

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on October 3, 2012 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
 Gary Abitheira  
 Teresa Brooks  
 Michael Carolan  
 Mike Culpepper

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
 Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Carolan  
 Seconded by: Brooks

**RESOLVED**, To approve the minutes of the September 5, 2012 Regular meeting as submitted.

Yeas: All present (5)

**MOTION CARRIED**

Chair Dziurman announced the applicant for Agenda item 3.B. requested to postpone the item to the November 7, 2012 Regular meeting.

3. HEARING OF CASES

- A. **VARIANCE REQUEST, PROPERTY OWNER SAM KALEF, 4020 BRISTOL**– For relief of Chapter 83 to place a 6 foot high privacy fence.

Mr. Grusnick reported the applicant is requesting a variance to install a 6 foot high privacy fence set back 6 feet from the property line along Wattles Road. City Code requires fences placed in the 30 foot Wattles Road setback to not exceed 30 inches in height. Mr. Grusnick reported there were two written responses to the public hearing notices. The neighbors at 4066 Bristol have no objections to the requested variance. The written comments from the neighbors at 4052 Bristol were conflicting; therefore, Mr. Grusnick personally visited 4052 Bristol to clarify

the comments. Mr. Grusnick explained the residents object to the yard fence but not the 6 foot privacy fence on Wattles. He informed the residents the yard fence is in compliance and does not require a variance. The relationship of those neighbors who responded to the requested variance at 4020 Bristol was displayed on the monitor.

The applicant, Sam and Jessica Kalef, were present. Mr. Kalef said it is their desire to extend their yard and install a privacy fence to block sound and provide security. Mr. Kalef said vehicular and pedestrian traffic and noise has increased since the widening of Wattles Road. Mr. Kalef confirmed the 6 foot high fence would be along Wattles Road only, and the remainder of the fence would be 4 foot high. He noted their neighbor to the north, 4034 Bristol, submitted written documentation stating no objection to the variance request.

There was discussion on:

- Lot dimensions and placement of fence along east property line.
  - Inside existing landscaping (pine trees).
  - Within 6 to 10 feet from sidewalk.
- Utility easement on east and north sides.
- No visual obstruction for neighboring driveways.
- Transition of fence height from 6 feet to 4 feet, within the proposed variance request.
- Style of 6 foot high fence; decorative wood, no gaps, no shadow boxes.

Chair Dziurman opened the floor to public comment.

There was no one present who wished to speak.

Moved by: Abitheira  
Seconded by: Culpepper

**RESOLVED**, To approve the variance request to install the 6 foot high fence 10 feet off the lot line along Wattles, and the rear yard to have 16 feet of transition area to get height of fence down to four feet, both on the east and west sides.

Yeas: All present (5)

#### **MOTION CARRIED**

#### **B. VARIANCE REQUEST, RANDY ORAM FOR INTERNATIONAL OUTDOOR INC., 500 WEST LONG LAKE**

Item postponed to the November 7, 2012 Regular meeting.

- C. **VARIANCE REQUEST, IBRAHIM MCHAIMECH FOR BRIGHT STAR, INC, 3160 ROCHESTER** – For relief of Chapter 85 to place a 99.5 square foot, 24 foot tall ground sign.

Mr. Grusnick reported the applicant revised the request from the original submission. The applicant is requesting a variance to install a 99.5 square foot, 24 foot tall ground sign set back 16 feet from Hartland and 6.17 feet from Rochester Road rights of way. Mr. Grusnick said the foundation has been moved out of a 10 foot utility easement along Rochester and the sign face itself would project 3.83 feet into the 10 foot utility easement. Mr. Grusnick reported the City Engineer has no objection to the overhanging projection with respect to City utilities but noted the applicant needs signed permission from any other utilities prior to the issuance of any permits.

The applicant, Michael Zacks of Bright Star Inc., was present. Mr. Zacks said the hardship is meeting the requirements of Table 85.02.05, which would place the sign in the middle of the parking and drive through area. He believes the request is within the intent and spirit of the Zoning Ordinance and the sign is aesthetically pleasing. Mr. Zacks said DTE, the only utility company on the easement, has agreed to give them permission to use the easement. Mr. Zacks indicated the reader message board is 32 square feet (4 feet x 8 feet) in size. He said messages would relate to the business only and all City regulations with respect to frequency and message changing would be followed.

Wesam Issa, property owner for Magical Touch Oil Change, was present. Mr. Issa addressed other businesses and their respective signage along Rochester Road, and shared a photograph of digital signage of a business competitor. Mr. Issa indicated the request for a higher sign is to avoid obstructing the signage of a neighboring business. He stressed the importance of signage for his business because the building sets back from the street line. Mr. Issa addressed the new trend in message board signage and business competition. He said they are an independent and family owned business with eight locations throughout the metropolitan area.

Chair Dziurman said he considers message board signage to be a traffic distraction.

Mr. Culpepper indicated his personal opinion is “no higher, no bigger than anything else near by”. He also indicated that driving to an oil change service is not a spur-of-a-moment driving decision.

There was discussion on:

- Dimensions, height, size, square footage of sign and allowable setbacks.
- History of other variance requests (approvals) along Rochester Road.
  - Conduct study of existing surrounding signs; height in relation to setback.
  - Responsible party to conduct study; City or applicant.
- Closeness to curb; curb line to the proposed location is 23 feet.
- City regulations relating to frequency and message changing.
- Issuance of permit only with public utility permission to use easement.
- Easement only on subject parcel; not all the way along Rochester.
- Visual obstruction and/or corner clearance; no visual obstruction exists.
- Post locations within easement, overhead power lines.
- Cantilevered sign with foundation on easement, closer to Rochester.
- Due diligence responsibility of applicant at time of property purchase.

Chair Dziurman opened the floor to public comment.

There was no one present who wished to speak.

After further discussion, the applicant agreed to an 82 square foot sign, 18 feet high, with a 3 foot x 8 foot message board, and an 8 foot under clearance.

Moved by: Carolan  
Seconded by: Culpepper

**RESOLVED**, To approve variance request for a sign setback 6.17 feet from the Rochester Road property line with the footing setback 10 feet, of no greater height than 18 feet, a message board of no greater size of 3 foot x 8 foot, with an overall sign size of 82 square feet; further, approval is subject to signing off of the easement by all utility companies and verification by the City of Troy of such.

Yeas: Abitheira, Carolan, Culpepper, Dziurman  
Nay: Brooks

### **MOTION CARRIED**

Member Brooks voted no because she feels the overall square footage of the sign is too large.

Chair Dziurman stated the intent of the Board was to reach a consensus on a more conforming sign to existing signs along Rochester Road.

- D. **VARIANCE REQUEST, HAITHAM SITTO FOR HARDY & SON SIGN SERVICE, 1650 RESEARCH** – For relief of Chapter 85 to install a 176 square foot wall sign on the building.

Mr. Grusnick reviewed the variance request to install a second 176 square foot wall sign. Chapter 85, Section 85.02.05 allows one wall sign on this building, not to exceed 10% of the area of the front of the building, to a maximum size of 200 square foot. There is currently a 200 square foot wall sign on the building. Mr. Grusnick noted the Zoning Ordinance would allow the proposed signage if it was “stacked” with the existing signage, and not at opposite ends of the building elevation.

The applicant, Haitham Sitto representing Northrop Grumman, was present. Mr. Sitto provided a brief description of Northrop Grumman, a global government defense manufacturer. He said the requested signage on the east building elevation would offer the company identity and exposure off of I-75. He indicated the tenant uses approximately 12,000 square feet of the existing 27,000 square foot building. Mr. Sitto said the proposed signage would be shared at opposite ends of the building, totaling 2.7% of the fascia.

Moved by: Carolan  
Seconded by: Brooks

***RESOLVED***, To approve the variance request.

Yeas: All present (5)

**MOTION CARRIED**

Mr. Sitto offered to provide information on LED signage to appropriate City officials for future reference.

4. **COMMUNICATIONS**

None.

5. **PUBLIC COMMENT**

None.

6. **MISCELLANEOUS BUSINESS**

Chair Dziurman said the postponed item from this meeting would be placed on the November 7, 2012 agenda.

7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 4:07 p.m.

Respectfully submitted,

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Theodore Dziurman, Chair

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Kathy L. Czarnecki, Recording Secretary

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