

Vice-Chair Brooks called the Regular meeting of the Building Code Board of Appeals to order at 3:08 p.m. on June 4, 2025 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Present

Teresa Brooks

Matthew Dziurman

Frank Nastasi, City Manager

Absent

Gary Abitheira

Sande Frisen

Also Present

Salim Huerta, Building Official

Dominic Abate, Residential Plans Examiner/Building Inspector

Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – May 7, 2025

Moved by: Dziurman

Support by: Nastasi

RESOLVED, To approve the minutes of May 7, 2025 Regular meeting as submitted.

Yes: All present (3)

Absent: Abitheira, Frisen

MOTION CARRIED

3. HEARING OF CASES

Vice-Chair Brooks informed the appellants that a vote of all three (3) Board members present is required to grant approval of each variance request. She said each appellant has the right to request a postponement to a future meeting when a full Board might be present. Vice-Chair Brooks stated the next Regular meeting is scheduled for July 9, 2025.

- A. VARIANCE REQUEST, 505 LEETONIA, ERIN DZEROOGIAN – This property consists of a corner lot. According to the City of Troy Zoning Ordinance, it qualifies as a corner lot with front lot lines along both Leetonia and Tallman. The property is located within the R-1C zoning district which requires a front yard setback of 30 feet, along both Leetonia and Tallman, where the Zoning Ordinance limits fence height to 30 inches (2.5 feet). The petitioner is seeking a fence height variance for the installation of a 6 feet high, vinyl, **replacement**, privacy fence. This fence is proposed to match the existing wood privacy fence 6 feet height and location of 12 feet away from the Tallman property line. The fence is proposed to run 81 feet along Tallman and return 18 feet, along the rear property line adjacent to the side yard of 4307 Tallman and return another 18 feet to the southeast corner of the house for a total

variance length of 6 feet high vinyl privacy fence of 117 feet in the Tallman designated front yard. Of the total 276 feet of fence requested, 159 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 said there was no public comment received by the department from the public notice.

Erin Dzeroogian was present and requested to postpone the variance request.

Moved by: Dziurman
Support by: Nastasi

RESOLVED, To **postpone** the variance request for 505 Leetonia to the July 9, 2025 Regular meeting.

Discussion on the motion on the floor.

It was brought to the attention of the Vice-Chair to open the Public Hearing. The motion was withdrawn from the floor.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Moved by: Dziurman
Support by: Nastasi

RESOLVED, To **postpone** the variance request for 505 Leetonia to the July 9, 2025 Regular meeting.

Yes: All present (3)
Absent: Abitheira, Frisen

MOTION CARRIED

- B. VARIANCE REQUEST, 4368 VIRGILIA, VIN PANDEY – This property consists of a corner lot. According to the City of Troy Zoning Ordinance, it qualifies as a corner lot with front lot lines along both Virgilia and Webb. The property is located within the R-1B zoning district which requires a front yard setback of 40 feet, along both Virgilia and Webb, where the Zoning Ordinance limits fence height to 30 inches (2.5 feet). The petitioner is seeking a fence height variance for the installation of a proposed new 6 feet high vinyl privacy fence placed 25 feet from the Webb property line. There is a 5 feet sidewalk easement with installed sidewalk on the homeowner's property along both streets as well. The fence is proposed to run 74 feet along Webb and return 15 feet, along the rear property line adjacent to the side yard of 210 Webb, for a total variance length of 6 feet high vinyl privacy fence of 89 feet in the Webb designated

front yard. Of the total 237.5 feet of fence requested, 148.5 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 said the department received no public comment from the public notice.

Abby Pandey was present and asked to go forward with the variance request.

Vice-Chair Brooks announced the appellant has requested an opportunity to conduct a private conversation with the co-property owner, which might necessitate a brief recess in the meeting.

Ms. Pandey addressed the changes in the request. She said they moved into the newly constructed home approximately two years ago. Ms. Pandey said a six foot fence would provide privacy, security and safety for their two children.

There was discussion on:

- Change(s) in the request since considered at the May 7, 2025 meeting.
- Line of sight distance satisfied for neighbor to the east.
- Fence gate in northwest corner, as shown on fence contractor drawing.
- Setbacks of existing fences in the neighborhood.
- Fence could run to the property back corner that meets code; no variance required.
- Uniqueness of the property layout and existing sidewalks on site.
- Relationship of neighboring property to the rear (210 Webb), as relates to that property owner erecting a fence in the future.

PUBLIC HEARING OPENED

There was no one present who wished to speak.

PUBLIC HEARING CLOSED

Moved by: Dziurman

Support by: Nastasi

RESOLVED, To **deny** the variance request for 4368 Virgilia, for the following reason:

- a. The appellant has not demonstrated that exceptional characteristics of the property for which the variance is sought to make compliance with Chapter 83 substantially more difficult than would be the case for the great majority of properties in the same zoning district.

Yes: Dziurman, Nastasi

No: Brooks

Absent: Abitheira, Frisen

MOTION CARRIED

The administration and Board members encouraged the appellant to meet with the administration for further discussion and clarification on alternative options.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

Vice-Chair Brooks asked the administration to check on the legality of honoring an appellant's request to have a private conversation (i.e., FaceTime or Zoom) during a public meeting.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:39 p.m.

Respectfully submitted,


Teresa Brooks, Vice-Chair


Kathy L. Czarnecki, Recording Secretary

[https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT Building Code Board of Appeals/Minutes/2025/2025 06 04 Draft.docx](https://d.docs.live.net/2f7ed4fe5f664ea8/Documents/Kathy/COT%20Building%20Code%20Board%20of%20Appeals/Minutes/2025/2025%2006%2004%20Draft.docx)