

ITEM #1

There is one written objection on file.

Bill Nelson stated that the fence would not be seen from John R., as the existing shrubs would screen it.

Motion by Nelson
Supported by Need

MOVED, to approve the request of Mr. Timothy J. Kowalec, 2010 Jeffrey, to install a 6' high obscuring privacy fence in the front setback along John R. Road.

- The variance is not contrary to public interest.
- The variance applies to this property only.

Yeas: 4 – Dziurman, Need, Nelson, Grusnick
Abstain: 1 – Gosine

MOTION TO APPROVE REQUEST CARRIED

ITEM #2 MS. LINDA M. SARIGIANNIS, 2687 AVALON, for relief of Chapter 83, Fence Ordinance.

Mr. Dziurman explained that petitioner is requesting relief of the 6 foot height restriction to fences to allow the erection of an 8 foot high fence along the rear property line.

Ms. Linda Sarigiannis was present and stated that she has had a problem with the neighbors in back of her property. Whenever she waters the shrubs on the berm at the back of her property the water from the sprinkler goes into the sandbox the neighbor has placed approximately 1' to 2' from the property line. The police have been called and angry words have been exchanged. Ms. Sarigiannis went to the Police Department for advice and was told that if water drops from her sprinkler go onto the neighbor's sandbox it is considered trespassing. The Police could not help her further.

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

There are three written objections on file.

There is one written approval on file.

Mr. Need asked if the berm was on Ms. Sarigiannis's property. Ms. Sarigiannis stated that it was and that she had asked the neighbors to just leave her alone. Bill Nelson asked how high the berm was and she replied that it was approximately 2 ½'. She also stated that she had received permission from the city to put the berm in and the reason

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she needed the fence 8' high was because it needed to be installed on the lot line at the bottom of the berm.

Bill Need stated that he did not understand the necessity of going beyond 6' high. Although he sympathized with Ms. Sarigiannis's problem he believes that a fence that is 6' high should be sufficient to take care of this problem. Ms. Sarigiannis stated that because of the difference in water pressure and wind direction an 8' high fence would be necessary.

Bill Nelson suggested Ms. Sarigiannis pursue mediation through the Police Department as an alternative to solving the problem. Ms. Sarigiannis did not feel that these neighbors would be willing to compromise in any way and that the Police told her there was nothing they could do. Mr. Nelson stated that he would contact the Police Department for her and have them contact her to tell her what kind of help is available.

Motion by Need

Supported by Grusnick

MOVED, to deny the request of Ms. Linda Sarigiannis, 2687 Avalon, relief of Chapter 83 to erect an 8' high fence along the rear property line.

- This variance is contrary to public interest.
- The board feels that a 6' high fence would be sufficient.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

Ms. Sarigiannis stated that she was very disappointed in the decision of the board.

ITEM #3 MR. AND MRS. GARY RAPELJE, 883 MILVERTON, for relief of Chapter 83, Fence Ordinance.

Appellants are requesting relief of the 6-foot height restriction to fences to allow the erection of an 8-foot high fence along the rear property line.

Mr. Gary Rapelje was present and stated that the reason he wanted to erect a 8' high fence was due to problems with a business, FAB-All, which abuts the rear of his property. He stated that the problems started in the beginning of the summer with gun shots being fired, tires squealed at all hours and foul language being used.

Mr. Rapelje has contacted the Police Department several times and the Police Department had conducted a surveillance of the employees at this company, which resulted in a few arrests. Mr. Rapelje has also contacted the owner of the company and the plant manager. They stated that because this is a 24-hour business, it is too difficult

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for them to determine which employees are responsible. He also stated that he had planted shrubs in an attempt to screen his property, however, he did not think they would grow quickly enough.

Mr. Rapelje has an elderly parent living at his home and due to the abusive language and comments that are made when they go into their yard, this parent does not want to leave the home.

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.

Bill Nelson asked what type of fence Mr. Rapelje wanted to install. Mr. Rapelje stated that it would be a wooden stockade type fence and would match up to the tree line in the corner of the property.

Mr. Dziurman pointed out that the neighbors on either side of Mr. Rapelje's property approved of his request.

Motion by Need
Supported by Nelson

MOVED, to grant Mr. Gary Rapelje, 883 Milverton, relief of Chapter 83 to erect an 8' high privacy fence along the rear property line.

- This variance is not contrary to public interest.
- This variance will be beneficial to the homeowner.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #4 MR. ROBERT VAN, COMMERCIAL SIGNS, 1897-1997 WEST SOUTH BOULEVARD, for relief of chapter 78.

Mr. Dziurman explained that appellant is requesting relief of the following Sign Ordinance requirements:

1. Section 901, Table B requires a minimum 20-foot setback from the right-of-way. The plans show an 11-foot setback. The applicant needs a 9-foot variance.
2. Section 901, Table B limits the height of the sign to 10 feet. The plans show a height of 10.5 feet. The applicant needs a 6-inch height variance.

ITEM #4

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

ITEM #5 MIKE LIPONOGA, M.D. LIGHTING, 1250 & 1266 WEST MAPLE, for relief of Chapter 78.

Mr. Dziurman explained that the applicant is requesting relief of Section 7.01.07 of the sign ordinance to allow the installation of 114 feet of fiber optic tube lighting at 1266 West Maple and a 101 feet of tube lighting at 1250 West Maple.

Mr. Jim Woodison, President, and Mr. Tony Balcerzak, Vice-President of U-Haul were present. Mr. Woodison stated that U-Haul had relocated their Corporate offices to Troy eighteen months ago. They have proceeded to clean up the property and now wish to work on an imaging package to draw attention to their Retail Office which is located behind the car wash and is difficult to locate.

Mr. Woodison wishes to backlight the orange stripe on the building with Fiber Optics. He stated that he understood that City Council had changed the ordinance which does not permit this type of lighting in Troy.

Mr. Dziurman asked Ginny Norvell when the ordinance had been changed. Ginny replied that an ordinance change was made in October, 1998 due to the large number of new buildings in the Troy area. She stated that City Council did not want this type of lighting in the city and their intent was to discontinue this type of lighting.

Mr. Balcerzak stated that there are several differences in fiber optics compared to neon lighting. He stated that fiber optics were not as bright, were not a fire hazard and would create a soft glow.

Mr. Woodison stated that they felt they needed this lighting to direct their customers to the proper area. He said that the biggest portion of their business was to sell propane gas to people and most of that business is done between the hours of 5 P.M. and 8 P.M., and he felt that this lighting would direct them to the proper location. He also stated that these lights would be only during the dark hours, from approximately 5 P.M. to 10 P.M. Mr. Need asked what time the offices were open. Mr. Woodison stated that Corporate headquarters were open between the hours of 6 A.M. to 10 P.M.

Mr. Dziurman asked if the lights would be used in the summertime and was told they would not be.

Mr. Need stated that he did not see the hardship involved.

Mr. Nelson asked if the rest of the signage on the building was in compliance and Ms. Norvell replied that it was. He also stated that if people did not follow the signs, he did not believe that this type of lighting would help.

ITEM #5

Motion by Nelson
Supported by Need

MOVED, to deny the request of Mike Liponoga, M.D. Lighting, 1250 and 1266 West Maple to allow the installation of 114' of fiber optic tube lighting at 1266 West Maple and 101' of tube lighting at 1250 West Maple.

- This variance is contrary to public interest.
- A hardship was not demonstrated.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #6 MS. BEVERLY COLWANDER, 4777 NORTHFIELD PARKWAY, for relief of Chapter 78.

Mr. Dziurman explained that petitioner is requesting permission to place 59 off-site signs, advertising the Elf Shelf Craft Show, where the ordinance allows 4 signs.

Ms. Carol Rupkey and Ms. Marilyn Johnson, representing the Troy Women's' Association were present and said that they are familiar with the City's requirements and plan on making sure all the signs are properly placed on private property and picked up as soon as possible after the event.

Mr. Dziurman stated that they understood that 4 signs were not enough to advertise an event such as this one.

There is one written objection on file.

Motion by Need
Supported by Nelson

MOVED, to grant Ms. Beverly Colwander, 4777 Northfield Parkway, relief of Chapter 78 to place 59 off-site signs, advertising the Elf Shelf Craft Show, where the ordinance allows 4 signs.

- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #7 Mr. Don Lee, representing Minoru Yamasaki Associates, 101 W. Big Beaver, for relief of Chapter 79, 1996 BOCA Building Code, Chapter 6.

Mr. Dziurman explained that applicant is requesting permission not to protect the structural steel of the connecting link between the 2 high rise buildings at the Columbia Center.

Mr. Don Lee was present as well as Joe White from Kirco and Mike White who is the project superintendent. Mr. Lee stated that his company is responsible for nine major buildings under construction in Troy and they have always been in compliance with the requirements of the Building Department. He further stated that all of his plans were submitted and they just found out approximately two weeks ago that the City wanted this area fire protected.

Mr. Lee explained that basically this link is a breezeway. It will be both air conditioned and heated and also will have fire sprinklers. The columns are totally encased in brick with joist construction. This breezeway will link the two buildings together. The doors going into the buildings will be locked, however there will be egress to the outside. This link will be open to the public until 9 P.M. Mr. Lee also stated that they are willing to do whatever is necessary to comply with the Fire Department regulations. Mr. Nelson stated that they are comfortable with the plan the way it is.

Motion by Nelson

Supported by Grusnick

MOVED, to grant Mr. Don Lee, Minoru Yamasaki Associates, 101 W. Big Beaver, relief of Chapter 79, 1996 BOCA Building Code, Chapter 6 not to protect the structural steel of the connecting link between the 2 high rise buildings at the Columbia Center.

- This variance is not contrary to public interest.
- This variance applies to this property only.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

ITEM #8 (#4) MR. ROBERT VAN, COMMERCIAL SIGNS, 1897-1997 WEST SOUTH BOULEVARD, for relief of chapter 78.

Mr. Dziurman explained that appellant is requesting relief of the following Sign Ordinance requirements:

1. Section 901, Table B requires a minimum 20-foot setback from the right-of-way. The plans show an 11-foot setback. The applicant needs a 9-foot variance.
2. Section 901, Table B limits the height of the sign to 10 feet. The plans show a height of 10.5 feet. The applicant needs a 6-inch height variance.

This item had been moved to the end of the agenda to allow the petitioner the opportunity to be present.

Motion by Dziurman
Supported by Nelson

MOVED, to table the request of Mr. Robert Van, Commercial Signs, 1897-1997 West South Boulevard, for relief of Chapter 78 until the next regularly scheduled meeting of the Building Code Board of Appeals, December 1, 1999.

Yeas: All – 5

MOTION TO TABLE REQUEST UNTIL DECEMBER 1, 1999 CARRIED

The Chairman adjourned the Building Code Board of Appeals meeting at 9:30 A.M.