

## 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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**October 2, 2024**

**3:00 PM**

**Council Chambers**

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1. ROLL CALL

2. APPROVAL OF MINUTES – September 4, 2024

3. HEARING OF CASES:

A. VARIANCE REQUEST, 5281 BERWYCK DR, JAIN, MAISH KUMAR & MINAKSHI– This property is a double front lot. Per the City of Troy Zoning Ordinance, it is in the R1-B use district, as such it has 40 feet required front setback at both fronts Hampshire and Livernois. The petitioner is requesting a variance for a new clay vinyl privacy fence 6 feet high for a length that totals 180.5 feet of obscuring vinyl fence, the 180.5 feet include a single gate of 5 feet. All to be installed away from the 10 and 15 feet easements on BERWYCK and LIVERNOIS. Where the City of Troy Code limits to 30 inches / 2.5 feet high non-obscuring fences since there is no common rear yard relationship (2.A).

CHAPTER 83 FENCE CODE

4. COMMUNICATIONS

5. PUBLIC COMMENT

6. MISCELLANEOUS BUSINESS- 2025 Meeting Schedule

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 September 4, 2024 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Members Present

- Gary Abitheira
- Teresa Brooks
- Matthew Dziurman
- Robert J. Bruner, Acting City Manager

Members Absent

- Sande Frisen

Support Staff Present

- Tom Caporuscio, Deputy Building Official Plans Examiner
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – November 1, 2023

- Moved by: Brooks
- Support by: Abitheira

**RESOLVED**, To approve the minutes of the November 1, 2023 Regular meeting as submitted.

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

**MOTION CARRIED**

3. HEARING OF CASES

A. VARIANCE REQUEST, 724 TRINWAY, GORDIE MISKELLY, KIMBERLY FENCE –

This property is a single front lot. Per the City of Troy Zoning Ordinance, it is in the R1-C use district, as such it has 30 feet required front setback. The petitioner is requesting a variance for a new aluminum fence of 48 inches/ 4 feet high for a length that totals 128 feet of 70% non-obscuring aluminum fence, the 128 feet includes a double gate that totals 12 feet. All to be installed one foot from the property line along the front of Trinway Road, where the City Code limits to 30 inches/ 2.5 feet high non-obscuring fences. *CHAPTER 83 FENCE CODE*

Mr. Caporuscio read the variance request narrative. He said the fence permit application was denied because the City Code limits the fence height to 30 inches. Mr. Caporuscio said the Department of Public Works has no objections to the request.

Present were Gordie Miskelly of Kimberly Fence and property owner James Andrzejewski.

Mr. Miskelly said Kimberly Fence installed a 48 inch high fence last summer at 700 Trinway, for which a fence permit was issued with no variance required.

Mr. Caporuscio said a former employee of the City issued a fence permit at 700 Trinway in error. He said the proposed height of the fence at 724 Trinway does not meet City Code, therefore he denied the application.

Mr. Andrzejewski said the existing 48 inch high fence is 40-plus years old and in disrepair. He would like to replace it with a black aluminum fence of the same height to provide security and protection for his two small children. He addressed unsafe traffic along Trinway due to vehicular speeding beyond the set limits.

Mr. Andrzejewski distributed to Board members a written communication signed by six neighboring residents indicating no objection to the proposed fence. He said two of the neighbors are present today in the audience.

There was discussion on:

- Information and pictures submitted with request.
- Aerial views of existing fence in disrepair.
- Length of fence to be replaced.
- Height and material of fence replaced at 700 Trinway.
- No record of a permit issued for existing fence at 724 Trinway.
- Proposed fence as relates to the required setback and right of way.

#### PUBLIC HEARING OPENED

Rex Brown, 717 Trinway; spoke in support of the proposed fence. He cited five homes in the immediate area with existing four foot high fences in the front yard, addressed traffic studies conducted several years ago by the Police Department that verify speeding traffic and installation of a four foot high fence at his home to protect his children at a young age.

Liz Waatti, 701 Trinway; spoke in support of the proposed fence. She addressed concerns with safety because of speeding traffic, replacement of her existing four foot high fence in the very near future.

#### PUBLIC HEARING CLOSED

Chair Abitheira advised the applicant that he could request a postponement of the variance request until there is a full Board present.

Mr. Andrzejewski said he would like to proceed with the request.

There was a brief discussion on:

- Zoning Ordinance and City Codes established by administration.
- Enforcement of the Zoning Ordinance and City Codes.
- Chapter 83 Fence Code last reviewed July 8, 1996.

Moved by: Dziurman

Support by: Bruner

**RESOLVED**, To **approve** the variance for 724 Trinway as the applicant applied for per Chapter 83, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed fence.
3. The petitioner has provided a practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yes: All present (4)

Absent: Frisen

**MOTION CARRIED**

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

Considering the few meetings conducted this year, the Board asked the administration to provide the proposed 2025 meeting schedule for their review and approval via email communication.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:31 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/2024/2024 09 04 Draft.docx](https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT%20Building%20Code%20Board%20of%20Appeals/Minutes/2024/2024%2009%2004%20Draft.docx)

Legend:

A. VARIANCE REQUEST, 5281 BERWYCK DR, JAIN, MANISH KUMAR AND MINAKSHI, VENDOR HOME DEPOT- This property is a double front lot. Per the City of Troy Zoning Ordinance, it is in the R1-B use district, as such it has 40 feet required front setback at both fronts Hampshire and Livernois. The petitioner is requesting a variance for a new clay vinyl privacy fence 6 feet high for a length that totals 180.5 feet of obscuring vinyl fence, the 180.5 feet include a single gate of 5 feet. All to be installed away from the 10- and 15-foot easements on BERWYCK and LIVERNOIS. Where the City of Troy Code limits to 30 inches / 2.5 feet high non-obscuring fences since there is no common rear yard relationship (2.A).

CHAPTER 83 FENCE

Notes:



Map Scale: 1=45

Created: September 25, 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.

**From:** [Salim Huerta](#)  
**To:** [Jackie Ferencz](#)  
**Subject:** FW: 5281 BERWYCK last pic  
**Date:** Tuesday, September 24, 2024 4:23:37 PM

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**From:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Sent:** Tuesday, September 24, 2024 4:15 PM  
**To:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Subject:** 5281 BERWYCK last pic



Sent from my iPhone

**From:** [Salim Huerta](#)  
**To:** [Jackie Ferencz](#)  
**Subject:** FW: 5281 BERWYCK 9-13  
**Date:** Tuesday, September 24, 2024 4:23:08 PM

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**From:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Sent:** Tuesday, September 24, 2024 4:12 PM  
**To:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Subject:** 5281 BERWYCK 9-13











Sent from my iPhone



**From:** [Salim Huerta](#)  
**To:** [Jackie Ferencz](#)  
**Subject:** FW: 5281 BERWYCK Pic 13-17  
**Date:** Tuesday, September 24, 2024 4:23:22 PM

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**From:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Sent:** Tuesday, September 24, 2024 4:14 PM  
**To:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Subject:** 5281 BERWYCK Pic 13-17









Sent from my iPhone









Sent from my iPhone



**From:** [Salim Huerta](#)  
**To:** [Jackie Ferencz](#)  
**Subject:** RE: 5281 BERWYCK 5-8  
**Date:** Tuesday, September 24, 2024 4:22:44 PM

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**From:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Sent:** Tuesday, September 24, 2024 4:11 PM  
**To:** Salim Huerta <Salim.Huerta@troymi.gov>  
**Subject:** 5281 BERWYCK 5-8

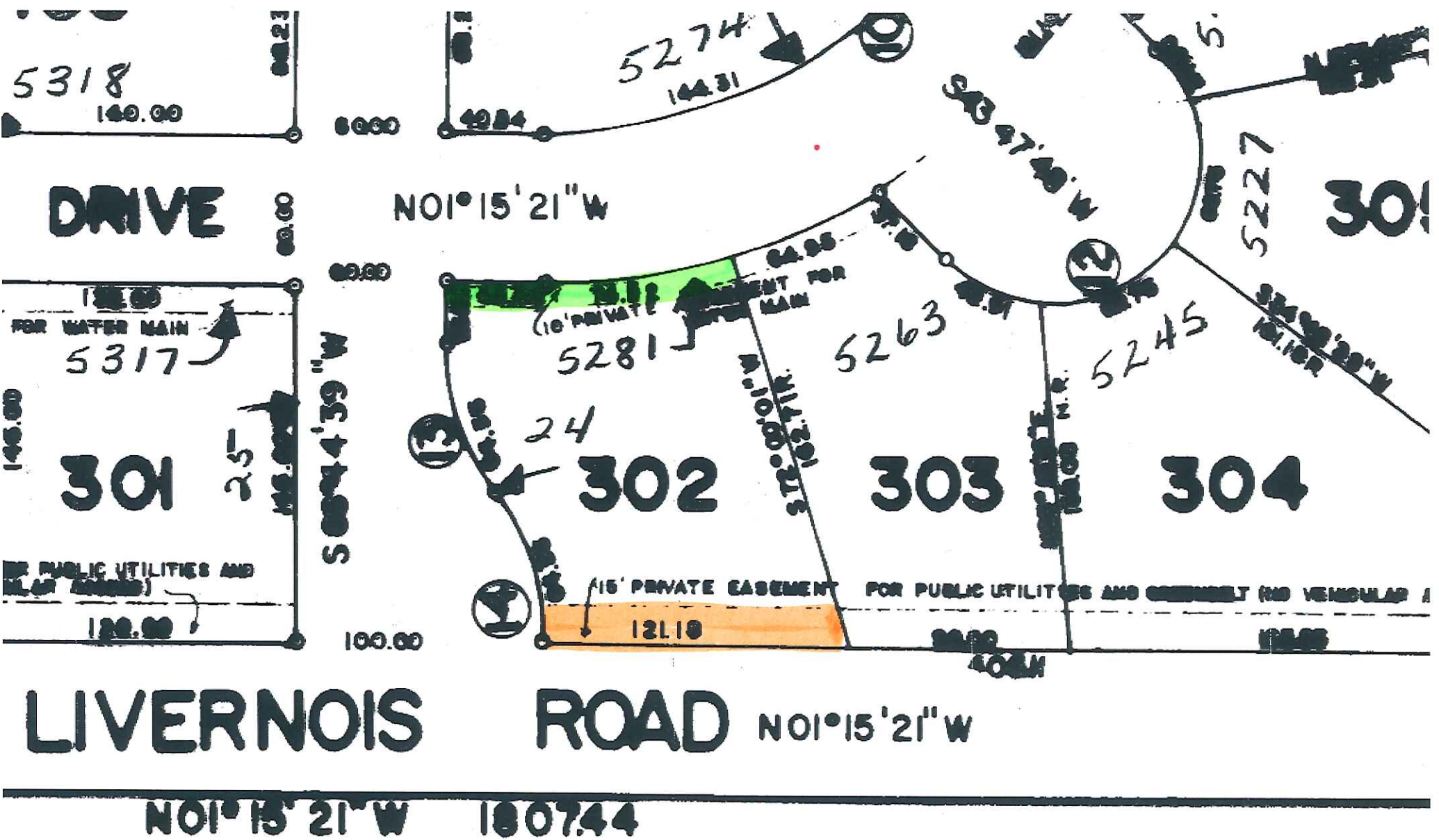


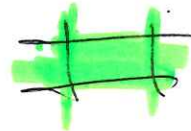
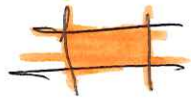






Sent from my iPhone



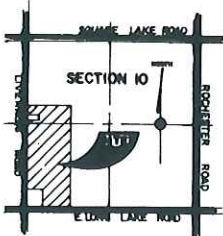
-  10' PRIVATE EASEMENT FOR WATER MAIN
-  15' PRIVATE EASEMENT FOR PUBLIC UTILITIES

# SYLVAN GLEN SUBDIVISION NO.2

PART OF THE W. 1/2 OF SECTION 10, T.2N., R.11E,  
CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

CANTOR ENGINEERING INC.  
DETROIT, MICHIGAN

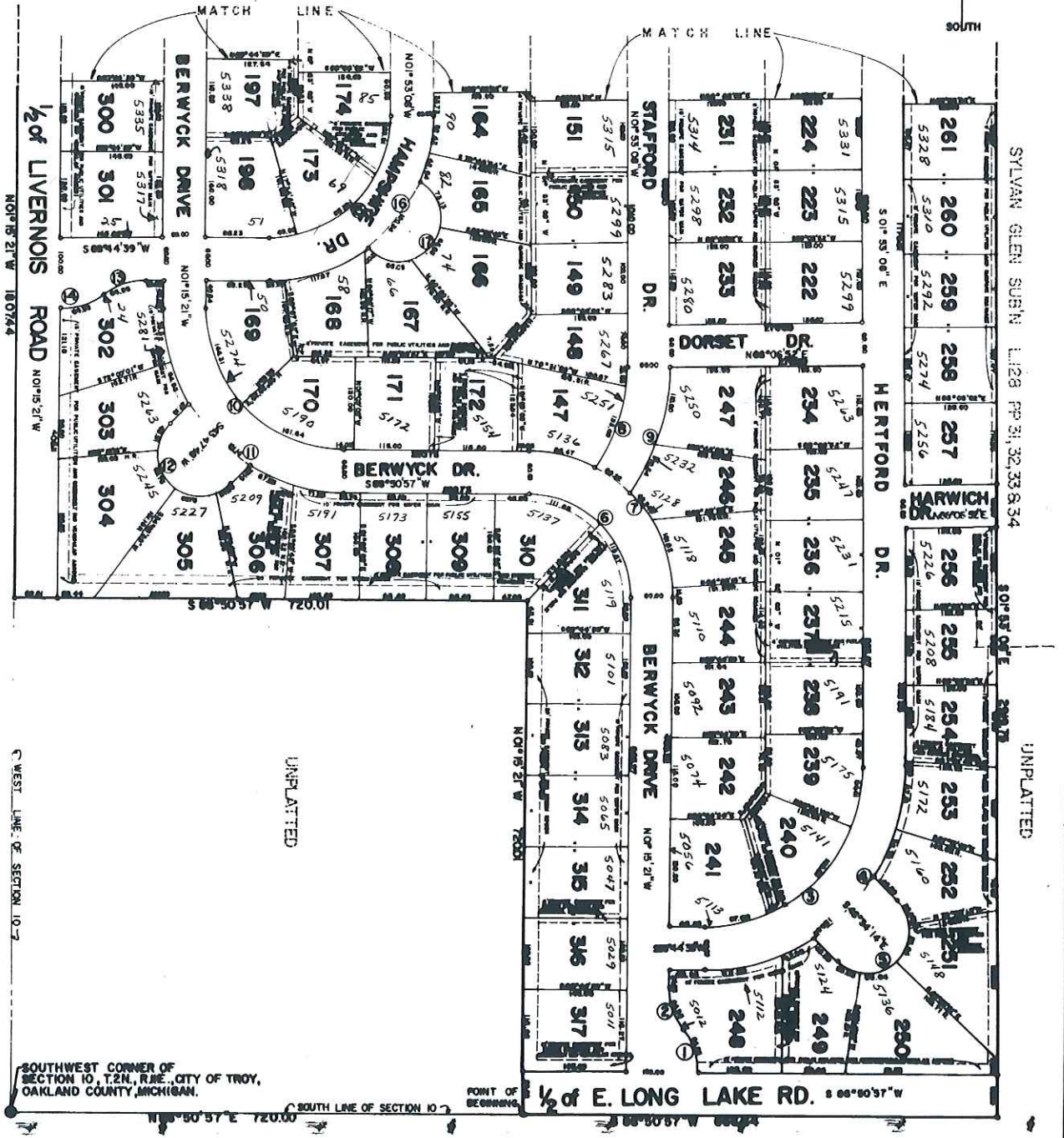
SCALE — ONE INCH = 100 FEET



CURVE NO.	RADIUS	ARC	BELTA	CHORD BEARING	CHORD LENGTH	TANGENT LENGTH
1	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
2	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
3	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
4	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
5	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
6	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
7	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
8	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
9	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
10	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
11	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
12	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
13	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
14	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
15	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
16	100.00	100.00	90°00'00"	N 0°00'00" W	100.00	100.00
17	60.00	204.10	104°09'22"	S 89°47'05" W	116.94	NONE

**PLAT LEGEND**  
 NOTE: ALL DIMENSIONS ARE SHOWN IN FEET.  
 ALL CURVILINEAR DIMENSIONS ARE SHOWN  
 ALONG THE ARC.  
 BEARING INFORMATION WAS OBTAINED  
 AND CONTINUED FROM THE ADJACENT  
 RECORDED PLAT OF SYLVAN GLEN  
 SUBDIVISION, L.128, PP.31, 32, 33, & 34

THE SYMBOL "\*" INDICATES A CONCRETE  
 MONUMENT.  
 ALL LOT MARKERS ARE 1/2" IRON PIPES AND  
 ARE 18" LONG.



SOUTHWEST CORNER OF SECTION 10, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN.

POINT OF BEGINNING

C WEST LINE OF SECTION 10-7

UNPLATTED

UNPLATTED

SYLVAN GLEN SUB'D. L.128 PP.31,32,33, & 34

1/2 of LIVERNOIS ROAD N01°15'21"W 1807.44

1/2 of E. LONG LAKE RD. S 66°00'57" W 720.00

SOUTH LINE OF SECTION 10-7

1/2 of E. LONG LAKE RD. S 66°00'57" W 720.00

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 \$500.00

**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: 5281 BERWYCK DR, TROY, MI, 48085

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

2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-10-351-001

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 JAIN, MANISH KUMAR & MINAKSHI  
COMPANY \_\_\_\_\_  
ADDRESS 5281 BERWYCK DR  
CITY TROY STATE MI ZIP 48085  
TELEPHONE 248-464-1423  
E-MAIL manish1.jain@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME JAIN, MANISH KUMAR & MINAKSHI  
COMPANY \_\_\_\_\_  
ADDRESS 5281 BERWYCK DR  
CITY TROY STATE MI ZIP 48085  
TELEPHONE 248-464-1423  
E-MAIL manish1.jain@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, JAIN, MANISH KUMAR & MINAKSHI (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 manish k. jain DATE 08/27/2024

PRINT NAME: MANISH KUMAR JAIN

SIGNATURE OF PROPERTY OWNER Minakshi DATE 08/27/2024

PRINT NAME: MINAKSHI JAIN

*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 type="checkbox"/> | COMPLETED APPLICATION.   |
| <input checked="" type="checkbox"/> | <input 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"/> | <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 type="checkbox"/> | <b>1 COPY OF INFORMATION</b> THAT CLEARLY EXPLAINS THE IMPACTS OF THE REQUEST ON THE AREA.   |
| <input checked="" type="checkbox"/> | <input 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 type="checkbox"/> | <b>MINIMUM SIZE</b> OF ALL DOCUMENTS <b>8.5" X 11"</b> .   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A DIGITAL VERSION OF ALL APPLICATION DOUCUMENTS. E MAILING THEM TO THE DEPARTMENT IS PREFERRED.  |

All Supporting docs listed in  
checklist in subsequent pages.

## SUBMITTAL CHECKLIST FOR SIGNS

### WALL SIGNS

REQUIRED   PROVIDED

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | COMPLETED APPLICATION.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SIGN CONSTRUCTION DETAIL SHOWING, MATERIALS, DIMENSIONS, PROJECTION FROM THE WALL AND METHOD OF ATTACHMENT TO THE WALL.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | WRITTEN EXPLANATION <b>OF</b> THE REASONS JUSTIFYING THE REQUEST. EXPLANATION MUST ADDRESS SIGN ORDINANCE APPEALS CRITERIA, SEE PAGE 5.                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | FRONT ELEVATION DRAWING OR PHOTO SHOWING DIMENSIONS OF BUILDING OR TENANT AREA (WHICHEVER IS APPLICABLE), <b>AND</b> DIMENSIONS OF ALL EXISTING AND PROPOSED WALL SIGNS. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A DIGITAL VERSION OF ALL APPLICATION DOUCUMENTS IS REQUIRED. PAPER COPIES ARE NOT REQUIRED. E MAILING THEM TO THE DEPARTMENT IS PREFERRED.                               |

### GROUND SIGNS

REQUIRED   PROVIDED

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | COMPLETED APPLICATION.   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SITE PLAN OR AERIAL MAP SHOWING RIGHT OF WAY LINE(S), PUBLIC EASEMENTS AND SIGN LOCATION. LABEL THE DISTANCE FROM RIGHT OF WAY LINE TO CLOSEST EDGE OF SIGN. |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SITE PLAN OR AERIAL MAP SHOWING LOCATION AND DIMENSIONS OF EXISTING GROUND SIGNS.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | SIGN CONSTRUCTION DETAIL SHOWING DIMENSIONS AND THICKNESS OF SIGN, MATERIALS AND FOOTING DEPTH.  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | WRITTEN EXPLANATION OF THE REASONS JUSTIFYING THE REQUEST. EXPLANATION MUST ADDRESS SIGN CODE APPEALS CRITERIA, SEE PAGE 5.                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | A DIGITAL VERSION OF ALL APPLICATION DOUCUMENTS IS REQUIRED. PAPER COPIES ARE NOT REQUIRED. E-MAILING THEM TO THE DEPARTMENT IS PREFERRED.                   |

NOT APPLICABLE

## **SIGN CODE APPEALS CRITERIA**

Subject to the provisions below, the Board of Appeals shall grant specific variances from the requirements of this Chapter, upon a showing of each of the following:

- 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
- 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; 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.

In no case shall any variance be granted that would result in a sign that exceeds the height, size, or setback provisions of the Sign Ordinance by 25% or that would increase the number of signs permitted by the Sign Ordinance by more than 25%.

Dear City of Troy,

08/26/2024

I hope this letter finds you well. I am writing to formally request the City's approval to grant variance in installation of a fence on my property located at 5281 Berwyck Dr Troy MI 48085. After careful consideration and planning, I believe this addition will enhance the security, privacy, and overall aesthetic of my home, while also respecting the character of our neighborhood.

In preparation for this project, I have received permission from my immediate neighbors who could be affected by the installation of this fence. They have expressed no objections and are supportive of the project. Specifically, I have looked into similar houses on Berwyck Dr (5317 & 5497), which have left around 35-40 feet of open space. This mutual agreement underscores our collective commitment to maintaining the visual harmony of the neighborhood, as well as will not impair adequate light or endanger public safety.

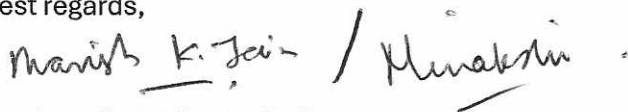
(All the supporting documents, along with Plot and Fence dimensions are attached with this application)

The primary purpose of installing this fence is to enhance the safety and security of my home. With the increasing foot traffic in the area, a well-constructed fence will provide an added layer of protection for my family and property. Additionally, it will offer increased privacy, which is particularly important given the proximity of Livernois Road . Almost all the houses facing the backyard toward Livernois Road have/ had installed the fence.

I would greatly appreciate the City's guidance on any additional requirements or documentation needed to move forward with this project. I am prepared to submit any necessary plans, or supporting documents as required by the City.

Thank you very much for your time and consideration of this request. I am eager to proceed with this project in a manner that benefits both my family and the broader community. Please do not hesitate to contact me if there are any further details or clarifications needed.

Best regards,

Handwritten signature of Manish K. Jain and Minakshi Jain. The signature is written in black ink and consists of two names joined by a diagonal slash. The first name is 'Manish K. Jain' and the second is 'Minakshi Jain'. There are some decorative flourishes and a small mark at the end of the second name.

Manish Jain & Minakshi Jain  
5281 Berwyck Dr Troy MI 48085  
(248)-464-1423



### Fencing Quote/Specification

Home Depot License #'s - For the most current listing visit [www.Homedepot.com/LicenseNumbers](http://www.Homedepot.com/LicenseNumbers)

DAVID LANZ 8667718711

Salesperson Name Salesperson Phone#

2105218410

Registration # (Req. in CA,CT,ME,MD,MI,NJ,DC)

Jain Manish 2727 F40965221

Customer Last Name Customer First Name Store #/Branch Name Customer Lead/PO#

5281 BERWYCK DR TROY MI 48085

Customer Address City State Zip

2484641423  2484641423

Home Phone# Work Phone# Cell Phone# Cross Street 1 Cross Street 2



= Existing Fence to Remain

= 6' Clay Vinyl Privacy Fence

299A Fencing Quote/SPEC (21 Aug. 23) (C)

Generated Date 2/21/2024

Lead/PO# F40965221 v 13.1.7



Berwyck Dr

Hampshire Dr

Hampshire Dr

Livernois Rd

Livernois Rd

Livernois Rd



 = Existing Fence to Remain  
 = 6' Clay Vinyl Privacy Fence

MATERIAL SIZE & TYPE

# Home Series Dogwood

	White	Sand	Clay	Gray
	\$54/ft.	\$59/ft.	\$59/ft.	\$68/ft.
4' gate	\$1,000	\$1,100	\$1,100	\$1,250
5' gate	\$1,050	\$1,150	\$1,150	\$1,300

\*highlighted items are stock items in season

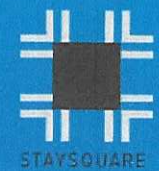


▶ 6" GlideLock™ 'Home' Boards

- 5" x 5" Posts
- 1 3/4" x 7" Rails
- 8' Width Panels
- 6' Height Available



Click QR Code for more info.



# Home Series



White

\$54/ft.

4' gate

\$1,000

5' gate

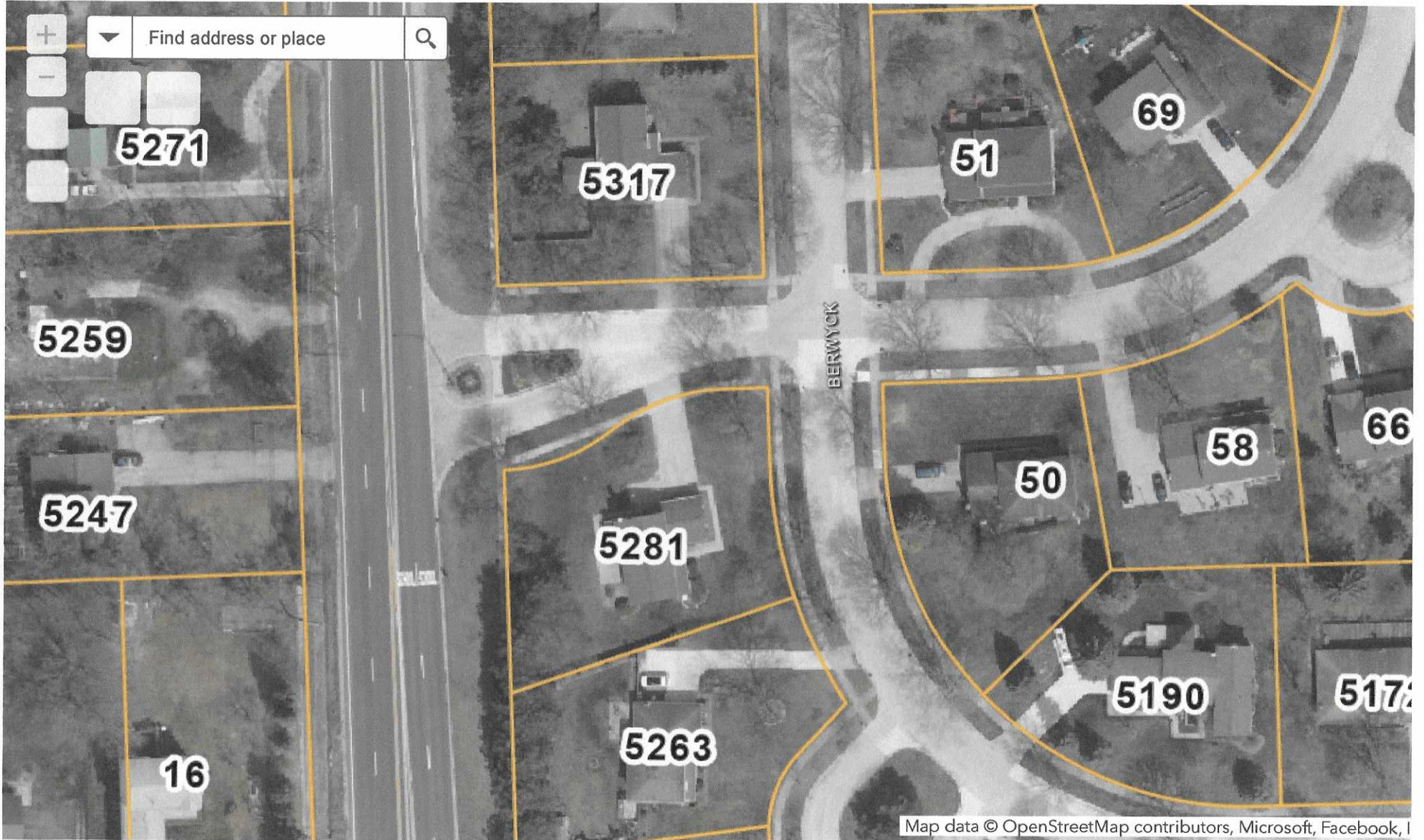
\$1,050

\*highlighted



Click QR Code for more info.







SAID PROPERTY PLAN  
 BACKYARD FACING LIVERNOIS ROAD

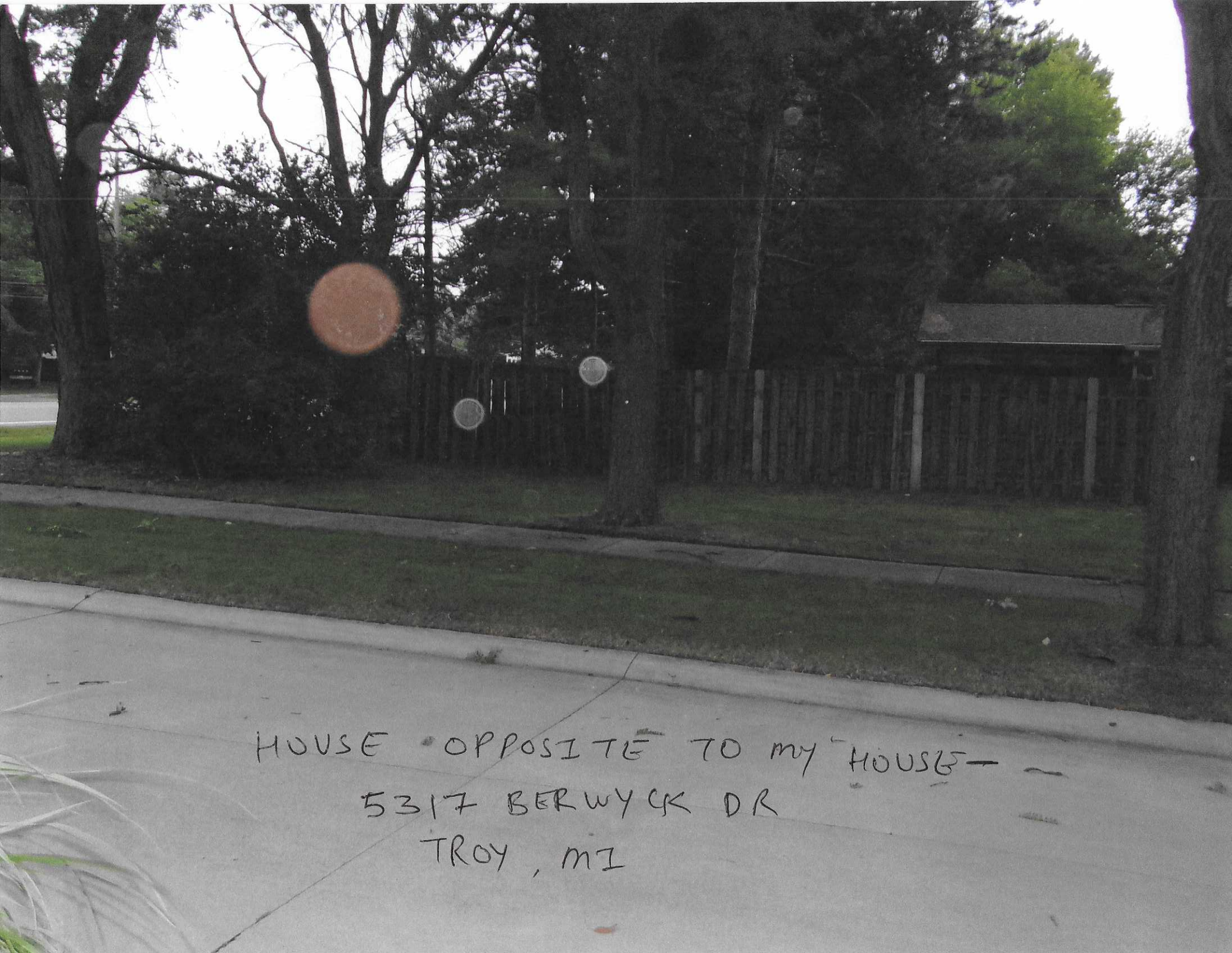




NEIGHBOR PLOT 4  
FENCE HAS VARIANCE 20-25 FT.



loading...



HOUSE OPPOSITE TO MY HOUSE—  
5317 BERWYCK DR  
TROY, MI

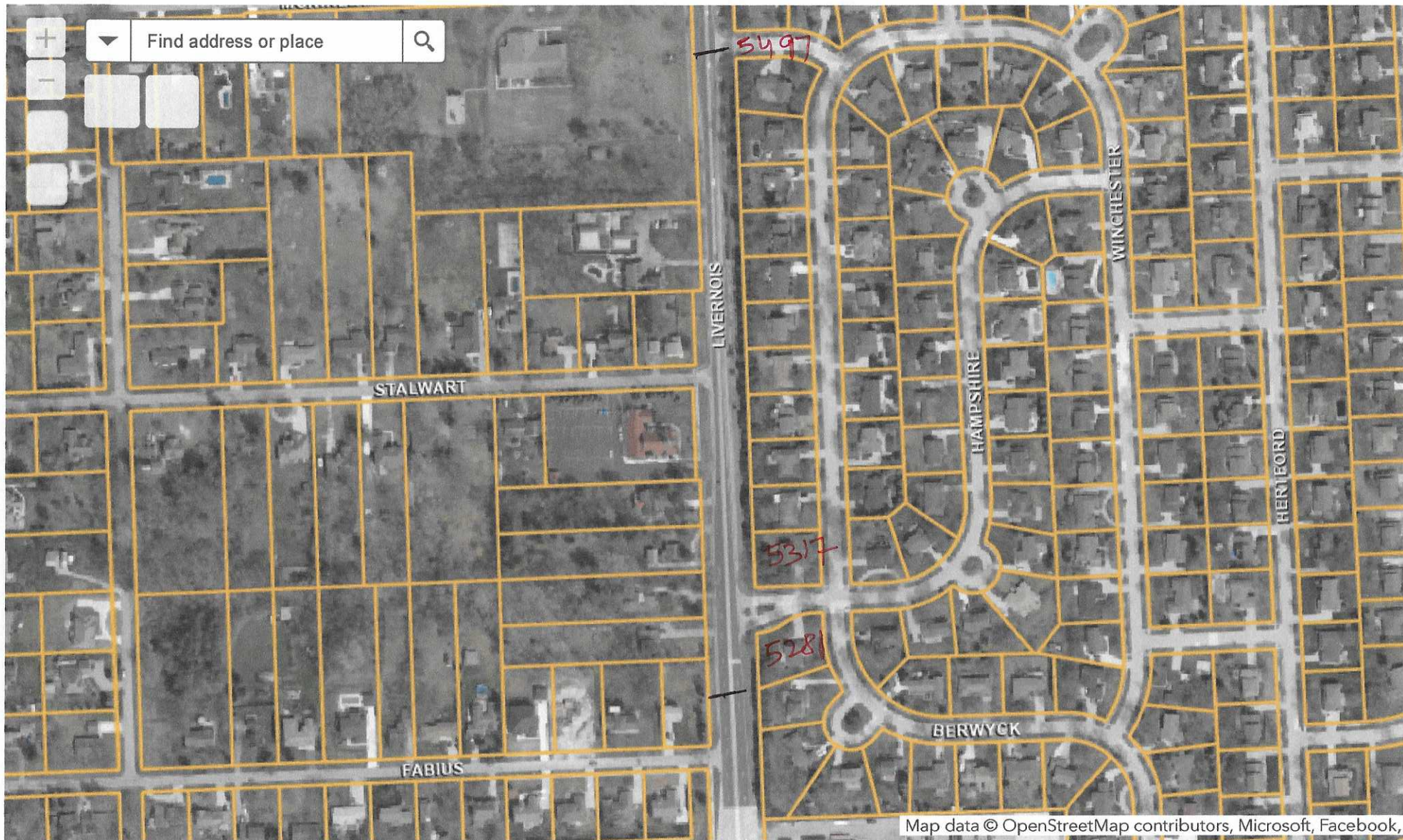




ANOTHER HOUSE  
HAS SIMILAR VARIANCE

40ft

loading...



MOST OF THE HOUSES HAS FENCES ON LIVERNOIS RP.  
 BOTH THE CORNER HOUSES HAS FENCE WITH VARIANCE  
5317 5497

**CITY OF TROY  
MICHIGAN  
PUBLIC NOTICE  
BUILDING CODE BOARD OF APPEALS**

Notice is hereby given that the Building Code Board of Appeals of the City of Troy will hold Public Meetings in accordance with the Michigan Open Meetings Act on the dates listed below. The meeting location will be City Hall, 500 West Big Beaver Road, Troy, Michigan, (248) 524-3364.

**2025 BUILDING BOARD OF APPEALS**

January 8	August 6
February 5	September 3
March 5	October 1
April 2	November 5
May 7	December 3
June 4	
July 2	

All meetings are held at 3:00 p.m. in Council Chambers of the City Hall Building and are open to the public.

This notice is hereby posted as required by Section 4 of the Open Meetings Act (MCLA 15.261 et seq.)

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Salim Huerta  
Building Official

Posted:

***NOTICE:*** People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by email at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) 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.