

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-feet 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.

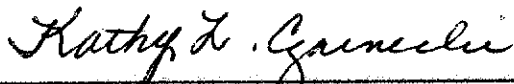
7. ADJOURNMENT

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

Respectfully submitted,



Gary Abitheira, Chair



Kathy L. Czarniecki, Recording Secretary