

## 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,

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**JULY 10, 2024**

**3:00 PM**

**Council Chambers**

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1. ROLL CALL
2. APPROVAL OF MINUTES – November 1, 2023
3. HEARING OF CASES:
  - A. VARIANCE REQUEST, 2880 TEWKSBURY, KUMAR, RAVI – This property is a single front lot. Per the City of Troy Zoning Ordinance, it is in the R1-A use district, as such it has 40 feet required front setback. The petitioner is requesting a variance for a new link fence of 36 inches high for a length that totals 260 feet of non-obscuring link fence that is 1 foot from the property line along the front of Tewksbury Ln. side where City Code limits to 30 inches / 2.5 feet high non-obscuring fences. The total length of the fence requested by the petitioner to be permitted by the Building Department is 328 feet, which 68 feet of the fence do not require a variance.

## 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](mailto:clerk@troymi.gov) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on November 1, 2023 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Members Present

- Gary Abitheira
- Teresa Brooks
- Sande Frisen
- Mark F. Miller, City Manager

Members Absent

- Matthew Dziurman

Support Staff Present

- Paul Evans, Zoning & Compliance Specialist
- Allan Motzny, Assistant City Attorney
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – November 2, 2022

- Moved by: Brooks
- Support by: Frisen

**RESOLVED**, To approve the minutes of the November 2, 2022 Regular meeting as submitted.

- Yes: All present (4)
- Absent: Dziurman

**MOTION CARRIED**

3. HEARING OF CASES

A. **VARIANCE REQUEST, 2625 W. MAPLE, DERRICK ZAJAC**

- a. Appeals the Zoning Administrator’s denial of a sign permit application.

Mr. Evans said the applicant is appealing the denial of the sign application for 2625 W. Maple. He referenced the zoning overlay and surrounding zoning. Mr. Evans said the applicant’s request was to place the sign at the corner of 2625 W. Maple but the message of the sign is for the property behind with the address of 2685 W. Maple. Mr. Evans said denial was based on the City Code which defines the request as an off premise sign that is prohibited in all zoning districts.

There was discussion, some comments related to:

- Frontage along 2685 W. Maple.
- Ownership of parcels located at 2745 and 2625 W. Maple.
- City Standards relating to off premise signs.

Mr. Motzny referenced his memorandum dated October 4, 2023 regarding the appeal of the proposed Regency at Troy (Ciena Healthcare) sign. He addressed the definition of an off premise sign and the procedure for an administrative appeal. He said that the Board may only modify or reverse the decision of the City Administration if one or more of the four (4) requirements as cited in his memorandum are met.

Mr. Evans said the Assistant City Attorney's memorandum cites several sections of the Sign Ordinance to which the Board can reference during its deliberation.

Present were John Gaber, legal representative for the applicant, and Derrick Zajac, Director of Construction and Property Management for Ciena Healthcare.

Mr. Gaber said it is believed the interpretation of the Sign Ordinance is inaccurate and the administrative decision is based on an erroneous interpretation of the Sign Ordinance. He addressed the intent of the Sign Ordinance noted in its Preamble to reduce the proliferation of signs and said that is the intent of the applicant. The applicant is proposing one sign that would identify all three parcels and serve as a directional sign for the healthcare facility in the rear. Mr. Gaber said they agree the sign is an off premise sign but do not agree that it is a prohibitive off premise sign.

Mr. Gaber addressed the appeal as relates to the proposed message on the sign. He contends the message on the sign is not commercial in nature but merely contains the name of the healthcare facility for directional purposes to the Regency at Troy. He contends prohibition of the sign does not apply because the sign is to identify a location as one would for a residential development and does not convey or communicate a message.

Mr. Zajac mentioned the sign was approved originally at the time of site plan approval. He said the configuration of the three parcels is confusing to drivers whose destination is the healthcare facility that sits behind trees to the rear. Mr. Zajac said the owner of the healthcare facility sold the front two parcels during construction of the building. He voiced concern of the building's visibility to the elderly, their visitors and emergency assistance. He referenced a recent incident where EMS questioned the location of the healthcare facility. Mr. Zajac said a sign cannot be placed along the frontage of the healthcare facility because of the existing sidewalk and setback.

Mr. Evans confirmed that site plan approval does not convey approval of a sign.

It was acknowledged that no representatives of the two outlot parcels are present at today’s meeting.

There was discussion, some comments related to:

- Limitations to place sign on Ciena Healthcare frontage due to existing sidewalk, curb, required setbacks.
- Three panel sign would service all three parcels.
- Recorded easement declaration assigning the rights to construct and maintain a sign and the rights of other parties to utilize sign panels. (copy provided to Assistant City Attorney)
- Each parcel can place its individual sign.
- Any combination of shared signs among the three parcels would create a similar off premise legality issue.
- Width of driveway (45 feet).
- Dimensions of the proposed sign.
- Configuration of the property as relates to the lot split(s), sale of parcels by healthcare facility owner.
- Configuration of the property as relates to the Zoning Ordinance requirements.

PUBLIC HEARING OPENED

Paul Machesky, legal representative for property owner at 2565 W. Maple; addressed concerns with the number of signs that could be erected, ongoing litigation with parcels as relates to flooding, ownership and future use of the outlots. He said it appears none of the four (4) requirements have been met to overturn the administrative decision.

PUBLIC HEARING CLOSED

Mr. Motzny said any ongoing litigation associated with any of the parcels is not a matter of deliberation in an appeal process.

Moved by: Miller  
Support by: Frisen

*RESOLVED*, That the Building Code Board of Appeals **denies** the appeal of the decision of the City Official regarding this sign.

Yes: All present (4)  
Absent: Dziurman

**MOTION CARRIED**



- b. A variance to allow an off-premise sign.

Mr. Evans stated he had nothing more to add to his previous presentation.

Mr. Gaber asked the Board’s consideration for a variance to allow an off premise sign at 2625 W. Maple. He addressed the request as relates to the five (5) criteria set forth in Section 85.01.08 B 1. Key elements addressed related to the configuration, size and depth of the property, lack of visibility of the healthcare facility from Maple Road, and minimization of signage. He said directional identification of the healthcare facility will promote the public health, safety and welfare of the surrounding area and that the request is not of a personal nature of the applicant or owner. Mr. Gaber said placement of a 45 foot sign is not a reality because of the diminished size of the property as a result of meeting City standards for the driveway.

Mr. Gaber addressed the Assistant City Attorney’s interpretation of Section 85.01.08 B 2 that the proposed sign would increase the number of signs allowed by more than 25%.

There was discussion, some comments related to:

- Recorded easement associated with all three parcels:
  - Rights of property owner(s) Muhammad Qazi and Troy Senior Leasing LLC to place sign(s) on property(ies).
  - Does recorded easement place a limit on the number of signs?
- Compliance with Section 85.01.08 B (d); characteristics of the property must not have been created by the owner of the premises, a previous owner, or the applicant.

PUBLIC HEARING OPENED

Paul Machesky, legal representative for property owner at 2565 W. Maple; stated it appears clear the applicant created the situation by not providing enough property to place a sign on their premises and then selling off two parcels, that the future uses of the two outlots is speculative at this time and that there is no need for a variance because the three-story healthcare facility is visible from Maple.

PUBLIC HEARING CLOSED

Mr. Evans confirmed that the applicant could place a sign on site that is equivalent to 10% of the north façade area of the building. He said a sign could be placed on the third floor of the building.

Ms. Brooks said the applicant pointed out clearly the concern of the building visibility when he shared EMS questioned its location. She said that signage on the building itself is a good alternative for a created situated by the owner(s).

Mr. Frisen addressed each requirement of Section 85.01.08 B, a-e, in relation to the variance request before the Board. He said he understands the intent of the applicant, but the request does not come close to checking off the boxes to grant the variance.

Moved by: Frisen  
Support by: Miller

*RESOLVED*, To **deny** the request for a variance based on the following requirements not being met:

- (b) The characteristics which make compliance with the requirements of this Chapter difficult must be related to the premises for which the variance is sought, not some other location.
- (c) The characteristics which make compliance with the requirements of this Chapter difficult shall not be of a personal nature.
- (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.

Yes: All present (4)  
Absent: Dziurman

**MOTION CARRIED**

4. COMMUNICATIONS – 2024 Meeting Schedule

After a brief discussion on the meeting dates for 2024, the following resolution was offered.

Moved by: Frisen  
Support by: Abitheira

*RESOLVED*, To **adopt** the proposed meeting dates as presented with the exception to change the proposed August meeting date to August 14.

Yes: All present (4)  
Absent: Dziurman

**MOTION CARRIED**

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

Mr. Miller announced his official retirement date is May 31, 2024.

A brief discussion followed on the City Manager position, vacancy and term expirations of the Building Code Board of Appeals (BCBA).

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:57 p.m.

Respectfully submitted,

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Gary Abitheira, Chair

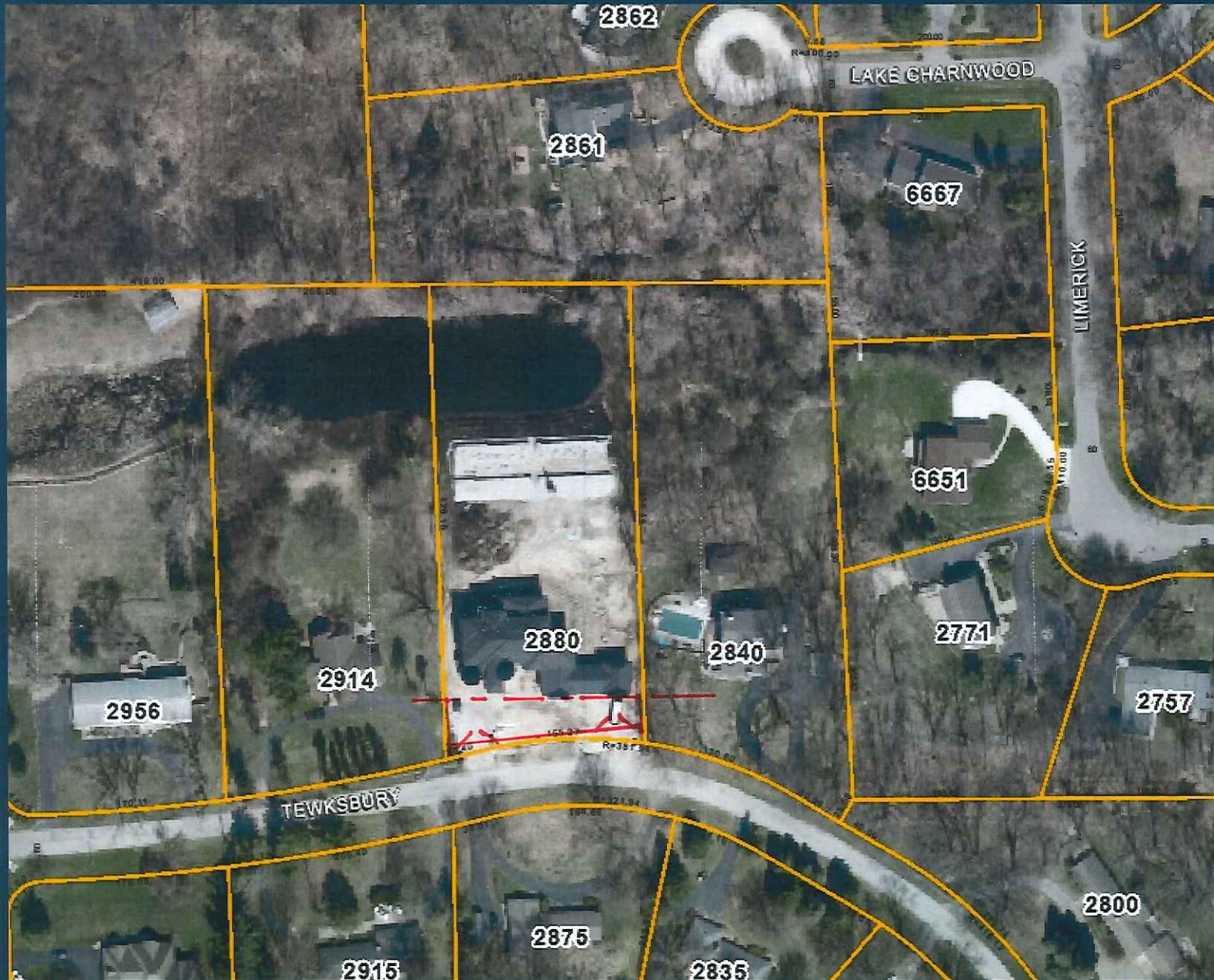
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Kathy L. Czarnecki, Recording Secretary

[https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT Building Code Board of Appeals/Minutes/2023/2023 11 01 Draft.docx](https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT%20Building%20Code%20Board%20of%20Appeals/Minutes/2023/2023%2011%2001%20Draft.docx)



# GIS Online



Legend:

KUMAR  
RESIDENCE  
36" TALL  
FENCE  
WITH TWO  
AUTOMATIC  
GATE OPENERS  
TWO GATES  
OF 36"; ONE  
AT EACH SIDE.

CHAPTER 83  
FENCES.  
RESIDENTIAL.

Notes:

2880  
TEWKSBURY  
TROY.

Map Scale: 1=173  
Created: June 3, 2024



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: 2880 Tewksbury Ln  
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-06-151-003
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 Matt Iwanicki  
COMPANY MEI Construction  
ADDRESS 5101 36 Mile Rd.  
CITY Bruce Twp STATE MI ZIP 48065  
TELEPHONE (586) 615-8154  
E-MAIL meiconstruction16@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Kumar Residence  
COMPANY \_\_\_\_\_  
ADDRESS 2880 Tewksbury Ln  
CITY Troy STATE MI ZIP 48098  
TELEPHONE (248) 761-0423  
E-MAIL r.kumar12@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, Ravi Kumar (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 5/15/24

PRINT NAME: Matt Iwanicki

SIGNATURE OF PROPERTY OWNER  DATE May 17, 2024

PRINT NAME: Ravi Kumar

**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.**

## Tommaso Caporuscio

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**To:** estimates.mei@gmail.com  
**Cc:** Rikki Varieur  
**Subject:** 2880 Tewksbury Fence Permit Application

Hello,

The fence permit application for this project has been denied as submitted for the following reason:

*Per the City of Troy Zoning Ordinance, any fence placed within the required front yard setback shall be no more than 30" in height.*

Please revise the permit application and submit for re-review when ready.

*Sincerely,*



Tom Caporuscio  
Deputy Building Official  
Plans Examiner  
City of Troy  
O: 248.524.3374  
F : 248.689.3120





City of Troy  
 500 W Big Beaver Rd, Troy MI 48084  
 248-524-3344  
 buildinginspection@troymi.gov

+ Processing Fee

### FENCE PERMIT APPLICATION

NAME OF OWNER/AGENT/DESIGN PROFESSIONAL Kumar Residence			
STREET ADDRESS AND JOB LOCATION (Street Number and Name) 2880 Tewksbury Ln	NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH JOB IS LOCATED Troy Michigan	Oakland County	

WHO IS THE APPLICANT <input checked="" type="radio"/> Contractor <input type="radio"/> Homeowner	NAME OF HOMEOWNER/CONTRACTOR MEI Construction	CONTRACTOR LICENSE NUMBER n/a	EXPIRATION DATE
ADDRESS (Street Number and Name) 5101 36 Mile Rd	CITY Bruce Twp.	STATE MI	ZIP CODE 48065
TELEPHONE NUMBER (Include area code) (586) 615-8154	EMAIL ADDRESS: e-estimates.mei@gmail.com		
WORKERS COMPENSATION INSURANCE CARRIER (or reason for exemption) Michigan Insurance Company	FEDERAL EMPLOYER ID NUMBER (OR REASON FOR EXEMPTION) 46-4309977		

Section 23a of the state construction code act of 1972 PA 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 subjected to civil fines.

SIGNATURE OF CONTRACTOR OR HOMEOWNER (Homeowner's signature indicates compliance with Section VI. Homeowner Affidavit) x	DATE 4/20/24
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I hereby certify the fence work 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 of Chapter 83 of the Troy City Ordinance and shall **not be enclosed, covered up, or put into operation** until it has been inspected and approved by the Cities Building Inspector. I will cooperate with the Cities Building Inspector and assume the responsibility to arrange for necessary inspections.

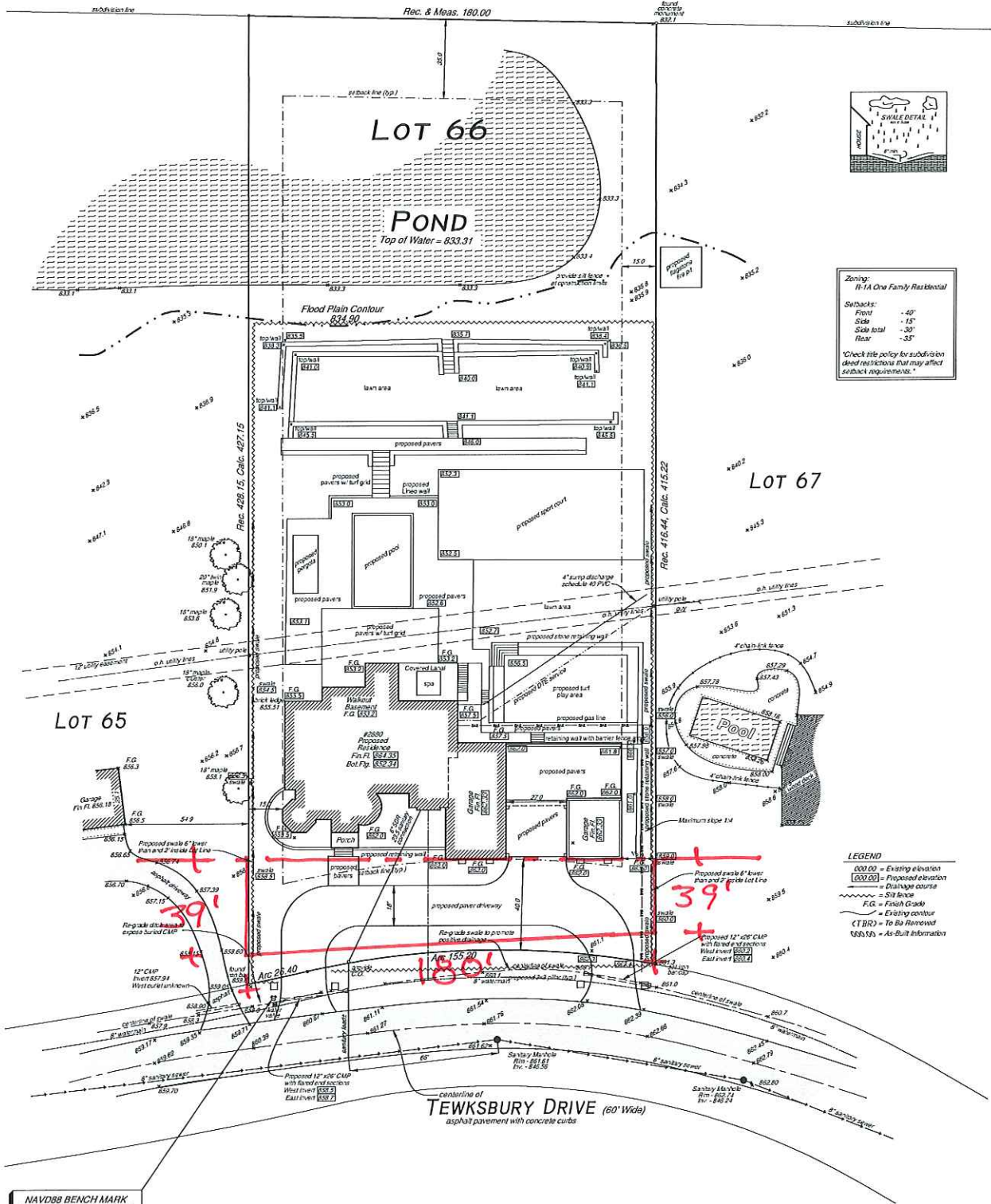
### FENCE INFORMATION AND FEE

Type, height, and lineal feet of material to be used:					
Type:	Wood	Wire	<u>Metal</u>	Masonry	Other
Symbols:	0000000	xxxxxx	///////	□□□□	-----
HEIGHT			3'		
NO. OF FEET			328'		
PERMIT FEE	<input type="checkbox"/> Under 300' \$150.00		<input checked="" type="checkbox"/> Over 300' \$200.00		





Know what's below.  
Call before you dig.



Zoning: H-1A One Family Residential

Setbacks:  
 Front - 40'  
 Side - 15'  
 Side Rear - 30'  
 Rear - 35'

\*Check title policy for subdivision deed restrictions that may affect setback requirements.\*

**LEGEND**

800.00 = Existing elevation  
 850.00 = Proposed elevation  
 --- = Drainage course  
 --- = Sit fence  
 F.G. = Finish Grade  
 --- = Existing contour  
 (TBR) = To Be Removed  
 (AS-BUILT) = As-Built Information

NAVD88 BENCH MARK  
 ARROW ON  
 HYDRANT  
 ELEVATION = 861.44

**LEGAL DESCRIPTION** Tax ID #88-20-06-151-003

LOT 66 OF "CHARWOOD HILLS No.2" SUBDIVISION, PART OF THE WEST 1/2 OF THE WEST 1/2 OF SECTION 6, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 73 OF PLATS ON PAGE 21 AND PAGE 22, OAKLAND COUNTY RECORDS. LOT CONTAINS 74,613 SQUARE FEET. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

**REAR YARD PLAN**

Prepared For: Sapphire Homes  
 210 S. Old Woodward  
 STE 200  
 Birmingham, MI 48009  
 (248) 925-9074

Jekabson & Associates, P.C.  
 Professional Land Surveyors  
 1320 Goldsmith, Plymouth, MI 48170  
 (734) 414-7200 (214) 414-7272 fax  
 by: [Signature]

Date: 4 Apr 23  
 Job no: 21-03-002  
 Scale: 1" = 40'  
 Drawn: AAH  
 Checked: JGB  
 Sheet: 1 OF 1

**From:** [Salim Huerta](#)  
**To:** [Salim Huerta](#)  
**Subject:** Pic 1  
**Date:** Tuesday, June 18, 2024 3:05:52 PM

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Sent from my iPhone

**From:** [Salim Huerta](#)  
**To:** [Salim Huerta](#)  
**Subject:** Pic 2  
**Date:** Tuesday, June 18, 2024 3:13:46 PM

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Sent from my iPhone



**From:** [Salim Huerta](#)  
**To:** [Salim Huerta](#)  
**Subject:** Pic 4  
**Date:** Tuesday, June 18, 2024 3:33:31 PM

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Sent from my iPhone

**From:** [Salim Huerta](#)  
**To:** [Salim Huerta](#)  
**Subject:** Pic 5  
**Date:** Tuesday, June 18, 2024 3:35:18 PM

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Sent from my iPhone

**From:** [Salim Huerta](#)  
**To:** [Salim Huerta](#)  
**Subject:** Pic 3  
**Date:** Tuesday, June 18, 2024 3:31:24 PM

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## Chapter 83 - Fences

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### 1. DEFINITIONS.

- (A) Fences - For the purpose of this Ordinance a fence shall be construed as a structure erected upon or near the dividing line between adjoining properties for the purpose of separating, screening and protecting the lands.
- (B) Front Building Line - A line formed by the front face of the building setback line and extending to the side lot lines.

### 2. FENCE CONSTRUCTION IN RESIDENTIAL AREAS.

The owner of any lot may construct and maintain fences between his own and the next adjoining lots, or along street or alley lines in the manner stated in the following sections of this Ordinance and elsewhere in the City Code. All owners of lots shall be responsible for rebuilding, care, and upkeep of all fences as defined in this Ordinance.

- (A) All fences in residential areas separating properties shall be of an ornamental type. Such fences may be constructed of metal, wood or masonry. Only new material, or such material as found to be structurally acceptable to the Chief Building Inspector, shall be used. In residential areas no fence shall be constructed to a height more than six (6') feet above the existing grade of the land, and no fence shall be constructed to a height of more than thirty (30") inches above the existing grade of the land in that portion of the property in front of the front building setback line. On corner lots where a double front setback is required, and where there is a common rear yard relationship with a lot in the same block, a non-obscuring fence no greater than forty-eight (48") inches in height above the existing grade of the land may be installed along the common street line from the front building setback line to the rear property line. The maximum heights requirements of this section may be waived with the approval of the Building Board of Appeals.

(Rev. 07-08-1996)

### 3. FENCE CONSTRUCTION IN NON-RESIDENTIAL DISTRICTS.

On all non-residential zoned properties, no fence shall be permitted in the yards between the building and any frontage street, unless required for utility enclosure purposes.

A decorative masonry obscuring wall shall be provided on those sides of non-residential property abutting land zoned for residential use. The decorative side of these walls shall face the land zoned for residential use. Such walls shall not be less than six (6') feet in height and may, depending upon land use, be required to be eight (8') feet in height.

(Rev. 11-12-1990)

### 4. CONSTRUCTION MATERIAL.

No electrically charged fence shall be permitted in any areas of the City, nor shall barbed wire material be used in the construction of a fence in any residentially zoned area of the City; provided that barbed wire may be used in residential areas for the purpose of avoiding access to attractive nuisances. Said wire shall be a minimum of six (6'0") feet above ground. In non-residential areas, barbed wire or other sharp pointed material may be used provided said material is over five (5'0") feet above the ground. Barbed wire, when used, should be installed so that any projections at the



## Chapter 83 - Fences

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top shall be over the fence owner's property. Fences which enclose school grounds, playgrounds, tennis courts, public swimming pools, or other public areas may be erected to a height in excess of six (6'0") feet with the approval of the Building Board of Appeals.

(Rev. 10/09/1972)

### 5. PERMITS.

No fence shall be constructed until a permit for such construction has been obtained from the Building Department. Application for said permit shall contain such information as is necessary to determine if the proposed fence meets the requirements of this Ordinance and the Zoning Ordinance. The fee for said permit shall be in accordance with the Fee Schedule found within Section 60.03 of Chapter 60 of the Troy City Code.

(Rev. 06/02/2003)

No permit shall be issued for any fence construction prior to the approval of the final lot grading for said lot where the fence is proposed.

No permit shall be issued for any fence construction within any easement without the approval of the Director of Public Works, or his authorized representative.

(Rev. 09/19/1977)