

A regular meeting of the Building Code Board of Appeals was held on Wednesday, August 4, 2004 in the Council Board Room of City Hall. The Chairman, Ted Dziurman, called the meeting to order at 8:30A.M.

PRESENT: Ted Dziurman
Rick Kessler
Tom Rosewarne
Richard Sinclair
Frank Zuazo

ALSO PRESENT: Ginny Norvell, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES MEETING OF JULY 7, 2004

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of July 7, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. PATRICK SIEBER, OF ALLIED SIGNS, 846 E. BIG BEAVER, for relief of the Sign Ordinance to install a second wall sign, 66 square feet in size.

Petitioner is requesting to install a second wall sign, 66 square feet in size for the Fitness Experience. Section 9.02.04, B of the Ordinance permits a maximum of 98 square feet of wall signage at this location. There is an existing wall sign on the north side of the building, which is 95 square feet, and with the addition of the proposed 66 square foot sign on the south side of the building facing I-75 the signage would total 161 square feet.

This request appeared before this Board at the meeting of June 2, 2004 and was postponed to allow the petitioner the opportunity to determine if the sign on the front of the building could be made smaller. This item last appeared before this Board at the meeting of July 7, 2004 and was further postponed to allow the petitioner the opportunity to be present.

The Chairman explained that the Building Department had received a written request from the petitioner requesting that this item be postponed for one more month.

Motion by Sinclair
Supported by Rosewarne

ITEM #2 – con't.

MOVED, to postpone the request of Patrick Sieber of Allied Signs, 846 E. Big Beaver, for relief of the Sign Ordinance to install a second wall sign, 66 square feet in size until the next scheduled meeting of September 1, 2004.

- Postponed at the request of the petitioner.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL SEPTEMBER 1, 2004 CARRIED

ITEM #3 – VARIANCE REQUESTED. SYED HUSSAINI, 2105 HILLCRESCENT, for relief of Chapter 83 to install a 6' high privacy fence.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This property is a double front corner lot. It has front yard requirements along both Hillcrescent and Marywood. Chapter 83 limits fences in the area between the house and the west property line to a 48" high non-obscuring fence. The site plan submitted indicates a 6' high privacy fence located 6" from the property line along Marywood.

Mr. Hussaini was present and stated that he and his family had lived here for more than seven (7) years. Approximately two years ago they began to have problems with people in the neighborhood harassing them regarding the way they dress and also by coming on to their property and ringing the doorbell and then running away. Mr. Hussaini stated that any time they are in the yard people will walk by and make disparaging comments to them. They have also experienced damage to their property by cars driving on the back lawn. Mr. Hussaini also stated that there is a great deal of litter thrown on their property as well as excrement from dogs.

Mr. Dziurman asked what type of fence the Hussaini's were thinking of and Mr. Hussaini said it was a white vinyl fence. Mr. Hussaini explained that it looked like a wooden privacy fence, but was made of vinyl instead. He also said that he did not think the location of this fence would cause any type of obstruction or bother any of the neighbors.

Mr. Kessler stated that he had driven by the site yesterday and had seen several other homes on corner lots, which had complied with the Ordinance and put up 48" high non-obscuring fences. Mr. Kessler went on to say that this is quite a large lot and he feels that the Hussaini family could achieve the privacy they are looking for by putting up a 48" high fence and then perhaps placing a privacy fence around the patio.

Mr. Hussaini said that he had seen other corner houses in this area that had privacy fences and felt that his property should have the same. Mr. Kessler said that the

ITEM #3 – con't.

determination regarding corner lots was based on the relationship of this home to other homes on the street.

Mrs. Hussaini was also present and said that she believed they should be allowed to put up this fence as other homes in the area also had 6' high privacy fences.

Mr. Kessler stated that in order for a variance to be granted the petitioner must demonstrate a hardship that runs with the land and he did not feel that there was any type of hardship. Mr. Hussaini said that eventually they would like to put in a pool and would want a privacy fence at that time.

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

There are two (2) written approvals on file. There are three (3) written objections on file.

Mr. Dziurman stated that he sympathized with Mr. & Mrs. Hussaini, however, he agreed with Mr. Kessler in that he felt the patio could be screened, but did not feel the entire yard should have a 6' high fence.

Mr. Hussaini said that they would like to put the fence around the whole yard. Mr. Kessler stated that he felt the 6' privacy fence would be comparable to putting up a wall and felt it would have an adverse effect to the surrounding property. Mr. Kessler also stated that Mr. Hussaini could put up a fence that would comply with the Ordinance, and help to give him the privacy he desires.

Mrs. Hussaini said that if they put up a smaller fence they would still have people cutting through their property and did not believe a smaller fence would alleviate the problems.

Motion by Kessler
Supported by Zuazo

MOVED, to deny the request of Syed Hussaini, 2105 Hillcrescent for relief of Chapter 83 to install a 6' high privacy fence located 6" from the property line along Marywood.

- Petitioner did not demonstrate a hardship.
- Variance would have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #4 – VARIANCE REQUESTED. ROBERT E. MOORHOUSE, 5950

ROCHESTER ROAD, for relief of the Sign Ordinance to replace an existing 32 square foot ground sign with a 35 square foot ground sign located in the ultimate right of way of Square Lake Road, at the 42 foot line.

Ms. Norvell explained that this property, although addressed to Rochester Road, has a driveway that extends out to Square Lake Road. The petitioner is requesting relief of Chapter 78 to replace an existing 32 square foot ground sign with a 35 square foot ground sign along this driveway. Section 9.01, Table B of the Sign Ordinance requires that the sign be placed behind the ultimate right of way (60 foot line) on Square Lake Road. The site plan submitted indicates that the new sign would remain at the current location in the ultimate right of way (at the 42 foot line).

Mr. Moorhouse was present and stated that the decorative sides of the sign made the sign larger than he had originally thought. Ms. Norvell explained that the Ordinance does permit a 36 square foot sign at this location; however, the variance the petitioner needs is to be able to leave the sign in the ultimate right of way.

Mr. Dziurman explained that in the past other petitioners asking for the same type of variance had been granted their requests, with the stipulation that if the City were to acquire additional right of way property the signs would be removed at no cost to the City. Mr. Moorhouse said that he did not have a problem with this stipulation. Ms. Norvell said that in November 1998, a variance was granted for this original sign in the right of way, and an agreement was signed at that time that the petitioner would remove the sign if necessary at his own cost.

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

There are two (2) written objections on file. There are no written approvals on file.

Mr. Kessler stated that he had driven out to this site and felt that the mature trees would make visibility of this location very difficult if the sign had to be placed farther back on the property.

Motion by Sinclair
Supported by Rosewarne

MOVED, to grant Robert E. Moorhouse, 5950 Rochester Road, relief of the Sign Ordinance to replace an existing 32 square foot ground sign with a 35 square foot ground sign located in the ultimate right of way of Square Lake Road, at the 42 foot line.

ITEM #4 – con't.

- Should the City of Troy acquire additional property for the right of way the petitioner will remove the sign at no cost to the City.
- Mature vegetation would make visibility very difficult if sign were to be moved back.
- Variance is not contrary to public interest.

Yeas: All - 5

MOTION TO GRANT REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. CHRISTINE YANDURA, PORSCHE ENGINEERING SERVICES, 1965 RESEARCH, for relief of Chapter 78 to install a 24 square foot tenant identification wall sign.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 78 to install a 24 square foot tenant identification sign at 1965 Research. Section 9.02.03 D of the Sign Ordinance limits the size of a tenant identification sign to not more than 20 square feet.

Ms. Christine Yandura and Mr. Tim Meyer were present. Mr. Meyer explained that the existing sign is quite old and faded and they would like to put up a larger, more modern sign on this site. Mr. Meyer went on to say that the tenant in the other part of this building are in the process of moving and their sign will be taken down. Porsche Engineering Services is in negotiations with the landlord to take over this space. Mr. Meyer also explained that this sign is made in Germany and they are not able to downsize it. The new sign would enhance the area and would be an improvement over the old sign.

Mr. Dziurman asked what the size of the existing sign and Ms. Norvell said that it is a little less than 20 square feet.

Mr. Dziurman asked why the petitioner felt the other tenant would be moving. Ms. Yandura explained that they had constructed a new building and has made it clear that they would be leaving this site within two months.

Ms. Norvell stated that if in fact the other tenant moves out and removes the existing 68 square foot wall sign, this proposed sign would then be considered the primary sign and conform to the Ordinance. Ms. Norvell clarified for the Board that the sign Ordinance allows for a primary wall sign on this building to be a maximum of 198 square feet.

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

There are no written approvals or objections on file.

ITEM #5 – con't.

Mr. Kessler said that he had found that the maturity of the trees causes a hardship to the visibility of the existing signs and he could understand the need for a larger sign. Mr. Kessler then asked what their plans were once the other tenant had vacated the building. Ms. Yandura said that they are in negotiations with the landlord and signage is one of the things that they are discussing. Mr. Kessler asked if they would have the primary wall sign once they took over this space and Ms. Yandura said that they would. Ms. Yandura also indicated that they would not want to put up a larger sign. Ms. Norvell explained that this location would allow the primary wall sign to be 198 square feet, and the petitioner is only requesting a 24 square foot sign. Mr. Kessler said that it would depend on what type of agreement they worked out with the landlord. Mr. Meyer stated that the landlord was in support of their request.

Motion by Rosewarne
Supported by Kessler

MOVED, to grant Christine Yandura, Porsche Engineering Services, 1965 Research, relief of Chapter 78 to install a 24 square foot tenant identification wall sign, where Section 9.02.03 D of the Sign Ordinance limits the size of a tenant identification sign to not more than 20 square feet.

- Letter from landlord indicating that the primary wall sign on the building would be restricted to 194 square feet.
- Variance would not be contrary to public interest.
- Mature vegetation limits visibility.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. TOM SHUFFLIN, ASI MODULEX, 300 JOHN R., Space C, for relief of the Sign Ordinance to install two wall signs, each 50 square feet in size, resulting in a total of 100 square feet of wall signage.

Ms. Norvell explained that the existing single tenant commercial building at this location is being re-developed as a multi-tenant building. The petitioner, who represents one of the proposed tenants, is requesting relief of Chapter 78 to install two wall signs, each 50 square feet in size, resulting in a total of 100 square feet of wall signage. Section 9.02.04 B of the Ordinance limits wall signage to 10% of the front face of the tenant space. This would permit 77 square feet of wall signage at this location.

Mr. Shufflin was present and stated that they wished to place one sign on the front of the building and one on the side of the building to improve visibility to oncoming traffic.

ITEM #6 – con't.

Ms. Norvell explained that one of the proposed signs could be approved; the petitioner requires a variance for the second wall sign. Mr. Shufflin said that both John R. and 14 Mile Road are high traffic areas, and he feels that two (2) signs will increase visibility.

Mr. Kessler stated that he had gone out to this site and did not feel two signs were necessary as this building is more visible than other buildings in the complex.

Mr. Kessler also said that even if someone passed the site they would be able to turn in to the complex just a little farther down the road and also this area has boulevards for drivers to turn around and come back to the location.

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

There are no written approvals or objections on file.

Motion by Kessler
Supported by Rosewarne

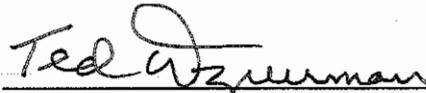
MOVED, to deny the request of Tom Shufflin, ASI Modulex, 300 John R., Space C, for relief of the Sign Ordinance to install two wall signs, each 50 square feet in size, resulting in a total of 100 square feet of wall signage, where Section 9.01.04 B of the Ordinance allows for only 77 square feet of wall signage at this location.

- Petitioner did not demonstrate a hardship.
- The variance would cause an adverse effect to surrounding property.
- This variance would be contrary to public interest.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:15 A.M.



Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary