where the City Fence Code limits fences to 30 inches. The total length of the fence requested by the petitioner to be permitted by the Building Department is 970 feet, which only the 253.95 feet of the fence require a variance.

**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: 1432 Wattles  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 20-17-454-015
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 Sapphire Building, Inc  
COMPANY \_\_\_\_\_  
ADDRESS 210 S. Old Woodward Ste 200  
CITY Birmingham STATE MI ZIP 48009  
TELEPHONE 248-930-3891  
E-MAIL amie@sapphiredluxuryhomes.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Danish Mazhar  
COMPANY \_\_\_\_\_  
ADDRESS 1432 Wattles  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 313-608-6862  
E-MAIL danishmazhar@gmail.com

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

**The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.**

I, Danish Mazhar (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 12.21.21

PRINT NAME: Amie Ackerman

SIGNATURE OF PROPERTY OWNER \_\_\_\_\_ DATE \_\_\_\_\_

PRINT NAME: Danish Mazhar

***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%.



Building Inspection Department

December 21, 2021

Sapphire Building, Inc.  
210 S. Old Woodward #200  
Birmingham, MI. 48009

RE: 1432 W Wattles – Fence Application

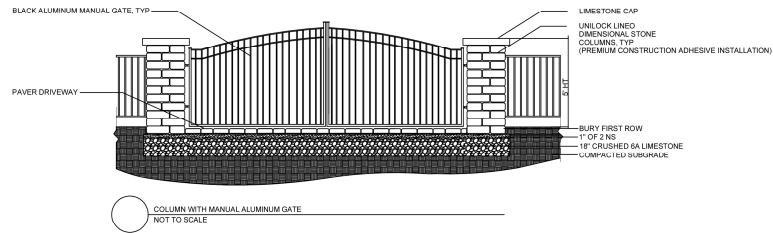
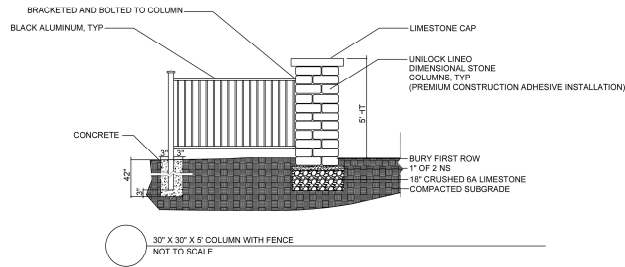
Amie,

Sorry to inform you that your fence application has been denied because the fence in the front yard setback is 4 feet 6 inches in height. Where as chapter 83 in the fence ordinance states that no fence shall be erected a height exceeding 30 inches in the front yard setback.

Sincerely,

A handwritten signature in blue ink, reading "Dana V. Self". The signature is stylized with a large, looped "D" and a long, sweeping underline.

Dana V. Self  
Building Official, SAFEbuilt, Inc.  
/mm



210 S Old Woodward Ave  
Birmingham, AL 35209  
248-648-5899

PROJECT: MAHZAR RESIDENCE DETAILS SHEET  
1432 West Wattles Road, Troy MI

SUBJECT:

Client:

Project #: \_\_\_\_\_ Date: 12/19/21  
Scale: Not to Scale Revisions: \_\_\_\_\_  
Drawn by: AAA \_\_\_\_\_





City of Troy  
Planning Department  
500 West Big Beaver Rd  
Troy, MI 48084 - 5285

December 22, 2021

RE: 1432 Wattles – Fence Rejection Appeal

We are appealing and request a review for the rejection of the fence proposed for 1432 Wattles. We have submitted the application and necessary drawings with this letter for your review and consideration.

The home at 1432 Wattles recently completed construction and is requesting approval to fence the property and gate the driveway. The proposed fence would be 4'-6", with 5' columns on either side of the circular driveway and at the front property corners. The fence is being proposed to provide security for the home as it is located on Wattles with a public sidewalk that runs adjacent to the front of the property.

The proposed fence would be a black aluminum style fence with brick columns to match the aesthetic integrity of the newly constructed home. The property does not have any neighbors that face Wattles. The adjacent properties all back to 1432 which is another reason the homeowner would like to establish a boundary to the property with the proposed fence.

The height of the fence in the front yard and along Wattles will not create any safety hazard to cars or pedestrians using the sidewalk. The street yard between the sidewalk and the edge of road is over 20', minimizing the likelihood of an automobile coming into contact with the columns or fence. The homeowner also has children that a fence with a height above the 30" allowable would help keep them within the property and not wander onto Wattles.

Please find attached photos and graphics of the existing property and proposed fence. We respectfully ask that you grant the additional height to the fence and columns in the front yard of the home at 1432 Wattles.

Respectfully,

Amie Ackerman

Amie Ackerman  
Sapphire Luxury Homes  
248-930-3891 Cell  
amie@sapphireluxuryhomes.com

210 S. Old Woodward #200  
Birmingham, MI 48009

[www.sapphireluxuryhomes.com](http://www.sapphireluxuryhomes.com)



## 1432 Wattles



Photo of Home



Graphic Sketch of fence on property



Graphic Sketch of fence on property





SAPPHIRE  
LUXURY  
HOMES  
248.833.9200  
1852 Pelham Road  
SOLD











