The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, December 7, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 2, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of November 2, 2005 as written.

Yeas: All - 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. MONDRIAN PROPERTIES, WESTON DOWNS CONDOMINIUM, SOUTHEAST CORNER OF WATTLES AND FINCH, for relief of Chapter 85 to erect a second 99 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a second 99 square foot ground sign. Section 85.02.05, C, 2 of Chapter 85 limits signs in Multiple Family Housing or Cluster Housing Developments to one sign that will not exceed 100 square feet in area and one additional sign not to exceed 36 square feet in area. A permit has already been issued for a 99 square foot ground sign at the southeast corner of Wattles and Finch. A second sign is proposed for the northeast corner of the intersection of Finch and the new private street Seabiscuit. The proposed sign exceeds the 36 square foot limit on the second ground sign per Chapter 85.

This item first appeared before this Board at the meeting of November 2, 2005 and was postponed to allow the Building Department to publish a new Public Hearing. It was discovered that the Parcel I.D. number on the original Public Hearing notice was incorrect and a new Public Hearing notice was required. The corrected Public Hearing notice was sent out in accordance with the requirements of the Sign Ordinance.

Mr. Joe Maniaci of Mondrian Properties was present and said that this proposed sign would be identical to the ground sign at Wattles and Finch. The sign would consist of

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metal sign letters on a rock wall. Because the wall is considered to be part of the sign, it exceeds the size of a second sign as allowed by the Ordinance.

Mr. Stimac said that the wall that supports the lettering is counted as part of the allowable signage.

Mr. Dziurman asked if this sign would be the same as the other sign and Mr. Maniaci said that the raised lettering will be the same on both walls.

Mr. Richnak stated that six (6) objections have been received regarding this request, although most of the objections were regarding the flags and the lights. The proposed sign would have letters that are 10' wide and 1 ½' high for a total of 15 square feet.

Mr. Stimac stated that the wall that the letters would be placed on is 5' high and 18' long. The Ordinance states that the sign is what differentiates it from the background. Mr. Stimac also stated that the petitioner could come back to the Board and ask for a variance for the wall, as Chapter 83 states that a fence in the front setback could only be 30" in height. If a variance was granted for the height of the wall, the petitioner could put the sign lettering on it and they would comply with the Ordinance. Either way a variance would be required from this Board

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written objections on file. There are no written approvals on file.

Mr. Maniaci stated that he would be more than willing to put a dimmer switch on the lighting for the flagpoles to try and eliminate some of the objections by the neighbors.

Mr. Richnak stated that he was hoping that the people that objected to this request would have come to the meeting to express their opinions, because he does not believe the wall or the sign are the problem. He believes it is the flags and the lighting.

Mr. Dziurman asked what recourse the petitioner would have if this request was denied. Mr. Maniaci said that he would probably come back to the Board asking for a variance regarding the brick wall. Mr. Maniaci also said that he feels that they have tried their best to work with the neighbors by adding more tress and putting in a landscape barrier between their property and the property in this petition. Mr. Maniaci said that they have exceeded the landscape requirements and this would be a natural rock wall. He is more than willing to put the lights on a timer and would also be willing to put in lower wattage light bulbs.

Mr. Richnak said that sometimes when there is nothing in an area, and all of a sudden there is a new development, the neighbors don't always feel that this is an

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improvement. Mr. Richnak also said that he did not believe this second sign would be objectionable to people driving in the area.

Motion by Richnak
Supported by Nelson

MOVED, to grant Mondrian Properties, Weston Downs Condominium, southeast corner of Wattles and Finch, relief of Chapter 85 to erect a second 99 square foot ground sign at the intersection of Finch and Seabiscuit.

- Petitioner adjusts the lighting of the flagpoles in consideration of the surrounding neighbors.
- Variance would not have an adverse effect to surrounding property.
- Variance would not be contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. BASEMENT EXPERTS, 4451 REILLY DR., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to convert the basement at 4451 Reilly to habitable area. The plans submitted indicate installation of a suspended ceiling over a majority of the basement with a 6'-10" finished ceiling height and a ceiling dropped to a height of 6'-3" under existing ductwork. Section R 305 of the 2003 Michigan Residential Code, requires a 7' minimum ceiling height in habitable rooms and 6'-6" minimum ceiling height for dropped areas under ductwork and beams.

David Shipley of Basement Experts was present and stated that this is the same concept as presented in other variance requests. The present basement is 7' from floor to the bottom of the floor joists. There is an existing I-beam that they are planning to cover with ½" finished grade plywood. They will attempt to snug everything up as much as possible.

Mr. Kessler asked why they needed to put in a suspended ceiling rather than a drywall ceiling. Mr. Shipley stated that the Corning system is designed to hold a suspended ceiling and a dry walled ceiling would not allow access to gas lines or water lines. Basically there is a 1" difference between dry wall and the dropped ceiling.

Mr. Kessler asked if they could design something where they would not require a dropped ceiling and Mr. Shipley said that the owner wants part of this basement to used as a craft room for his wife, and the other part of the basement would accommodate his

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pool table. Mr. Shipley also said that they will elevate the ceiling into the stairway and will maintain clearance at the bottom of the stairs.

Mr. Dziurman asked if the homeowner could be present the next time such a variance is sought and Mr. Stimac indicated that staff could not mandate that the homeowner attend the meeting, however, Building Department staff would strongly urge them to attend. Mr. Shipley also stated that they try to convince them to come also.

Mr. Stimac asked if the petitioner had talked to Owens Corning about the possibility of submitting to have this part of the State Code changed. Mr. Shipley said that Owens Corning had changed the State Law in Ohio regarding ceiling height of basements and presently are trying to change the Ordinance in the State of Michigan.

Motion by Nelson
Supported by Richnak

MOVED, to approve the request of Basement Experts, 4451 Reilly Dr., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area, which will result with a 6'-10" finished ceiling height and a ceiling dropped to height of 6'-3" under existing ductwork.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this petition.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

Mr. Dziurman wished everyone a Happy Holiday.

The Building Code Board of Appeals meeting adjourned at 8:52 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary