

SPECIAL MEETING

BUILDING CODE BOARD OF APPEALS

OCTOBER 18, 2006

Mr. Rick Sinclair, Acting Chairman, called the special meeting of the Building Code Board of Appeals to order at 8:35 A.M. on Wednesday, October 18, 2006 in Conference Room C of the Troy City Hall.

PRESENT: Rick Kessler
Tim Richnak
Rick Sinclair
Frank Zuazo

ABSENT: Ted Dziurman

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pamela Pasternak, Recording Secretary

ITEM #2 – VARIANCE REQUEST. GEORGE ST. PIERRE, EXHIBIT WORKS, 446 K W. FOURTEEN MILE, for relief of Section 402.5.1 of the Michigan Building Code to construct a tenant space within the existing mall resulting in a mall width of 17' where 20' is required.

Mr. Stimac explained that the petitioner is proposing to construct a new freestanding tenant space within a portion of the existing Oakland Mall. This type of space would normally be referred to as a "kiosk" and be subject to the requirements of Section 402.10 of the Michigan Building Code. However, Paragraph 4 of Section 402.10 limits the size of kiosks to not more than 300 square feet in area. The Code does permit tenant spaces to be constructed within the mall, not subject to the 300 square foot limitation, as long as the regular "mall" provisions apply to the area around the tenant space. Section 402.5.1 requires that the width of the mall be a minimum of 20'. In this area the existing mall width is 50'. With the construction of this 16' wide tenant space in the middle of the mall, the width of the mall on either side will only be 17'.

Dino Rotondo representing Exhibit Works was present and stated that their business is basically an entertainment business. They are working with a large group of companies and basically work on the retail of wireless products. This project would be the first of its kind in the country. Their approach is to create a destination for kids and will provide a lounge like atmosphere so that they can spend time there. They will be able to download wallpaper, mobile phone ring tones and also be able to burn CD's. Mr. Rotondo also said that this exhibit will bring technology groups from around the world to look at it.

George St. Pierre was also present and stated that this tenant space will be open on all sides. People will be able to pass through it from any side.

Mr. Kessler stated that the basic difference between this space and a Kiosk is that this is an open space where a Kiosk is closed in. Mr. Kessler asked about the display items and hours of operation. Mr. Rotondo said that the displays are wall mounted and this tenant space will be open the same hours as the mall.

ITEM #2 – con't.

Michael Thoreson, Vice President of Exhibit Works was also present and stated that this structure would be very open and airy.

Mr. Richnak asked how the space was closed at night. Mr. St. Pierre said that there are sliding mall doors that are designed to open and shut, and at night, these doors will be locked.

Mr. Kessler asked if they had any plans to add to the display. Mr. Rotondo said that they do not perceive adding any displays. The showcases are very small and all will be hard wired.

Mr. Richnak asked about the space between the display cases. Mr. St. Pierre said that they are all ADA compliant and that the entrances have ramps, which are also ADA compliant.

Mr. Richnak also asked if this was the same exhibit that they would put in malls across the country. Mr. Thoreson stated that this was the design standard that they would like to use, as it would create recognition of the space.

Mr. Kessler asked where the petitioner would store the extra items. Mr. Rotondo said that the main warehouse is on Fourteen Mile and Stephenson, and they also have another space in Roseville. The columns also have storage areas in them and they can utilize storage space within the mall. Mr. Kessler confirmed that they are using fire retardant storage.

Mr. Stimac asked if the floor material outside the space was different from the existing mall floor and Mr. Thoreson said it was not.

Mr. Stimac asked if there was a stipulation in the lease that this structure would have to be removed, if this tenant were to vacate the space. Mr. Chas Miller, Property Manager for Oakland Mall was present and stated that in the event this tenant would leave, the structure would have to be taken down.

Mr. Jerry Hamling, of Exhibit Works was present, said that according to the lease this is a tenant fixture, belonging to the tenant, and would have to be removed. Mr. Stimac then asked if they would be able to sub lease this space. Mr. Hamling said that the contract is very specific that they cannot sub lease.

Mr. Stimac asked if there was a time limit in the lease regarding them removing this structure, if they were to vacate the space. Mr. Hamling said there was not. Their lease is for five (5) years and they are hoping to become long-term tenants of Troy.

ITEM #2 – con't.

Mr. Richnak asked what the elevation of the floor was. Mr. Thoresen said that it sits on top of Terrazzo and is elevated 3" and the entire space is ADA compliant. They have constructed the site so that the electricity comes up from the floor through the columns.

Mr. Chas Miller stated that Oakland Mall is very much in favor of this request. It is very difficult to operate a retail business and he believes that this exhibit will attract customers to the mall. In his opinion this is an exciting tenant and he believes it will be an asset to Oakland Mall. They have met the intent of the Code with the design of this space and there will be two (2) 17' aisle ways.

Mr. Richnak asked about the 20' requirement. Mr. Stimac explained that the process began in the early to mid 70's with the National Building Code. At that time the trend went from open-air retail shopping centers to enclosed malls. The width of the mall was discussed and basically they came up with 20' required between tenant spaces. Because this structure is considerably over the 300 square feet allowed for a Kiosk, it was determine that a 15% reduction in required mall width was the lesser variance request. Basically this is similar to creating a mall within a mall.

Mr. Richnak asked if they could approve this request while stipulating a time frame, such as 30 days, for removal of the structure if this tenant vacates the space. Mr. Stimac said that the Board could put in such a stipulation.

Mr. Thoresen stated that stated this space was designed to go up quickly and to be taken down quickly. They would not have a problem with the stipulation of a time frame.

Mr. Miller indicated that he feels a 30-day time frame would be very reasonable and the Mall would support a stipulation that addressed this issue.

Mr. Kessler asked again about the hours of operation and Mr. Hamling indicated that they are under obligation to keep their store open during the hours the mall is open.

Mr. Zuazo asked if they were allowed to sublease this space. Mr. Hamling stated that this was not in their contract.

Mr. Miller said that he was concerned about vandalism and Mr. Thoresen said that they could put the moveable items into storage at the end of the day and bring them out in the morning. Mr. Thoresen indicated that there is someone there between the hours of 7 AM and 10 PM.

Mr. Stimac asked what the time frame for construction of this space was. Mr. Thoresen said that it takes between five and seven days to put the structure up and less time to take it down.

ITEM #2 – con't.

Motion by Kessler
Supported by Richnak

MOVED, to grant George St. Pierre, Exhibit Works, 446 K W. Fourteen Mile, relief of Section 402.5.1 of the Michigan Building Code to construct a tenant space within the existing mall resulting in a mall width of 17' where 20' is required.

- The provision of (2) 17' wide malls in close proximity provides an equivalent level of safety to a single mall 20' in width.
- Space to remain open during the operating hours of the mall.
- All removable items to be placed in storage at the time the store is closed.
- If this tenant vacates this space, the space is to be removed within thirty (30)-days.

Yeas: 4 – Richnak, Sinclair, Zuazo, Kessler
Absent: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

The special meeting of the Building Code Board of Appeals ended at 9:14 A.M.

Rick Sinclair, Acting Chairman

Pamela Pasternak, Recording Secretary