

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:09 p.m. on December 4, 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

Tom Caporuscio, Deputy Building Official Plans Examiner

Dominic Abate, Residential Plans Examiner/Building Inspector

Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – October 2, 2024

Moved by: Brooks

Support by: Dziurman

**RESOLVED**, To approve the minutes of October 2, 2024 Regular meeting as submitted.

Yes: All present (5)

**MOTION CARRIED**

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*

Mr. Abate read the variance request narrative. He addressed the irregularly shaped three-sided lot that the Zoning Ordinance classifies as a corner lot. He presented slides depicting the subject lot lines with respect to the fence that is not in compliance and the fence that meets the Zoning Ordinance. Mr. Abate reported the Planning Department received no communications in response to the public notice.

Petitioner Kathryn Goetz and her father James Pomroy were present.

Ms. Goetz said the proposed fence would hopefully mitigate traffic noise and provide privacy for her children and pets. She stated the 6 foot high wooden privacy fence would start at the back corner of her neighbor's existing 4 foot high chain link fence.

There was discussion on:

- Information and pictures submitted with the request.
- Zoning Ordinance definition of a rear yard on a three-sided lot.
- Applicant's property lot lines in context to neighbor's property (4045 Chestnut Hill).
- Existing fence at 4045 Chestnut Hill.
- Setback distance of fence from Adams Road.
- Existing trees and vegetation on Adams Road.
- No known future plans to provide a sidewalk on Adams.
- Minimal impact of proposed fence on neighboring properties.
- Existing 6-foot high fences on neighboring properties.

#### 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 the proposed setback of the fence.

Moved by: Frisen  
Support by: Brooks

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

- a. The exceptional characteristics of the property make compliance with Chapter 83 substantially more difficult.
- b. The characteristics of the property are related to the premises for which the variance is sought.
- c. The request is not of a personal nature.
- d. The hardship was not created by the property owner.
- e. The variance does not seem to be harmful or alter the essential character of the neighborhood.

Yes: All present (5)

**MOTION CARRIED**

Chair Abitheira advised the petitioner that the variance is good for one (1) year and runs with the property in perpetuity.

4. COMMUNICATIONS  
None.

5. PUBLIC COMMENT

There was no one present who wished to speak.

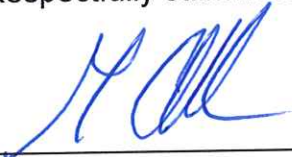
6. MISCELLANEOUS BUSINESS

Mr. Abate was welcomed to the meeting.

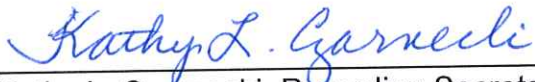
7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:28 p.m.

Respectfully submitted,



Gary Abitheira, Chair



Kathy L. Czarnecki, Recording Secretary