

The Chairman, Mr. Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 AM on Wednesday, August 4, 2010 in the Lower Level Conference Room of Troy City Hall.

PRESENT: Ted Dziurman  
Teresa Brooks  
John Szerlag

ABSENT: Michael Carolan

ALSO PRESENT: Mitch Grusnick, Building Official  
Steve Burns, Building Official, SAFEbuilt  
Gerald Rice, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 7, 2010**

Motion to approve by Mr. Szerlag  
Seconded by Ms. Brooks

MOVED, to approve the minutes of the meeting of July 7, 2010 as written.

Yeas: 3 – Dziurman, Brooks, Szerlag

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED.

**PUBLIC HEARINGS**

**ITEM #2 – VARIANCE REQUEST. DAVID MORELLI, 5766 ADAMS**, for relief of Chapter 83 to install a 42" high masonry wall planter with 72" high piers in the required front setback along Adams Road.

Petitioner is requesting relief of the Ordinance to install a 42" high masonry wall planter with (4) 72" high masonry piers in the required front setback along Adams Road. The wall planter as shown on the landscape plan indicates the proposed wall planter would run adjacent to the property line along Adams Road. The required setback for the yard along Adams Road is 40'. Chapter 83 limits the height of fences and walls in required front setbacks to a minimum of 30".

Mr. Morelli stated there was a 5 to 6' high berme that ran across the front of the property. The house has a driveway that pulls up to the house, but it backs up onto Adams Road. He wants to add a circular driveway, but to do that he had to remove the berme. Aesthetically, it did not look very good because it was 6' to 8' away from the house. Once the berme was removed there was no shelter from the road for noise reduction. He had plans designed that included a planter box. There is no footing with that. He wants to lay a box 4' in between the two walls and fill it with top soil and plant arbor vitae to provide a screen from traffic in the road.

Mr. Dziurman asked if the planter is going to be 42" high.

Mr. Morelli stated it would and added with the berme right now it's 5' or 6' high with trees approximately 30' tall. He stated a fence and a landscape block will face Adams Rd.

Mr. Szerlag stated at some future point there may be a sidewalk placed at the right of way line. Depending on where it is placed it may or may not become a vision obstruction which is against City Ordinance. He asked if a variance was granted contingent upon Mr. Morelli eliminate any vision obstruction in the future should a sidewalk be constructed.

Mr. Morelli stated he would have no problem with that but he wanted to point out there would be a worse vision obstruction with the 6' high berme that is already there with trees.

Mr. Szerlag stated the obstruction comes into play when there's a curb cut. If there is no curb cut he can have something that has a high cross section.

Mr. Dziurman asked what the schedule was for construction.

Mr. Morelli stated the driveway is going in next week. He is building everything himself and intends to have it done in a couple weeks.

Mr. Grusnick presented a letter from a neighbor opposed to the variance for Mr. Dziurman to read.

Mr. Dziurman stated the neighbor at 5755 Sussex stated no one has anything similar to what Mr. Morelli is requesting along with several other objections.

Mr. Morelli stated the neighbors to both sides of his home have no issue with the request.

Mr. Grusnick stated the neighbor at 5755 Sussex is not immediately impacted by the requested variance.

Mr. Dziurman stated the Board could grant a variance contingent on receiving a signed letter from the neighbors to his immediate left and right stating they have no objection to the variance request and that he should do the same for any future variance requests.

Mr. Szerlag made a motion to approve with 2 contingencies: 1) that there be approval from contiguous neighbors north and south of the property, and 2) should the city construct a sidewalk at some point in the future and a vision obstruction is created that the obstruction is eliminated at the expense of the property owner.

Mr. Morelli stated he had no problem with the contingencies.

Motion to approve by Mr. Szerlag  
Seconded by Ms. Brooks

MOVED, to grant the request of David Morelli, 5766 Adams, for relief of Chapter 83 to install a 42" high masonry wall planter with 72" high piers in the required front setback along Adams Road.

Yeas: 3 – Dziurman, Brooks, Szerlag

MOTION TO GRANT VARIANCE CARRIED.

**ITEM #3 – VARIANCE REQUEST. JEFF JOHNSON, HARMON SIGN, 3921 ROCHESTER ROAD**, for relief of Chapter 85 to relocate a 56 sq. ft. ground sign setback 13' from the right of way line.

Petitioner is requesting relief of the Ordinance to relocate a 56 square foot ground sign. The property in question is located in the B-3 Zoning District. Table 85.02.05 of the sign code requires signs between 50 and 100 square feet in size be setback at least 30' from the front property line. The petitioner is proposing to relocate the 56 square foot sign 13' from the property line.

Motion to table by Mr. Szerlag  
Seconded by Ms. Brooks

MOVED, to table the request of Jeff Johnson, Harmon Sign, 3921 Rochester Road, for relief of Chapter 85 to relocate a 56 sq. ft. ground sign setback 13' from the right of way line.

Yeas: 3 – Dziurman, Brooks, Szerlag  
MOTION TO TABLE VARIANCE REQUEST CARRIED.

**ITEM #4 – VARIANCE REQUEST. BOB WALDRON, PRO CAR WASH, 3688 ROCHESTER ROAD**, for relief of Chapter 85 to relocate an existing 198 sq. ft. ground sign 5' from the front property line and 2' from the north property line.

Petitioner is requesting relief of the Sign Ordinance to relocate a 198 square foot ground sign. The property in question is located in the H-S Zoning District. Table 85.02.05 of the sign code requires signs exceeding 100 square feet in size be setback at least 30' from the front property line. The petitioner is proposing to relocate the existing 198 square foot sign 5' from the front property line.

This item first appeared before this Board at the August 5, 2009 meeting and was approved for a 5' front setback. However, this approval was for the sign's location to be approximately 45' south of the north property line. Since that time the sign has been installed to this approved location. The petitioner is now requesting relief to relocate this sign to a new location setback 5' from the front property line and 2'south of the north property line.

Mr. Waldron stated subsequent to moving the sign in August of 2009 the Planning Department asked them to redo their site plan which included moving the sign from where they moved it north because of the traffic flow, the visibility of the people exiting the car wash and pulling out on the road. It puts it in the landscape area, just north of where it is now. Mr. Waldron stated by moving it to the new location it takes away the vision obstruction to the road.

Mr. Szerlag asked if the original variance was approved prior to the submittal of the site plan.

Mr. Waldron stated it was.

Mr. Dziurman stated this was a public hearing item and invited anyone in attendance to speak.

Mr. Grusnick stated there was no written response.

Ms. Brooks asked if Rochester Rd. is becoming a boulevard.

Mr. Dziurman stated it is.

Ms. Brooks asked if there was a parking lot to the north with an entrance and exit.

Mr. Waldron stated there is.

Motion to approve by Ms. Brooks

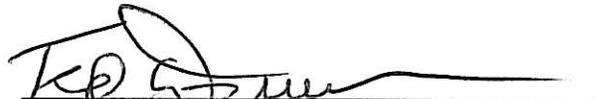
Seconded by Mr. Szerlag

MOVED, to grant the request of Bob Waldron, Pro Car Wash, 3688 Rochester Rd., for relief of Chapter 85 to relocate an existing 198 sq. ft. ground sign 5' from the front property line and 2' from the north property line.

Yeas: 3 – Dziurman, Brooks, Szerlag

MOTION TO GRANT VARIANCE CARRIED.

The Building Code Board of Appeals meeting adjourned at 9:00 A.M.

  
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Ted Dziurman, Chairman

  
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Gerald Rice, Recording Secretary