

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, July 5, 2006 in the Lower Level Conference room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler (arrived 8:50 A.M.)
Bill Nelson
Tim Richnak
Frank Zuazo

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

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 7, 2006

Motion by Richnak
Supported by Zuazo

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

MOTION TO APPROVE MINUTES OF THE MEETING OF JUNE 7, 2006 CARRIED

ITEM #2 – VARIANCE REQUEST. DORIS FENNER, 405 LOVELL, for relief of Chapter 83 to install a privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. The site plan submitted indicates a 6' high vinyl privacy fence within 26' off the front property line abutting Westaway. This lot is a double front corner lot. As such, it has a 40' minimum front yard setback along both Lovell and Westaway. Chapter 83 of the City Code limits the height of fences in the front yard to no more than 30" in height.

Ms. Fenner was present and stated that the owners of the property behind her home are planning to construct a second story addition to their home and she would like a little more privacy. Ms. Fenner went on to say that she already has a permit and would now like to extend this fence an additional 14'. Ms. Fenner brought in pictures that she passed around to the Board members indicating the location of the existing fence

Mr. Dziurman asked if Ms. Fenner had lived at this address for a long time and Ms. Fenner stated that she has been here since 1988.

The Chairman opened the Public Hearing.

Mr. Jeff Duncan, 6730 Westaway was present and stated that he is in favor of this request. Mr. Duncan also said that he would like to see this privacy fence go all the way to the property line and would like to have the split rail fence taken down, as he is concerned about the upkeep of the fences as well as the appearance between the two fences.

ITEM #2 – con't.

Mr. Dziurman confirmed that Mr. Duncan was in favor of this request. Mr. Duncan said that he is in favor of the request, however, would like it to go all the way to where it would connect with the split rail fence on Westaway.

Mr. Stimac explained that was not part of the petitioner's request nor the advertised public hearing and the Board did not have the power to act on this suggestion.

No one else 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.

Mr. Richnak asked if there was a problem leaving the split rail fence up with the privacy fence. Mr. Stimac explained that there is not a violation having two fences there although, it is still the responsibility of the homeowner to maintain the fences and the land between them.

Motion by Richnak
Supported by Nelson

MOVED, to grant Doris Fenner, 405 Lovell, relief of Chapter 83 to install a 6' high privacy fence within 26' of the front property line abutting Westaway where Chapter 83 requires a 40' minimum front yard setback.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

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

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. STEVEN VANDEN BOSSCHE, TALON DEVELOPMENT GROUP, INC., 5660 NEW KING (proposed address), for relief of Chapter 83 to install a fence in the front yard along New King Street.

The Chairman moved this request to the end of the Agenda, Item #6, to allow the petitioner the opportunity to be present.

ITEM #4 – VARIANCE REQUEST. MICHAEL BENHAM OF SPECTRUM STRATEGIES, 999 W. BIG BEAVER, for relief of Chapter 85 to install a 300 square foot ground sign within 20' of the front property line of Big Beaver and Crooks Road.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a new ground sign. The triangular cross section of this sign means that it is a multi-faced sign and each face of the sign is used in the calculation of the sign area. The sign is 100 square feet on each of the three sides. The sign area is 300 square feet and it is proposed to be

ITEM #4 – con't.

located at a 20' front setback from both Big Beaver and Crooks Road. Section 85.02.05 C limits the size for a ground sign in this location to not more than 100 square feet in area.

Mr. David Hay of Kelly Services and Mr. Michael Benham of Spectrum Strategies were present. Mr. Hay gave a history of Kelly Services and explained that they have been in this area since 1977 and this building houses their Corporate Headquarters. This is a Fortune 500 Company and has been in business for 60 years. As part of their birthday celebration they would like to add this sign, as they believe it is understated and elegant. Even though the sign would be 300 square feet, only 100 square feet would be visible from any direction. Furthermore, the sign would have a limestone base and would be surrounded by a flowerbed.

(Mr. Kessler arrived at the meeting).

Mr. Benham said that this is a classic sign and would be an asset to this location. Mr. Benham also stated that the Ordinance would allow signage up to 844 square feet on the total sites occupied by Kelly Services and including this proposed sign they would be using less than half of that. The triangular shape of the sign creates a dimensional issue even though only 100 square feet of signage would be visible at any time.

Mr. Dziurman asked if the proposed sign meets all of the requirements regarding corner clearance. Mr. Stimac said that the location of the sign does not encroach into the required corner clearance.

Mr. Dziurman asked about signage on the building and Mr. Hay stated that they do not intend to put any signs on the building. There are two signs at the driveways and they plan to redo those signs but they will comply with the Ordinance.

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 Nelson
Supported by Richnak

MOVED, to grant Michael Benham of Spectrum Strategies, 999 W. Big Beaver, relief of Chapter 85 to install a 300 square foot ground sign within 20' of the front property line of Big Beaver and Crooks Road.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- The total area of signs for the Kelly Services development will be significantly less than allowed by Ordinance.

Yeas: All – 5

ITEM #4 – con't.

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. BASEMENT EXPERTS, 336 RANDALL, for relief of the 2003 Michigan Residential Code to finish a basement that will result with a suspended ceiling height of 6'-9" and 6'-10" and a ceiling height of 6'-3" under a heating duct where a 7' minimum ceiling height is required in finished basements and 6'-6" minimum heights under dropped areas.

Mr. Stimac explained that the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted indicate the installation of a suspended ceiling with a 6'-9" and 6'-10" finished height and an area under a heating duct with a 6'-3" ceiling height. The 2003 Michigan Residential Code, Section R305 requires a 7' minimum ceiling height in finished basements and 6'-6" minimum heights under dropped areas.

Mr. Dubay of Basement Experts was present. Mr. Dubay stated that this basement is typical of the other basements that have required a variance. They will try to raise the ceiling as high as they can, but the height under the I-beam would be 6'-3". Mr. Dziurman asked what the present height of the ceiling was and the petitioner stated to was 6'-10 ½".

Mr. Dziurman said that based on past requests the Board is still concerned about the height of the ceiling. Mr. Dubay said that there is no way to bump the ceiling up any higher. Mr. Dubay indicated that he had included photos of this basement with his Building Permit application. Mr. Stimac passed these photos to the Board members.

A discussion began regarding these pictures and Mr. Dubay said that they will attempt to make the ceiling as high as they can, but water and gas lines make it difficult to raise the ceiling. Mr. Dubay also explained that this basement would basically be made up of an unfinished area and a recreation room. Mr. Dubay also said that they would eliminate the sharp corners whenever possible so they would not have 90 degree angles.

Mr. Zuazo asked about inspections by the Building Department and wanted to make sure that the variances granted by this Board were monitored by the Building Department. Mr. Stimac informed him that inspections are done according to the Building Permit and there have not been any glaring issues. The Inspectors make sure that the work is done in accordance with the requirements.

Motion by Kessler
Supported by Richnak

MOVED, to grant Basement Experts, 336 Randall, relief of the 2003 Michigan Residential Code to finish a basement that will result with a suspended ceiling height of 6'-9" and 6'-10" and a ceiling height of 6'-3" under a heating duct where a 7' minimum ceiling height is required in finished basements and 6'-6" minimum heights under dropped areas.

ITEM #5 – con't.

- 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 (ITEM #3) – VARIANCE REQUEST. STEVEN VANDEN BOSSCHE, TALON DEVELOPMENT GROUP, INC. 5660 NEW KING (proposed address), for relief of Chapter 83 to install a fence in the front yard along New King Street.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Steven Vanden Bossche, Talon Development Group, Inc., 5660 New King (proposed address), for relief of Chapter 83 to install a fence in the front yard along New King Street until the meeting of August 2, 2006.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL AUGUST 2, 2006 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary