

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals meeting to order at 8:30 A.M., on Wednesday, October 6, 2004, in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Richard Kessler  
Tim Richnak  
Richard Sinclair  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Ginny Norvell, Housing & Zoning Inspector Supervisor  
Pamela Pasternak, Recording Secretary

#### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 1, 2004**

Motion by Kessler  
Supported by Richnak

MOVED, to approve the minutes of the meeting of September 1, 2004 as written.

Yeas: All – 5

**MOTION TO APPROVE MINUTES CARRIED**

**ITEM #2 - VARIANCE REQUESTED. SIGNGRAPHIX, INC., 4550 INVESTMENT DRIVE**, for relief of the Sign Ordinance to install two wall signs, 31 square feet in size (UnaSource Surgery Center) and 39 square feet in size (UnaSource Health) at 4550 Investment Drive.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install two wall signs, 31 square feet in size (UnaSource Surgery Center) and 39 square feet in size (UnaSource Health) at 4550 Investment Drive. Section 9.02.03, A of the Sign Ordinance permits one major wall sign at this location up to 200 square feet in size. The proposed second wall sign exceeds the number of wall signs permitted at this location. Since the single 31 square foot wall sign complied with the ordinance provisions, a permit was issued for that sign. The permit for the 39 square foot wall sign has been denied and further action is awaiting your decision.

This item appeared before this Board at the meeting of September 1, 2004 and was postponed to allow the petitioner the opportunity to be present.

Mr. Bill Lutz of Signgraphix, Inc. was present. Mr. Lutz explained that this location is a small healthcare campus, and recently has added the Surgery Center. Many of the other departments are included within the UnaSource Health Center, but he believes this is a major department and requires its own identification. The combination

**ITEM #2 – con't.**

of both of these wall signs would still fall within the size of wall signs that are allowed by the Ordinance.

Mr. Dziurman asked if this client would come back to this Board in the future and ask for other variances for additional signs. Mr. Lutz indicated that there is a current sign indicating the Emergency Center and the only reason they are asking for this sign, is because the Surgery Center is a major department and Mr. Lutz stated that his client does not feel that any additional signs would be necessary.

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

There is one written approval on file. There are no written objections on file.

Motion by Richnak  
Supported by Sinclair

MOVED, to grant Signgraphix, Inc., 4550 Investment Drive, relief of the Sign Ordinance to install two (2) wall signs, 31 square feet in size (UnaSource Surgery Center) and 39 square feet in size (UnaSource Health), where Section 9.02.03, A of the Sign Ordinance only permits one major wall sign at this location.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Signs will make identification easier for patients.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #3 – VARIANCE REQUESTED. LAUREN BERNACKI, 4401 TALLMAN**, for relief of the Sign Ordinance to place 40 off-site signs, to advertise a special event, where Chapter 78 limits the number of off-site signs to four (4), and also to place two off-site signs 8 square feet in size, where Chapter 78 limits the size of off-site signs to six square feet.

Mr. Stimac explained that the petitioner is requesting relief of Section 14.03 of Chapter 78 to place 40 off-site signs at various locations throughout the city, 2.25 square feet in size, and two (2) additional off-site signs, each 8 square feet in size, to advertise a special event for the school PTO. Chapter 78 limits the number of off-site signs to four (4). Also the two off-site signs proposed to be placed at Rochester and Longfellow, Livernois, and Randall are 8 square feet and exceed the size of six square feet allowed by Chapter 78.

**ITEM #3 – con't.**

Lauren Bernacki was present and stated that this event is a craft show to raise money for the PTO. The two (2) large signs are placed along two (2) different roads to direct people to the location of the show; the smaller signs are placed at various schools and on private property.

Mr. Richnak asked if the two (2) large signs were only up for one day and Ms. Bernacki stated that they were.

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 Richnak  
Supported by Kessler

MOVED, to grant Lauren Bernacki, 4401 Tallman, relief of the Sign Ordinance to place 40 off-site signs, to advertise a special event, where Chapter 78 limits the number of off-site signs to four (4), and also to place two off-site signs 8 square feet in size, where Chapter 78 limits the size of off-site signs to 6 square feet.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #4 – VARIANCE REQUESTED. GARTH LEWIS, 6989 FREDMOOR,** for relief of Chapter 83 to install a 6' high privacy fence in the front yard along South Blvd. at 6989 Fredmoor.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. This property at the southwest corner of Fredmoor and South Blvd. is a double front corner lot. As such it has front yard requirements along both Fredmoor and W. South Boulevard. Chapter 83 limits the height of fences in front yard setbacks to 30 inches. The site plan submitted indicates a 6' high wood fence in the front setback, 5' from the property line along W. South Boulevard.

Mr. Garth Lewis was present and stated that he wished to put this privacy fence up to help lessen the noise from traffic on South Boulevard and also to provide security for his dog. Mr. Lewis further explained that he did not think this fence would be completely

**ITEM #4 – con't.**

visible to traffic along South Boulevard due to the fact that there are a number of evergreen trees in this area and the fence will be put up in the middle of these trees.

Mr. Zuazo stated that he thought that there was an area that was approximately 25' along South Boulevard that was open, and asked if Mr. Lewis had any plans to add more shrubbery. Mr. Lewis stated that he would do whatever the Board wanted him to do to screen this fence. Mr. Zuazo asked what this privacy fence would look like and Mr. Lewis said it was going to be a very basic, simple fence because it would be under the existing trees.

Mr. Dziurman asked why Mr. Lewis wanted a 6' high fence in this location. Mr. Lewis stated that basically he would like the fence to keep his dog contained in his yard, and also to abate some of the noise from South Boulevard. Mr. Lewis also stated that if this Board was against the 6' high fence, he would be willing to put up a 5' high chain link fence with black vinyl running through it.

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 no written objections on file.

Mr. Dziurman stated that he did not like the idea of a 6' high privacy fence along South Boulevard.

Mr. Richnak stated that he felt there were other options available and suggested that Mr. Lewis could look into adding an "Invisible fence", which he felt would contain Mr. Lewis' dog. Mr. Lewis stated that he would not want an "Invisible fence" as he had personally seen dogs go right through such a fence. Mr. Richnak said that he could add a smaller fence instead of the 6' high privacy fence. Mr. Lewis then asked if the Board would consider a 5' high chain link fence.

Mr. Kessler stated that he could understand Mr. Lewis' concerns regarding South Boulevard as he felt that traffic has increased, and also feels that additional landscaping would help hide this fence. Mr. Lewis said that there is quite a bit of vegetation along South Boulevard and does not feel that this fence would be an eyesore to people traveling along this Road.

Mr. Zuazo asked about the maintenance of this fence. Mr. Lewis said that it was a cedar fence and he had not planned on staining it so that it could fade naturally due to the fact that it would be located under trees. Mr. Lewis also stated that he planned on repairing the fence whenever necessary. Mr. Zuazo said that he thought about 50' of this fence would be visible to traffic along South Boulevard, and asked if Mr. Lewis was going to increase the landscaping. Mr. Kessler asked if Mr. Lewis had explored the

**ITEM #4 – con't.**

possibility of moving the fence inside the tree line. Mr. Lewis said if he did that it would severely impact the size of the yard.

Mr. Richnak asked if this Board could either postpone this request to allow Mr. Lewis to draw up a landscape plan and present it to the Board; or, if a stipulation could be placed on the request requiring an approved landscape plan. Mr. Stimac stated that the Board had placed landscaping restrictions on fences in the past and if they wished to do so in this case they could.

Mr. Dziurman asked how that would affect Mr. Lewis and Mr. Lewis said that all it would do would be to put the fence on hold for another month.

Mr. Zuazo asked Mr. Lewis if he had looked into the possibility of putting up a maintenance free fence. Mr. Lewis said he was not sure if Mr. Zuazo was referring to the vinyl type fencing that is now available, but he had looked into this type of fencing and it is more costly to put up and to be repaired or replaced due to falling branches.

Motion by Richnak  
Supported by Kessler

MOVED, to postpone the request of Mr. Garth Lewis, 6989 Fredmoor, for relief of chapter 83 to install a 6' high privacy fence in the front yard along South Boulevard.

- To allow the petitioner to work with the Building Department and develop a landscaping plan that would reduce visibility of this fence to traffic along South Boulevard.

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

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF NOVEMBER 3, 2004  
CARRIED

**ITEM #5 – VARIANCE REQUESTED. DIANE CLAEYS, TROY WOMEN'S ASSOCIATION, 4777 NORTHFIELD PARKWAY**, for relief of the Sign Ordinance to place 90 off-site signs, 2 square feet in size, and one additional off-site sign, 8 square feet in size, for a period of 8 days to advertise a special event.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to place 90 off-site signs, 2 square feet in size, at various locations throughout the city and one additional off-site sign, 8 square feet in size at Wattles and Northfield Parkway, for a period of 8 days from November 21<sup>st</sup> to November 28, 2004. The purpose of the signs is to advertise a special event to be held at the Troy High School. Section 14.03 of the Ordinance limits the number of off-site signs to four, and the size of off-site signs to 6

**ITEM #5 – con't.**

square feet. Section 14.02 of the Ordinance permits off-site signs to be in place for a maximum 7- day period.

Marilyn Johnson and Kathy Merritt were present. Ms. Johnson stated that this is a one-day event and the large directional sign will only be up for the day of the craft show. Mr. Richnak asked if this request was the same as in previous years and Ms. Johnson stated that in the past they have asked for 75 off-site signs and this year they have increased that request to 90 off-site signs.

Mr. Kessler asked if there have been any violations connected with these off-site signs and Ms. Norvell stated that she was not aware of any violations.

Ms. Johnson said that they have sign-up sheets and one person is responsible for a certain area in putting the signs up and also for removing them on the Sunday following the event.

Mr. Richnak asked where the signs were placed. Ms. Johnson said that some of them are on major roads, but the majority are placed on interior residential sites.

Mr. Dziurman noted that some of the signs listed were to be placed in surrounding communities and said that this Board could not approve the signs in those areas. Ms. Johnson stated that she understood that.

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

There is one (1) written approval on file. There are no written objections on file.

Motion by Kessler  
Supported by Richnak

MOVED, to grant Diane Claeys, Troy Women's Association, 4777 Northfield Parkway, relief of the Sign Ordinance to place 90 off-site signs, 2 square feet in size for a period of 8 days; and one additional off-site sign, 8 square feet in size on the day of the event to advertise this craft show.

- 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 #6 – VARIANCE REQUESTED. DAN HEILEMAN, HEILEMAN SIGN CO., 1800 MAPLELAWN,** for relief of the Ordinance to install a 45 square foot secondary ground sign, 19 feet in height and setback 200 feet from the right of way.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 45 square foot secondary ground sign, 19 feet in height and setback 200 feet from the right of way, at the above location. Section 9.02.05 of the Sign Ordinance limits this site to one ground sign. Since there is an existing 154 square foot ground sign already in place, this proposal exceeds the number of signs permitted.

Mr. Stimac also pointed out that this property does not have frontage on Maplelawn and is in fact set back quite far. Mr. Stimac further explained that the petitioner had submitted a sign permit application to replace the existing 154 square foot ground sign, which was granted a variance by City Council, with a new sign that would be 50 square feet in size and 20' in height that would comply with the requirements of the Sign Ordinance. Mr. Dziurman asked if this second ground sign would still require a variance, and Mr. Stimac said that it needs a variance because it exceeds the number of ground signs allowed by the Ordinance.

Tim Heileman of Heileman Sign Co. was present and stated that the main reason they need this second sign is to direct customers to either the New Car section of the dealership versus the Pre-Owned section of the dealership.

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.

Mr. Richnak asked if the present ground sign was considered to be an "off-site" sign due to the fact that this dealership is set so far back. Mr. Stimac said that this was correct and the location was part of the original variance.

Mr. Zuazo asked if this was all one piece of property and Mr. Stimac said that it was separate properties, although it was possible that it was all owned by the same corporate entity.

Mr. Zuazo asked if the proposed sign was going to be placed on the concrete or the grassy knoll. Mr. Tim Lekay stated that they plan to put in on the grassy knoll. Mr. Zuazo then asked if there were any objections to this request from the surrounding dealers. Mr. Lekay stated that no one had any objections to the location of this site as it is the same owner for both sites.

Mr. Zuazo then asked if the height of the sign would impede traffic or safety on this site. Mr. Heileman stated that the light is higher than the proposed 19' height of the sign and he did not believe it would cause any type of hardship.

**ITEM #6 – con't.**

Mr. Kessler stated that he had driven out to this site and feels that the configuration of the lot creates a hardship.

Motion by Kessler  
Supported by Richnak

MOVED, to grant Dan Heileman, Heileman Sign Co., 1800 Maplelawn, relief of the Ordinance to install a 45 square foot secondary ground sign, 19 feet in height and setback 200 feet from the right of way.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Configuration of lot creates a hardship.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:13 A.M.

  
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Ted Dziurman, Chairman

  
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Pamela Pasternak, Secretary