

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 2, 2010 in the Lower Level Conference Room of Troy City Hall.

PRESENT: Michael Carolan
Ted Dziurman
Michael Pylar
John Szerlag

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Housing & Zoning Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 5, 2010

Motion by Carolan
Supported by Pylar

MOVED, to approve the minutes of the meeting of May 5, 2010 as written.

Yeas: All – 4

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. JEFF DRAKSLER, 6947 NORTHPOINT, for relief of Chapter 83 to install a 6' high privacy fence.

Petitioner is requesting relief of the Ordinance to install a 6' high privacy fence. Because of the location of this lot and the orientation of the other properties around it, this property is a double front thru-lot. Therefore, it has front yard setback requirements along both Northpoint and South Boulevard. The setback for the yard along South Boulevard is 50'. Chapter 83 limits the height of fences in front setbacks to not more than 30". The permit application indicates a 6' high privacy fence setback 23' from the property line along South Boulevard.

This item first appeared before this Board at the meeting of May 5, 2010 and was postponed at the request of the petitioner.

Mr. Draksler was present and gave each member of the Board a packet that indicated that he was changing his request. Mr. Draksler is proposing to add "landscape panels" that would take up 42' of the lot line. Basically these would be 6' to 8' tall panels made from wooden slats.

Mr. Dziurman asked for a clarification of the drawings submitted.

ITEM #2 – con't.

Mr. Draksler explained that there are two 12' long panels and another 18' long panel with openings in between.

Mr. Stimac asked what the difference was between the two drawings and Mr. Draksler said that one of the pictures on page 14 depicts the dimensions and the other is the description of each panel.

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

There are six (6) written approvals on file. There are two (2) written objections on file.

Mr. Stimac stated that in looking at the plans Mr. Draksler submitted today, this new proposal is equal to or less than what was originally proposed and therefore there is no need to re-advertise this request.

Mr. Dziurman asked what materials were used for these panels and what color the panels would be.

Mr. Draksler said that they are constructed of 1' x 6' slats and would be stained a cedar color.

Mr. Dziurman asked what the purpose of these panels would be.

Mr. Draksler said that they would improve his quality of life as well as provide screening to both traffic and would help to create a noise reduction.

Mr. Szerlag asked if the 30" height restriction in a front yard was due to traffic visibility.

Mr. Stimac said that the intent of the Ordinance was to provide an open and unencumbered front yard. Corner lots are limited to allow for visibility of traffic and pedestrians. This lot is a double front lot because of the orientation of the property to the west.

Mr. Draksler said that property has a split rail fence along South Boulevard and he does not believe that what he is proposing would create any more of an obstruction than the existing landscaping.

Mr. Szerlag stated that the Ordinance mandates a clear vision area and it is possible that the Traffic Engineer may come out and make these panels come down.

Mr. Carolan stated that at the last meeting the Emerald Lakes Homeowner Association indicated that they did not want Mr. Draksler to move forward regarding the construction of a fence.

ITEM #2 – con't.

Mr. Draksler said that is a private matter between him and the Homeowner's Association and is the main reason he changed his proposal from a continuous fence line to "landscape panels".

Mr. Szerlag informed the Board that he lives in Emerald Lakes and will abstain from voting on this request as he is a member of the Homeowner's Association and believes that may present a conflict of interest.

Mr. Dziurman asked if fencing was allowed in this subdivision. Mr. Draksler said that they do not allow continuous fencing and these panels would have spaces between them.

Mr. Carolan expressed concern that in approving this request today, it could create a situation where the Homeowners Association would have to spend funds to take Mr. Draksler to court to take the fence down.

Mr. Dziurman pointed out that the petitioner had altered his plan and also had received a number of written approvals.

Mr. Stimac confirmed that Public Hearing notices were sent out to property owners based upon the original request, but these property owners were not notified of the revised plan submitted on the day of the meeting.

Mr. Draksler stated that he had spoken to the treasurer of the Homeowners Association and he was aware of the meeting today.

Mr. Szerlag stated that he has received a number of complaints from homeowners regarding deed restrictions and he has informed them that the City does not enforce deed restrictions but does enforce Code requirements. Property owners cannot come to the City to enforce Homeowners Associations restrictions.

Mr. Pylar asked if the proposed plan is still considered a fence. Mr. Stimac stated that he does not have enough information from the revision submitted to state that this would not be considered a fence. He therefore is taking the conservative stance that it still would meet the definition of a fence

Mr. Draksler stated that the difference is that this proposal does not enclose an area.

Mr. Stimac read the definition of a fence which is found in the Chapter 83, Section 1 of the Troy Fence Ordinance. According to that definition, Mr. Stimac believes that this

proposal is still considered to be a fence, but does not know how the Homeowners Association will rule.

ITEM #2 – con't.

Motion by Carolan

MOVED, to postpone the request of Jeff Draksler, 6947 Northpoint, for relief of Chapter 83 to install a 6' high privacy fence.

Motion fails due to lack of a second.

Motion by Pylar

Supported by Dziurman

MOVED, to grant the request of Jeff Draksler, 6947 Northpoint, for relief of Chapter 83 to install 42' of landscape panels.

- Installation as shown on page 14 of petitioner's proposal submitted to the Board on this date.
- Panels will be 23' from property line.

Yeas: 3 – Dziurman, Carolan, Pylar

Abstain: 1 – Szerlag

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. MICHAEL ROUSSEAU, INTRACO, 530 STEPHENSON, for relief of Chapter 85 to install two 42 square foot wall signs on an existing office building.

Mr. Stimac explained that this item first appeared before this Board at the meeting of May 5, 2010 and was postponed at the request of the petitioner. Since that time they have withdrawn this request and replaced it with a new request that also appears on this agenda. A motion to note and file the withdrawal would be in order.

Motion by Pylar

Supported by Carolan

MOVED to note and file this request for withdrawal.

ITEM #4 – VARIANCE REQUEST. MICHAEL ROUSSEAU, INTRACO, 530 STEPHENSON, for relief of Chapter 85 to install a second 76 square foot wall sign on an existing office building.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a second 76 square foot wall signs on an existing office building. This property is zoned R-C (Research Center) and Section 85.02.05 (C) of the Sign Ordinance allows one wall sign per building up to 200 square feet in area for a building of this size. A permit has **ITEM #4 - con't.**

been issued for one 76 square foot wall sign on the west elevation and the petitioner is asking for approval to install a second wall sign also 76 square feet in area on the east elevation.

Mr. Douglas Merritt of Burkhart Advertising and Mr. Michael Rousseau of Intraco were present. Mr. Rousseau stated that they have made a number of changes to this building and want to increase the signage in order to increase visibility.

Mr. Merritt stated that this building fronts on I-75 and the adjacent property has similar signage. The additional sign would make this building easier to find from I-75 and Stephenson.

Mr. Merritt went on to say the building is located between two off ramps in the Robbins Executive Park and it can be a bit of challenge to find the correct location. The present ground signage in the development is older and is not illuminated. The proposed signage would be illuminated.

Mr. Stimac stated that Valeo, North American Bancard and Kostal, Inc. have all obtained variances for the number of signs.

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

There is one written approval on file. There are no written objections on file.

Motion by Carolan
Supported by Szerlag

MOVED, to approve the request of Michael Rousseau of Intraco, 530 Stephenson, for relief of Chapter 85 to install a second 76 square foot wall sign on an existing office building.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance is in keeping with signage for other buildings in this area.

Yeas: All – 4

MOTION TO APPROVE REQUEST CARRIED

ITEM #5 – VARIANCE REQUEST. ALLIED SIGNS, INC. 4819 ROCHESTER ROAD – MCDONALD’S, for relief of Chapter 85 to erect two 44 square foot menu board signs.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect two 44 square foot menu board signs. Chapter 85.091.04 (A) (3) of the Sign Ordinance does not require sign permits for menu board signs that are not visible from any adjacent right-of-way and that do not exceed 36 square feet in area. The proposed signs exceed the 36 square foot size limit.

Mr. Patrick Stieber of Allied Signs, Inc. as present. Mr. Stieber stated that this McDonald’s location went through a process to improve the property. A double drive-thru has been installed in order to process the traffic volume more efficiently and quickly. These menu boards are not used for advertising, but only to inform the public of the items available for purchase. The size of the menu boards is necessary to get the information to the public.

Mr. Szerlag suggested changing the Ordinance to allow for larger menu boards, rather than have each restaurant require a variance.

Mr. Stimac said that the current provisions went into effect around 1999 and at that time research was done resulting in the current 36 square foot size. Since that time drive thru restaurants have increased the number of items that they offer and he believes this is the reason for the request for larger signs.

Mr. Dziurman pointed out that they could have two signs in each drive thru as long as they were 36 square feet or under.

Mr. Stieber stated that it makes more sense to have a single larger sign, then to add more signs.

Mr. Szerlag asked if the larger sign would cause a visual problem

Mr. Stimac stated that based on the site plan provided these signs are at a location where the customers are already in the drive up lane and traveling at a reduced rate of speed.

Mr. Szerlag stated that he would be in favor of this request based on approval from the Traffic Engineer.

Mr. Dziurman asked if there was any information regarding the number of cars that use the drive thru lanes.

Mr. Rich Jankowski of McDonald’s was present and stated that originally 125 cars used the drive thru for a single lane per hour. The double drive thru will allow for 145 cars per hour.

ITEM #5 – con't.

Mr. Szerlag asked if the signs are located so that they will not create a visual obstruction. Mr. Jankowski said that they will not obstruct traffic.

The Public Hearing was opened. There was no one that wished to speak and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Carolan
Supported by Szerlag

MOVED, to grant Allied Signs, Inc., 4819 Rochester Road – McDonald's, relief of Chapter 85 to erect two 44 square foot menu board signs.

- Based on approval by the Traffic Engineer.
- Signs will not create a visual obstruction.
- Variance is not contrary to public interest.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. ALLIED SIGNS, 3268 ROCHESTER ROAD – TACO BELL, for relief of the Sign Ordinance.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to 1) erect six wall signs with a total combined area of 76 square feet where a total of 54 square feet of wall signage is permitted by Section 85.02.05 (C) (4) of the Sign Ordinance; 2) install an 81 square foot menu board sign where menu board signs are permitted up to 36 square feet in area by Section 85.01.04 (A) (3) of the Sign Ordinance; 3) install a projecting sign that extends 54 inches out from the front wall where a maximum of a 12 inch projection is permitted by Section 85.01.05 (C).

The Board determined that each item would be considered separately.

Mr. Stieber said that this location is unique in that it has a double menu, Taco Bell and Pizza Hut. Rather than have two separate menu boards the Corporate Office has developed this type of combined menu board. The menu board will be located at the rear of the property and won't be seen from the road at all. There is a screen wall behind the menu board. There is a large volume of traffic going through drive thru and Mr. Stieber does not believe the size he is requesting is excessive. The property is large enough to support this sign. Mr. Stieber also explained that the viewing area of the sign is 41.37 square feet.

ITEM #6 – con't.

A discussion began regarding how each sign is measured and what these measurements include.

Mr. Szerlag stated that he is concerned that this sign may create a visual obstruction. He would be in favor of this variance depending on approval by the Traffic Engineer.

Mr. Pylar asked if the sign could be moved from its current location. Mr. Stieber stated that there is a major remodel taking place at this location and they have re-configured the location of the sign.

Mr. Pylar stated that there is a home right behind the wall and thinks it could create a problem for the homeowner. The original location limits visibility to the existing homes and asked if the sign could be put in that location. Mr. Stieber stated that the proposed location is the optimal viewing area for the customers.

Mr. Szerlag asked how far the house was from this location and Mr. Pylar stated he estimated it was about 70' or 80' from the proposed sign.

Mr. Szerlag asked how far it was to the property line and Mr. Stieber stated he thought it was about 50'. The proposed menu boards will not give out a lot of light.

Mr. Stieber stated that they also need to add six (6) wall signs because of the building design. The proposed signage is installed on canopies.

Mr. Evans informed the petitioner that the necessary documentation regarding these proposed canopies was not included in the packet submitted.

Mr. Stimac stated that the front face of the building is approximately 540 square feet and the petitioner would be allowed to have 54 square feet of signage. The proposed projection sign is "Pizza Hut Express". The petitioner is proposing new signage for the whole building.

Mr. Szerlag stated that he is uncomfortable making a decision for the other signage without the proper documentation. Mr. Stieber asked if a decision could be made regarding the menu boards. Mr. Szerlag said that he would like the petitioner to supply the correct information to the City.

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

There are no written approvals or objections on file.

Mr. Evans informed the Board members that glare and shielding are addressed in the Ordinance, as well as noise.

ITEM #6 – con't.

Motion by Szerlag
Supported by Carolan

MOVED, to grant Allied Signs, 3268 Rochester Road, Taco Bell, relief of Chapter 85 to install an 81 square foot menu board sign where menu board signs are permitted up to 36 square feet in area by Section 85.01.04 (A) (3) of the Sign Ordinance.

- Subject to approval of location by Traffic Engineer to determine that sign will not create a visual obstruction.
- Sign will be in accordance with all other requirements of the Sign Ordinance.
- Subject to verification that sign will not create a glare nuisance.

Yeas: All – 4

MOTION TO APPROVE REQUEST FOR VARIANCE OF MENU BOARD CARRIED

Motion by Carolan
Supported by Pylar

MOVED, to postpone the request of Allied Signs, 3268 Rochester Road, Taco Bell to 1) erect six wall signs with a total combined area of 76 square feet where a total of 54 square feet of wall signage is permitted by Section 85.02.05 (C) (4) of the Sign Ordinance; 2) install a projecting sign that extends 54 inches out from the front wall where a maximum of a 12 inch projection is permitted by Section 85.01.05 (C) until the next scheduled meeting of July 7, 2010.

- To allow the petitioner the opportunity to supply the Board with complete documentations supporting this request.

Yeas: All – 4

MOTION TO POSTPONE REQUEST UNTIL JULY 7, 2010 CARRIED

The Building Board Code of Appeals meeting adjourned at 9:50 A.M.



Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary