

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
planning@troymi.gov

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

November 2, 2022

3:00 PM

Council Chambers

1. ROLL CALL
2. APPROVAL OF MINUTES – October 5, 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 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-foot high 115.5 feet long Vinyl privacy fence ten 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.

CHAPTER 83 FENCE CODE
 - B. 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 4-foot high, 112 feet wire chain link fence, one foot away from the property line on the Lesdale side 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
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 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 3:01 p.m. on October 5, 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

Salim Huerta, Building Official
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – August 10, 2022

Moved by: Brooks
Support by: Frisen

RESOLVED, To approve the minutes of the August 10, 2022, Regular meeting as submitted.

Yes: All present (4)
Absent: Miller

MOTION CARRIED

Mr. Huerta asked that the following statement be on record: *The City is regulated by the Michigan Building Codes, Section 105 Permits, Section 105.2, Work Exempt from Permits (a) (ii), which designates the City enforces building permits only when the fence is over seven (7) feet high.*

Mr. Huerta stated the appeals before the City are based only on land use permits.

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

Mr. Huerta read the variance request narrative. He reported the department received no written responses to the published notice.

The applicant Zhang Yi Martin said the fence would provide privacy and safety and reduce traffic noise from Long Lake. She believes a fence would improve her property value. Ms. Martin submitted two photographs of neighboring fences.

A gentleman accompanying Ms. Martin (who did not sign in or identify himself) said there is no privacy sitting outside on the deck. He said they talked to neighbors about the fence and the neighbors expressed no objections.

There was discussion on:

- Information and pictures submitted with request.
- Aerial views of homes along Long Lake with existing fences.
 - Appeared not to have same relationship as subject property with adjacent properties.
 - Appeared to be consistent in providing 10 feet setback.
- Consideration of alternative options; landscaping up to property line, landscaping with lower fence height.
- 10 feet setback might require petitioner to cut down two large trees.
- Consideration of different dimensional setback.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Chair Abitheira advised the applicant she has the option to postpone action on the request until a full Board is present. Ms. Martin said she would like to go forward with the request today.

Discussed with the applicant:

- Various dimensional setbacks.
- If request denied, applicant could re-submit application requesting different dimensional setback.

Moved by: Dziurman
Support by: Abitheira

RESOLVED, That the variance request for 5008 Prentis be **denied** as proposed in their request, for the following reason:

1. The variance would adversely affect properties in the immediate vicinity of the subject property.

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

MOTION CARRIED

The Board encouraged the applicant to come back requesting a different dimensional setback and to show in their application the location of trees and how the different proposed dimensional setback might save the trees.

Mr. Huerta said he would waive the application fee.

- 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

Mr. Huerta read the variance request narrative. Mr. Huerta reported the department received no written responses to the published notice.

The applicant Jolie Peltier and Matthew Peltier were present. Ms. Peltier said a privacy fence would provide safety and security for their children and dog. She said they are concerned also for the safety of school children and pedestrians who approach their dog while in the yard. Mr. Peltier stated he cleared about 75% of existing shrubbery and landscaping since purchasing the home.

There was discussion on:

- Information and pictures submitted with request.
- Location of fence; definitive area requiring variance.
- Board members expressed concern with height of proposed fence.
- Consideration of alternative options; lower fence height, landscaping to obscure.
- Existing fence is Code compliant.
- Fence height and material, as relates to characteristics of neighborhood.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Chair Abitheira advised the applicant they have the option to postpone action on the request until a full Board is present. Ms. Peltier said they would like to go forward with the request today.

Discussed with the applicant:

- o Various dimensional setbacks.
- o If request denied, applicant could re-submit application requesting different dimensional setback.

Moved by: Frisen
 Support by: Dziurman

RESOLVED, That the variance request for 2003 Stratford be **denied** as proposed, for the following reason:

1. The variance request would adversely affect the intent of Chapter 83 Fence Code and neighboring properties.

Yes: All present (4)
 Absent: Miller

MOTION CARRIED

The Board encouraged the applicant to consider alternative options for screening or come back requesting a different dimensional setback.

Mr. Huerta said he would waive the application fee.

- 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-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 inch high fence due to the fact that there isn't a back-to-back relationship to the neighboring lot.

CHAPTER 83 FENCE CODE

Mr. Huerta read the variance request narrative. He reported the department received one written response to the published notice, a copy of which was placed before the Board prior to the beginning of today's meeting. Mr. Huerta addressed the non-conformance of the subject property as relates to a portion of the house is outside of the required setback.

Chair Abitheira read the written response to the published notice. The correspondence expressed objection to the proposed metal fence material. *(Note: published notice defined fence material as wire.)*

The applicant Daniel Xu said a fence would provide privacy and security for his family and two active dogs. He expressed a desire to maximize as much as possible the size of his yard. Mr. Xu said his variance request is for a 6 foot high fence but their preference is a 5 foot high fence. He stated a 4 foot high fence would not prevent his dogs from jumping over the fence.

There was discussion on:

- Information and pictures submitted with request.
- Location of fence; definitive area requiring variance.
- 30 inch high fence is allowed, obscuring or non-obscuring.
- Relationship of utility easement to subject property.
- Review by DPW of easement; practicality of removing fences, if necessary.
- Lot size as relates to septic or City sewer system.
- Published notice posted fence material as “wire”, not metal.
- Fence height and material, as relates to characteristics of neighborhood.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Moved by: Dziurman
Support by: Frisen

RESOLVED, That the variance request for 6580 Livernois be **denied** as proposed, for the following reason:

1. The applicant has not demonstrated that 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.

Yes: All present (4)
Absent: Miller

MOTION CARRIED

Mr. Xu said he would consider alternative screening options or come back requesting a different dimensional setback.

Mr. Huerta said he would waive the application fee.

4. COMMUNICATIONS – None

None.

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

There were general comments, some relating to:

- Agenda items for November meeting.
- Meeting dates for calendar year 2023.

7. ADJOURNMENT

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

Respectfully submitted,

Gary Abitheira, Chair

Kathy L. Czarnecki, Recording Secretary



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-foot high 115.5 feet long Vinyl privacy fence ten 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.

Fence 6 feet high 

Setback 30 Feet 

Notes:

NEW REQUEST FOR NOV. BCBA MEETING

Map Scale: 1=57

Created: October 20, 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



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

6. APPLICANT INFORMATION:

NAME Zhang 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 Zhang Yi Martin
COMPANY owner
ADDRESS 5008 Prantis 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, Zhang 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 Zhangyi Martin DATE 10/7/22

PRINT NAME: Zhang Yi Martin

SIGNATURE OF PROPERTY OWNER Zhangyi Martin DATE 10/7/22

PRINT NAME: Zhang 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.

DENIED APPLICATION FROM ORIGINAL SUBMITTAL



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>ZITANO 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>ZITANO 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)

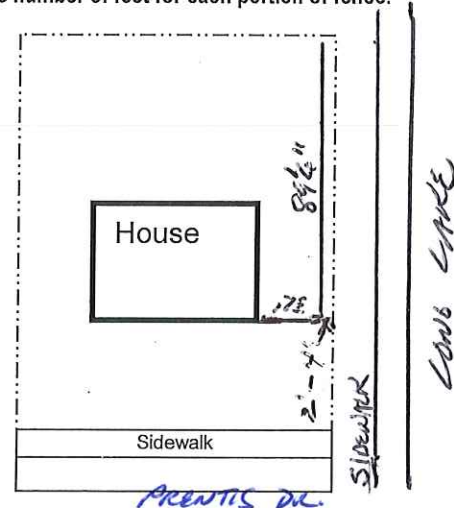
Final lot grade shall be approved before a fence permit is issued.

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
dself@safebuilt.com

SAFE[✓]**built.**
www.safebuilt.com

PRENTIS

SIDEWALK

(PINK)

8 FT 11 FT

(PINK)

10 FT

26 FT

GATE

LONG DRIVE

SIDEWALK

8 FT 6"

10 FT

PROP LINE w/ NEIGHBOR

DRIVEWAY

5008 PRENTIS

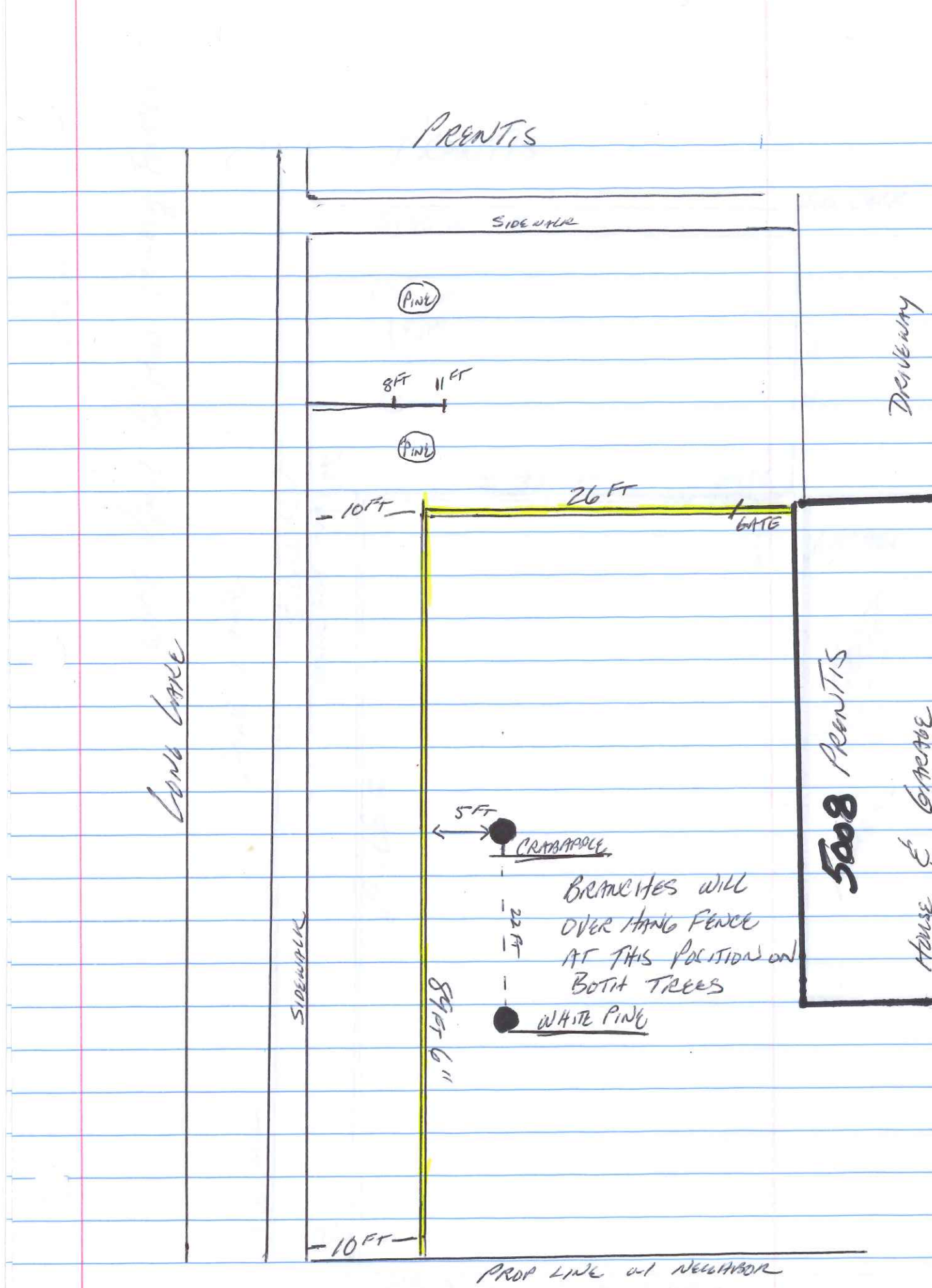
HOUSE & GARAGE

5 FT CRABAPPLE

22 FT

BRANCHES WILL OVER HANG FENCE AT THIS POSITION ON BOTH TREES

WHITE PINK









GIS Online



Legend:

A. 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 4-foot high, 112 feet wire chain link fence, one foot away from the property line on the Lesdale side 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

- Fence 4 feet high
- Setback 40 feet

Notes:

NEW REQUEST FOR NOVEMBER BCBA MEETING



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

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



FEE \$50

NOTICE TO THE APPLICANT

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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

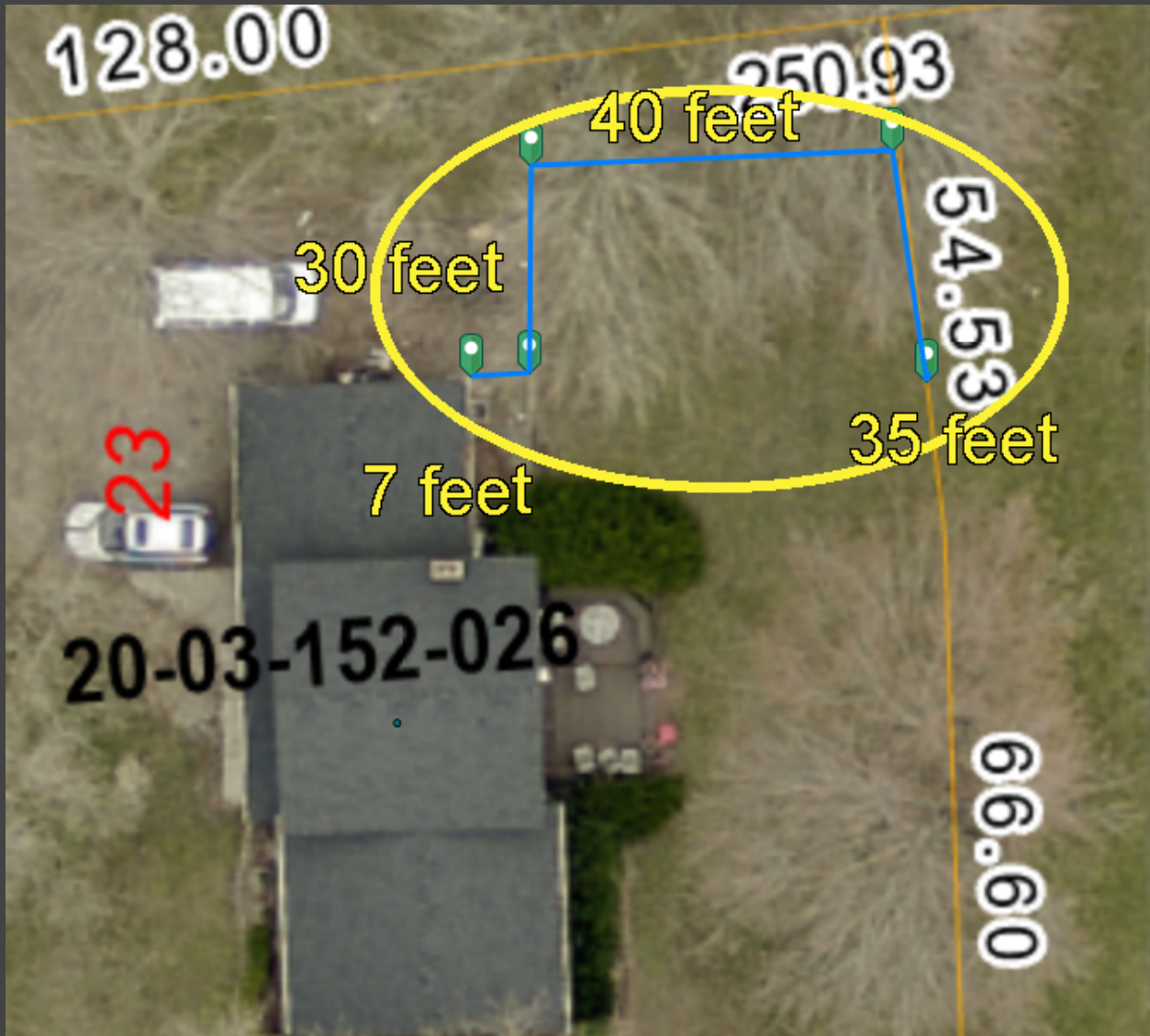
Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must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

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

PER BUILDING OFFICIAL: INTERPRETATION GIVEN BY APPLICANT IS ERRONEOUS
PLEASE FOLLOW THE INTERPRETATION AS GIVEN BY THE BUILDING OFFICIAL
PLACEMENT IS INCORRECT

Revised variance details:

Four (4) foot high wire (chainlink) fence with these dimensions:



Reasons for appeal/variance for fencing on 6580 Livernois:

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.

Thank you,

Daniel Xu
Kelly Xu



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
 MAY 19 2022
 CITY OF TROY
 BUILDING DEPT

FENCE

www.troymi.gov

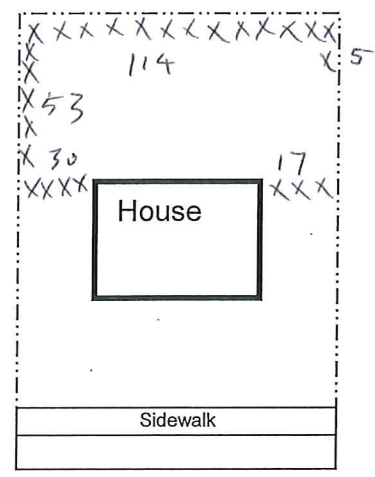
Date: 5-19-2022

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>
	<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 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 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 19 day of May 20 22 Notary Public, Macomb County, Michigan
[Signature]
 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

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
dself@safebuilt.com


www.safebuilt.com

WRONG INTERPRETATION PLEASE FOLLOW INTERPRETATION AS GIVEN BY THE BUILDING OFFICIAL'S SKETCH.

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.