

A regular meeting of the Building Code Board of Appeals was called to order at 8:35 A.M. on Wednesday, August 4, 1999 by the Chairman, Ted Dziurman.

PRESENT: Ted Dziurman  
Rick Kessler  
Bill Nelson  
Kristin Gosine  
Bill Need

Ginny Norvell

Approval of Minutes – June 2, 1999

Motion by Need  
Supported by Kessler

MOVED, to approve the June 2, 1999 minutes.

YEAS: All

Approval of Minutes – June 9, 1999

Motion by Nelson  
Supported by Need

MOVED, to approve the June 9, 1999 minutes.

YEAS: All

Approval of Minutes July 7, 1999

Motion by Nelson  
Supported by Kessler

MOVED, to approve the July 7, 1999 minutes.

YEAS: All

**ITEM #1 Kathleen Deburghgraeve, 1750 Brentwood for relief of the Sign Ordinance.**

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Ginny Norvell explained that petitioner is requesting relief of Chapter 78, Section 14.00 of the Sign Ordinance, to allow the placement of 20 off-site signs for an 8 day period to advertise an annual arts and craft show. The Sign Ordinance permits 4 signs for no longer than 7 days.

Kathleen Deburghgraeve was present and stated that this was the 25<sup>th</sup> Annual Art Fair and lasts only one day. She also stated that they required these signs for a total of 7 days, which would be in compliance with the Sign Ordinance. Due to the fact that the

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number of signs was limited last year, she felt that they lost not only artists who regularly come to this Art Fair but customers as well. Attendance was very poor and she feels that more advertising would increase attendance this year. These signs will be placed on private property only with the owner's permission.

Mr. Joe McKay, Property Manager for Northfield Hills Condominiums was present also and stated that artists come to this Art Fair from all over the country and had contacted him with concerns regarding attendance.

Ms. Deburghraeve also stated that the signs are taken down late at night on the last day of the Art Fair.

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 is one written objection on file.

Bill Need asked Ginny Norvell if they could place signs on bulletin boards in stores around the City. Ginny stated that the Ordinance covered outside signs only. Mr. Need also felt that there were enough other venues to put signs without putting them in the City right-of-way. He was also dubious as to whether the number of signs placed off-site were responsible for low attendance at last year's fair.

Motion by Bill Need to deny petitioner's request for placement of 20 off-site signs advertising this annual "Art on the Lake" craft show.

Motion dies due to lack of support.

Motion by Nelson  
Supported by Kessler

MOVED, to grant Kathleen Deburghraeve, 1750 Brentwood relief of the Sign Ordinance to place up to 20 off-site signs for a 7 day period to advertise an annual arts and craft show.

Yeas: 4 – Dziurman, Nelson, Kessler, Gosine  
Nays: 1 – Need

**MOTION TO APPROVE REQUEST CARRIED**

**ITEM #2 Mr. Tony Elder, 777 John R. for relief of the Sign Ordinance.**

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Ginny Norvell explained that petitioner is requesting relief of the Sign Ordinance to allow the replacement of an existing ground sign. A variance is required because the sign exceeds the number of ground signs permitted on site, 2 permitted, 4 existing. Secondly, the sign exceeds the height maximum of 25 feet, and lastly, it does not comply with placement requirements (30 feet required from ultimate right of way).

Mr. Elder was present and stated that the reason they required the variance was because they had to replace the box on the existing sign. The sign is approximately 35 years old and two of the panels are cracked. Replacement panels are no longer available for this sign because of the age of the sign.

Mr. Dziurman asked Ginny Norvell what the owner would have to do if this variance was not approved.

Ms. Norvell replied that this situation is quite unique. Normally dealerships are located in planned areas and fall under an auto dealership zoning classification. Because of the location of this dealership, it is in a Business Zoning classification. An auto dealership classification allows for more than 2 signs on site.

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

Mr. Nelson expressed concern over the fact that the sign standard is encroaching on the public sidewalk. Engineering standards state that nothing can be within 2' of the sidewalk. He also raised the question of the trees that are obscuring the visibility of the other three signs.

Mr. Elder stated that they are in fact pruning the trees and are not interested in cutting them down. He stated that they are trying to keep the landscaping as nice as possible and would like to work with the City to add more landscaping.

Rick Kessler asked if they had explored the possibility of removing any of the other signs and changing the size to comply with the Zoning Ordinance. He believes that the size of the sign is excessive for this type of district.

Mr. Elder stated that this is the same sign that all Ford dealers have throughout the country. He also stated that they cannot move this sign to another location and still have it visible from Fourteen Mile and John R.

Mr. Need expressed concern about the invasion of the sign into the sidewalk and asked if they could remove parking spaces to make room for the sign. He felt that the liability factor would be considerable.

Ms. Norvell explained that this issue has not come up in the past because the sidewalk is on private property. The City – not the dealership, has relocated sidewalk. She also stated that if right-of-way changes, and a variance is granted, a stipulation is normally placed on the variance.

Motion by Nelson  
Supported by Gosine

MOVED, to grant Mr. Tony Elder, 777 John R relief of the Sign Ordinance to:

1. Replace an existing ground sign which is 41.6' high, where the Sign Ordinance limits the height to 25'
2. To allow a sign that is in the future right-of-way where the Sign Ordinance requires placement of a sign 30' from the right-of-way.
3. To allow four (4) signs where the Sign Ordinance limits the site to two (2) ground signs.

This approval is granted with the following conditions:

1. If replacement of the other 3 signs becomes needed, a request for a variance will not be brought to the Board. Other solutions will be sought.
2. If the right-of-way changes, the sign has to be relocated at the property owner's expense.

Yeas: 3- Nelson, Dziurman, Gosine  
Nays: 2- Kessler, Need

MOTION TO APPROVE CARRIED

**ITEM #3      Mr. Tim Mulcahy, representing Village Green Residential Properties,  
1840 Butterfield for relief of the Sign Ordinance.**

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Ginny Norvell explained that petitioner is requesting relief of the Sign Ordinance, Chapter 78, Section 7.01.03, to allow the placement of a sign off-site where the ordinance limits construction signs to the site, The second request is to allow a 2,160 square feet sign where the ordinance limits the sign to 200 square feet.

Mr. Tim Mulcahy, Executive Vice President for Village Green Residential Property was present and stated that this was a very innovative and unique product. He stated that this would be a façade that would be in front of the leasing trailer. This façade would project exactly what the finished building would look like. People would walk through the entrance and into a recreation of a typical unit. This would give them the ability to see, touch and feel exactly what is being built. Mr. Mulcahy also said that they would

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take this façade down at the end of April, which is when the ClubHouse is scheduled to be completed.

Mr. Tim Smith, Vice President of Marketing for Village Green was also present and stated that this project was unique due to the fact that it was not a typical 1980's type apartment. He feels that this project will appeal to sophisticated, world travelers. He

also stated that this façade is not a "traffic generator", but is designed solely as an "educational tool" for their clients.

Mr. Mulcahy also stated that Village Green was taking extra steps to hide the ongoing construction as much as possible. They will be using a black mesh fence around the property and direct mail and magazines are doing most of their advertising.

The Chairman opened the Public Hearing.

Arlene & Jack Cameron, 1800 Butterfield were present and stated that they have lived in Troy 38 years and this sign directly affects their property as it would be seen from their backyard. Mrs. Cameron asked how close this sign would be to the lot line.

Mr. Mulcahy stated that it would be approximately 85' away from pavement, but the trailer would be 30' from the lot line. He also stated that they would be adding other landscaping.

Ms. Patricia Clayton, 1936 Butterfield was also present and asked if this leasing trailer could be moved closer to Crooks.

Mr. Mulcahy said that the site plan submitted and approved by the City was the only place that they could comply with the requirements of the City. He also said that they would be placing an additional leasing sign on the corner of Butterfield and Todd.

Ms. Clayton stated that her backyard faces the property and all she would see from her home is the trailer and sign. She also said that she has had a problem with the grass and weeds not being maintained on the property and also with dirt on the street. She had contacted Mayor Stine for help with these problems.

There is one written approval on file.  
There is one written objection on file.

Rick Kessler stated even though it's a new and creative marketing tool, with or without copy (writing) on the sign it's still considered a bill-board sign. He also said that the sign does not comply with the intent of the Ordinance nor has the applicant demonstrated a hardship needed to grant an appeal.

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Motion by Kessler  
Supported by Need

MOVED, to deny the request of Mr. Tim Mulcahy, representing Village Green Residential Properties, 1840 Butterfield relief of the Sign Ordinance to allow the placement of a 2,160 square foot sign off-site where the ordinance limits construction signs to the site and limits the size to 200 square feet.

Yeas: 3 - Kessler, Need, Nelson  
Nays: 2 – Dziurman, Gosine

MOTION TO DENY REQUEST CARRIED

The Chairman adjourned the Building Code Board of Appeals at 9:40 A.M.

RK:p