

The Chairman, Ted Dziurman, called the regular meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, September 6, 2000.

PRESENT: Ted Dziurman
Bill Need
Bill Nelson
Rick Kessler
Jennifer Lenner

ALSO PRESENT: Mark Stimac
Ginny Norvell
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES, MEETING OF AUGUST 2, 2000

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of August 2, 2000 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES OF AUGUST 2, 2000 CARRIED

ITEM #2 – MR. AND MRS. THOMAS PREBELICH, 2498 AVALON, for relief of Chapter 83 to erect a 48” high chain link fence in the front setback.

Mr. Stimac explained that the petitioner’s property is located at the southwest corner of Avalon and Cedar Crest and is by definition a double front corner lot. Petitioners are requesting relief of Chapter 83 to erect a 48” high chain link fence in the setback along Cedar Crest. Chapter 83 limits the height of fences to 30” in that portion of the property in front of the building setback line.

Mr. Thomas Prebelich was present and stated that when he originally purchased his home, Cedar Crest was a dead end street and he did not believe there were plans to develop it. Mr. Prebelich stated that the reason he wished to put up a fence was to provide security for his young daughter. Mr. Prebelich further stated that he had spoken to his neighbors and they did not object to this proposed 48” high fence.

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

There are two written approvals on file.

Motion by Need
Supported by Nelson

ITEM #2

MOVED, to approve the request of Mr. and Mrs. Thomas Prebelich, 2498 Avalon, for relief of Chapter 83, to erect a 48" high chain link fence in the front setback along Cedar Crest.

- This variance is not contrary to public interest.
- This variance will provide a measure of safety for his daughter, when she plays in the yard.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #3 – TURNER-BROOKS, INC., 2800 LIVERNOIS, for relief of the 1996 BOCA Building Code.

The Chairman moved this item to the end of the agenda, Item #10, to allow the petitioner the opportunity to be present.

ITEM #4 – MR. STEPHEN M. YORK, 4288 CACTUS DRIVE, for relief of Chapter 83 to erect a 48" high non-obscuring fence in a front setback.

Mr. Stimac explained that because of the location of the lot it is defined as a "through lot". As such, it has a front yard along both Cactus and Dequindre. The petitioner is requesting relief of Chapter 83 to erect a 48" non-obscuring fence along the rear yard along Dequindre. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line.

Mr. York was present and stated that they have put in both a deck and a hot tub. At the time they received the Building Permit for the hot tub they were told that it would have to be protected by a fence. Mr. York also stated that he has two young sons, and feels that the fence would provide them with a degree of safety due to the fact that his lot backs up to Dequindre.

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. Need asked if there would be a gate provided in order to maintain the greenbelt area. Mr. York stated that he did plan to put in a gate and would maintain the grass in the greenbelt area.

ITEM #4

Motion by Need

Supported by Kessler

MOVED, to grant the request of Mr. Stephen M. York, 4288 Cactus Drive, relief of Chapter 83 to erect a 48" high non-obscuring fence in the front setback.

- This variance is not contrary to public interest.
- This variance will not cause an adverse effect to surrounding property.
- A gate will be provided at the rear to allow maintenance of the Berm.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #5 – METRO DETROIT SIGNS, 402 W. 14 MILE, CHILI'S, for relief of Chapter 78.

Mr. Stimac explained that the petitioners are requesting relief of Chapter 78 to install a third wall sign 17 square feet in size, which will result in a total combined area of 163 square feet of wall signage. Section 9.02.04, B of Chapter 78 of the Troy City Code permits 122 square feet of total combined area for all wall signs at this location. City Council granted a variance on September 28, 1992 allowing for the existing two (2) signs totaling 146 square feet.

Mr. John Deters of Metro Detroit Signs was present and stated that Chili's wished to join other franchises in the area in relation to offering a carry out menu. Mr. Deters also stated that the other option they had was to place a neon sign in the window, and they did not care for this.

The Chairman opened the Public Hearing.

Mr. Douglas Mossman, one of the owners of Oakland was present and asked why they could not use one of the existing signs for this purpose. Mr. Deters stated that they had determined that it would be cost prohibitive to replace one of the existing signs with this "to go" sign, due to the fact that they wished to have uniformity nationwide.

No one else wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Need asked what the hardship was, and if Mr. Deters had any data which would prove that business would improve with the installation of this sign. Mr.

ITEM #5

Deters stated that at the present time, they did not have the data to support this premise.

Motion by Need
Supported by Kessler

MOVED, to deny the request of Metro Detroit Signs, 402 W. 14 Mile, Chili's, for relief of Chapter 78 to install a third wall sign 17 square feet in size, which would result in a total combined area of 163 square feet of wall signage.

- Petitioner did not prove a hardship.
- The Board feels that there are other alternatives for this petitioner.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #6 – MR. ANTHONY SEMIFERO, 5520 LIVERNOIS, for relief of Chapter 83 to construct a 6' high privacy fence in a front setback.

Mr. Stimac explained that because of the configuration of this parcel and its relationship to the adjacent properties, there is a front yard required on Livernois as well as along Nottingham Court. Petitioner is requesting relief of Chapter 83 to construct a 6' high privacy fence in the required setback along Nottingham Court. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the required building setback line.

Mr. Semifero was present and stated that this home has been in his family since before Sylvan Glen Subdivision was built. He stated that basically he wished to put up this fence due to the fact that he owns two dogs, and not only do the neighbors taunt them, but also children in the area use his yard as the neighborhood park. He stated that he had spoken with his next-door neighbor and that this neighbor was willing to work with him regarding putting in this fence.

The Chairman opened the Public Hearing.

Mr. and Mrs. Nopora, 5538 Winchester were present. Mrs. Nopora asked Mr. Semifero if the fence were to be approved, if he had any plans to breed dogs or to open a kennel. Mr. Semifero stated that he did not have any plans for a commercial venture and only wished to put up a fence so that he could have some privacy in his yard. Mr. and Mrs. Nopora, stated that as long as he did not plan any commercial ventures, they would approve of his request.

ITEM #6

Mrs. Ashley, 121 Nottingham Court was present and stated that she is the neighbor next door to Mr. Semifero. She stated that they had put up a fence which was in compliance with the code and which was approved by all the neighbors on Nottingham Court. Mrs. Ashley further stated that she is concerned, due to the fact that Mr. Semifero does not keep his yard up and

believes that presently he has three dogs. Mrs. Ashley also stated that he has a vegetable garden that is not weeded and he keeps his riding lawnmower stored outside. She is concerned due to the fact that she is afraid if this part of the yard is hidden from view, it will continue to be unkempt. Mrs. Ashley said that she and her husband had talked to Mr. Semifero and that he was to draw up a different plan and discuss it with them. She said that it has now been three weeks and they have not heard anything from him. Mrs. Ashley brought in four (4) written objections.

Mr. Need asked Mrs. Ashley if she thought that if they tabled this item for thirty days, would it be possible for she and her husband to work out a solution with Mr. Semifero. Mrs. Ashley stated that she wasn't sure due to the fact that the front of her house faces his back yard. She also stated that he had placed chicken wire on the property to keep his dogs in and felt that if he wanted to compromise he would have done it within the last three weeks. Mr. Need again asked if this item were tabled with the caveat that Mr. Semifero would sit down with the neighbors and discuss this if this would be satisfactory to her. Mrs. Ashley stated that she likes the way the property looks now.

Mr. Semifero stated that when the neighbors originally approached him he told them that he would be willing to change the angle of the fence in order to maintain an aesthetically pleasing look to the court. He also said that Mr. Ashley wanted him to place the fence in the middle of his yard, which he was against.

Mr. Stimac further explained the effect of an excessive amount of right of way dedicated for the cul-de-sac. He said that if the right of way was dedicated for the cul-de-sac the way most are, a fence could be constructed on the property closer to the pavement on Nottingham than would be permitted on this lot. Mr. Semifero asked Mrs. Ashley if she would be happier if they were to install a chain link fence rather than a privacy fence. Mrs. Ashley again stated that she likes the way the property looks now.

No one else wished to be heard and the Public Hearing was closed.

Motion by Need
Supported by Kessler

ITEM #6

MOVED, to table the request of Mr. Anthony Semifero, 5520 Livernois, for relief of Chapter 83 to construct a 6' high privacy fence in a front setback until the next meeting of October 4, 2000.

- Property has a unique problem due to cul-de-sac.
- Allow petitioner to approach his neighbors and work out a solution.

- Allow the petitioner to bring back a different request to the Board.

Yeas: All – 5

MOTION TO TABLE REQUEST UNTIL MEETING OF OCTOBER 4, 2000
CARRIED

ITEM #7 – MR. DOUGLAS MOSSMAN, OAKLAND MALL, LTD., 500 W. FOURTEEN MILE, for relief of Chapter 78 to exceed the maximum time permitted for a special event sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 for the placement of a special event sign over the existing pylon sign and frame facing the I-75 Expressway, from November 1, through December 26, 2000 (56 day period). Section 9.01 of Chapter 78 limits the time period to advertise a special event to seven (7) days.

Mr. Douglas Mossman, one of the owners of Oakland Mall was present and stated that they are asking the Board for a variance for something which may not happen. Mr. Mossman introduced Tara Cardella, Marketing Director for Oakland Mall and she stated that they were working with Universal Studios for licensing rights to bring the “Grinch” to Oakland Mall. She stated that they planned to make Oakland Mall, “Whoville”, but before they could do this they needed permission from Universal Studios. Ms. Cardella also stated that the reason they were coming to the Board now was due to the time requirement.

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 Need
Supported by Kessler

ITEM #7

MOVED, to approve the request of Mr. Douglas Mossman, Oakland Mall, LTD., 500 W. Fourteen Mile, relief of Chapter 78 to exceed the maximum time permitted for a special event sign.

- Variance is not contrary to public interest.
- There are no written complaints or objections on file.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 – MR. GABRIEL B. LOCHER, 1914 HEMPSTEAD, for relief of Chapter 83 to erect a 48” high obscuring fence in the front setback.

Mr. Stimac explained that this lot by definition is a double front corner lot. Petitioner is requesting relief of Chapter 83 to erect a 48” high obscuring fence in the required front setback along Chesterfield. Chapter 83 limits the height of fences to 30” in that portion of the property in front of the building setback line.

Mr. Gabriel Locher was present and stated that they have two small children and a dog. He would like this fence to contain both the children and dog inside the yard and further explained that their lot actually juts out into the intersection. He also distributed drawings showing the placement of two very large trees, which he said are approximately 15 – 20 years old. He stated that it would be very difficult to put the fence around these trees. Mr. Locher also stated that they had chosen a “dog-ear” type of fence, so that when you look down the street the site line area along Chesterfield would not be obscured.

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.

Mr. Dziurman asked if Mr. Locher’s neighbor had any objection to the fence and Mr. Locher stated that the neighbor offered to help him pay for a wooden fence.

Motion by Nelson
Supported by Need

ITEM #8

MOVED, to grant Mr. Gabriel B. Locher, 1914 Hempstead, relief of Chapter 83 to erect a 48” high obscuring fence in the front setback.

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

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 – MR. MARTIN WEIPERT, 715 BARCLAY, for relief of Chapter 83 to erect a 48” high non-obscuring fence in the front setback.

Mr. Stimac explained that because of the location of this lot, it is defined as a double front corner lot. As such, it has a front yard along both Barclay and Holly. Petitioner is requesting relief of Chapter 83 to erect a 48" high non-obscuring fence. The permit application submitted indicates a 48" high non-obscuring fence in the required setback along Holly. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line.

Mr. Martin Weipert was present and stated that he also has two small children and a dog. Mr. Weipert also stated that in the south eastern corner of his lot is a storm catch basin and due to the fact that it is quite damp, it attracts a number of bugs, and makes it impossible for his children to play in this area. Mr. Weipert also stated that his neighbor is very afraid of his dog and would feel more secure with a fence in place. Mr. Weipert chose a 48" high non-obscuring fence so that it will not affect the site line of his neighbors.

There are five (5) written approvals on file. There is one written objection on file.

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

Mr. Stimac explained that due to the fact that the utility boxes were in the northeast corner of Mr. Weipert's yard, he is responsible for taking care of the grass around them that would require a gate to allow access to this area. He pointed out if the other neighbors were to put in fences along their property lines, eventually these boxes would be enclosed and inaccessible. Mr. Need asked if Mr. Weipert could just go the corner with his fence, and Mr. Weipert stated that he did not want his children to have access to these boxes. He also stated that he planned to landscape this area so that it would be weed free.

ITEM #9

Motion by Nelson

Supported by Need

MOVED, to grant Mr. Martin Weipert, 715 Barclay, relief of Chapter 83 to erect a 48" high obscuring fence in the front setback.

- A gate will have to be installed to allow access to the utility boxes.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #10 (ITEM #3) – TURNER-BROOKS, INC., 2800 LIVERNOIS, for relief of the 1996 BOCA Building Code.

Mr. Stimac explained that the petitioners are requesting relief of Items 5 and 7 of Section 1017.4.1.2 of the 1996 BOCA Building Code to install door hardware that restricts access to an exit from an elevator lobby. The code requires these doors to be operable by someone pressing against the latch of the door. The petitioner is requesting relief to provide an emergency release button mounted on the wall adjacent to the door in an enclosure requiring the occupant to break the glass cover.

The Chairman moved this item to the end of the agenda, Item #10, to allow the petitioner the opportunity to be present.

Mr. Pat Ryan, of Turner Brooks was present and stated that the reason they were requesting this relief was mainly for security purposes. He stated that after hours when someone pushed on the button, after 15 seconds the door releases and will allow access to suite.

Mr. Stimac stated that if you exit off the elevator the door closes behind and for some reason the elevator fails, you would be locked in the elevator lobby. He further stated that the 1996 BOCA Building Code requires that you have access to a stairway from this area. Once the door releases it will allow you to have access to a stairway. Mr. Stimac stated that the proposal is to have a device on the wall with breakable glass but Mr. Nelson stated that they are trying to get away from this and he felt that it is easier to have an audible alarm on the door.

ITEM #10 (ITEM #3)

Mr. Dziurman asked if this had ever been done before and Mr. Ryan stated that they have used this method at 888 W. Big Beaver. Mr. Stimac further explained that the door would automatically open if the smoke detectors or fire sprinklers go on.

Mr. Nelson asked if this equipment was already installed and Mr. Ryan stated that it was. Mr. Nelson further stated that he believes there are other ways to get more security and thinks it's easier to stay within the Building Code.

Motion by Nelson
Supported by Need

MOVED, to deny the request of Turner-Brooks, Inc. 2800 Livernois, for relief of the 1996 BOCA Building Code to install door hardware that restricts access to an exit from an elevator lobby.

- Security can be accomplished by complying with the Building Code.

- There are other methods available for improving security.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

The Building Code Board of Appeals adjourned at 9:35 A.M.

MS/pp