

Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on September 3, 2025 in the Council Chamber of Troy City Hall.

1. ROLL CALL

Present

Gary Abitheira

Teresa Brooks

Matthew Dziurman

Chris Wilson, Assistant City Manager

Absent:

Sande Frisen

Also Present

Salim Huerta, Building Official

Dominic Abate, Residential Plans Examiner/Building Inspector

Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF MINUTES – August 13, 2025

Moved by: Dziurman

Support by: Abitheira

RESOLVED, To approve the minutes of August 13, 2025 Regular meeting as submitted.

Yes: All present (4)

Absent: Frisen

MOTION CARRIED

3. HEARING OF CASES

Moved by: Dziurman

Support by: Brooks

RESOLVED, To reverse the cases and consider Agenda item number 3. B. first.

Yes: All present (4)

Absent: Frisen

MOTION CARRIED

B. VARIANCE REQUEST, 5027 SHADY CREEK, ASHLEY NARAYANAN - 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 Shady Creek and E. Long Lake. The property is located within the R-1B zoning district which requires a front yard setback of 40 feet, along both Shady Creek and E. Long Lake, where the zoning ordinance limits fence height in the front yard to 30 inches (2.5 feet). The petitioner is seeking a fence height variance for the installation of a 6 feet high, vinyl, privacy fence. The fence is proposed

to run 72 feet along E. Long Lake and return 11.5 feet to the south face of the house for a total variance length of 6 feet high vinyl privacy fence of 83.5 feet in the E. Long Lake designated front yard. Of the total 163.8 feet of fence requested, 80.3 feet of the fence complies with zoning regulations and does not require a variance. **CHAPTER 83 FENCE CODE**

Mr. Abate said the homeowner is present and would like to postpone the item to the next meeting.

Ms. Narayanan approached the podium, signed in and asked to postpone the item to the next meeting.

Moved by: Dziurman
Support by: Abitheira

RESOLVED, To postpone a variance request for 5027 Shady Creek to the October 1, 2025 regularly scheduled Board meeting.

Yes: All present (4)
Absent: Frisen

MOTION CARRIED

- A. VARIANCE REQUEST, 2143 ALFRED, TYLER HIJAZI – This property is located within the R-1D zoning district which requires a front yard setback of 25 feet along Alfred. The zoning ordinance limits fence height to 30 inches (2.5 feet) within a front yard setback. The petitioner is seeking a fence height variance for the installation of a proposed new wood and mesh “Deer” fence which would be 6 feet in height and placed 1 foot away from the Alfred property line. The fence is proposed to run 30 feet along Alfred and return 24 feet back toward the house for a total variance length of 6 feet high wood and mesh “Deer” fence of 54 feet in the Alfred required front yard. Of the total 91 feet of fence requested, 37 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 homeowner started construction on the fence and has been cited with an enforcement, EN2025-0058 Working Without a Permit.

Ms. Hijazi explained the circumstances why construction on the fence started. She addressed a phone conversation she had with the Building Department in which it was her understanding a permit would not be required. Ms. Hijazi submitted a petition signed by 41 neighbors in support. She addressed in detail the garden project and her plan to plant arborvitae in front of the fence for screening.

Mr. Abate said the department received no public comment from the public notice except for the signed petition the applicant submitted today.

Some comments during discussion related to the following:

- Information and pictures submitted with the request.
- Property layout.
 - Rear property could accommodate garden.
 - Reason applicant wants garden in front yard.
- Consideration by applicant to lower the fence height.
- Variance if granted runs with the land.
- Concern in setting a precedent if variance granted.
- Consideration of conditioning approval, if granted; i.e., removal of fence upon transfer of home ownership.

Ms. Hijazi stated she does not want to lower the fence height. Her concern is that deer and vermin could jump the fence and do damage to the garden. She said she is willing to accept a condition of approval to remove the fence at her expense upon the sale of the home.

After a lengthy discussion, the Board presented an alternative fence layout that would comply with the Zoning Ordinance and require no variance.

- Install a 6 foot high fence 25 feet back from the property line, across the property to the existing chain link fence, with deer mesh.
- Install a 30 inch high fence in the front yard, in front of the 6 foot high fence, accommodating butterfly garden and other plantings.
- Existing posts could remain if railing is dropped to 30 inches.
- Arborvitae in front for screening if desired.
- Provides a safe environment for the children in the front yard.

Moved by: Brooks
Support by: Dziurman

RESOLVED, To **deny** a variance request for 2143 Alfred, for the following reasons:

1. The characteristics of the property have not shown that a variance should be supported at this time.
2. There are fencing alternatives that would comply with the Zoning Ordinance.

Yes: All present (4)
Absent: Frisen

MOTION CARRIED

The applicant was advised to apply for a fence permit and encouraged to work with the Building Department on specifics of the alternative design as discussed at this meeting, or potentially other fencing alternatives that would comply with the Zoning Ordinance.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

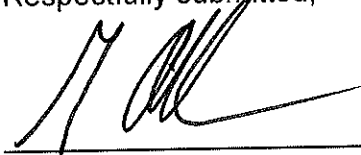
6. MISCELLANEOUS BUSINESS

Mr. Wilson was welcomed to the Board.

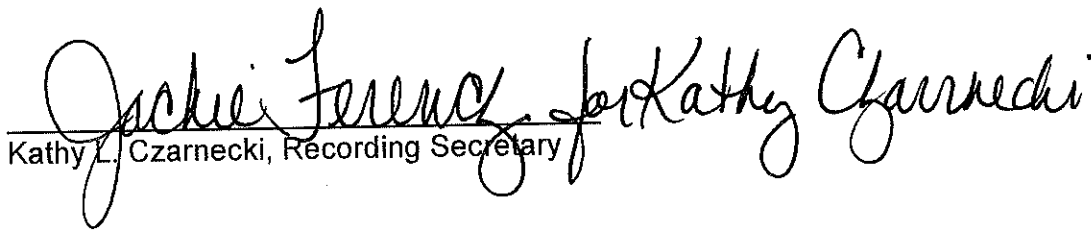
7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:58 p.m.

Respectfully submitted,



Gary Abitheira, Chair



Kathy L. Czarniecki, Recording Secretary