



# 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)

Theodore Dziurman, Chair; Gary Abitheira  
Teresa Brooks, Michael Carolan, Brian Kischnick

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**September 4, 2013**

**3:00 PM**

**LOWER LEVEL  
CONFERENCE ROOM**

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1. ROLL CALL
2. APPROVAL OF MINUTES – July 10, 2013
3. HEARING OF CASES
  - A. VARIANCE REQUEST, JON AND LISA BRUNT, 5637 MARTELL DRIVE – A variance for relief of Chapter 83 to install a 6 foot high privacy fence in the front setback along the south frontage of Martell Drive where the Fence Code limits the height to 48 inches.  
  
**CHAPTER 83.2(A)**
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 Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on July 10, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Teresa Brooks  
Michael Carolan  
Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Brooks  
Support by: Carolan

**RESOLVED**, To approve the minutes of the June 5, 2013 Regular meeting as submitted.

Yeas: All present (5)

**MOTION CARRIED**

3. HEARING OF CASES

- A. **VARIANCE REQUEST, THOMAS DESMOND FOR D&G CAPITAL LLC, 1436 WACON** – A variance to replace a dilapidated 6' high wood privacy fence in the required front setback along Lyons. Fences are limited to 30" inches in the front setback at this location. The proposed fence has been installed without a permit and is set back 4'6" from the sidewalk along Lyons.

Mr. Grusnick gave a summary of the variance request. He indicated a total of ten property owners voiced approval of the variance request. Mr. Grusnick said City records show no permits were issued for the fence previously constructed on the property but a permit was issued for the hot tub.

Chair Dziurman opened the floor for public comment.

Connie Kleinstiver of 2805 Lahser, Bloomfield Hills, was present to represent the property owner at 1402 Wacon. She asked about the visibility of traffic in relation to the fence construction.

Mr. Grusnick stated there is no vision obstruction.

Seeing no one else was present to speak, Chair Dziurman closed the floor for public comment.

The applicant, Thomas Desmond, was present. He said he was informed by the fence contractor that a permit was not required for repair work only. Mr. Desmond said the previous fence had been there since the 1970's and was structured around the existing patio and hot tub. Mr. Desmond said the same footprint was used for the new fence, and is of the same dimensions and height as the previous fence.

Mr. Grusnick confirmed that the same footprint was used.

There was discussion on:

- Double front setback.
- Regulations on hot tubs.
- Approval of neighbors re property improvements.
- Potential for future variance requests.

Moved by: Kischnick

Support by: Abitheira

**RESOLVED**, To approve the variance request based on the unique circumstances, and that the property owner did not enlarge the footprint or height of the pre-existing, non/conforming fence, and that the safety would be enhanced with this approval.

Yeas: All present (5)

#### **MOTION CARRIED**

- B. **VARIANCE REQUEST, BOB REED FOR CUSTOM SIGN CENTER, INC., 1852 E BIG BEAVER** – A variance to allow two ground signs (menu boards) each measuring 41.22 square feet. The signs will not be visible from the public right of way. Sign permits are not required for signs that do not exceed 36 square feet provided they are not visible from the public right of way.

Mr. Grusnick gave a summary of the variance request.

Patrick Bell, representative of Tim Horton's Restaurant, was present. Mr. Bell briefly addressed the size of the menu boards. He noted the same variance request was granted by this Board last year for the Tim Horton's restaurant on Maple Road. Mr. Bell said the drive-through at the two-tenant building would be used solely for Tim Horton's.

Mr. Grusnick said the menu boards are located behind the building and not visible from any public right-of-way. He confirmed a similar variance was granted last year for the Maple Road restaurant. Mr. Grusnick said no public comment was received.

Chair Dziurman opened the floor for public comment; seeing no one was present to speak, the floor was closed.

Moved by: Carolan  
Support by: Abitheira

**RESOLVED**, To approve the variance as requested.

Yeas: All present (5)

**MOTION CARRIED**

- C. **VARIANCE REQUEST, TOBY BUECHNER FOR TROY GYMNASTICS, 1921 NORTHWOOD** – A variance to allow gymnastic use occupancy in an existing 41,744 square foot building that is type 2B construction. The 2009 Michigan Building Code, Chapter 503, limits the A-3 use group occupancy in this existing type 2B building to 38,726 square feet.

Mr. Grusnick gave a summary of the variance request. Mr. Grusnick said there was no public comment received.

Toby Buechner, owner of Troy Gymnastics, and Paul Taylor, project architect, were present. Mr. Taylor addressed the use with respect to fire code and safety.

Mr. Buechner gave an overview of the remodeling of the existing office space and gymnasium area. He indicated the building will be open and completely visible. Mr. Buechner said seven exits are proposed, noting that safety is of utmost importance for the children.

Mr. Grusnick reported that plans for the building remodel have been submitted for permits. The plans show the removal of the wall to open up the gymnasium area and confirmed the entire building would continue to be sprinkled.

Mr. Grusnick summarized the following code equivalencies relating to safety factors for consideration by the Board in their determination.

- 7 exits provided; 3 required.
- Maximum of 100 feet travel distance provided to exit(s); 250 feet is allowed.
- Ceiling height is 24 feet; Code permits 8 feet.
- Space layout is open, designed without corridors and partitions.
- Open space to the south not used in area increase because of setback to the property line; however, space will provide emergency vehicle access.

Mr. Carolan asked to recuse himself from voting on the item because his daughter is an active member of gymnastics facility.

Moved by: Kischnick

Support by: Brooks

**RESOLVED**, To approve the variance as requested based on the additional safety factors.

Yeas: Abitheira, Brooks, Kischnick, Dziurman

Abstain: Carolan

**MOTION CARRIED**

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:32 p.m.

Respectfully submitted,

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Theodore Dziurman, Chair

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Kathy L. Czarnecki, Recording Secretary

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## ***BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET***

July 10, 2013

[illegible]**BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET**

July 10, 2013

- A. **VARIANCE REQUEST, JON AND LISA BRUNT, 5637 MARTELL DRIVE** – A variance for relief of Chapter 83 to install a 6 foot high privacy fence in the front setback along the south frontage of Martell Drive where the Fence Code limits the height to 48 inches.

**CHAPTER 83.2(A)**



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

**SIGN APPEALS**

**FEE \$50**

CITY OF TROY PLANNING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248-524-3344  
FAX: 248-689-3210  
E-MAIL: [evanspm@troymi.gov](mailto:evanspm@troymi.gov)  
<http://www.troymi.gov/CodeEnforcement/>



**CONSTRUCTION OR FENCE CODE APPEALS**

**FEE: \$50**

CITY OF TROY BUILDING DEPARTMENT  
500 W. BIG BEAVER ROAD  
TROY, MICHIGAN 48084  
PHONE: 248-524-3344  
FAX: 248-689-3210  
E-MAIL: [GrusnickME@troymi.gov](mailto:GrusnickME@troymi.gov)  
<http://www.troymi.gov/BuildingInspection/>

**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-ONE (21) DAYS** BEFORE THE MEETING DATE.

A COMPLETE APPLICATION THAT MEETS CODE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BUILDING CODE BOARD OF APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: \_\_\_\_\_

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

2. PROPERTY TAX IDENTIFICATION NUMBER(S): \_\_\_\_\_

3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", etc.) AND SECTION(S) RELATED TO THE APPEAL:

\_\_\_\_\_

4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist*

5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES NO

6. APPLICANT INFORMATION:

NAME \_\_\_\_\_

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: \_\_\_\_\_

8. OWNER OF SUBJECT PROPERTY:

NAME \_\_\_\_\_

COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE \_\_\_\_\_

E-MAIL \_\_\_\_\_

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

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

I, \_\_\_\_\_ (PROPERTY OWNER), HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

**SIGNATURE OF APPLICANT** \_\_\_\_\_ **DATE** \_\_\_\_\_

**PRINT NAME:** \_\_\_\_\_

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

**PRINT NAME:** \_\_\_\_\_

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

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

**From:** [Mitchell E Grusnick](#)  
**To:** [Kathy Czarnecki](#)  
**Subject:** FW: Brunt-Building Code Board of Appeals Application and supporting Documents  
**Date:** Wednesday, July 17, 2013 3:17:32 PM

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Kathy, I cannot open all photo's, can u. I do not have Acrobat 9.5!

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**From:** Brunt, Jon [mailto:jonbrunt@allstate.com]  
**Sent:** Wednesday, July 17, 2013 2:34 PM  
**To:** Mitchell E Grusnick  
**Cc:** Brunt, Jon; Brunt, Lisa K (jbrunt4443@wowway.com)  
**Subject:** Brunt-Building Code Board of Appeals Application and supporting Documents

(For the Photos after the first one please open a new window by right clicking on the attachment)

Dear City of Troy Board Members,

We are seeking approval for a privacy fence around our entire back yard. There is currently a chain link fence around our entire back yard, however, we are currently required to have a non-obscuring fence around what is classified as a "second front yard" because we are a corner lot. The reasons we have for wanting the 6 foot fence, even around the "second front yard", are countless. Please see the photos we have included. The first reason is because the current municipal fence, and some portions on the other fencing, have been "pulled up", either by the weather elements, the baseball players, the school children--we aren't positive which one, however, our dogs are able to escape due to lack of upkeep, and the fence not meeting the ground, but rather curling up. We have attached lattice where they have been escaping, which is very tacky looking, and detracts from the appearance of the fence. Also, the city does not trim the grass and weeds that meet up with that fencing, which is another eye sore. Secondly, children are constantly antagonizing, and teasing our dogs, along with some people even feeding them, putting them at risk of being poisoned or even stolen. Thirdly, we have no privacy at all when we are having a family BBQ, and a baseball game is going on. We feel like the baseball players are part of our party, which is obviously not desirable, not to mention, that we are probably a distraction to them, as well. Fourth, we are considering getting a swimming pool, and since there are constantly children coming to our fence, this would pose a huge liability, and potential drowning risk. If we have the 6 foot privacy fence around the entire yard, that would eliminate visibility of a swimming pool, and reduce the risk of a child entering our yard, and potentially drowning. Please review our photos, and empathetically consider granting us permission to have this fence installed. It would be a very eye pleasing, easy care white, vinyl (PVC) fence, and we believe everyone would benefit from it. Thank you, in advance, for your time, consideration, and understanding with this matter.

Sincerely,

Jon & Lisa Brunt

**Thank you,  
Jon G.T. Brunt**

**Personal Financial Representative**

**Allstate Financial Services, LLC**

**Spano-Brunt Agency**

**31904 Ryan Rd**

**Warren, MI 48092**

**Phone: 586-274-1150 Direct/Confidential Fax: 800-410-1625 Cell: 586-202-5295**

For product disclosures and other information, visit <http://agents.allstate.com/jon-brunt-warren-mi.html>

*Concerned about saving for retirement? Ask how we can help!*



# 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 # \_\_\_\_\_

**FENCE**

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

Project Information	Job Address: <u>5637 Martell Dr.</u> Suite # _____
	Lot: _____ Subdivision: _____
	Owner: <u>Jon &amp; Lisa Brunt</u> Phone: <u>248-250-6180</u>
	Work to be Performed: <input type="checkbox"/> New <input type="checkbox"/> Move <input type="checkbox"/> Repair <input type="checkbox"/> Res. <input type="checkbox"/> Comm. <input type="checkbox"/> Ind.
Applicant Information	Name: <u>Jon &amp; Lisa Brunt</u> Phone: _____ Fax: _____
	Address: _____ City: _____ State: _____ Zip: _____
	Email: _____

☐ 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					
PERMIT FEE	<input type="checkbox"/> Under 300' \$15.00		<input type="checkbox"/> Over 300' \$25.00		

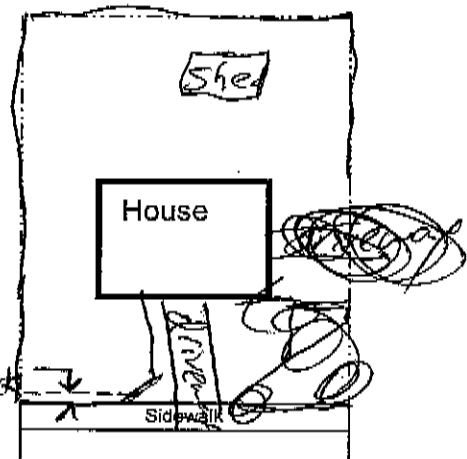
Interior Lot ☐

Corner Lot ☒

Building Department Approval

**DENIED** *Per 7.10.13*

*1'0" sidewalk TO P/L*



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

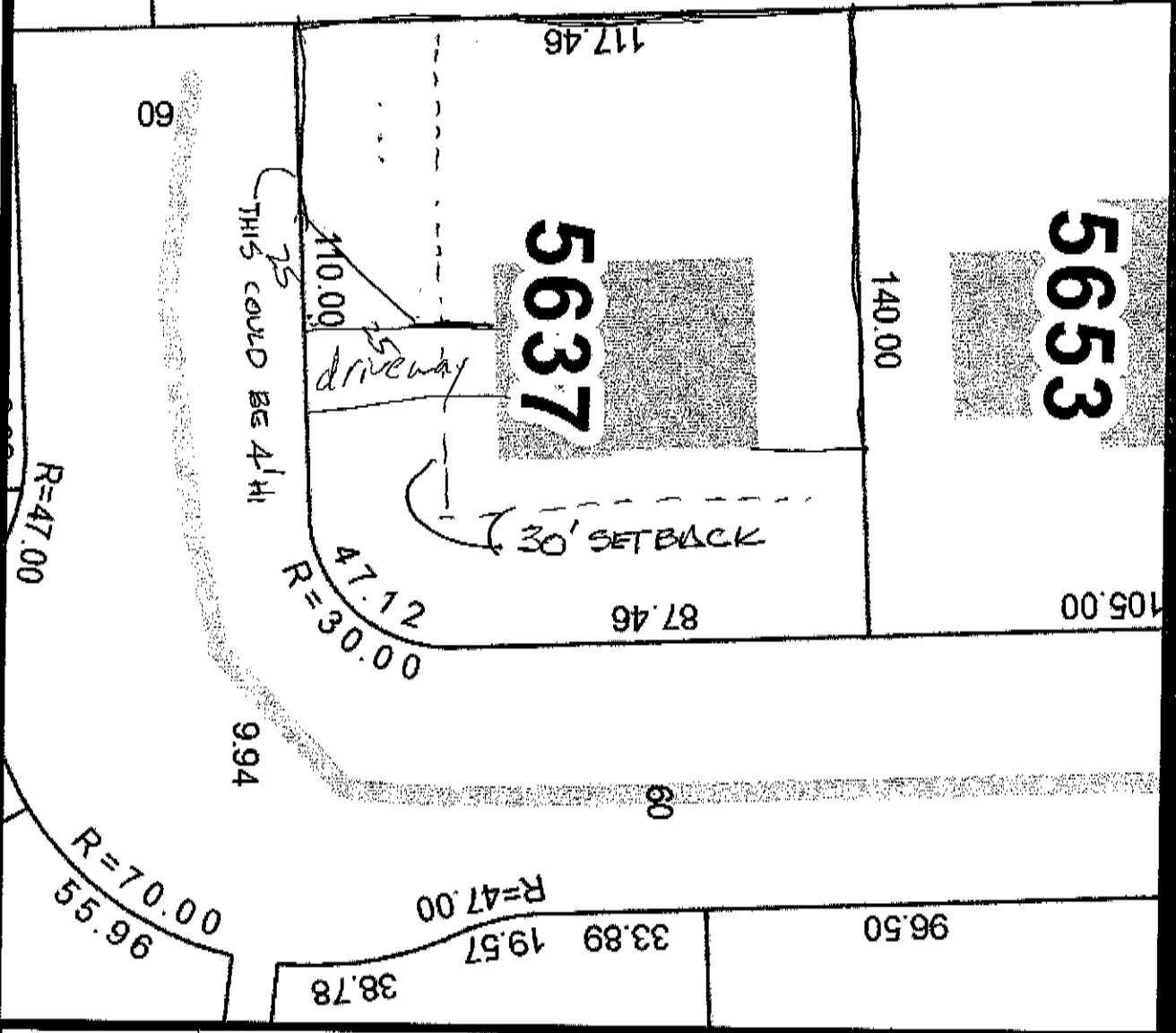
I hereby certify that the fencing described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Chapter 83 of the Troy City Ordinance. I will cooperate with the Building Inspector and assume 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 \_\_\_\_\_

REVISED 06/2011



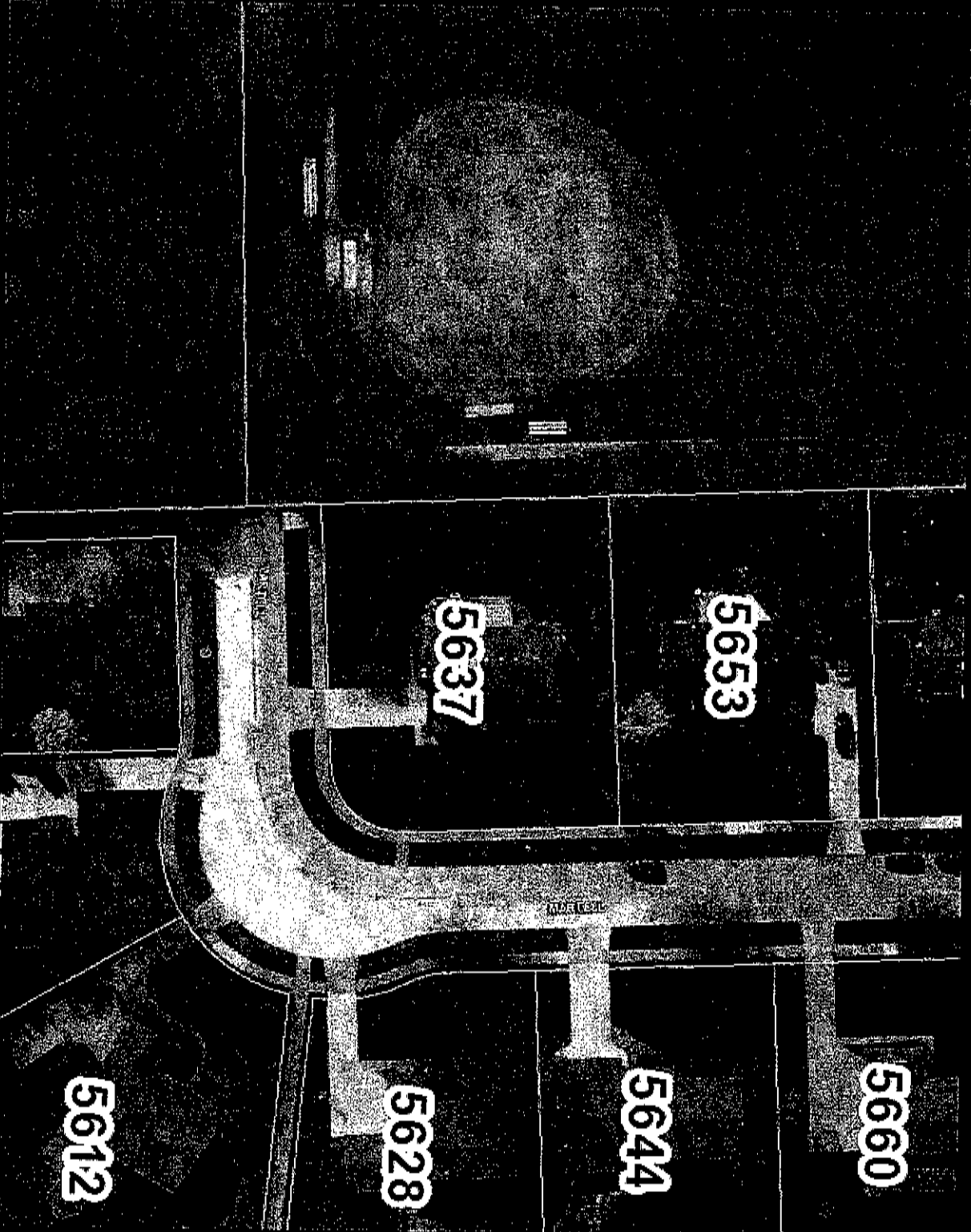
Notes:

Map Scale: 1=48  
Created: July 16, 2013

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.



**5637 Martell**  
City of Troy Planning Department



Legend:

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.

Scale 1:1,005

Printed: 7/16/2013























