

A regular meeting of the Building Code Board of Appeals was called to order by the Chairman, Ted Dziurman on Wednesday, September 1, 1999 at 8:30 A.M.

PRESENT: Ted Dziurman
Rick Kessler
Bill Need
Dave Roberts
Kristin Gosine
Ginny Norvell

Approval of Minutes – August 4, 1999

Motion by Need
Supported by Kessler

MOVED, to approve the August 4, 1999 minutes.

YEAS: All – 5

ITEM #1 VARIANCE REQUESTED: CHRIS MILTIMORE, REPRESENTING INTERSTATE BATTERIES, 1026 RANKIN FOR RELIEF OF CHAPTER 78.

Petitioner is requesting to install a new ground sign on an existing industrial site. The sign is proposed to be installed at the front property line. Table A of Section 9.10 of Chapter 78 of the City Code (the Sign Ordinance) requires signs be located at least 10 feet from the front property line.

Mr. Chris Miltimore was present and stated that the present wall sign is completely obscured from the street by two 40' to 50' trees and a fence on the adjacent site. Customers tend to drive past his business. Often they back up to his property causing unsafe conditions. Mr. Miltimore wants to place a sign where it will be visible to his customers and consistent with his neighbors' signs.

Bill Need did not feel that the amount of traffic down Rankin would warrant a sign that would be closer to the street and therefore a hardship was not established.

Motion by Need to deny request.

Motion dies due to lack of support.

Rick Kessler agreed with Bill Need and felt that a lesser variance would more likely be granted.

Ginny Norvell pointed out that Light Industrial Zoned property has more stringent regulations than commercial zoned property.

Mr. Need asked if petitioner could erect the sign with a lesser variance.

Mr. Miltimore replied that his is the only property that has a sidewalk, and when he measured the location of his neighbor's sign, found that it is currently 2 1/2' behind where the sidewalk would be.

Motion by Kessler
Supported by Need

MOVED, to grant Chris Miltimore, representing Interstate Batteries, 1026 Rankin, relief of Chapter 78 to install a new ground sign on an existing industrial site.

- Sign to be placed 5' back from the property line.
- This variance is not contrary to public interest

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #2 VARIANCE REQUESTED: MELODY PEACH, 40345 DEQUINDRE FOR RELIEF OF CHAPTER 83.

The petitioner is requesting relief to install a four-foot high vinyl picket fence along the front property line along Dequindre Road. Chapter 83 of the City Code limits fences located in front of the front building line to not more than 30 inches in height.

Mrs. Peach was present and stated she always had a lot of children playing in her yard and was concerned because her property is so close to Dequindre. A 30" fence would not be high enough to keep the children in the yard.

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

Bill Need questioned the dimension of the right-of-way on Dequindre Road.

Ginny Norvell responded that the right-of-way is 120' on Dequindre.

There are three written approvals on file.

Motion by Need
Supported by Kessler

MOVED, to grant Melody Peach, 40345 Dequindre, relief of Chapter 83 to allow construction of a 4' high vinyl picket fence along the front property line on Dequindre Road.

- Construction of the fence is not to be in the future right-of-way.
- Fence will provide more security for young children.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED.

**ITEM #3 VARIANCE REQUESTED: MR. AND MRS. ANDREW LITYNSKYJ,
4274 CACTUS FOR RELIEF OF CHAPTER 83.**

The petitioner is requesting permission to install a four-foot high non-obscuring fence at a location that is 20 feet from the rear property line along Dequindre Road. This lot is a through lot, by definition, and requires a front yard on both ends of the site. Chapter 83 of the City Code (the fence Ordinance) limits fences installed in a front yard to a maximum of 30 inches in height.

Mr. and Mrs. Andrew Litynskyj were present.

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

There were no written approvals or objections on file.

Motion by Need
Supported by Kessler

MOVED, to grant the request of Mr. & Mrs. Andrew Litynskyj, 4274 Cactus, for relief of Chapter 83 to install a four-foot high non-obscuring fence at a location that is 20' from the rear property line along Dequindre Road.

- Gate is to be installed for maintenance of greenbelt.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #4 VARIANCE REQUESTED: MR. JEFF M. JOHNSON OF WARREN SIGN SYSTEMS, 2085 W. BIG BEAVER – RIO BRAVO FOR RELIEF OF CHAPTER 78.

The petitioner is requesting permission to install a new wall sign at an existing restaurant. The restaurant is located in the O-S-C (High-Rise Office) Zoning District and is attached to an existing office development. Section 9.02.03 of Chapter 78 (the Sign Ordinance) limits signs for tenants on the first floor of office buildings to 20 square feet. The petitioner is requesting approval to install a 70 square foot wall sign.

Mr. Jeff Johnson of Warren Sign Systems was present and stated that all they wanted to do was to exchange the “Chevy’s” sign with a sign that reads “Rio Bravo”. Chevy’s owns and will continue to operate this restaurant, however Rio Bravo is the name of a chain of restaurants they currently own.

Mr. Dziurman asked is the new sign was the same size as the existing sign.

Ms. Norvell replied that the old sign is 48 $\frac{3}{4}$ square feet and the new sign is slightly larger because of different configurations.

Rick Kessler stated that for the board to grant a variance a hardship must be shown by the petitioner.

Mr. Johnson stated that they don’t want a new variance but they want to maintain the variance they were granted at City Council approximately two years ago.

Ginny Norvell stated that the configuration of the new sign requires that the variance go back to the board.

Mr. Dziurman asked if the sign could be made smaller to conform to existing variance.

Mr. Johnson replied that this could be done.

Motion by Need
Supported by Roberts

MOVED, to grant Mr. Jeff M. Johnson, Warren Sign Systems, 2085 W. Big Beaver, relief of Chapter 78 to replace the existing “Chevy’s” sign with a sign that says “Rio Bravo”.

- Size of the sign is limited to the variance previously granted by City Council – 48.75 square feet.
- Variance is not contrary to public interest.

MOTION TO APPROVE REQUEST AS STIPULATED CARRIED.

ITEM #5 VARIANCE REQUESTED: DARREL EDWARDS, ANCHOR SIGN, 740 JOHN R. FOR RELIEF OF CHAPTER 78.

The petitioner is requesting approval to add to an existing wall sign at an existing commercial building at the corner of John R and Elliott. The addition entails the placement of "cow spots" on the building around the existing letters of the sign. The combined size for all wall signs would total 420 square feet. Section 9.02.04,B of the Sign Ordinance limits this site to 265 square feet.

Mr. John Deters of Metro Detroit Signs was present and stated that these "cow spots" were a connection to the owner's background and were part of the Corporate identification. Petitioner believes this is vital because of competitive industry and because they are located on a high-speed road. These "cow spots" would identify who they are.

Rick Kessler stated that he had driven by the location and did not have any difficulty locating this business. He also feels that the store is located closer to the road than others in the area and he did not see a hardship.

Mr. Deters asked if painting a building was considered signage?

Mr. Need replied that because this is part of the Logo it is considered signage.

Mr. Roberts asked if this sign is the same size as "Med Max" had.

Mr. Deters explained that everything is the same.

Mr. Roberts asked if "Med Max" had required a variance and Ms. Norvell replied that they did not.

Motion by Kessler
Supported by Need

MOVED, to deny the request of Darrel Edwards, Anchor Sign, 740 John R. relief of Chapter 78 to add to an existing wall sign at an existing commercial building.

- "Cow spots" considered part of logo.
- No hardship defined.

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

MOTION TO DENY REQUEST CARRIED.

**ITEM #6 VARIANCE REQUESTED: CARL E. SKRZYNSKI, MANAGING
MANAGER, THE LOCKWOOD GROUP, 920 JOHN R FOR RELIEF OF
CHAPTER 78.**

The petitioner is developing a senior residential complex at the end of Grand Haven, a private street that extends east off of John R. The petitioner has arranged with the property owner of the adjacent parcel that fronts on John R to locate a sign on their property. This sign is an off site sign, by definition because it does not relate to the property on which it is located. Section 9.02.02 of the Sign Ordinance limits location of signs to the site that they serve.

Mr. Carl Skrzynski was present and stated that this property is 1500' back from John R. and sandwiched between Oakland Park Towers and Canterbury Square Apartments. He stated that they need an identification sign for residents and future residents. He further stated that the typical age of residents is 75 years old and therefore a large sign is required for visibility. Mr. Skrzynski further stated that they have 147 units available for lease and to date 53 units are pre-leased.

Mr. Kessler asked if their hardship was that the property was located on a side street rather than a main road.

Mr. Skrzynski stated that this was true.

Mr. Kessler stated that from the site plan submitted this sign looks more like a construction sign rather than an identification sign.

Mr. Dziurman asked if other signs were to be located on the property. Mr. Skrzynski stated that a sign less than 36 square feet in size will be in front of the property but because of the average age of the residents a larger sized sign is required off-site.

Mr. Dziurman also questioned copy that is to be placed on this sign. Mr. Skrzynski stated that their lender requires all information be put on their signs.

Mr. Kessler asked if the City could place better signs to identify the street. Mr. Need stated that because this is a private street, the City would not put out more signs.

Mr. Kessler felt that a sign similar to a residential subdivision identification sign would be more helpful to the people looking for this property.

Mr. Skrzynski stated that because this is a heavy traffic area and the people are elderly a large sign is required.

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Mr. Kessler stated that the entire City is a heavy traffic area and that each side street does not have directional signs. He did not believe the petitioner was proving a hardship.

Mr. Roberts asked if any additional information could be put on this sign. He stated that his concern is that there is not an address listed which is required for emergency situations. He further stated that the address must be put on the sign and the numbers must be at least 6" high.

Mr. Kessler felt that they should table this request until the next meeting, at which time the petitioner could bring in plans showing a reduction in size and change in copy.

Mr. Dziurman suggested that a 36 square foot sign be placed on this site.

Mr. Kessler stated that he did not want to make a motion on something he didn't see. He doesn't want to give the impression they would approve something before plans were submitted.

Mr. Skrzynski asked if the board could give temporary approval to place a sign off-site conditional of size and content.

Mr. Need and Mr. Kessler stated again that they would not want to grant a variance on something they haven't seen.

Motion by Kessler
Supported by Need

MOVED, to table the request of Carl E. Skrzynski, 920 John R. for relief of Chapter 78.

- Allow petitioner time to resubmit plans for new sign.
- Reduce size of sign and change copy.

Yeas: 2 – Kessler, Need
Nays: 3 – Dziurman, Roberts, Gosine

MOVED TO TABLE REQUEST IS DENIED

Mr. Kessler stated he would like to see a brick wall with landscaping around it .

Motion by Need
Supported by Roberts

MOVED, to grant Carl Skrzyński, 920 John R. relief of Chapter 78 to erect an off-site sign advertising location of site.

- Allow sign that is same size as the smaller sign – 72” x 96”
- Address Numbers 6” in height must be placed on sign

Yeas: 4 – Need, Dziurman, Roberts, Gosine

Nays: 1 – Kessler

MOVED TO APPROVE REQUEST AS STIPULATED CARRIED

ITEM #7 VARIANCE REQUESTED: MR. GARY R. CHAPMAN, 2869 AMBERLY FOR RELIEF OF CHAPTER 83.

The petitioner’s property is located at the corner of Amberly Lane and Evergreen Drive. The property also backs-up to Adams Road. Because of the orientation of the house, and that of houses around it, fences in the yard adjacent to Adams Road are limited to 30 inches in height and fences in the yard adjacent to Evergreen Drive are limited to four-foot high non-obscuring fences. The petitioners are requesting permission to install a five-foot high wrought iron fence along their property line along Evergreen Drive and Adams Road.

Mr. and Mrs. Chapman were present and stated that they live on a corner lot and don’t have the privacy or security they thought they would have when they bought this property. They felt that they had been misled by both the builder and the City regarding the construction of a fence on this property. Robertson Brothers had promised 5’ berms surrounding this location, however the sidewalk was moved and the berms were not able to be installed.

The Building Department had received a letter from Robertson Brothers stating that they did not object to this fence as long as it was in conformance with another fence in the area.

Mr. Chapman also stated that they had gone to the Homeowner’s Association and told them exactly what they had in mind and had received approval from the president of the Association.

The Chairman opened the Public Hearing.

Mrs. Jehle, 2883 Amberly was present and stated that she approved of the fence as long as it was similar to the other fence in the neighborhood.

ITEM #7

Motion by Kessler

Supported by Roberts

MOVED, to grant Mr. Gary R. Chapman, 2869 Amberly, relief of Chapter 83 to construct a 5' high wrought iron fence along their property line, which abuts to Evergreen Drive and Adams Road.

- Fence should be similar in color to neighbor's fence.
- This variance is not contrary to public interest.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED.

Mr. Kessler brought to the attention of the board that Item #3 on the agenda also included placement of a pool in the front setback of 4274 Cactus.

Mr. Roberts pointed out that there are two front yards on this property.

Mr. Dziurman stated that he did not recognize the fact that there was a second issue on this item, and does not have a problem with the pool being there.

Motion by Kessler

Supported by Dziurman

MOTION, to grant Mr. and Mrs. Andrew Litynskyj, 4274 Cactus relief of 1996 BOCA Section 421.4 to construct a pool in the front setback of their property.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

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