Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on December 3, 2014 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
Brian Kischnick

Support Staff Present:
Mitch Grusnick, Building Official/Code Inspector
Allan Motzny, Assistant City Attorney
David Roberts, Assistant Fire Chief
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.

Chair Dziurman thanked Mr. Carolan for his service on the Board. Mr. Carolan's term expires January 1, 2015.

Chair Dziurman also thanked Ms. Brooks for her acknowledgment of special occasions on behalf of the Board.

2. APPROVAL OF MINUTES

Moved by: Carolan
Support by: Abitheira

RESOLVED, To approve the minutes of the November 5, 2014 Regular meeting as submitted.

Yeas: All present (5)

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, TERRY GLADSTONE FOR ACTION FENCE OF MICHIGAN, 4621 SUTHERLAND** – This property is a double front corner lot. As such it has a required front setback along both Sutherland and John R. The petitioner is requesting a variance to install a 4 foot high non-obscuring aluminum

fence in the required front setback along John R where City Code limits fences to 30 inches high.

Mr. Grusnick informed the Board the homeowner applied for a variance in October 2014 to install a 6 foot high privacy fence. The Board denied the request based on the number of responses from neighbors in opposition, detailing the negative impact it would have on the surrounding area and subdivision.

Mr. Grusnick reported the department received no responses to the public hearing notices for the requested variance under consideration by the Board today to install a 4 foot high aluminum non-obscuring fence.

Present were Terry Gladstone of Action Fence of Michigan and the homeowners, Daxeshkumar and Priti Patel.

Mr. Patel said he spoke with neighbors about their intent to install a 4 foot high aluminum fence. He indicated the neighbors were supportive because the fence would be similar to the type and style of other fences in the neighborhood.

There was discussion on:

- Setback requirements.
- Fence height if pool would be installed at a future date.
- Fence height and style allowable within portion of rear and westerly side of property.
- Homeowners Association bylaws.

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: Abitheira

RESOLVED, Tograntthe request for a 48 inch high non-obscuring aluminum fence, based on 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 fence.

Yeas: All present (5)

MOTION CARRIED

B. **VARIANCE REQUEST, VARGHESE CHACKO FOR DALLAS INDUSTRIES, 103 PARK** – The petitioner is requesting renewal of the conditional relief of the requirement of a fire suppression system. The original variance was granted in 1978 when a 6,000 square foot addition was erected. In 1984 this Board approved the renewal of the fire suppression system variance subject to terms and conditions set forth in a document/affidavit prepared by the City Attorney's Office and recorded with the Oakland County Register of Deeds. The affidavit does not automatically extend the waiver of the fire suppression system requirement upon change in ownership and it indicates the City may require a new owner to comply with the requirement. Accordingly, the new owner must apply to the Building Code Board of Appeals in order to renew the fire suppression requirement waiver.

Mr. Grusnick reviewed the variance request and provided the Board with minutes from previous Building Code Board of Appeals meetings relating to the item.

Assistant Fire Chief Roberts reported a determination upon inspection that the manufacturing facility remains a non-combustible operation. He stated he is not supportive of the fact there is no fire suppression in the building, but concluded the nature of the manufacturing process that prompted the initial variance has not changed.

Present were Stanley Szot, legal representative for the property owner, and Varghese Chacko of Dallas Industries.

Mr. Chacko said he has leased the building since 2009 and has made an offer to purchase. He said the manufacturing operation has not changed and he is before the Board today as a prospective new owner. Mr. Chacko said he would consider a fire suppression system in the future but at this time is not able to fund the expense.

There was discussion on:

- Square footage of building.
- Fire Department building inspection procedure.
- Administrative procedure that would be followed should a change in use take place (Building and Fire departments).
- Responsibility of building owner, lessee and/or possessor to report a change in use.
- Adjacent buildings; installation of fire suppression systems unknown.
- Hardship to install fire suppression system.

Mr. Szot provided a prepared affidavit for consideration and review by the City Attorney's office, noting the document is of the same concept and language as the initial affidavit.

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: Abitheira

RESOLVED, To approve the variance request to renew relief of the requirement of a fire suppression system with the conditions that (1) an affidavit is prepared by the City Attorney's office for the continued use and is filed with the Register of Deeds and (2) the City is notified of any change in property ownership or tenancy or any change in use, based on the following reason:

1. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yeas: All present (5)

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS – 2015 Meeting Dates

Moved by: Abitheira
Support by: Brooks

RESOLVED, To approve the 2015 Building Code Board of Appeals meeting dates, as prepared.

Yeas: All present (5)

MOTION CARRIED

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:28 p.m.

Respectfully submitted,

_____
Theodore Dziurman, Chair

_____

Kathy L. Czarnecki, Recording Secretary

G:\Building Code Board of Appeals Minutes\2014\Draft\2014 12 03 Regular Meeting_Draft.doc

BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

December 3, 2014

NAME (PLEASE PRINT)	*ADDRESS*
STANLEY SZT	38700 VAN DYKE STE 20 STERLING HTS MI
VARGHESE CHACKO	103 PARK DR., TROY, MI.
DAX PATEL / ACTION FENCE	4621 Sutherland