

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

Gary Abitheira, Chair, Teresa Brooks
Matthew Dziurman, Sande Frisen

500 W. Big Beaver
Troy, MI 48084
(248) 524-3344
www.troymi.gov
planning@troymi.gov

December 4, 2024

3:00 PM

Council Chambers

1. ROLL CALL

2. APPROVAL OF MINUTES – October 22, 2024

3. HEARING OF CASES:

A. VARIANCE REQUEST, 4075 Chestnut Hill Drive, Kathryn Goetz– This property consists of an irregularly shaped, three-sided lot. According to the City of Troy Zoning Ordinance, it qualifies as a corner lot with front lot lines along both Chestnut Hill Drive and Adams Road. The property is located within the R-1A zoning district which requires a front setback of 40 feet along both Chestnut Hill Drive and Adams Road. The petitioner is seeking a variance for the installation of a new wood privacy fence which would be 6 feet in height and placed 1 foot away from the Adams Road property line. The fence is proposed to run 75 feet along Adams Road and return 39 feet back toward the northwest corner of the house for a total length of 114 feet in the Adams Road front yard, which is situated at the rear of the house, where the zoning ordinance limits fence height to 30 inches (2.5 feet). Of the total 150 feet of fence requested, 36 feet of the fence complies with zoning regulations and does 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 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 October 2, 2024 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira

Teresa Brooks

Matthew Dziurman

Sande Frisen

Frank Nastasi, City Manager

Support Staff Present

Salim Huerta, Building Official

Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – September 4, 2024

Moved by: Brooks

Support by: Nastasi

RESOLVED, To approve the minutes of the September 4, 2024 Regular meeting as submitted.

Yes: All present (5)

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, 5281 BERWYCK DRIVE, JAIN, MAISH KUMAR AND 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*

Mr. Huerta read the variance request narrative. He addressed the unique case of the subject property as a three-sided lot. Mr. Huerta said the Zoning Ordinance does not define a three-sided lot. He said he and the Zoning and Compliance Specialist determined to classify the property as a double frontage. Mr. Salim asked the Board members to consider the unique case in their decision-making.

Mr. Huerta introduced a recent communication depicting a clearer plot plan of the subject project. He addressed specific setbacks in relation to the sidewalk and streets.

Manish Jain said he and his family have lived at 5281 Berwyck for 2.5 years and a fence would provide privacy and safety for his family. Mr. Jain addressed neighboring properties with existing fences similar to the fence he is requesting. He shared a picture of the property and fence at 5317 Berwyck.

There was discussion on:

- Information and pictures submitted with the request.
- Required setbacks from the sidewalk and streets.
- Neighboring properties with similar fences as proposed by applicant.
- Existing fences in relation to the subject property, specifically 5263 Berwyck (Lot 303).
- Existing vegetation in relation to the proposed fence.
- Proposed fence in relation to existing easements.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Board members discussed the uniqueness of the subject property and proposed setbacks.

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **approve** the variance as requested, for the following reasons:

1. The essential characteristics of the property are difficult.
2. The request is not of a personal nature.
3. The hardship was not created by the property owner.
4. The variance does not seem to be harmful to the essential characteristics of the neighborhood.

Yes: All present (5)

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

There was discussion on the proposed meeting dates for the year 2025.

Moved by: Frisen
Support by: Dziurman

To **approve** the 2025 Building Code Board of Appeals meeting dates as proposed with the following two changes:

- Change July 2 to July 9
- Change August 6 to August 13

Yes: All present (5)

MOTION CARRIED

7. ADJOURNMENT

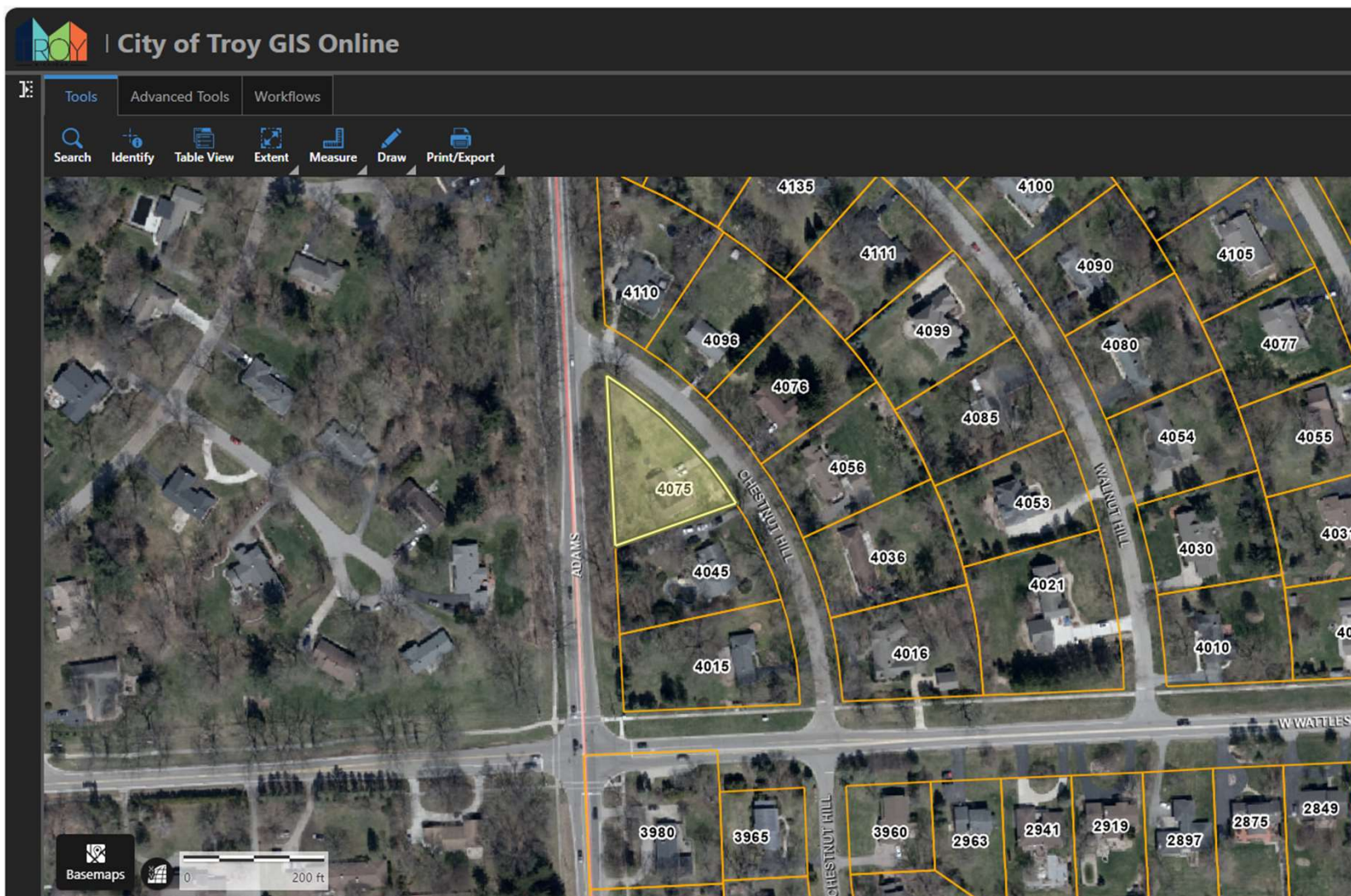
The Regular meeting of the Building Code Board of Appeals adjourned at 3:42 p.m.

Respectfully submitted,

Gary Abitheira, Chair

Kathy L. Czarnecki, Recording Secretary

[https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT Building Code Board of Appeals/Minutes/2024/2024 10 02 Draft.docx](https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT%20Building%20Code%20Board%20of%20Appeals/Minutes/2024/2024%2010%2002%20Draft.docx)



[Fence Variance Request, 4075 Chestnut Hill Drive, Goetz, Kathryn-](#)

This property consists of an irregularly shaped, three-sided lot. According to the City of Troy Zoning Ordinance, it qualifies as a corner lot with front lot lines along both Chestnut Hill Drive and Adams Road. The property is located within the R-1A zoning district which requires a front setback of 40 feet along both Chestnut Hill Drive and Adams Road. The petitioner is seeking a variance for the installation of a new wood privacy fence which would be 6 feet in height and placed 1 foot away from the Adams Road property line. The fence is proposed to run 75 feet along Adams Road and return 39 feet back toward the northwest corner of the house for a total length of 114 feet in the Adams Road front yard, which is situated at the rear of the house, where the zoning ordinance limits fence height to 30 inches (2.5 feet). Of the total 150 feet of fence requested, 36 feet of the fence complies with zoning regulations and does not require a variance.

Chapter 83 - Fences.





View of east side of 4075 Chestnut Hill Drive



View of east side of 4075 Chestnut Hill Drive



Looking at south side of 4075 Chestnut Hill Drive



Looking to northwest from Chestnut Hill Drive



View west of north end of 4075 Chestnut Hill Drive property



Looking to southwest from Chestnut Hill Drive



View south of property at 4075 Chestnut Hill Drive



View from intersection of Chestnut Hill Drive and Adams Road



Looking to southeast from Adams Road



View from Adams Road



View from Adams Road



View from Adams Road

**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 \$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: 4075 Chestnut Hill Drive
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-18-354-001
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 Kathryn M Goetz
COMPANY _____
ADDRESS 4075 Chestnut Hill Drive
CITY Troy STATE MI ZIP 48098
TELEPHONE 248-709-9916
E-MAIL ktgoetz42@gmail.com

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

8. OWNER OF SUBJECT PROPERTY:

NAME Kathryn M Goetz
COMPANY _____
ADDRESS 4075 Chestnut Hill Dr.
CITY Troy STATE MI ZIP 48098
TELEPHONE 248-709-9916
E-MAIL ktgoetz42@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, Kathryn M. Goetz (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 Oct. 25, 2024

PRINT NAME: Kathryn M. Goetz

SIGNATURE OF PROPERTY OWNER  DATE Oct. 25, 2024

PRINT NAME: Kathryn M. Goetz

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.

Variance Request for Lot 88-20-18-354-001

4075 Chestnut Hill Drive
Troy, MI 48098

Kathryn M. Goetz
248-709-9916

Reason for Variance:

My home is located on the corner lot of Chestnut Hill Drive. I would like to put up a wooden privacy fence.

1. A sound barrier - my lot backs up to Adams Road - the traffic has excessive and the cars are racing at very high speeds in both directions (especially at the Wattles traffic light going north) with loud engines.
2. A privacy fence - the cars traveling north and south on Adams can look directly in my home.
3. Security - I have 4 children and anyone wanting to look into our home can watch them from Adams.
4. Maintaining a safe place for the dogs to be out and the kids can play.
5. With the excessive cut-through traffic on Chestnut Hill Drive from Adams and Wattles so drivers can avoid the traffic light at Adams and Wattles, having a place where the kids are not always visible to all the strangers using our street. Traffic increases during the morning and afternoon/evening hours.
6. FYI: There are 7 corner lots off of Adams - between Wattles and Long Lake that have privacy fences. There are 13 corner lots on Coolidge between Wattles and Big Beaver. There are several corner lots between Adams and Coolidge of Big Beaver. I have pictures of the corner lots on Adams between Wattles and Long Lake that I will bring to the Variance meeting.

MATERIALS:

- a. 6 x 8 wooden panels with 4 x 4 wooden posts - 2 gates



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

FENCE PERMIT APPLICATION

| | | | |
|---|--|---|---------------------------|
| NAME OF HOMEOWNER <u>Kathryn Goetz</u> | | CONSTRUCTION VALUE <u>\$ 2000</u> | |
| STREET ADDRESS AND JOB LOCATION (Street Number and Name) <u>4075 Chestnut Hill</u> | | NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH JOB IS LOCATED <u>Troy Michigan</u> | <u>Oakland County</u> |
| WHO IS THE APPLICANT <input type="radio"/> Contractor <input checked="" type="radio"/> Homeowner | CONTRACTOR BUSINESS NAME & LICENSEE NAME | | CONTRACTOR LICENSE NUMBER |
| ADDRESS (Street Number and Name) | CITY | STATE | ZIP CODE |
| TELEPHONE NUMBER (Include area code) | | EMAIL ADDRESS: | |
| WORKERS COMPENSATION INSURANCE CARRIER (or reason for exemption) | | FEDERAL EMPLOYER ID NUMBER (OR REASON FOR EXEMPTION) | |

Section 23a of the state construction code act of 1972, 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. I, Kathryn Goetz (name), Home owner (title), attest that the statements, specifications, and plans submitted with this application are true and complete and contain a correct description of the building or structure, lot or parcel, and proposed work. I further attest that this application complies with the requirements of MCL 125.1510 and that I am a person authorized under MCL 125.1510(2) to make the statements and attestations contained in this application under MCL 125.1510(2)

SIGNATURE OF CONTRACTOR OR HOMEOWNER (Homeowner's signature indicates compliance with Section VI. Homeowner Affidavit)

DATE

x

8/8/24

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.

Type, height, and lineal feet of material to be used:

| | | | | | |
|-------------|---|--------|---|---------|-------|
| Type: | Wood | Wire | Metal | Masonry | Other |
| Symbols: | 0000000 | xxxxxx | /////// | □□□□ | ----- |
| HEIGHT | <u>6'</u> | | | | |
| NO. OF FEET | <u>151'</u> | | | | |
| PERMIT FEE | <input checked="" type="checkbox"/> Under 300' \$150.00 | | <input type="checkbox"/> Over 300' \$200.00 | | |

SITE DRAWING REQUIRED

- A site drawing or plot plan is required for fence permit submittal.
- All drawings shall be accurate and drawn to scale.
- The location of your fence and distances to your property and lot lines are required.
- Final lot grade shall be approved before a fence permit is issued.
- Fences under seven feet do not fall under the 2015 Michigan Building Code.
- Residential Fences cannot exceed 6 feet in height.
- Your Tax Parcels Map is available here: <https://cms6.revize.com/revize/citytroymi/departments/maps/index.ph>

IMPORTANT INFORMATION

- It is **highly recommended** that the applicant and/or the owner hire a licensed Professional Surveyor for the proper placement of the fence.
- All fence placement errors will be the responsibility of the applicant/owner, owner's agent, and fence company.
- All disputes among property owners regarding the placement of a fence are a civil matter
- The City of Troy will not be inspecting for placement and the Plan Review executed by any or all staff member of the City of Troy will only be approving or disapproving based on the information submitted by the applicant and it will be limited to what is allowed to be installed per the Zoning Ordinance and City Codes.
- Fences 7 feet tall or over fall under the 2015 Michigan Building Code. A building permit will be required and permit review will be performed by the Building Department and the Planning Department.
- Fire Department Fence Requirements: All commercial fence and/or gate projects of all heights shall be
- submitted for review to the Fire Department for emergency access to the site.
- Department of Public Works (DPW) Fence Requirements: 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.

APPLICANT SIGNATURE REQUIRED

By signing I am confirming that I have read and understood all of the fence permit requirements.

Applicant Signature: _____



Approved By _____ Date: _____



Susan Pomroy <samppomroy@gmail.com>

plan review - 4075 Chestnut Hill

Dominic M Abate <dominic.abate@troymi.gov>

Fri, Oct 11, 2024 at 8:26 AM

To: "samppomroy@gmail.com" <samppomroy@gmail.com>

Cc: Rikki Varieur <Rikki.Varieur@troymi.gov>

Hello,

The Building Permit Application for 4075 Chestnut Hill has been denied as submitted for the following reason(s):

Per the City of Troy zoning ordinance, by definition, this property is considered a corner lot:

LOT, CORNER: A lot where the interior angle of two (2) adjacent sides at the intersection of two (2) streets is less than one hundred thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two (2) points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty five (135) degrees.

- *As a corner lot, this property has two (2) front yards – (1) at each street.*

Per the City of Troy fence ordinance (Chapter 83 of the building regulations):

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.

- *This property is zoned R-1A, which requires a 40 feet front yard setback.*
- *The submitted application proposes a fence in the front building setback of 6 feet high.*

Please "reply all" when submitting the requested information.

Sincerely,

Pavement Width Varies
Edge of Asphalt

Edge of Ascholt

Curiosities

Found -
Monument

Due N.

7
7
4

7

600

edit

Line

LOT 3

Go to
A. e. l.
B.

73.

9.1-1

No. 4073
 1 Story
 Brick and Frame
 Single Residence
 with Composition
 Shingle Roof

HOUSE DETAIL.
1" = 2'-0"

Scale $1'' = 40'$

 \wedge Set-
Stake:
121