



BUILDING CODE BOARD OF APPEALS REGULAR MEETING AGENDA

500 W. Big Beaver
Troy, MI 48084
(248) 524-3344
www.troymi.gov
planning@troymi.gov

Theodore Dziurman, Chair; Gary Abitheira
Teresa Brooks, Michael Carolan, Brian Kischnick

August 6, 2014

3:00 PM

**LOWER LEVEL
CONFERENCE ROOM**

1. ROLL CALL
2. APPROVAL OF MINUTES – July 9, 2014
3. HEARING OF CASES
 - A. **VARIANCE REQUEST, JASON R. MORRISON, 2049 Highbury** – This property is a double front corner lot. As such it has a required front setback along both Highbury and Endicott. The petitioner is requesting a variance to install a 4 foot high picket fence in the required front setback along Endicott where City Code limits fences to 30 inches high.

CHAPTER 83, SECTION 2(A)

4. COMMUNICATIONS
5. PUBLIC COMMENT
6. MISCELLANEOUS BUSINESS
7. ADJOURNMENT

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@troymi.gov or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on July 9, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair
Teresa Brooks
Michael Carolan
Brian Kischnick

Absent:

Gary Abitheira

Support Staff Present:

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

Also Present:

Maggie Hughes, Management Assistant

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

Support by: Brooks

RESOLVED, To approve the minutes of the June 4, 2014 Regular meeting as submitted.

Yeas: All present (4)

Absent: Abitheira

MOTION CARRIED

3. HEARING OF CASES

- A. **VARIANCE REQUEST, DAN HEILEMAN OF HEILEMAN SIGNS, 1814-1816 MAPLELAWN (Suburban Hyundai, Suburban Infiniti)** – The petitioner is requesting a variance to allow 5 ground signs where the sign code limits the site to 3 and to install a 475 square foot ground sign where code limits the size to 200 square foot: 1) the ground sign measuring 475 square feet in area will replace the existing “Hyundai” ground sign; 2) an additional 37 square foot ground sign; and 3) the continuance of an existing 12 square foot ground sign.

Mr. Grusnick reviewed the variance request. He reported the department received no responses to the public hearing notices. Mr. Grusnick specifically addressed calculations used for the proposed ground signs, the free-standing front entrance sign and the existing wall signage.

Tim Heileman of Heileman Signs said Hyundai is updating their image with a new corporate logo and ground sign. He addressed the proposed signs as relates to dimensions, setbacks, pole dressing and building design features.

Tim Leroy, Chief Financial Officer for Hyundai, was also present.

Mr. Carolan disclosed a family relation works for Suburban Collection. Board members agreed there was no conflict of interest.

There was discussion on:

- Pole dressing.
- Freestanding sign; “architectural structure”.
- Existing wall signage.
- Front entrance sign; distance from building.
- 12 square foot ground sign; no records of file, permitting housecleaning item.
- Means of securing sign(s).

Chair Dziurman opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Carolan
Support by: Kischnick

RESOLVED, To grant the variance request as submitted, for the following reasons.

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85; and
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.

Yeas: All present (4)
Absent: Abitheira

MOTION CARRIED

- B. **VARIANCE REQUEST, JENNA AND MATT SADOWSKI, 1446 PEACHTREE** – This property is a double front corner lot. As such it has a required front setback along both Peachtree and Kings Point. A variance to install a 6 foot high privacy fence in the required front setback along Kings Point where City Code limits the height of fences to 48 inches high and non-obscuring at this location.

Mr. Grusnick reviewed the variance request and displayed photographs of the property. He reported one response to the public hearing notices was received. Mr. Grusnick said there would be no driveway visual obstruction from the sidewalk should the Board grant the request to place the fence closer to the sidewalk. Mr. Grusnick indicated the applicant was issued a permit for the installation of an inground pool.

Jenna and Matt Sadowski circulated photographs of their property and existing privacy fences on corner lots within their neighborhood. They said the fence would be a high quality PVC material and similar in color to match the siding of their home. They said there were no objections from neighbors to whom they spoke and they could provide that in writing should the Board wish. The Sadowski's said the fence would provide the necessary privacy and safety for their family and dog and improve the appearance of their yard as well as provide additional yard area should the Board agree with placing the fence closer to the sidewalk. The Sadowski's addressed their intent to landscape in front of the fence.

Chair Dziurman opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

There was discussion on:

- Fence in relation to existing fence of neighbor to the south, distance to sidewalk.
- Setback requirements.
- Plantings/landscaping.
- Potential obstruction views.
- Letter in response to public notice; objections do not relate to dimensions or height of proposed fence.
- Subdivision bylaws.

Moved by: Carolan

Support by: Kischnick

RESOLVED, To grant the variance request with the following conditions:

1. Install the new fence in line with the wood fence on the adjacent property to the south, 10' 3" off the Kings Point public sidewalk.
2. Plantings to be placed outside of the fence.

Yeas: Carolan, Dziurman, Kischnick

Nays: Brooks

Absent: Abitheira

MOTION CARRIED

Ms. Brooks said she thinks the existing fence is conforming.

- C. **VARIANCE REQUEST, BARBARA YOLLES FOR UNITED SHORE FINANCIAL SERVICES LLC, 1414 E MAPLE** – To allow the installation of a 585.36 square foot wall sign where the Sign Code allows only one wall sign. Variances were previously granted to allow the existing wall signs.

Mr. Grusnick reviewed the variance request. He reported the department received no responses to the public hearing notices. He indicated the request is basically to replace the existing 200 square foot wall sign with the new logo “U” symbol wall sign.

David Zacks, Barbara Yolles and Anthony Valentine of United Shore Financial Services (USFS) were present.

Mr. Zacks spoke about USFS’s new logo and marketing and branding initiatives. He addressed the proposed signage with respect to the zoning of their property in relation to surrounding properties.

Paul Deters of Metro Detroit Signs addressed the material and durability of the signage.

There was discussion on:

- Ownership/tenancy of the building.
- Proposed sign in essence a “symbol”.
- Previous variances granted related to building visibility and recognition.
- Building location and proximity to Business Zoning.

Chair Dziurman opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Brooks

Support by: Carolan

RESOLVED, To grant the variance request as submitted, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85; and
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.

Yeas: All present (4)

Absent: Abitheira

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:55 p.m.

Respectfully submitted,

Theodore Dziurman, Chair

Kathy L. Czarnecki, Recording Secretary

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3. HEARING OF CASES

- A. **VARIANCE REQUEST, JASON R. MORRISON, 2049 Highbury** – This property is a double front corner lot. As such it has a required front setback along both Highbury and Endicott. The petitioner is requesting a variance to install a 4 foot high picket fence in the required front setback along Endicott where City Code limits fences to 30 inches high.

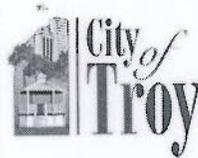
CHAPTER 83, SECTION 2(A)

CITY OF TROY BUILDING INSPECTION DEPARTMENT
CITY OF TROY PLANNING DEPARTMENT
BUILDING CODE BOARD OF APPEALS APPLICATION

SIGN APPEALS

FEE \$50

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3344
FAX: 248-689-3210
E-MAIL: evanspm@troymi.gov
<http://www.troymi.gov/CodeEnforcement/>



CONSTRUCTION OR FENCE CODE APPEALS

FEE: \$50

CITY OF TROY BUILDING DEPARTMENT
500 W. BIG BEAVER ROAD
TROY, MICHIGAN 48084
PHONE: 248-524-3344
FAX: 248-689-3210
E-MAIL: GrusnickME@troymi.gov
<http://www.troymi.gov/BuildingInspection/>

RECEIVED
JUL - 7 2014
PLANNING

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE BUILDING CODE BOARD OF APPEALS ARE HELD ON THE FIRST WEDNESDAY OF EACH MONTH AT 3:00 P.M. AT CITY HALL.

PLEASE FILE A COMPLETE APPLICATION, TOGETHER WITH THE APPROPRIATE FEE, **NOT LESS THAN TWENTY-ONE (21) DAYS** BEFORE THE MEETING DATE.

A COMPLETE APPLICATION THAT MEETS CODE REQUIREMENTS IS PLACED ON THE NEXT AVAILABLE AGENDA OF THE BUILDING CODE BOARD OF APPEALS.

1. ADDRESS OF THE SUBJECT PROPERTY: 2049 Highbury Dr. Troy, MI 48085
ACREAGE PROPERTY: *Attach legal description if this an acreage parcel*
2. PROPERTY TAX IDENTIFICATION NUMBER(S): 88-20-12-151-007
3. CODE NAME (e.g. "BUILDING CODE", "SIGN CODE", "FENCE CODE") AND SECTION(S) RELATED TO THE APPEAL:
FENCE CODE
4. REASONS FOR APPEAL/VARIANCE: *On a separate sheet, please describe the reasons justifying the requested action. See Submittal Checklist.*
5. HAVE THERE BEEN ANY PREVIOUS APPEALS INVOLVING THIS PROPERTY? YES NO

6. APPLICANT INFORMATION:

NAME JASON R. MORRISON
COMPANY _____
ADDRESS 2049 Highbury Dr.
CITY TROY STATE MI ZIP 48085
TELEPHONE 248-379-7263
E-MAIL JRMPS@ATT.NET

7. APPLICANT'S AFFILIATION TO THE PROPERTY OWNER: PROPERTY OWNER

8. OWNER OF SUBJECT PROPERTY:

NAME JASON R. MORRISON
COMPANY _____
ADDRESS 2049 Highbury Dr.
CITY TROY STATE MI ZIP 48085
TELEPHONE 248-379-7263
E-MAIL JRMPS@ATT.NET

The undersigned hereby declare(s) under penalty of perjury that the contents of this application are true to the best of my (our) knowledge, information and belief.

The applicant accepts all responsibility for all of the measurements and dimensions contained within this application, attachments and/or plans, and the applicant releases the City of Troy and its employees, officers, and consultants from any responsibility or liability with respect thereto.

I, JASON R. MORRISON (PROPERTY OWNER), HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND STATEMENTS CONTAINED IN THE INFORMATION SUBMITTED ARE TRUE AND CORRECT AND GIVE PERMISSION FOR THE BOARD MEMBERS AND CITY STAFF TO CONDUCT A SITE VISIT TO ASCERTAIN PRESENT CONDITIONS.

SIGNATURE OF APPLICANT [Signature] DATE 7-7-14

PRINT NAME: Jason R. Morrison

SIGNATURE OF PROPERTY OWNER [Signature] DATE 7-7-14

PRINT NAME: Jason R. Morrison

Failure of the applicant or his/her authorized representative to appear before the Board, as scheduled, shall be justifiable cause for denial or dismissal of the case with no refund of appeal fee(s). If the person appearing before the Board is not the applicant or property owner, signed permission must be presented to the Board.

The applicant will be notified of the time and date of the hearing by electronic mail.

Jason R. Morrison
2049 Highbury Dr.
TROY, MI 48085
PHONE (248)379-7263
Jrmprocessservices.com
jrmps@att.net

6/25/2014

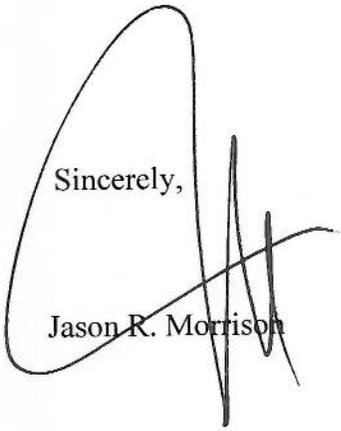
Building Official /Code Inspector
Planning Department
Attn: Mitch Grusnick
500 W. Big Beaver
Troy, MI 48084

Dear, Inspector

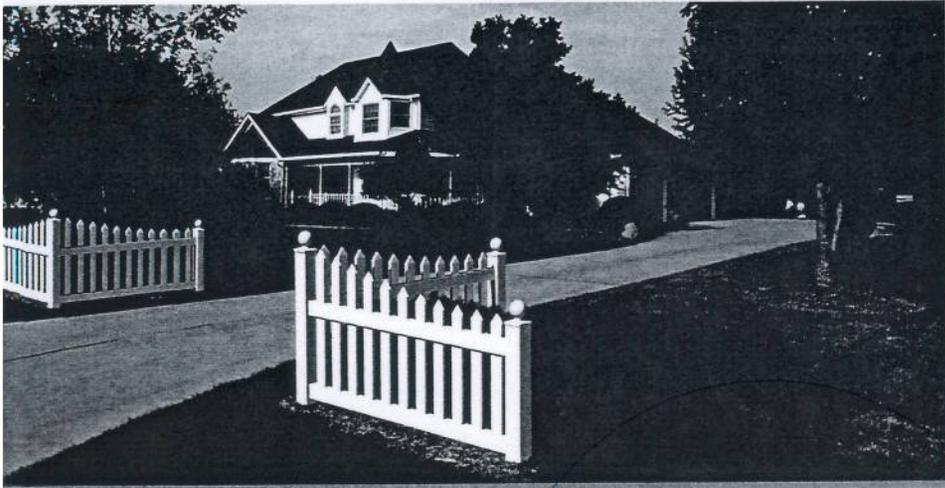
Enclosed you will find my zoning appeals application, this letter is to address page 3 of the application. The practical difficulty is to increase the height of the side yard fence to 4 feet in a 3 foot zone and move the fence out 2 feet from its current placement to accommodate the 8 foot gate instead of the current 6 foot gate. This will give me a 21.50 Foot set back from the sidewalk. In order to complete this home improvement project, I will require a variance to be granted. Pictures of my side yard, Plot plan and variance approval for the property at 5574 Ivanhoe Troy are included in the attached CD. If you have any questions, please contact me.

Sincerely,

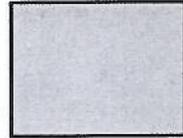
Jason R. Morrison



JRM/ccs
Enclosures



of your driveway, or working to corral kids and pets, Enduris fencing has a style to fit.



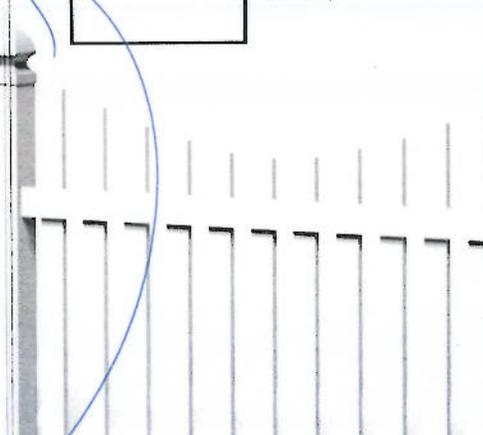
Colors:
Khaki, Tan or White.



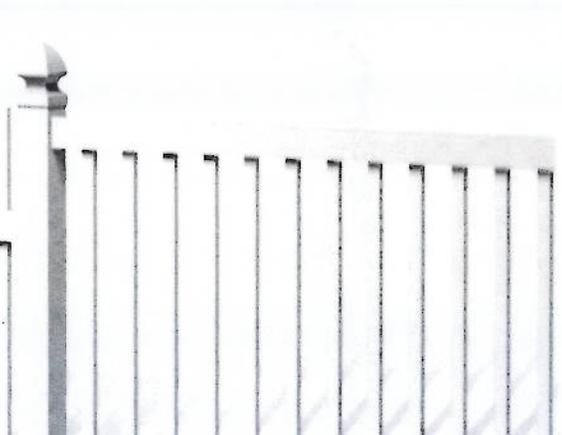
**Narrow Picket
Scalloped Top**



**Wide Picket
Straight Top**



**Wide Picket
Scalloped Top**

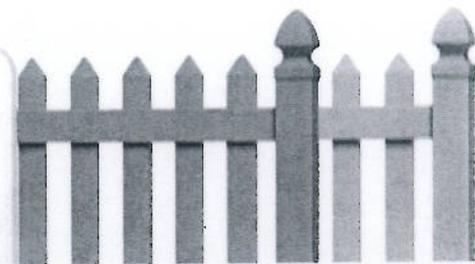


Closed Picket

Now you can design your fence to complement the color of your home. Enduris provides options for your fence to fit with



Select Khaki or Tan to complement



October 10, 2013

Pete Pertile
5574 Ivanhoe
Troy MI 48085

Re: 5574 Ivanhoe, Troy, Michigan

Dear Mr. Pertile:

At their Regular meeting of October 2, 2013, the Building Code Board of Appeals acted upon a request for variance. The following is an excerpt from the draft* meeting minutes:

A variance for relief of Chapter 83 to install a 5 foot high PVC picket fence in the required front setback along Highbury where the Fence Code limits the height of fences to 30 inches.

Moved by: Abitheira
Support by: Brooks

RESOLVED, To grant the request to install a 4 foot high PVC picket fence located 18 inches off the sidewalk, and to allow supporting fence posts up to 5 feet in height, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

FURTHER RESOLVED, That the variance is subject to providing a corner clearance triangular area without fencing starting at the northeast property corner and extending for a distance of 10 feet west and 10 feet south for the purpose of eliminating the public sidewalk vision obstruction for the driveway located at 2272 Highbury.

Yeas: All present (4)
Absent: Kischnick (arrived 3:18 p.m.)

MOTION CARRIED

Failure to obtain applicable permit(s) within one (1) year of the meeting date for approved variances will render relief granted invalid.

Sincerely,

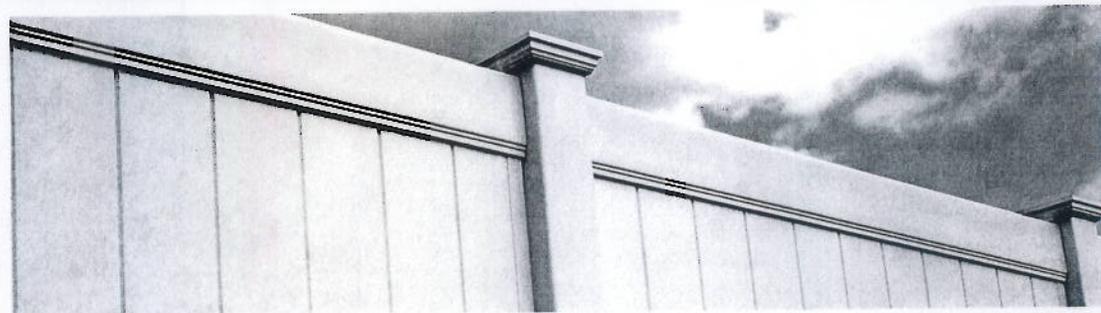
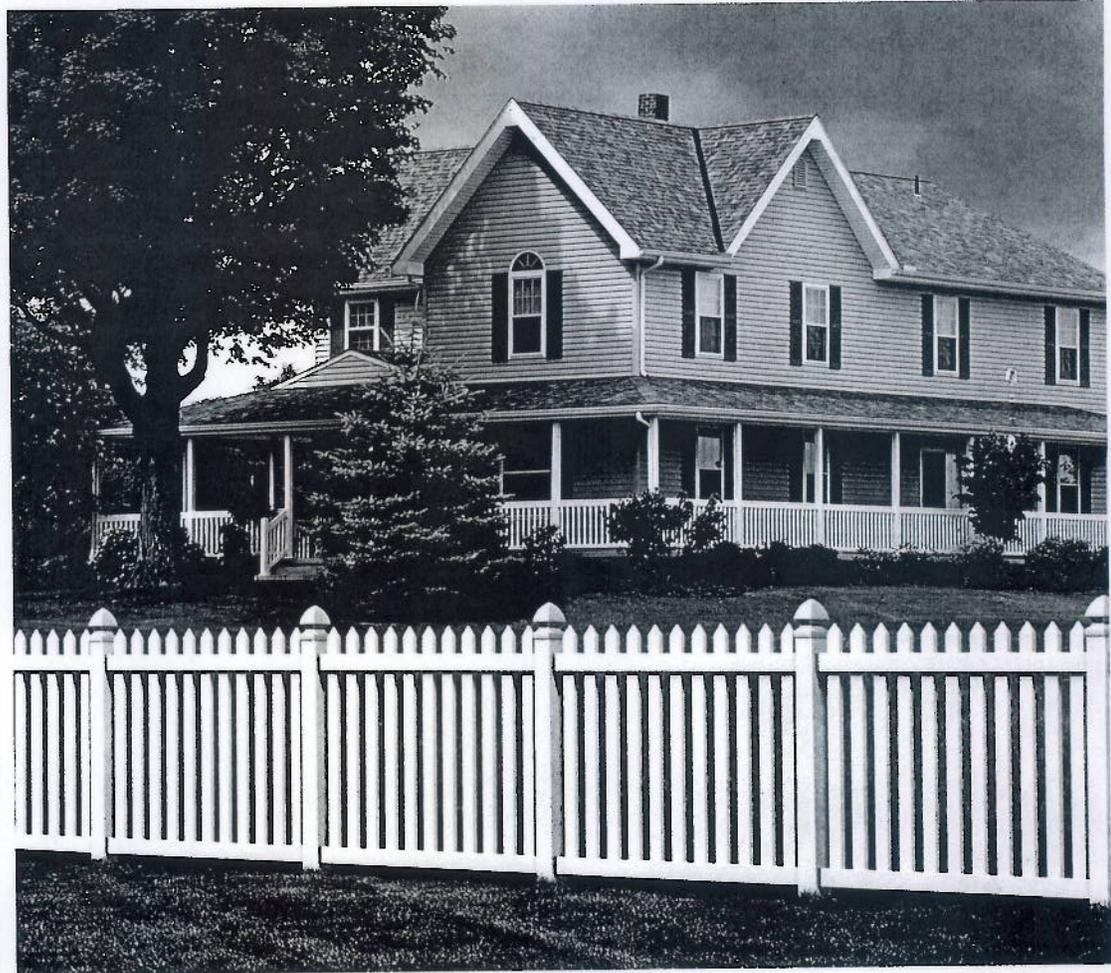
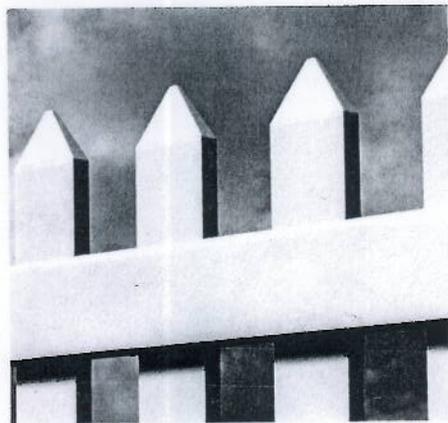
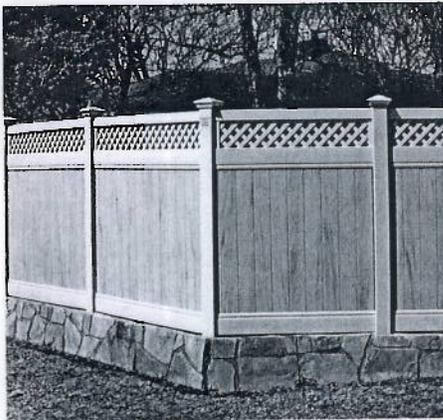
Mitch Grusnick
Building Official

cc: File/ Building Board of Appeals
File/ Correspondence

* Draft minutes subject to approval by Building Code Board of Appeals.

G:\BUILDING CODE BOARD OF APPEALS\Appeals\5574 Ivanhoe\Applicant Letter_BCBA Resolution.docx

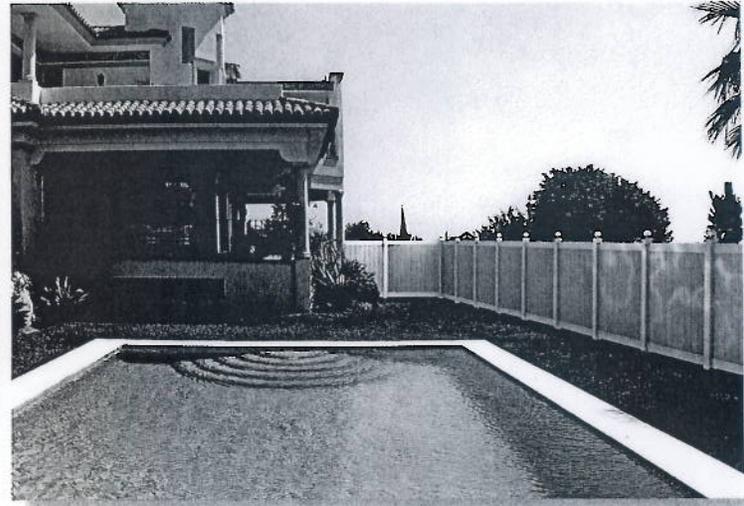
ENDURIS FENCING



Discovering New Boundaries
www.enduris.com



Transform your yard into something special.

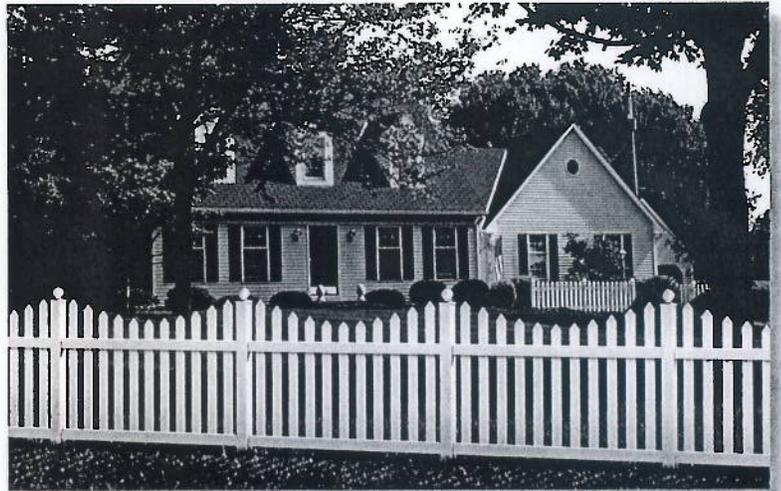


What is it about a pretty fence that adds so much character and curbside appeal?

Think of the neighborhoods you loved growing up—tree-lined streets filled with distinctive homes, inviting front porches and freshly painted clapboard siding, and those wonderful picket fences, complete with interesting gates and rose-covered arbors.

Those were the good old days, weren't they? Especially when you picture Tom Sawyer talking some of his friends into doing what has become one of the most dreaded jobs known to homeowners—scraping and painting the fence.

Well, thanks to modern-day technology, we can have all the wonderful aesthetics that those old-time fences brought to a yard, with none of the drudgery.

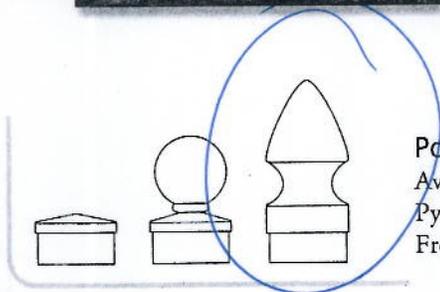
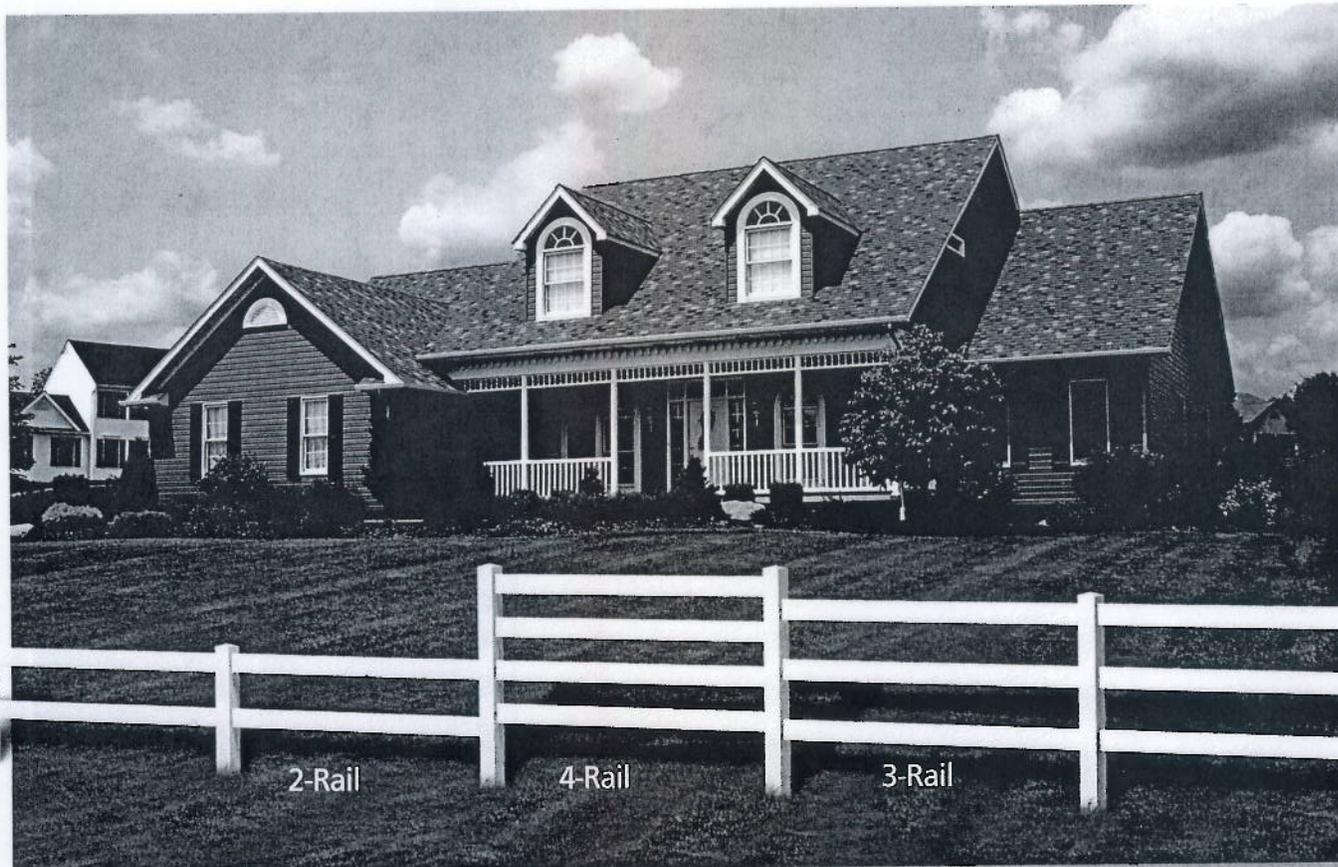


Enduris fencing components are designed to allow you and your fencing professional to create the ultimate complement to your front or backyard extending your home into the outdoors.

Our PVC fencing can take on your own individual style—for security, privacy, traffic flow or aesthetics. Enduris fencing has the design for you.

Post & Rail

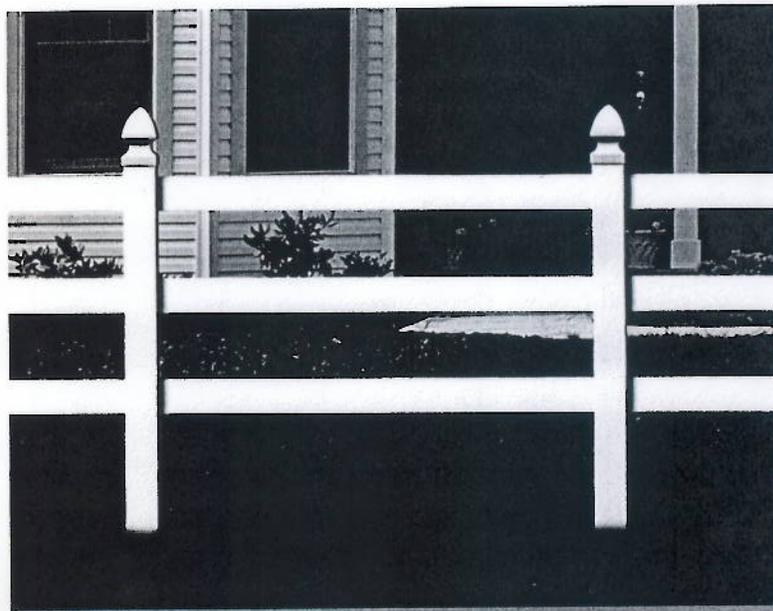
Define your boundaries



Post Caps
Available in External
Pyramid, Ball and
French Gothic.

Enduris vinyl post and rail fencing is available in two, three, and four-rail configurations, in solid White.

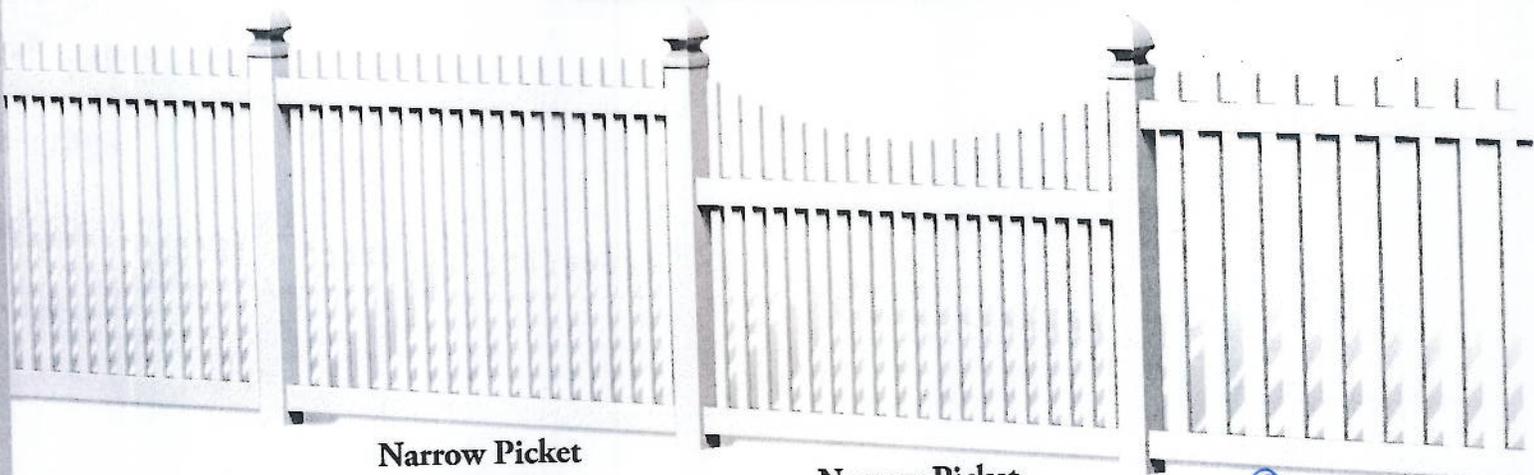
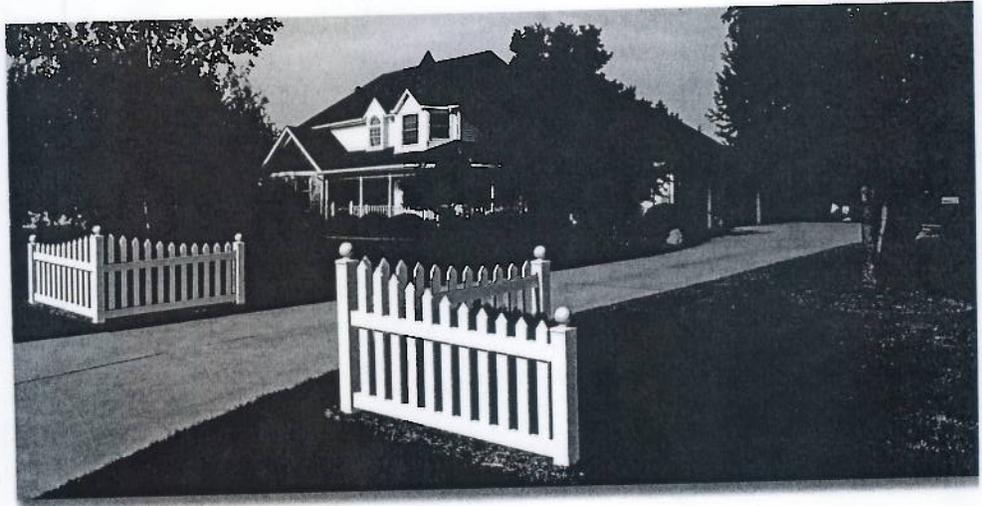
Enduris post and rail fencing offers all the charm and good looks of a wood rail fence, with none of the maintenance — no painting, staining, splinters or warping. We make installation quick and easy with pre-routed corner, end and line posts, and self-locking notched rails.



Pickets—you've got a lot of choices!

Because each Enduris fence is made to order, you get to pick all the components.

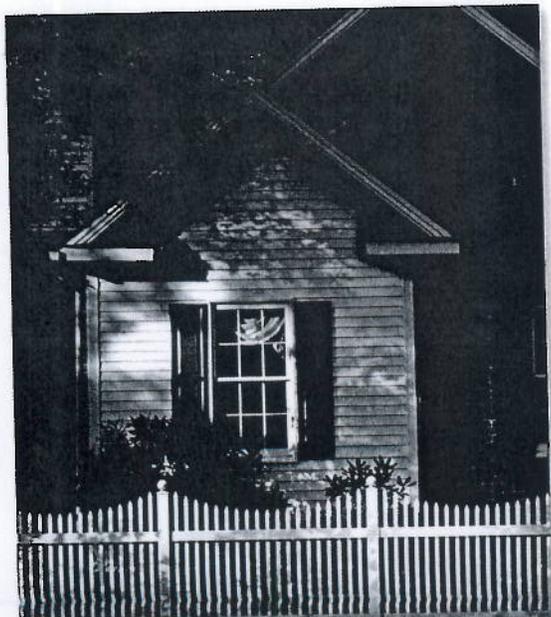
Pickets come in many styles, widths and colors, and can be topped off with a different caps as well. Take a look at some of our suggested configurations below, and let your imagination run wild.



**Narrow Picket
Straight Top**

**Narrow Picket
Scalloped Top**

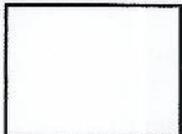
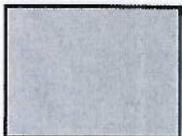
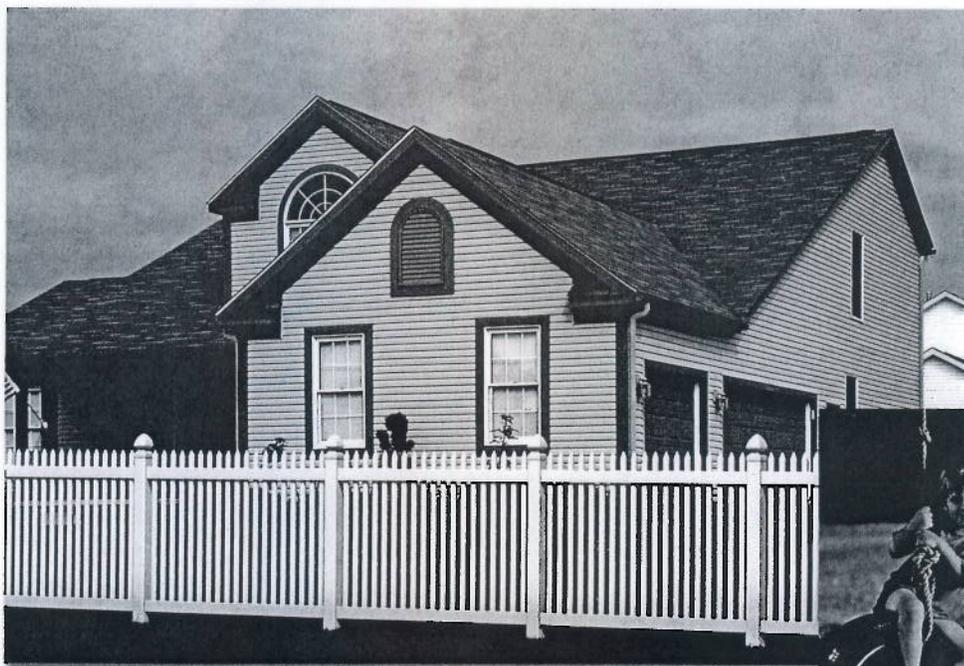
**Wide Picket
Straight Top**



Now you can design your fence to complement the color of your home. Enduris provides options for your fence to "fit in" to your landscaping with pickets, posts, rails and accessories that come in white, tan and khaki.



Whether you're adding a distinctive accent at the end of your driveway, or working to corral kids and pets, Enduris fencing has a style to fit.



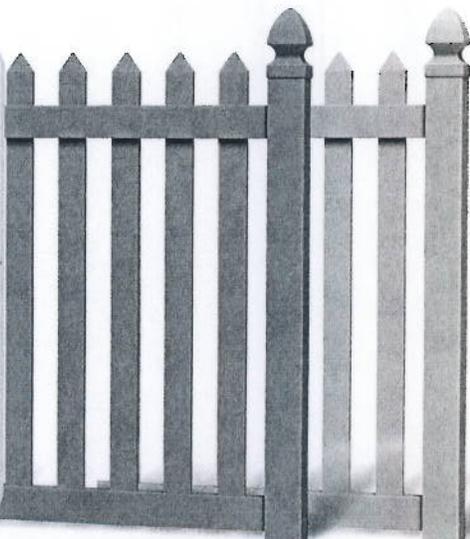
Colors:
Khaki, Tan or White.



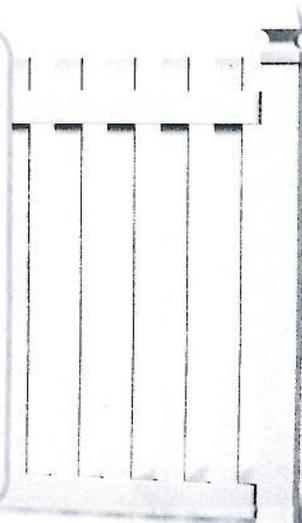
**Wide Picket
Scallop Top**

Closed Picket

Select Khaki or Tan to complement or contrast with the color of your home.



Choose White for a classic, traditional fence.



Yawl. Feeders ton & Troy MI 48073
 Proposal No. 65-14

PROPOSAL

ACTION FENCE of Michigan Inc.
 4248 Delemere Court • Royal Oak, MI 48073

(248) 542-3900
 Fax: (248) 542-6903

Mrs. Cynthia

PROPOSAL SUBMITTED TO Jason Morrison		PHONE 248-379-2170	DATE 6-5-14
STREET 2049 Highbury		JOB NAME	
CITY, STATE AND ZIP Troy		JOB LOCATION CORNER OF Highbury & FANCOTT	
ESTIMATOR Steve	REFERRED BY Google	JOB PHONE	

Landscaping involved?

We hereby submit specifications and estimates for:

Install Fence
 Level Follow Grade

Obstruction in Fence Line Above Ground
 Owner's responsibility to leave clear access
 Contractor's responsibility
 No obstructions

Wood Fence Nice/Side Faces
 In Out

Remove fence

Installer shall call Miss Dig for location of underground utilities. **Customer is responsible for locating all other lines.**

Additional charges will be made for abnormal digging conditions or removal of dirt off property

Where does excavated dirt go on property?
West side of house in tree area

Total Footage
84' FENCE
DARK GATE

Type of Fence
Pvc White 4" high
white scallop top
PICKET

Post Specs.

Extra Features or Special Tools Needed
Gothic Caps

Customer to pull permit if required

I customer, hereby agree to stake the fence(s) depicted above. By this, each end, corner, or gate post shall have a stake at that point. Failure to do so will result in a \$150 return trip charge. Payable upon completion of job. ACTION FENCE WILL NOT IN ANY WAY BE HELD LIABLE FOR INCORRECTLY STAKED LINES. ACTION FENCE HOLDS NO RESPONSIBILITY FOR DAMAGE TO SPRINKLER LINES, GAS BAR-B-QUE LINES, OR ANY OTHER SUCH LINES. IT IS THE RESPONSIBILITY OF THE CUSTOMER TO MARK WHERE SUCH LINES ARE.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. Fence materials remain property of Action Fence till paid in full.

Final Payment Due Upon Completion

For the Sum of \$	4051.00
Haul-Away \$	0 (K FENCE)
Building Permit \$	15.00
Sales Tax \$	Incl.
Total \$	4066.00
Down Payment \$	1356.00
Balance Due \$	2710.00

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____ Date of Acceptance 6-5-14

Customer Signature _____