

## 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

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

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

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**October 5, 2022**

**3:00 PM**

**Council Chambers**

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1. ROLL CALL

2. APPROVAL OF MINUTES – August 10, 2022

3. HEARING OF CASES:

- A. VARIANCE REQUEST, 5008 PRENTIS, ZHANG YI MARTIN – This property is a double front corner lot. Since it is in the R1-C district, as such, it has a 30 feet required front setback along Prentis Drive and E. Long Lake Thoroughfare. Additionally, per the City of Troy Thoroughfare plan at that location of E. Long Lake, it restricts to 60 feet from the center of it to the property line. The petitioner is requesting a variance to install a 6 feet high 123 feet long vinyl privacy fence two to four feet away from the property line where the City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring lot.

CHAPTER 83 FENCE CODE

- B. VARIANCE REQUEST, 2003 STRATFORD, JOLIE PELTIER – This property is a double front corner lot. Since it is in the R1-E district, as such, it has 25 feet required front setback along Stratford Drive and Northampton. The petitioner is requesting a variance to install a 6 feet high 89 feet long wood privacy fence one foot away from the property line where City Code limits to a 48 inches high unobscured fence due to the fact that there is the relationship to the neighboring lots across the street.

CHAPTER 83 FENCE CODE

- C. VARIANCE REQUEST, 6580 LIVERNOIS, DANIEL & KELLY XU – This property is a double front corner lot. Since it is in the R1-B district, as such, it has 40 feet required front setback along Livernois Road and Lesdale. The petitioner is requesting a variance to install a 6-feet high, 113 feet out of 219 feet long wire fence, one foot away from the property line where City Code limits to a 30 inch high fence due to the fact that there isn't a back to back relationship to the neighboring lot.

CHAPTER 83 FENCE CODE

4. COMMUNICATIONS

**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.

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 3:02 p.m. on August 10, 2022 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

Paul Evans, Zoning and Compliance Specialist  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – May 4, 2022

Moved by: Frisen  
Support by: Brooks

**RESOLVED**, To approve the minutes of the May 4, 2022 Regular meeting as submitted.

Yes: All present (4)  
Absent: Miller

**MOTION CARRIED**

3. HEARING OF CASE

A. **VARIANCE REQUEST, 3438 HARMONY, DANIEL NEAL** – This property is a double front corner lot. Since it is in the R1-D use district, it has a 25 feet required front setback along Harmony Drive and Crimson Drive. The petitioner is requesting a permit to install a 4-foot high, 117 feet long non-obscuring wood fence at the Crimson Drive side at a distance of 10 feet from the property line. From the 117 feet, a variance is required for 107 feet of the 4 feet high wood non-obscuring fence.  
*CHAPTER 83*

Mr. Evans gave a brief review of the variance request. He addressed its location within the Raintree subdivision, the required setbacks for the double front corner lot and the fence diagram submitted by the applicant.

Applicant Daniel Neal said he is seeking relief of the variance to install a fence for the protection and privacy of his two small children and 50-pound dog. He noted there is a man door in the garage that the dog would use for access in and out of the garage instead of entering the house.

There was discussion on:

- Information and pictures submitted with request.
- Existing six-foot high wood fence along rear of property.
  - Applicant stated fence was installed by previous owner.
- Definition of non-obscuring fence.
- Placement of fence outside of existing tree.
  - Appears required 25-foot setback would encumber existing tree.
- Property relationship to neighboring property.
- Acknowledgement of applicant’s consideration to requested setback distance and fence construction material in the best interest of the neighborhood.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Chair Abitheira acknowledged receipt of two email messages, both of which appear to voice no opposition to the variance request. Copies of the email messages were provided to the Board prior to the beginning of the meeting.

Moved by: Dziurman  
Support by: Brooks

**RESOLVED**, That the variance request for 3438 Harmony be **granted** for a 4-foot-high fence with a 10-foot setback along Crimson Drive, as stated in their request, for the following reason:

1. The 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.

Yes: All present (4)  
Absent: Miller

**MOTION CARRIED**

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

Mr. Dziurman said he would not be present at the September 7, 2022 scheduled meeting.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:18 p.m.

Respectfully submitted,

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Gary Abitheira, Chair

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Kathy L. Czarnecki, Recording Secretary

[https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT Building Code Board of Appeals/Minutes/2022/2022 08 10 Regular Meeting\\_Draft.doc](https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT%20Building%20Code%20Board%20of%20Appeals/Minutes/2022/2022%2008%2010%20Regular%20Meeting_Draft.doc)





# GIS Online



### Legend:

**A. VARIANCE REQUEST- ZHANG YI. MARTIN, 5008 Prentis Dr.** – This property is a double front corner lot. Since it is in the R1-C use district, as such it has 30 feet required front setback along Prentis Dr. and the E Long Lake Thoroughfare. Additionally, per the City of Troy Thoroughfare plan at that location of E Long Lake it restricts to 60 feet from the center of it to the property line. The petitioner is requesting a variance to install a 6-feet high 123 feet long Vinyl privacy fence two to four feet away from the property line where City Code limits fences to 30 inches high due to the fact that there isn't a back to back relationship to the neighboring lot. Per chapter 83 of the City of Troy fence code.

-  6' HIGH FENCE
-  30' SET BACK.

### Notes:

Map Scale: 1=47

Created: September 2, 2022



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.















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: 5008 PRENTIS DR  
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:  
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

RECEIVED  
JUL - 6 2022  
PLANNING

6. APPLICANT INFORMATION:

NAME Zitang Yi Martin  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: OWNER / SAME

8. OWNER OF SUBJECT PROPERTY:

NAME Zitang Yi Martin  
COMPANY OWNER  
ADDRESS 5008 Prentiss Dr  
CITY Troy STATE MI ZIP 48065  
TELEPHONE 810 543 2319  
E-MAIL MAO MAY 07 @ yahoo . CA

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, Zitang Yi Martin (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 Zhang yimartin DATE 7/6/22

PRINT NAME: ZHANG YI MARTIN

SIGNATURE OF PROPERTY OWNER Zhang yimartin DATE 7/6/22

PRINT NAME: ZITANG YI MARTIN

Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

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





# FENCE PERMIT APPLICATION

CITY OF TROY  
DEPARTMENT OF BUILDING INSPECTIONS  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
Phone: 248-524-3344 Fax: 248-689-3120

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

RECEIVED

JUL 05 2022

CITY OF TROY  
BUILDING DEPT.

FENCE

www.troymi.gov

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

Project Information	Job Address: <u>5008 PRENTIS DR</u> Suite # _____
	Lot: _____ Subdivision: _____
	Owner: <u>ZIHANG YI MARTIN</u> Phone: <u>810 543 2319</u>
	Work to be Performed: <input 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>ZIHANG YI MARTIN</u> Phone: <u>810 543 2319</u> Fax: _____
	Address: <u>5008 PRENTIS DR</u> City: <u>TROY</u> State: <u>MI</u> Zip: <u>48085</u>
	Email: <u>MARTIN07@YAHOO.COM</u>

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

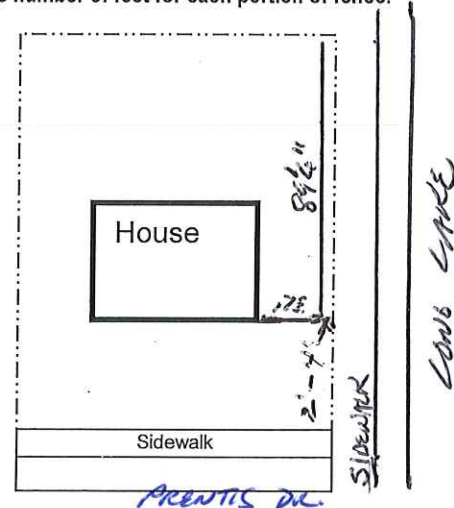
Final lot grade shall be approved before a fence permit is issued.

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	///////	□□□□	<u>VINYL</u>
HEIGHT					<u>6'</u>
NO. OF FEET					<u>123</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 \_\_\_\_\_  
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 \_\_\_\_\_

## Dana Self

---

**From:** Dana Self  
**Sent:** Tuesday, June 14, 2022 3:46 PM  
**To:** 'lilafence@outlook.com'  
**Subject:** 5008 Prentis fence  
**Attachments:** CH083.pdf

Justin, the fence permit application for 5008 Prentis has been denied per chapter 83 the City of Troy fence ordinance. This is a corner lot therefore considered to have a double front yard setback. The front yard setback for this property is 30' which means you can not erect any fence over 30" in height any closer than 30' from the property lines on Prentis and E. Long Lake. You may resubmit your applications with the required corrections or seek relief from the Building Board of Appeals. Please see attached Ordinance.

Sincerely,

Dana Self  
CBO Troy MI  
248-524-3348 office  
248-918-1261 cell  
[Dana.self@troymi.gov](mailto:Dana.self@troymi.gov)  
[dself@safebuilt.com](mailto:dself@safebuilt.com)

**SAFE**<sup>✓</sup>**built.**  
[www.safebuilt.com](http://www.safebuilt.com)





www.troymi.gov

# 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

PF2022-0129

Check # \_\_\_\_\_  
**RECEIVED**

JUN 13 2022

CITY OF TROY  
BUILDING DEPT.

**FENCE**

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

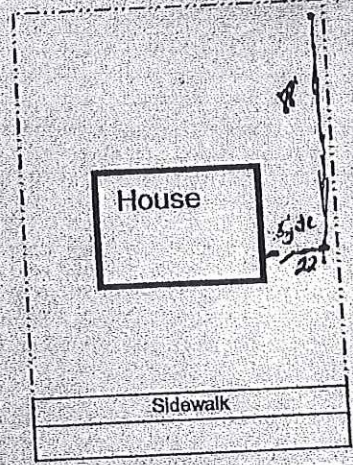
Project Information	Job Address: <u>5008 Prentiss</u>	Suite # _____
	Lot: <u>236 RIC</u> Subdivision: _____	Phone: <u>810 593 2319</u>
	Owner: <u>Y: Martin</u>	<input type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
	Work to be Performed: <input checked="" type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair	
Applicant Information	Name: <u>Justin Delacruz</u> Phone: <u>810 836 2373</u> Fax: _____	
	Address: <u>2419 W Farwell rd</u> City: <u>Clb</u> State: <u>MI</u> Zip: <u>48060</u>	
	Email: <u>Lifefence@outlook.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					6'
NO. OF FEET					112'
PERMIT FEE	<input checked="" type="checkbox"/> Under 300' \$15.00		<input type="checkbox"/> Over 300' \$25.00		



Interior Lot   
Corner Lot

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Ready for Inspection  Will Call

Applicant Signature \_\_\_\_\_  
Homeowner's signature indicates compliance with homeowner's affidavit

**Homeowner Affidavit**  
I hereby 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 \_\_\_\_\_



1" = 15'

White Vinyl 6' High Privacy Fence

Long Lane

SIDEWALK

SIDEWALK  
SIDE EDGE 2' TO 4'

PRENTIS

SIDEWALK

SIDEWALK

⊗  
EXISTING TREES

⊗

31' 2"

≈ 32' 4"

GATE



GARAGE

5008

HOUSE

119' 108"

PROPERTY LINE w/ Neighbors



## Reasons For Variance

- 1) Improve Property Value
- 2) Reduce Noise Pollution From Local Area
- 3) Provide Greater Privacy For Users
- 4) Provide Greater Safety:  
For: PERSONS  
PROPERTY  
& GUESTS
- 5) Improve Quality Of Life.





# GIS Online



### Legend:

VARIANCE REQUEST-  
 JOLIE PELTIER, 2003  
 Stratford Dr. – This  
 property is a double front  
 corner lot. Since it is in  
 the R1-E use district, as  
 such it has 25 feet  
 required front setback  
 along Stratford Dr. and  
 Northampton. The  
 petitioner is requesting a  
 variance to install a  
 6-foot high 89 feet long  
 wood privacy fence one  
 foot away from the  
 property line where City  
 Code limits to a 48  
 inches high unobscured  
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 there is the relationship  
 to the neighboring lots  
 across the street.  
 Per chapter 83 of the  
 City of Troy fence code.

-  6' HIGH FENCE
-  25' SET BACK.

### Notes:

Map Scale: 1=47

Created: September 2, 2022



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Stratford  
Northampton









**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**

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

1. ADDRESS OF THE SUBJECT PROPERTY: 2003 Stratford Dr.  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
  
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-25-427-038
  
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 Jolie Peltier  
COMPANY \_\_\_\_\_  
ADDRESS 2003 Stratford Dr.  
CITY Troy STATE MI ZIP 48083  
TELEPHONE 517-862-9559  
E-MAIL jolieherington@gmail.com

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: Applicant is the wife of the owner


8. OWNER OF SUBJECT PROPERTY:


NAME Mathew Peltier  
COMPANY \_\_\_\_\_  
ADDRESS 2003 Stratford Dr.  
CITY Troy STATE MI ZIP 48083  
TELEPHONE 248-918-8673  
E-MAIL mathew.j.peltier@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, Mathew Peltier (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 07/12/2022  
PRINT NAME: Jolie Peltier

SIGNATURE OF PROPERTY OWNER  DATE 07/12/2022  
PRINT NAME: Mathew Peltier

*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.*

# SUBMITTAL CHECKLIST FOR APPEALS NOT RELATED TO SIGNS

FOR SIGNS, PLEASE USE SUBMITTAL CHECKLIST ON NEXT PAGE

## REQUIRED   PROVIDED

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | COMPLETED APPLICATION.   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>1 COPY OF SUPPORTING DOCUMENTS DESCRIBING</b> THE REQUEST, CONSTRUCTION AND/OR WORK INCLUDING BUT NOT LIMITED TO: <ul style="list-style-type: none"><li>▪ PLOT PLANS DRAWN TO SCALE, SHOWING THE SHAPE AND DIMENSION OF LOT(S).</li><li>▪ LOCATION ON THE LOT OF FENCES, OR OTHER STRUCTURES CONCERNING THE REQUEST.</li><li>▪ DETAILED PLANS SHOWING CONSTRUCTION MATERIALS AND METHOD OF CONSTRUCTION.</li><li>▪ PHOTOS, DRAWINGS, OR RENDERINGS AS NECESSARY TO ACCURATELY DESCRIBE THE REQUEST.</li></ul> |
| <input checked="" type="checkbox"/> | <i>n/a</i> <input type="checkbox"/> | ANY ADDITIONAL INFORMATION INCLUDING REPORTS OR ACCREDITED TESTING AGENCIES, INCLUDING ACCREDITED AGENCIES RECOGNIZED BY THE INTERNATIONAL CODE COUNCIL (ICC) AND ACCEPTED ENGINEERING PRACTICES SHOULD ACCOMPANY YOUR APPEAL.   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>1 COPY OF INFORMATION</b> THAT CLEARLY EXPLAINS THE IMPACTS OF THE REQUEST ON THE AREA.   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>A WRITTEN EXPLANATION OF</b> THE REASONS JUSTIFYING THE REQUEST. IF APPEALING AN ICC CONSTRUCTION CODE, PLEASE EXPLAIN ALTERNATIVES THAT WOULD BE EQUAL TO WHAT THE CODE REQUIRES.  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <b>MINIMUM SIZE</b> OF ALL DOCUMENTS <b>8.5" X 11"</b> .   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | A DIGITAL VERSION OF ALL APPLICATION DOUCUMENTS. E MAILING THEM TO THE DEPARTMENT IS PREFERRED.  |





Building Inspection Department

June 22, 2022

Mathew Peltier  
2003 Stratford Dr.  
Troy, MI 48083

RE: 2003 Stratford

Dear Mathew Peltier,

Per chapter 83 the City of Troy fence ordinance I must deny your request for a 6-foot privacy fence in the location submitted. This is a corner lot with a rear to rear yard relationship to the neighbor behind you but because of the relationship to the neighbors across the street you are limited to a 4-foot high unobstructed view fence. You may resubmit or seek approval via a variance from the Building Board of Appeals.

Sincerely,

A handwritten signature in black ink that reads "Dana V. Self". The signature is written in a cursive style with a large, looped initial "D".

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

Peltier – 2003 Stratford Dr.

**Reasons for appeal/variance request:**

We are located on a corner lot and we have neighborhood children that walk past our yard on their way to and from school and the bus stops. Unfortunately, a lot of the kids throw trash into our yard and also reach through the fence to try to pet our dog if she is outside. Our dog is friendly, but we are still concerned about her safety and the safety of the kids. We have also witnessed a neighborhood child holding their small dog over the fence into our yard while our dog was outside. Our dog is friendly towards other dogs as well, but she has been attacked by another dog in the past, so again, for her safety we would like to replace our chain link fence with a wood privacy fence. The privacy fence would provide safety and security not only to our dog and family but to any children or pedestrians walking past our yard.

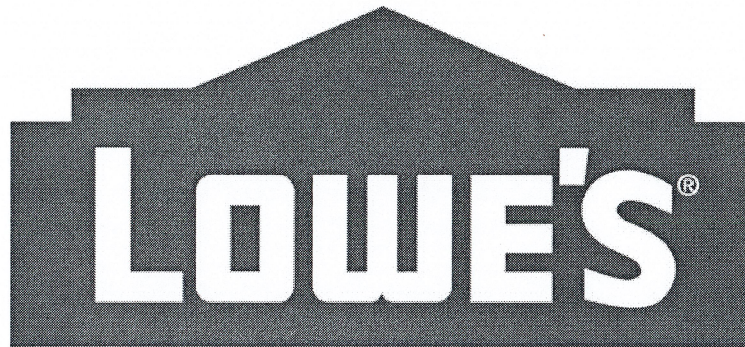
The new fence will also be more visually appealing because we are hiring a company to clear the overgrown bushes and trees that the previous homeowners planted and we have struggled to maintain. This will also increase street visibility and open space on the sidewalk for pedestrians, as the trees and shrubs hang over the existing fence.

**Impacts of the request:**

None that we are aware of.

*Original Proposal*

Store 1779 LOWE'S OF STERLING HEIGHTS, MI  
2000 METROPOLITAN PARKWAY  
STERLING HEIGHTS, Michigan 48310-4203



## Customer Proposal

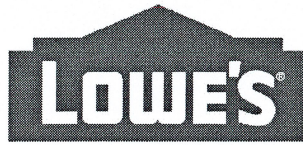
**Prepared for:**

Jolie Peltier  
2003 Stratford Dr  
Troy, Michigan 48083  
(517) 862-9559

**Prepared by:**

Joseph Glaser  
586 446 4100  
joseph.glaser@lowes.com





MICHIGAN SERVICES SOLUTIONS INSTALLED SALES PROPOSAL

LOWE'S AUTHORIZED REPRESENTATIVE SALES ID DATE CUSTOMER NAME
Joseph Glaser 1940596 05/06/2022 Jolie Peltier

STORE NO. STREET ADDRESS STREET ADDRESS
1779 2000 METROPOLITAN PARKWAY 2003 Stratford Dr

CITY STATE ZIP CITY STATE ZIP
STERLING HEIGHTS MICHIGAN 48310-4203 Troy Michigan 48083

TELEPHONE TELEPHONE
(586)446-4100 (517) 862-9559

EMAIL EMAIL
joseph.glaser@lowes.com jolieherington@gmail.com

LOWE'S CONTRACTOR LICENSE # LOWE'S REPRESENTATIVE LICENSE # CREDIT/DEBIT CHECK LCC CARD GIFT CARD
#2102144445 (residential builder company) #2102144445 (residential builder company) #2102144445 (residential builder company) #2102144445 (residential builder company) #2102144445 (residential builder company) #2102144445 (residential builder company)

This is only a quote for the merchandise and services printed below. Lowe's does not offer services to paint, seal or stain fences.

INSTALLATION STREET ADDRESS CITY STATE ZIP
2003 Stratford Dr Troy Michigan 48083

Additional charges may apply for permit fees. Installation services guaranteed by Lowe's labor warranty & available thru independent contractors, licensed, & registered where applicable. License numbers & certifications held by or on behalf of Lowe's Home Centers, LLC: AK #CONE39289 Business License #1001769; AZ #ROC291645, #ROC302577; CA #991832; CT #HIC0639387, #MCO.0903044; DE #1993102010; FL #CCC1326824, #CGC1508417; GA #GCLTQA00042, #GCLT-CO000421; HI #C-33489; IL #104016796; IA #C110383; ID #RCE-38637; LA-#LMP2481, CBC#69642; MA #CS-081810; MD #107639; MI #2102144445, #2101165238; MN #BC692087, Bond #MB682496; NY-New York City #HIC2013543, #HIC2013631, #HIC2013535, #HIC2013629, #HIC2026792; NV-#0079079; OK #48191, 002337, 16238; OR #202237; RI #20575; TN #64743, #3070; TX #TACLB24674E, #EC-29349, HVAC246; WA #LOWESHCH863DH; WV #WV014656. See Lowes.com/licensing for current license numbers.

IMPORTANT: This is an estimate only. This estimate is subject to change and does not bind you or Lowe's. This estimate is not a contract nor will it modify any future contract you may sign with Lowe's for the installation services. You may accept this proposal only by signing the appropriate Services Solutions Installed Sales Contract with Lowe's and making payment according to the terms and conditions therein. (Estimate good for 30 days. Roofing, Gutters and Fencing Estimates are good for 7 days). Installation fees will be, and additional charges may be, based on total product required to fulfill order (including waste). If you would like to discuss the measurements or would like a copy of this document, please contact the Lowe's Store Associate. Please review your contract carefully for all charges prior to signing.

MERCHANDISE AND INSTALLATION SUMMARY: (I.E. ITEM NUMBERS, COLORS, DIMENSIONS, CONSIDERATIONS):

Included

Product

6' high treated solid dog ear with 4x4 posts, 2x4 rail, 5/8 x 5-1/2 dog ear boards, and 4x6 gate hinge posts

Furnish and install 222' with two 4' wide single gates.

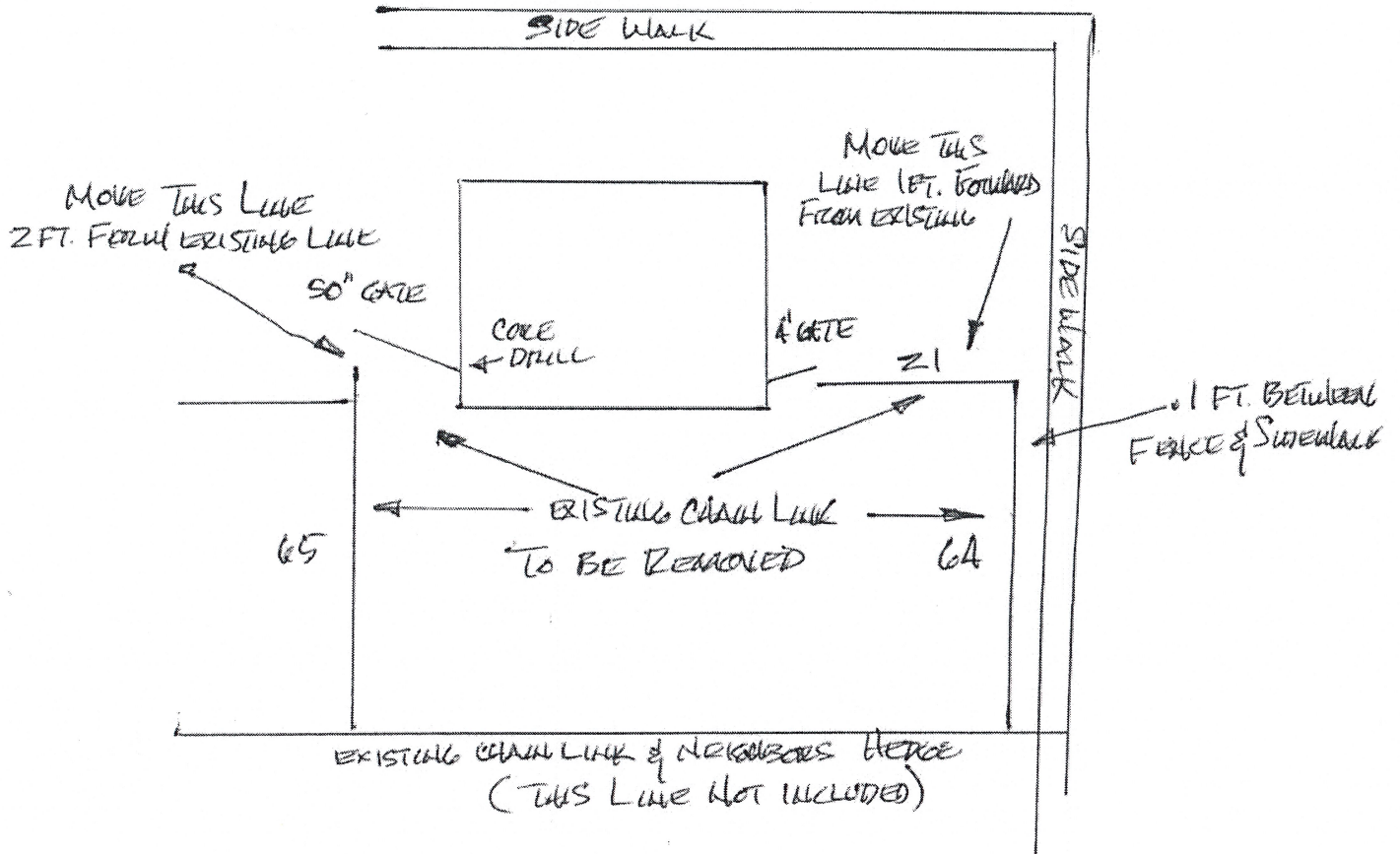
Disclosure

Install contour to the ground. Dirt stays on site located by customer. Lowe's to call Mrs. Dig for underground utilities but not responsible for things not marked by her like underground sprinkler lines, plumbing, etc. Customer to clear fence line of trees, brush and debris before install begins. Customer responsible for fence location and variance for city on corner lot. Include city permit.

# Updated Proposal

JOLIEHERKOTON@GMAIL.COM

MATTHEW PELTIER  
2003 STAFFORD  
Twp



- REMOVE EXISTING CHAIN LINK
- OWNER MUST DO ALL LINE CLEARING, REMOVAL OF SAWDUST AND STUMPS. (SIDE LINES & RETURNS)
- INSTALL 1X6X6 TREATED WOOD DOG EAR STYLE PRIVACY FENCE.









# GIS Online



### Legend:

A. VARIANCE REQUEST- DANIEL & KELLY XU, 6580 Livernois. – This property is a double front corner lot. Since it is in the R1-B use district, as such it has 40 feet required front setback along Livernois Rd and Lesdale . The petitioner is requesting a variance to install a 6-foot high 113 feet out of 219 feet long wire fence one foot away from the property line where City Code limits to a 30 inches high fence due to the fact that there isn't a back to back relationship to the neighboring lot.

Per chapter 83 of the City of Troy fence code.

- 40 Feet Setback
- Fence line

### Notes:











**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: 6580 Livernois

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

2. PROPERTY TAX IDENTIFICATION NUMBER(S): 882003152026

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 Daniel Xu  
COMPANY \_\_\_\_\_  
ADDRESS 6580 Livernois  
CITY Troy STATE MI ZIP 48098  
TELEPHONE 248 635 5803  
E-MAIL danielcross11@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Same as above  
COMPANY \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_  
TELEPHONE \_\_\_\_\_  
E-MAIL \_\_\_\_\_

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

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

I, Daniel Xu (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 Daniel Xu DATE 7/25/2022

PRINT NAME: Daniel Xu

SIGNATURE OF PROPERTY OWNER Daniel Xu DATE 7/25/2022

PRINT NAME: Daniel Xu

*Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.*

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





# FENCE PERMIT APPLICATION

CITY OF TROY  
DEPARTMENT OF BUILDING INSPECTIONS  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
Phone: 248-524-3344 Fax: 248-689-3120

PF 2022-0101

Check #

RECEIVED

MAY 19 2022

CITY OF TROY  
BUILDING DEPT

FENCE

www.troymi.gov

Date: 5-19-2022

Project Information	Job Address: <u>6580 Livernois</u> Suite # _____
	Lot: <u>88-20-03-152-026</u> Subdivision: _____
	Owner: <u>Daniel and Kelly Xu</u> Phone: <u>(248) 635-5809</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>Daniel Xu</u> Phone: <u>(248) 635-5803</u> Fax: _____
	Address: <u>6580 Livernois</u> City: <u>Troy</u> State: <u>MI</u> Zip: <u>48098</u>
	Email: <u>danielcross11@gmail.com</u>

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

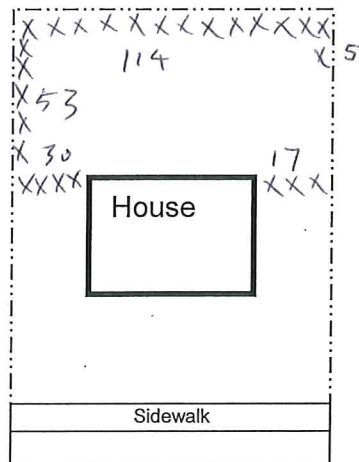
Final lot grade shall be approved before a fence permit is issued.

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>6 FT</u>			
NO. OF FEET		<u>219</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 Daniel Xu  
Homeowner's signature indicates compliance with homeowner's affidavit

### Homeowner Affidavit

I hereby 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 19 day of May 2022 Notary Public, Macomb County, Michigan

My commission expires June 21, 2028

MEGAN J. MARK  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MACOMB  
MY COMMISSION EXPIRES Jun 21, 2028  
ACTING IN COUNTY OF Oakland

REVISED 06/2017

## Dana Self

---

**From:** Dana Self  
**Sent:** Thursday, May 19, 2022 2:52 PM  
**To:** 'danielcross11@gmail.com'  
**Subject:** 6850 Livernois Fence  
**Attachments:** CH083.pdf

Daniel, per chapter 83 of the City of Troy (fence ordinance) I must deny this application for a 6' privacy fence. Chapter 83 states that lots on a corner have a double front yard setback in this case R-1B zoning requires a 40' front yard setback. This means that no fence shall be erected in that 40' setback to a height higher than 30" on the Livernois nor the Lesdale side. You may resubmit your application depicting the required changes or seek relief through the Building Board of Appeals. Please see attachment.

Regretfully,

Dana Self  
CBO Troy MI  
248-524-3348 office  
248-918-1261 cell  
[Dana.self@troymi.gov](mailto:Dana.self@troymi.gov)  
[dself@safebuilt.com](mailto:dself@safebuilt.com)

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



Reasons for appeal/variance for fencing on 6580 Livernois:

Satellite imagery showing the property and the fence plans. The black line shows the fence as planned in the original permit application. The white line is what we are allowed after the application was denied and following the double front yard setback of 40 feet on Lesdale. We are applying for a variance to fence in the space inside the oval and follow the original fence plan.



Reasons:

We own two very active dogs and are trying to maximize yard space for their use. They require a lot of daily exercise, and having the extra space to run in would be a huge help.

We already have a much smaller backyard than most of our neighbors, as the second lot (20-03-152-027) was split from the property by a previous owner.

Our immediate next door neighbor on the opposite side of Lesdale (also a corner lot) seems to have obtained the same kind of variance, as their fence runs alongside their property street-side.

The main reason is to maximize our already relatively small yard size. I should probably add that we are new homeowners and we came into ownership believing that the property lines were different. While we cannot change that, we hope to make the best use of the property we do have.