

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:01 p.m. on November 2, 2022 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira

Teresa Brooks

Matthew Dziurman

Sande Frisen

Mark F. Miller, City Manager

Support Staff Present

Salim Huerta, Building Official

Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – October 5, 2022

Moved by: Brooks

Support by: Dziurman

RESOLVED, To approve the minutes of the October 5, 2022, Regular meeting as submitted.

Yes: All present (5)

MOTION CARRIED

3. HEARING OF CASES

- A. **VARIANCE REQUEST, 5008 PRENTIS, ZHANG YI MARTIN** – This property is a double front corner lot. Since it is in the R1-C district, as such, it has a 30 feet required front setback along Prentis Drive and E. Long Lake Thoroughfare. Additionally, per the City of Troy Thoroughfare Plan at that location of E. Long Lake, it restricts to 60 feet from the center to the property line. The petitioner is requesting a variance to install a 6 feet high, 115.5 feet long, vinyl privacy fence ten (10) feet away from the property line where the City Code limits fences to 30 inches high due to the fact that there isn't a back-to-back relationship to the neighboring lot.

CHAPTER 83 FENCE CODE

Mr. Huerta read the variance request narrative. He reported the department received no written responses to the published notice. Mr. Huerta stated the Board denied the applicant's request at their October meeting to install a fence two (2) to four (4) feet away from the property line. He reported today's request is to install a fence with a ten (10) foot setback.

Zhang Yi Martin and Steven Kowalski were present. Mr. Kowalski approached the Board with photographs depicting the location of existing trees. He indicated the desired location to install the fence in line with the big white pine tree, ten (10) feet from the property line.

(Ms. Brooks stepped away from the meeting at 3:03 pm and returned at 3:05 pm.)

There was discussion on:

- Information and pictures submitted with request.
- Placement of the fence as relates to existing trees.
- Fence building material; same as fence across the street.
- Subject to standard departmental review prior to permit issuance.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Moved by: Dziurman

Support by: Brooks

RESOLVED, To **grant** the variance request for 5008 Prentis as proposed with a ten (10) foot setback from the property line.

Discussion on the motion on the floor.

Mr. Miller asked if the 10-foot area between the sidewalk and the fence would be a lawn area.

Mr. Kowalski replied in the affirmative.

Vote on the motion on the floor.

Yes: All present (5)

MOTION CARRIED

- B. **VARIANCE REQUEST, 6580 LIVERNOIS, DANIEL AND KELLY XU** – This property is a double front corner lot. Since it is in the R1-B district, as such, it has 40 feet required front setback along Livernois and Lesdale. The petitioner is requesting a variance to install a 4-foot high, 112 feet wire chain link fence, one (1) foot away from the property line where City Code limits to a 30 inch high fence due to the fact that there isn't a back-to-back relationship to the neighboring lot.

CHAPTER 83 FENCE CODE

Mr. Huerta read the variance request narrative. Mr. Huerta stated the Board denied the applicant's request at their October meeting to install a six (6) foot high fence. He reported today's request is to install a fence in the same location and setback, but the height of the fence is reduced to four (4) feet.

Mr. Huerta reported the department received two email messages from the same resident in response to the published notice. The most recent email message relates to the variance request before the Board today indicating support of the request.

The applicant Daniel Xu said he would like to maximize as much of his yard as possible and stated a four (4) foot high fence accommodates his needs. He noted the fence is similar to one erected down the street from him.

There was discussion on:

- Information and pictures submitted with request.
- Placement of the fence as relates to existing trees.
- Non-conformance of property; house is beyond the setback.
- Gap along east property line.
- Subject to standard departmental review prior to permit issuance.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Moved by: Frisen
Support by: Dziurman

RESOLVED, To **grant** the variance request as presented for 6580 Livernois, including the additional gap shown on the plot plan on the east property line and back to the existing setback line.

Yes: All present (5)

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

There was no one present who wished to speak.

6. MISCELLANEOUS BUSINESS

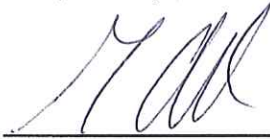
Mr. Miller announced City Council recently authorized the purchase of new audio equipment for the Chambers.

Mr. Huerta said he would inform the Board of proposed 2023 meeting dates for their review and comment.

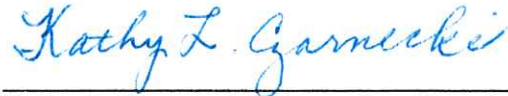
7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:23 p.m.

Respectfully submitted,



Gary Abitheira, Chair



Kathy L. Czarnecki, Recording Secretary