The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, May 7, 2008, in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Keith Lenderman
Tom Rosewarne
Frank Zuazo

ABSENT: Rick Kessler

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 2, 2008

Motion by Zuazo
Supported by Lenderman

MOVED, to approve the minutes of the meeting of April 2, 2008 as written.

Yeas: 4 – Dziurman, Lenderman, Rosewarne, Zuazo
Absent: 1 – Kessler

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. JOHNSON SIGN COMPANY, REPRESENTING BECKER VENTURES, 350 STEPHENSON HIGHWAY, for relief of Chapter 85 to install three (3) wall signs each 113 square feet on an existing building.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install three (3) wall signs each 113 square feet in area on an existing building. Chapter 85.02.05 (c) (3) allows one wall sign up to 200 square feet in area for each building in the R-C (Research Center) Zoning District.

Mr. Roy Elvey and Mr. Don Voyles of Kostal America and Mr. Jay Johnson of Johnson Sign Company were present. Mr. Elvey stated that that they need this signage to differentiate this building from the other two (2) buildings on this property.

Mr. Johnson stated that this particular location is allowed three (3) signs, a ground sign, a pole sign and a wall sign that would total 436 square feet. The Condo association will not allow them to have a ground or pole sign. Basically, they are asking that the square footage that is allowed be re-allocated to the wall signs rather than the ground or pole sign. This building has a large setback and this will help people identify this building.

J-19

ITEM #2 – con't.

Mr. Dziurman asked why the petitioner did not wish to put a sign on the north elevation of this building and believes that the sign on the south side of the building is more for identification than directional.

Mr. Johnson said that these wall signs would allow for the most visibility as this is where the majority of the traffic is. Mr. Johnson also stated that they did not want to ask for too many signs.

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

There are no written approvals or objections on file.

Mr. Dziurman asked about signage on the other buildings on this site.

Mr. Stimac explained that there are three buildings on this site, 150, 250 and 350 Stephenson. 250 Stephenson is vacant at this time and there is 200 square foot sign on the building. 150 Stephenson was granted a variance in 2007 for four (4) wall signs totaling 396 square feet in area.

Mr. Zuazo asked about a pole sign.

Mr. Johnson stated that there is not a pole sign on the site and if the Board wished to put a condition on the variance prohibiting a pole sign that would be fine with the petitioner. Mr. Johnson stated that they are asking for three (3) signs totaling 339 square feet.

Mr. Zuazo asked how large each sign would be.

Mr. Johnson said that the signs would be 113 square feet each and does not feel that they will be over whelming. Mr. Johnson stated that they would like each of the signs to be illuminated, but presently plan to have only one of the signs illuminated. They are trying to keep this request within the realm of the Ordinance.

Motion by Rosewarne
Supported by Zuazo

MOVED, to grant Johnson Sign Company relief of the Chapter 85 to install three (3) wall signs each 113 square feet in area, where Chapter 85.02.05 (c) (3) allows one wall sign up to 200 square feet in area for each building in the R-C (Research Center) Zoning District.

- Petitioner will not construct a pole or ground sign.
- Variance will not be contrary to public interest.

ITEM #2 – con't.

Yeas: 4 – Lenderman, Rosewarne, Zuazo, Dziurman
Absent: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. JOHNSON SIGN COMPANY, REPRESENTING BEHR AMERICA, 2700 – 2852 DALEY, for relief of Chapter 85 to erect a third ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a third ground sign. Chapter 85.02.05 (C) of the Sign Ordinance allows the development one ground sign up to 100 square feet in area and a second ground sign up to 36 square feet in area. The development currently has two 24 square foot ground signs. The plans submitted show a third ground sign 180 square feet in area.

Mr. Phil Tocco, Mr. Olaf Maly and Mr. Brian Kissick of Behr America were present and Mr. Jay Johnson of Johnson Sign Company was present. Mr. Tocco said that the area in question is the north phase of the parking lot. Originally they had gone to the Planning Commission and proposed putting in a masonry wall rather than a berm. This plan was accepted by the Planning Commission. They plan to make a cut out in the masonry wall and the sign would protrude about 12" out from the front of the wall. They cannot put the sign on the other end of the wall as there is a large spruce tree that will limit visibility. The wall is 4' high and the sign is slightly higher that that. The Behr identification will be a small part of the ground sign. Mr. Tocco went on to say that there is a sign facing I-75. The neighbor to the east does not have an issue with this sign. The west neighbor was concerned that it may affect visibility, but he does not believe it will.

The Chairman opened the Public Hearing.

Mr. Ken Demark, 2873 Daley Drive was present. Mr. Demark asked if the Fire Department was concerned that there was a fire hydrant located behind the wall in the northeast corner.

Mr. Tocco said that the fire hydrant is located south of the edge of the wall.

Mr. Demark went on to say that he believes the petitioner should follow the rules of the Sign Ordinance as a proliferation of signs distract motorists and can bring down property values. Mr. Demark also said that the illumination from the sign should be taken into consideration as it may affect the neighbors living across the street from this location. Mr. Demark asked if these homeowners had been notified of this request.

Mr. Stimac explained that Public Hearing notices are sent to all property owners within 300' of the subject property.

ITEM #3 – con't.

Mr. Johnson said that only the letters on the sign will be illuminated. The entire area will not be illuminated.

Mr. Maly stated that Behr America is very environmentally friendly and these letters will only be illuminated at night through the use of solar panels.

Mr. Johnson said that they plan to use 12 volt low lighting. Mr. Johnson went on the say that the other two signs on this campus are directional signs. This is the only sign that is visible from Big Beaver.

Mr. Dziurman asked what Mr. Demark's main objection was.

Mr. Demark stated that the sign will be placed in area where there is no access to the site. This will cause confusion and he believes that people will use the neighbor's entrance in error. There is no way to enter this site from Big Beaver and Mr. Demark believes that if the petitioner wishes to put the sign in this location they should also consider putting in a driveway from Big Beaver. Mr. Demark went on to say that there are huge traffic jams on Daley Drive as people are entering and exiting this site. If they were to give up two parking spaces they could put in an entrance on Big Beaver and it would alleviate the traffic jam along Daley. Mr. Demark also said that he believes there was a good reason that the Ordinance limits the number of signs.

Mr. Dziurman expressed concern that if another drive was put in, the two drives would be too close together and asked if this was something that the petitioner could bring to the City.

Mr. Stimac said that if a driveway were proposed, the City would review the plans to add another driveway along Big Beaver.

Mr. Tocco said that in his opinion a second driveway would add more confusion. Mr. Tocco also informed the Board that they had contacted the Oakland County Road Commission and asked them to put out a traffic counter on Daley Drive. The Oakland County Road Commission came back and stated that there was not enough traffic on Daley to justify putting in a traffic light. If another drive was put in along Big Beaver it would basically be an emergency entrance and would create more traffic problems as the drives would be too close together.

Mr. Lenderman had a question about the dashed line on the drawing that the petitioner had submitted.

Mr. Stimac thought that it depicted the property line.

Mr. Demark said that there was metal fence along the east side of the parking lot and the west side is open.

ITEM #3 – con't.

Mr. Maly explained that there is 60' fence that abuts to a 40' wall.

Mr. Dziurman asked if the Planning Commission had approved the site plan for the property.

Mr. Stimac said that property that fronts on Big Beaver has to have a 50' setback free of parking. Last year the petitioner applied to the Board of Zoning Appeals to reduce that setback from 50' to 31'. As part of the approval for reduced setback, there was a condition placed that the 4' high wall would be added to screen that parking. The petitioners are now before this Board for a variance to place on sign on that wall.

Mr. Dziurman stated that in his opinion the two (2) smaller signs are directional signs.

Mr. Lenderman said that he would like an opportunity to go out and take a look at the location of the fire hydrant.

Mr. Maly said that the fire hydrant was not required by the City. The City wanted the water line cut in the middle of Big Beaver and Behr proposed to have a fire hydrant put in instead. This was a cost saving device for Behr.

Mr. Lenderman said that he would still like to go out and take a look at the placement of the hydrant.

Mr. Zuazo asked if this was a functional fire hydrant.

Mr. Lenderman stated that the hydrants have to be inspected and this one would need to be functional. Mr. Lenderman also asked if the hydrant was visible to traffic heading eastbound.

Mr. Tocco asked if they could cut the water main coming across Big Beaver as this is what the City originally wanted them to do, and then they would remove the fire hydrant.

Mr. Dziurman informed the petitioner that all Mr. Lenderman wanted to do was postpone the request for thirty days so he could go out and take a look at the placement of this hydrant.

Mr. Tocco asked what the fire hydrant had to do with the sign.

Mr. Lenderman said that he was concerned that the hydrant was located behind the wall.

Mr. Johnson stated that the wall has already been approved.

ITEM #3 – con't.

Mr. Dziurman said that Mr. Lenderman is concerned about the visibility of the fire hydrant.

Mr. Zuazo said that the existing sign on Daley is a directional sign and asked if the only reason the petitioner was asking for a wall sign was because of the large tree.

Mr. Tocco said that the sign on Big Beaver and Daley is a directional sign telling customers where to turn and be able to find Behr.

Mr. Zuazo asked why this sign could not be used as both a directional and identification sign.

Mr. Tocco said that it is very small. Mr. Tocco said that they could cut down the tree and put the sign on the other side of the wall, but they really would not want to do that. The wall is not even 100' long and if the sign is put at the other end of the wall it would not be visible because of this tree.

Mr. Maly said that a variance to relocate the parking to this area was granted because they did not have to destroy any trees.

Mr. Demark said that the sign is proposed to be on Big Beaver but there is no entrance from Big Beaver. Mr. Demark believes the sign should be on Daley. The real confusion is that the sign is on the west side of the property and there is not an entrance in this location.

Mr. Zuazo asked if Mr. Demark would be satisfied if they moved the sign somewhere else on the wall.

Mr. Demark again stated that he believes adding a second entrance on Big Beaver would reduce traffic as two entrances and exits would be provided. Mr. Demark also asked what would happen should the petitioner decide to put up a larger sign.

Mr. Tocco said that they were not aware that signs could be added or changed without another variance. They do not have a "store front" sign and Daley is the only entrance to the property.

Mr. Lenderman stated that the issue of the fire hydrant has nothing to do with the wall or the proposed sign. If there is a problem with the location of the fire hydrant they will get it moved.

Mr. Demark said that the Ordinance is against the size, the amount of signs and the placement of the sign. Mr. Demark does not believe that you should have a sign when there is no entrance to the site.

ITEM #4 – con't.

Mr. Johnson asked if the intent of the Ordinance was to only have a sign where there is an entrance.

Mr. Stimac stated that the Sign Ordinance establishes minimum setback requirements for signs but does not state that the sign has to be next to a drive.

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

There is one written objection on file. There are no written approvals on file.

Mr. Lenderman asked if they would be allowed to have a wall sign if the building was located on Big Beaver.

Mr. Stimac explained that if this was a free standing building on Big Beaver they would be allowed to have a wall sign up to 10% of the area of the front face of the building and a ground sign up to 100 square feet.

Motion by Lenderman
Supported by Zuazo

MOVED, to grant Johnson Sign Company, 2700 – 2852 Daley, relief of Chapter 85 to erect a third ground sign 180 square feet in area where Chapter 85.02.05 (c) of the Sign Ordinance allows this development one ground sign up to 100 square feet in area and a second ground sign up to 36 square feet in area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.

Yeas: 4 – Rosewarne, Zuazo, Dziurman, Kessler
Absent: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

Mr. Rosewarne said that in his opinion it would make more sense to put the sign in the middle of the wall.

ITEM #4 – VARIANCE REQUEST. ALEXANDER ELIZAROV, 3108 KILMER, for relief of Chapter 83 to install a 48" high fence along the front property line along Langston.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence. The property is located at the southeast corner of Kilmer and Langston. This property is a double front corner lot. It has front yard setback requirements along both Kilmer and Langston. Chapter 83 limits the height of fences in front setbacks on this

ITEM #4 – con't.

property to 30" maximum. The site plan submitted indicates a 48" high non-obscuring fence along the front property line along Langston.

Mr. Elizarov was present and submitted pictures of his home as well as pictures of the fence he is proposing to put in. Mr. Elizarov stated that he has a three (3)-year old son and another baby on the way. Due to the fact he lives on a corner he is very concerned about the safety of his children and the traffic that flows through this area. Last year they had a dog that was killed by a car going too fast along Kilmer. Mr. Elizarov stated that he had spoken to his neighbors and they did not object to this request.

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

There are two (2) written approvals on file. There are no written objections on file.

Mr. Dziurman asked where the property line was in relation to the sidewalk.

Mr. Stimac stated that the property line should be 1' from the edge of the sidewalk.

Mr. Rosewarne said that he did not believe this fence would cause a problem with visibility to on-coming traffic.

Motion by Rosewarne
Supported by Zuazo

MOVED, to grant Alexander Elizarov, 3108 Kilmer relief of Chapter 83 to install a 48" high non-obscuring fence along the front line along Langston where Chapter 83 limits the height of fences in front setbacks on this property to 30" maximum.

- Variance is not contrary to public interest.
- Variance will help homeowner to provide safety for his children.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Zuazo, Dziurman, Lenderman, Rosewarne
Absent: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. RENEE L. de SPELDER OF CB RICHARD ELLIS, 5555 NEW KING, for the relief of the Sign Ordinance to erect a second ground sign.

Mr. Stimac stated that since Item #5 and Item #6 were variances requested by the same petitioner he would like to present both cases at the same time, although a separate

ITEM #5 – con't.

vote would be needed for each property. Mr. Stimac also explained that the petitioner is the Marketing Agent for these buildings. The same size and type of sign is being requested for each building.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a second ground sign at 5555 New King. Chapter 85.02.05 (C) (3) allows one ground sign at this location. A search of City records indicates that there is already one 50 square foot ground sign on this property. The site plan submitted indicates a second ground sign measuring 48 square feet in area.

Mr. Dziurman asked if the signs would be removed once all the spaces were rented out.

Ms. de Spelder stated that the smaller signs allowed by the Ordinance are not very visible. They have a significant investment in these buildings and these new signs would facilitate visibility. Ms. de Spelder also stated that they have plans to improve the property.

Mr. Dziurman asked if there was another ground sign on the property.

Mr. Stimac explained that the existing sign on Northfield Parkway is an identification sign.

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

There are no written approvals or objections on file.

Mr. Lenderman asked what type of material the signs were made of.

Ms. de Spelder stated that it was constructed with a wood frame and vinyl overlay.

Mr. Bill Wylonis, 5750 New King stated that the signs are plywood with vinyl.

Mr. Zuazo asked if there were any proposed plans to put signs on the buildings.

Mr. Wylonis stated that they are proposing new monument signs that would identify the entire development as Baluster Park.

Mr. Zuazo asked if these proposed signs would meet all other requirements of the code and Mr. Wylonis stated that they would.

Mr. Zuazo asked if they planned to put permanent signs in this location.

ITEM #5 – con't.

Mr. Stimac confirmed with the petitioner that the signs proposed are typically temporary in nature, and have to be replaced after a short time as part of maintenance. He stated that due to the fact that the signs were plywood and vinyl, they would not have great longevity. Based upon that information, Mr. Stimac stated that he believed that the Board could reasonably place a condition on the variance that would contain a time frame. Normally this Board does not have a time frame on a sign variance however, it may be appropriate to place a time limitation on these requests.

Mr. Dziurman stated that there was a similar situation on Maple and Stephenson and asked if a time restriction was placed on that variance.

Mr. Stimac said that he did not believe so.

Mr. Zuazo asked if the signs were going to be illuminated.

Ms. de Spelder stated that they would not be illuminated.

Motion by Zuazo
Supported by Lenderman

MOVED, to grant Renee de Spelder of CB Richard Ellis, 5555 New King, for relief of the Sign Ordinance to erect a second ground sign measuring 48 square feet in area where Chapter 85.02.05 (C) (3) allows one ground sign at this location.

- Sign must be removed within two (2) years.
- Appearance of sign must be maintained.
- Variance is not contrary to public interest.

Yeas: 4 – Dziurman, Lenderman, Rosewarne, Zuazo
Absent: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. RENEE L. de SPELDER OF CB RICHARD ELLIS, 700 TOWER, for relief of Chapter 85, the Sign Ordinance to erect a third ground sign at 700 Tower.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a third ground sign at the above location. Chapter 85.02.05 (C) (3) allows two ground signs at this location. City records indicate that there are two existing 27 square foot ground signs on this property. The site plan submitted indicates a third ground sign measuring 48 square feet in area.

ITEM #6 – con't.

Motion by Zuazo
Supported by Lenderman

MOVED, to grant Renee de Spelder of CB Richard Ellis, 700 Tower, for relief of the Sign Ordinance to erect a second ground sign measuring 48 square feet in area where Chapter 85.02.05 (C) (3) allows one ground sign at this location.

- Sign must be removed within two (2) years.
- Appearance of sign must be maintained.
- Variance is not contrary to public interest.

Yeas: 4 – Dziurman, Lenderman, Rosewarne, Zuazo
Absent: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

Mr. Wylonis stated that they had invested a large amount of money on these properties and the Board could rest assured that it will be kept in prime condition.

The Building Code Board of Appeals meeting adjourned at 9:45 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary