The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order on Wednesday, February 1, 2006 at 8:30 A.M. 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, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 4, 2006

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of January 4, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. METRO DETROIT SIGNS, 3129-3149 CROOKS, for relief of Chapter 85 to erect a 198 square foot ground sign, with a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Boulevard.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 198 square foot sign. Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right-of-way. The site plan submitted shows a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Blvd.

This item first appeared before this Board at the meeting of January 4, 2006 and at that time the petitioner was asking for a setback of 26' from both the public right of way of Crooks and Wilshire Boulevard. This request was postponed to this meeting to allow the Building Department the opportunity to publish a new Public Hearing with the revised setbacks. Accordingly, a new Public Hearing notice has been sent out to the appropriate surrounding property owners based upon the revised plans.

Harvey Weiss was present and stated that they had tried to place this sign in another location, however, because of underground utilities and easements there is only a small area that could accommodate a sign. The only curb cut is south of this property and Mr.

ITEM #2 – con't.

Weiss does not believe this sign will affect visibility to oncoming traffic. Presently there is a traffic light at Wilshire and Crooks and there is No Left Turn allowed. Mr. Weiss further stated that this building has frontage on two (2) streets and they plan to have a 10,000 square foot retail space and also plan to construct a 30,000 square foot of office space. This sign will accommodate both uses and they will not require another ground sign.

The Chairman opened the Public Hearing.

Mr. Flaggman from Finsilver Management was present. He stated he managed the building northwest of this site. He objected to the variance because he felt that it would affect the visibility to northbound Crooks Rd. traffic and also traffic on Wilshire Blvd. He stated he did not see the hardship required for the variance and felt that because the sign was closer than originally requested it would create more of a problem. Mr. Flaggman also said that they would approve this request if the size of the sign was smaller.

Mr. Richnak asked if the petitioner would be allowed to put up two (2) signs at this location and Mr. Stimac said that because the property has frontage on a major road they would be allowed one additional 36 square foot ground sign as well as the one monument sign. Mr. Richnak also asked if the Sign Ordinance allows for an additional sign if they put up the 30,000 square foot office building and Mr. Stimac said that there is nothing in the Ordinance that automatically grants another sign.

Mr. Kessler stated that at the time of site plan approval the impact of a sign on traffic visibility at the corner is also studied. Mr. Stimac stated that the proposed sign complies with the requirements involving corner clearance. The proposed sign does not encroach into the corner clearance.

Mr. Richnak asked if this Board could grant the variance with the stipulation that the petitioner would not be able to add an additional sign. Mr. Stimac said that the Board could put that stipulation in their motion; however, since the final development of this property could involve a Planned Unit Development (PUD) the Planning Commission or City Council can create new sign requirements.

Mr. Weiss stated that although they would probably not ask for another ground sign, they would want to put up additional wall signage.

Mr. Dziurman asked if there was any other place they could put this sign and the petitioner stated that they have created an island and moved a parking space to put the sing in this location. The underground utilities and easement make it impossible to move the sign anywhere else.

ITEM #2 – con't.

Mr. Richnak asked if there was some type of sign that could be erected in this location and still comply with the Ordinance. Mr. Stimac explained that the petitioner could put up a sign that was not more than 10' in height and not more than 50 square feet in area at the 0 to 10' setback line, in the 20'-30' setback line, they could put up a sign that was 20' in height and 100 square feet in area.

Mr. Matt Farrell asked if the restrictions placed on signage were different between the retail space and the proposed office building. Mr. Stimac stated that the regulations regarding limits for ground signs apply both to commercial and office property.

Mr. Nelson asked about the dimensions of the actual sign and the petitioner stated that one-half of the size of this sign is actually architectural design. It will be constructed of the same brick and stone of the building. Mr. Stimac asked if the "starburst" design depicted on the sign will convert to actual verbiage. The petitioner stated that this panel could be used as the name of the project in the future.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler
Supported by Richnak

MOVED, to grant Metro Detroit Signs, 3129-3149 Crooks, relief of Chapter 85 to erect a 198 square foot ground sign, which will result in a 16' setback from the public right of way of Crooks Road and a 20' setback from the public right of way of Wilshire Boulevard, where Section 85.02.05 of the Sign Ordinance requires that a sign of this size be placed at a 30' minimum setback from the public right of way.

- No other ground signs will be allowed at this location.
- Existing utilities and easements make conformance difficult.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #3 – VARIANCE REQUEST. MARK MOSED, OF GREAT LAKES SIGN & ELECTRICAL, 888 W. BIG BEAVER, for relief of Chapter 85 to install a 75 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a 75 square foot wall sign for Morton's Steak House. Section 85.02.05 3(d) of the Sign

ITEM #3 – con't.

Ordinance limits the size of tenant wall signs in office districts to not more than 20 square feet in area.

Mr. James Jonas, of 888 W. Big Beaver was present and stated that they are asking for this variance to increase visibility to traffic along Big Beaver Road. Mr. Jonas stated that after looking at the competition in this area this sign would be smaller than other signs and would be at the corner of the building. Mr. Jonas also said that they had included the possibility of adding this sign at the time they submitted their plans as part of the signage master plan.

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

There are no written objections or approvals on file.

Motion by Nelson
Supported by Richnak

MOVED, to grant Mark Mosed, of Great Lakes Sign & Electrical, 888 W. Big Beaver, relief of Chapter 85 to install a 75 square foot wall sign for Morton's Steak House, where Section 85.02.05 3(d) of the Sign Ordinance limits the size of tenant wall signs in office districts to not more than 20 square feet in area.

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

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST, SCOTT GARDNER, GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 85 to install a third 80 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a third 80 square foot wall sign. Only one major wall sign is permitted for each office building up to maximum of 200 square feet in accordance with Section 85.02.05, A3 of the Sign Ordinance. The Board of Appeals on July 6, 2005 already approved a second 80 square foot wall sign for this building. The petitioners are now asking for a third sign. This proposal exceeds the number of signs and area permitted.

Scott Gardner of Gardner Signs, and Tom Darling of 2600 W. Big Beaver were present.

ITEM #4 – con't.

Mr. Gardner explained that they are requesting this third wall sign mainly to increase visibility for westbound traffic on Big Beaver. This sign would be strictly for identification purposes and would aid people in finding the entrance to this Building.

Mr. Darling said that traffic is often past the drive before you can see the identification. They are trying to bring attention to the building and the sign will resemble the logo of LaSalle Bank.

Mr. Dziurman asked if this sign would be the same size as the other signs on the building and Mr. Gardner said that it would be the same size. Mr. Dziurman asked if these signs would be in compliance with the 10% allowable area. Mr. Stimac said that 10% would allow them the maximum of 200 square feet. Presently the existing two signs are 160 square feet and this sign would bring the square footage up to 240 square feet.

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

There are no written complaints or approvals on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant Scott Gardner, Gardner Signs, 2600 W. Big Beaver, relief of Chapter 85 to install a third 80 square foot wall sign where Section 85.02.05, A3 of the Sign Ordinance allows only one major wall sign for each office building up to a maximum of 200 square feet.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – 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 Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area. On December 7, 2005 the petitioner was granted a variance to convert a basement to habitable area, resulting in a finished ceiling height of 6'-3" under existing ductwork. Section R305 of the Michigan Residential Code requires a minimum 6'-6" ceiling height under beams and ductwork. Upon rough inspection it was discovered that the height of the ceiling

ITEM #5 – con't.

under the ductwork was only 6' – 1 ¾" instead of the 6'-3" height as approved. Petitioners are now requesting relief to complete this project with a ceiling dropped to the height of 6'-1 ¾" under the existing ductwork.

Mr. Steve Attar was present and stated the basement floor slopes dramatically and although there are sections of the basement that are 6'-3" in height, there are also areas that have resulted in a ceiling height of 6'-1 ¾". These particular problems come up with older homes. They always try to gain as much ceiling height as possible, which allows them to put plywood on ceiling so that it is flat and level. Mr. Dziurman asked if the ceiling was level across the basement. Mr. Attar said that it is, but the I-beam runs right through this area.

Mr. Kessler asked what type of material is used on the ceiling and Mr. Attar said that they put up ½" plywood. Mr. Kessler asked the petitioner how tight the plywood is to the ductwork and Mr. Attar said that they cannot raise the ceiling any higher and the plywood is pretty tight. Mr. Kessler then asked what is between the plywood and the ductwork and the petitioner said that they use a ½" furring strip. Mr. Kessler then asked how they plan to finish the corner where the ceiling goes back up. The petitioner said that it was probably mitered and goes right to the wall. They also use a white board with a laminate cover so that no rough-cut plywood is visible.

Mr. Kessler said that he has always had an issue with this dropped ceiling height and asked if rather then make it a finished part of the basement, turn it into either a storage area or a hallway connecting the two rooms. He went on say that there are a lot of tall people and there is the possibility that they will bank their heads on the lowered ceiling. Mr. Kessler also said that in his opinion a ceiling height of 6'-1" or 6'-2" is too low and is not functional.

Mr. Attar said that he believes the unfinished area of the basement is only 6'-2 ¼" so he did not think this ceiling height would make a difference. He also said that he does not think he could turn this area into a storage space as there would be no way to make them accessible to each other. There are areas throughout the entire basement that the ceiling height varies from 6'-2" or 6'-2 ¼" because of the way the floor slopes. Mr. Kessler said that he would like to see this request postponed to allow the petitioner the opportunity to revise his plans to see if something else could be done.

Mr. Attar said that there are no other options available as the floor is too uneven and he does not think they could straighten it out. Mr. Kessler asked if they could pull the plywood up tighter and use glue to keep it in place and Mr. Attar said that he did not believe it would stay in place.

Mr. Richnak said that the petitioner indicated that there is a floor drain in this area and asked what the height of the ceiling was from the floor drain to the ductwork. Mr. Attar said that the floor drain is not under the ductwork. Mr. Richnak asked how much the

ITEM #5 – con't.

floor slopes and the petitioner said it was probably 2" or 3". Mr. Richnak said that it was possible to grind the cement down to make the floor level. Mr. Richnak also asked if there was a requirement in the Building Code that would determine the slope of the basement floor.

Mr. Stimac said that there is no slope required on a basement floor. He didn't know the overall size of the house but if there was an 1/8" per foot slope that would be more than what you would typically see in the area. Mr. Stimac also said that he didn't know if the floor was bare or if it was going to be covered, which would also affect the ceiling height. Mr. Attar said that he does believe the floor drain is related to the fact that the floor slopes; he thinks it was just a matter of poor construction.

The homeowner, Mr. Geering, was present and stated that they have had the basement waterproofed, and have done a number of repairs to the home. He said his family has no problem with the height of the ceiling and do not plan to move anytime soon so he does not feel this should be a problem. Mr. Dziurman said that eventually the house would probably be sold to someone else and that is the factor the Board has to consider.

Mr. Richnak explained that they are looking at the future of this building as far as the larger picture goes. Mr. Attar said that when people are looking to purchase a home he believes they look at all of these factors, and a tall person would find that this would not be the house for them because of the ceiling height. Even if this area is left unfinished the ceiling height would still be under the 6'-3" requirement.

Mr. Kessler stated that the Residential Code calls for a ceiling height of 6'-6" and going down to 6'-3" would be the maximum he would be comfortable with. Going any lower would create a hazard and they could finish off the other area of the basement, which would result in a good sized room and would be code compliant.

Motion by Kessler
Supported by Richnak

MOVED, to deny the request of Basement Experts, 4451 Reilly Dr., for relief of the 2003 Michigan Residential Code to convert a basement to habitable area that will result with a ceiling dropped to the height of 6'-1 ¾" under the existing ductwork.

- Lower ceiling height would create a hazard for people walking through the basement.
- Lower ceiling height areas could be walled off or converted to closet space.
- Other area of the basement could be finished and would be code compliant.

Yeas: 3 – Kessler, Richnak, Zuazo
Nays: 2 – Dziurman, Nelson

ITEM #5 – con't.

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUESTED. BASEMENT EXPERTS, 1493 OAKCREST DR., for relief of Section R305 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 finish a basement that includes the installation of a suspended ceiling with finished ceiling heights of 6'-9" and 6'-11". The plans also indicate a dropped ceiling for ductwork with a 6'-4" ceiling height. The 2003 Michigan Residential Code, Section R305, requires a 7' minimum ceiling height in finished basements and 6'-6" for dropped ceilings under beams and ductwork.

Mr. Kessler asked what the ceiling height was from the floor to the floor joist. Mr. Attar said that they can get a ceiling height of 6'-11" by the stairs. Mr. Kessler confirmed that they wish to bring the ceiling height down to 6'-9" in the recreation room and Mr. Attar said that this drop is needed because the plumbing lines run in this area, and consist mainly of shut off valves.

Mr. Kessler also said that he would like to see more detailed plans showing where the ductwork and plumbing lines are located. He would also like to see photographs, as he believes the ceilings could be dry walled, which would eliminate the need for a variance. The first few requests that appeared before this Board were because the homeowners had allergies and this type of laminate would help to alleviate some of the symptoms of these allergies. Now the petitioner is coming to the Board without showing any type of hardship that would require a variance.

Mr. Attar said that they are requesting relief of today's construction codes for homes that were built in the past. People want to create additional living space in their homes and he does not believe they are being allowed to do that because of an arbitrary number that should not apply to their homes. The petitioner is trying to accommodate the homeowner's wishes and keep it cost effective. Mr. Attar said that in his opinion the City of Troy does not believe basements are usable space and all they are trying to do is create additional space so that the homeowner can stay in the City. Mr. Attar said that they would be willing to submit extra paperwork but there is nothing he can do to comply with the 7' ceiling height. He does not believe that drywall on the ceiling would provide the access the homeowner needs for plumbing shut off valves.

Mr. Kessler said that he did not believe this was a valid argument and Mr. Attar said that if there is water damage, it is much easier to remove a suspended ceiling than one that has been dry walled. Mr. Attar said that although the new homes have the required 7' ceiling height, the majority of homes in Troy are less than 7'.

ITEM #6 – con't.

Mr. Kessler asked what the cost of the ceiling was in this area of the basement and Mr. Attar said that he didn't know. Mr. Attar advised that the cost of this job was $21,843.00 and also included an egress window. Mr. Kessler said that people are counting on this Board to make sure these home are built to minimum code. Mr. Kessler also asked if there were any deviations in the floor of this home. Mr. Attar assured the Board that there were not and they made more measurements to make sure that the problem with the floor would not happen again.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 1493 Oakcrest Dr., for relief of Section R305 of the 2003 Michigan Residential Code to convert a basement to habitable area that will result in finished ceiling heights of 6'-9" and 6'-11" where 7' is required; and, for a dropped ceiling for ductwork with a 6'-4" ceiling height.

- To allow the petitioner to draw up additional plans showing the location of ductwork and plumbing lines.
- To allow the petitioner to explore the possibility of another option to finish this basement with a code compliant height for the ceiling.

Yeas: 4 – Nelson, Richnak, Zuazo, Kessler
Nays: 1 – Dziurman

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF MARCH 1, 2006 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:33 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary