The Regular Meeting of the City of Troy Building Board of Appeals was called to order by Chair Dziurman at 8:31 a.m. on May 4, 2011, in the Lower Conference Room of the Troy City Hall.

1. ROLL CALL

Present:
Ted Dziurman – Chair
John Szerlag – Member
Teresa Brooks – Member
Michael Carolan – Member

Also Present:
Mitch Grusnick – City of Troy Building Official
Steve Burns, SAFEbuilt Building Official
Gerald Rice, Recording Secretary

2. APPROVAL OF MINUTES

Moved by: Brooks
Seconded by: Szerlag

RESOLVED, To approve the minutes of the February 8, 2011 Regular meeting as prepared.

Yeas: All

MOTION CARRIED

3. POSTPONED ITEMS

4. HEARING OF CASES

A. **VARIANCE REQUEST, ROBERT J. CRAMER, SMART, 2021 BARRETT**, for relief of Chapter 83 in order to install a 10 foot high fence.

Petitioner is requesting relief for Chapter 83 (3) of the Fence Code in order to install a 10 foot high fence in the front yards along Barrett and Maplelawn. Plans indicate setbacks of 20 and 50 feet from the right-of-way along Barrett and a 45 foot setback from the right-of-way along Maplelawn. Section 3 states that on all non-residential zoned properties, no fence shall be permitted in the yards between the building and any frontage street, unless required for utility enclosure purposes.

SECTION: 83 (3)

This board heard a similar request on March 4, 2009. At that point the petitioner was requesting a 10' high fence in both front yards with a 12' setback. The Board postponed this item to allow the petitioner more time to provide detailed plans and provide a hardship. At the following meeting in April 2009 the petitioner was not present and the Board denied the request.

Mr. Cramer stated SMART has been located at the Oakland terminal for over 35 years. At the time it was built they couldn't anticipate the types of security concerns

they have now. That's part of the reason they want the request. They have a grant from the Department of Homeland Security that confirms an independent study they had of the security at all their terminals which identified a lack of perimeter fence and a secure site. The Oakland Terminal, in addition to servicing the routes for the Oakland County service area, is also home of the operation center for the entire service area. It's a 24 hour a day operation. It's really about being able to secure this site from terrorist threats, but also to secure it as a regional asset. The fence needs to go around the front to protect everything there. Pursuant to the original request they revised it to make it the minimum variance necessary to secure the site. They attempted to meet the required 50 foot building setback line for placement of the fence. However, a section has to be located 20 feet from the right-of-way to enclose the underground storage tank access points. They are able to fit the fence in behind those evergreen trees along Barrett and there would be minimal aesthetic impact. They also reviewed the concerns from the Fire Department relating to the electronic gate system. Initially, they will just be manually opened gates, but agree the Fire Department will have final approval for any manual or electronic gate locks before they receive permits for the installation.

Mr. Dziurman wanted to clarify on the diagram the fence is at a 50 foot setback on Barrett along the east side except for a 30 foot indention where the underground storage tanks are located. That fence runs east and west along Maplelawn with a 45 foot setback. Is there an existing fence along Maplelawn?

Mr. Cramer stated there is no fence there. There are two PIV valves which control the fire suppression system located on the east side of the building. The only fences there are along the west portion of the property. Mr. Cramer stated they wouldn't be able to enclose the building with the valves there and that is why they want the variance.

Mr. Dziurman clarified the existing fence is along the west and south side.

Mr. Cramer stated that is correct.

Mr. Szerlag stated the front setback along Barrett, the building could have been built to the 50 foot line so essentially they are asking for a fence along Barrett setback to an area commensurate to what the building setback is.

Mr. Grusnick stated that is correct.

Mr. Grusnick also stated their permit would not be released until all issues were clarified.

Mr. Dziurman asked if there had been any problems there in the last few years.

Mr. Cramer stated there have been minor issues of vandalism of buses and gas theft, but the grant is primarily to secure only in the event of an emergency.

Mr. Szerlag asked if the grant provides for security cameras.

Mr. Emerson stated there's a separate grant that's providing for security cameras.

Mr. Grusnick stated there was no public response.

Mr. Szerlag stated he and Mr. Grusnick drove the area and they noted there was a property located across the street on the east side of Barrett that has a security fence at the property line. At the time this fence was installed the fence ordinance allowed fences at the property line in commercial zoning areas. This variance request would be similar to what's already there.

Motion to approve by Mr. Szerlag
Seconded by Mr. Carolan

MOVED, to grant the request of Robert J. Cramer, SMART, 2021 Barrett, for relief of Chapter 83 in order to install a 10 foot high fence.

Yeas: 4 – Dziurman, Brooks, Szerlag, Carolan

MOTION TO GRANT VARIANCE CARRIED.

B. **VARIANCE REQUEST, ROMAN BONISLAWSKI FOR RON AND ROMAN, LLC, 911 WILSHIRE,** for relief of Chapter 85 in order to install a 5th wall sign, measuring 169 square feet in area, on a building that currently has 4 wall signs measuring a total of 194 square feet.

An appeal from the Zoning Administrator's determination that proposed wall graphics constitute a sign. In the instance that the Zoning Administrator's determination is upheld, a variance to allow a 5th wall sign, measuring 169 square feet in area, on a building that currently has 4 wall signs measuring a total of 194 square feet. The Sign Code allows one wall sign on the building not to exceed 200 square feet plus a second wall sign not to exceed 20 square feet. In 2006 the Board granted a variance to allow the existing wall signs.

SECTION: 85.02.05 (c) (3)

Mr. Grusnick stated the request was withdrawn to be presented at a later date.

5. COMMUNICATIONS

6. PUBLIC COMMENT

7. MISCELLANEOUS BUSINESS

8. ADJOURNMENT

The Regular Meeting of the Building Board of Appeals adjourned at 8:47 a.m.

Ted Dziurman, Chair

Gerald Rice, Recording Secretary

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