

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, August 5, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Bill Nelson  
Tim Richnak  
Mark Stimac  
Frank Zuazo

ALSO PRESENT: Paul Evans, Housing & Zoning Inspector Supervisor  
Pamela Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 1, 2009**

Motion by Richnak  
Supported by Stimac

MOVED, to approve the minutes of the meeting of July 1, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

**ITEM #2 – VARIANCE REQUEST. MR. & MRS. KENNETH BUDRY, 884 HIDDEN RIDGE, for relief of Chapter 83 to install a 5' high privacy fence.**

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a privacy fence. Because of the location of this lot and the orientation of the adjacent homes, this lot is classified as a double front corner lot. As such, it has front yard requirements along Hidden Ridge Drive both on the north and east side of the property. Because of the common rear yard relationship with the property to the west, Chapter 83 limits fences in the yard to the north of this house to a non-obscuring fence not more than 48" in height. The site plan submitted indicates a 5' high obscuring fence at the front property line along the north property line adjacent to Hidden Ridge.

This item first appeared before this Board at the meeting of July 1, 2009 and was postponed to allow the petitioner the opportunity to investigate landscape alternatives and also for the petitioner to consider moving the fence back off the property line.

Mrs. Olivia Olsztyn-Budry was present.

Mr. Stimac questioned the revised plan submitted and asked why Ms. Budry wanted to extend the chain link fence along the north property line and install a 6' high fence along the east and west sides of the property.

Ms. Budry stated that she did not feel the Board would approve a privacy fence along the north property line without moving the fence back.

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**ITEM #2 – con't.**

Mr. Stimac asked if this request had gone from a 5' high privacy fence to a 6' high privacy fence.

Ms. Budry stated that her neighbors had indicated they would not want to see a 6' high fence and that is the reason she modified her application and asked for a 5' high fence. Ms. Budry said that since she was not going to install the fence along the property line, she would rather have a 6' high fence on the east and west sides of the property.

Mr. Stimac explained that the Public Hearing notices published indicated a 5' high fence and without advertising another Public Hearing requesting a 6' high fence, this Board would not be able to grant this variance request.

Ms. Budry said that she did not want to come back to the Board and would be fine with the 5' high fence. Eventually they want to fence in the entire back yard and she is planning to add landscaping, although she is not quite sure of what kind of landscaping at this time. The fence on the west side of the property would not be visible.

Mr. Stimac asked what the benefit would be to have a 5' high fence along the east side of the property.

Ms. Budry stated that they want to add privacy from the front side of the yard. Ms. Budry further stated that they want to add a "car gate" to that side of the yard. They are hoping to achieve privacy and the fence on the east side of the property would be setback 30'.

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 is one (1) written objection on file.

Mr. Richnak asked how long a permit was viable once it was issued.

Mr. Stimac said that the permit is good for one-year, and also stated that a variance granted by this Board only has a one-year time frame.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Mr. & Mrs. Kenneth Budry, 884 Hidden Ridge, relief of Chapter 83 to install a 5' high privacy fence.

- 5' high privacy fence setback 30' on the east side of the property.
- 5' high privacy fence along the west property line.
- Approval of the higher fence is due to the fact that there is landscaping, at least that high, on the adjacent property.

Yeas: 4 – Nelson, Richnak, Stimac, Dziurman

**ITEM #2 – con't.**

Abstain: 1 – Zuazo

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #3 – VARIANCE REQUEST. JEFF JOHNSON, HARMON SIGN COMPANY, 3688 ROCHESTER**, for relief of Chapter 85 to erect a 198 square foot sign located 5' from the property line where Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 198 square foot ground sign. Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line. The site plan submitted indicates the sign is proposed to be located 5' from the front property line.

Mr. Stimac further stated that Item #3 and Item #4 were very similar in nature and asked that the Board take testimony on both items at the same time.

Mr. Stimac said that the City is in the process of a project to widen Rochester Road by acquiring portions of existing parcels. The existing signs which were originally constructed in compliance with the Ordinance or with variances are now being relocated, and due to the acquisitions made by the City require new variances.

Mr. Jeff Johnson of Harmon Sign Company was present and stated that after the City's acquisition of right of way and easements the signs will not be visible because of existing trees and buildings.

Mr. Richnak asked if the signs would be located behind the buildings if setback 30' from the front property line.

Mr. Johnson said that the signs would be behind the buildings.

Mr. Stimac said that the existing signs are in conformance with the original Ordinance, or have received variances. Signs will move back from the current location because of the widening of Rochester Road.

Mr. Stimac also said that in addition to the road acquisition the City is also acquiring an easement.

Mr. Richnak asked if the existing signs would be moved back, or if new signs would be constructed.

Mr. Johnson said that certain portions of the signs will be changed, but in essence the new signs will look like the existing sign.

The Chairman opened the Public Hearing.

**ITEM #3 & ITEM #4 – con't.**

Ms. Cathy Fucinari, 3754 Edenderry, was present. Ms. Fucinari stated that she lives behind the car wash at 3785 Rochester and said that the owners of the car wash cut several of her trees causing them to die. Ms. Fucinari said that without the trees, she is very concerned about the visibility of the sign from her home.

Mr. Bob Waldron, the owner of the car wash was present and stated that they only removed the branches that were hanging over the wall separating the two properties.

Ms. Fucinari stated that these branches should not have been removed until she was contacted. These trees acted as a screen and Ms. Fucinari feels that someone from the car wash should have contacted them so the work could have been professionally done and the trees would not have been damaged. Ms. Fucinari also expressed concern that the sign would be closer to her home.

Mr. Stimac informed Ms. Fucinari that the reason the petitioner was asking for a variance was to not have to move the sign farther back, but to keep it closer to Rochester Road. If this request is denied the petitioner will have to move the sign closer to the rear property line.

Ms. Fucinari said that she believes in order for someone to have a variance granted, they should have a "good neighbor" policy.

Mr. Stimac stated that variances are granted on a property that addresses applications of the Ordinance which cause a hardship for that property.

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

There is one (1) written approval on file. There are no written objections on file.

Motion by Richnak  
Supported by Nelson

**ITEM #3**

MOVED, to grant Jeff Johnson, Harmon Sign Company, 3688 Rochester, relief of Chapter 85 to erect a 198 square foot sign located 5' from the property line where chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line.

- Acquisition of property by the City of Troy to widen Rochester Road causes the existing sign to be relocated creating a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

**ITEM #3 – con't.**

MOTION TO GRANT VARIANCE CARRIED

**ITEM #4 – VARIANCE REQUEST. JEFF JOHNSON, HARMON SIGN COMPANY, 3785 ROCHESTER,** for relief of Chapter 85 to erect a 198 square foot ground sign located 13' from the front property line where Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line.

Petitioner is requesting relief of Chapter 85 to erect a 198 square foot ground sign. Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line. The site plan submitted indicates the sign is proposed to be 13' from the front property line.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Jeff Johnson, Harmon Sign Company, 3785 Rochester, relief of Chapter 85 to erect a 198 square foot ground sign located 13' from the front property line where Chapter 85.02.05 (c) (4) requires ground signs over 100 square feet in size to be setback more than 30' from the front property line.

- Acquisition of property by the City of Troy to widen Rochester Road causes the existing signs to be relocated causing a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #5 – VARIANCE REQUEST. JEFFREY DRAKSLER, 6947 NORTHPOINT,** for relief of Chapter 85 to install a 6' high fence.

The Building Department has received a written request from Mr. Draksler asking that this request be withdrawn.

Motion by Richnak  
Supported by Zuazo

MOVED, to note and file the withdrawal of this item by Jeffrey Draksler, 6947 Northpoint.

Yeas: All – 5

MOTION TO NOTE AND FILE WITHDRAWAL CARRIED

**ITEM #6 – VARIANCE REQUEST. METRO DETROIT SIGNS, 2800 LIVERNOIS**, for relief of the Ordinance to erect a 166 square foot wall and a 122 square foot wall sign on an existing office building.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect two (2) wall signs, one that is 166 square feet and the other that is 122 square feet on the existing office building. Chapter 85.02.05 (c) (3) of the Sign Ordinance allows one wall sign up to 200 square feet per building.

Mr. Paul Deters of Metro Detroit Signs was present. Mr. Deters explained that this building is the Troy Office Center and the Humana sign will face I-75. There is almost 300' of setback between the building and I-75. Mr. Deters said that he has been working closely with the landlord and they feel that Humana is a major tenant. This sign will enable people to know where to enter the building for Humana.

Mr. Deters also stated that this is a glass building and they have tried to set up both signs to match the horizontal lines on the building. The other sign is for Martinrea and this permit has been obtained. The landlord is very excited to get these two (2) tenants and both signs will be facing I-75.

Mr. Richnak asked if this was lighted sign.

Mr. Deters said that only the letters would be backlit. Due to the nature of the glass on this building, the only lettering that shows up well is white.

Mr. Stimac asked if the Humana sign would be on the south elevation of the building and Mr. Deters said that was correct. A discussion began about the size of the sign and Mr. Richnak asked if the sign would be in the proposed location because of an existing 4' border.

Mr. Deters stated that they want to line up the signs to match the vertical lines between each window pane. The proposed letter height of approximately 47 ¼" can be seen from I-75, which is technically 300' away.

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 if there were other signs on the building.

Mr. Deters said that the sign for Martinrea was ordered last week.

Mr. Stimac said that permit was issued as it was for a single sign under 200 square feet. Mr. Stimac also asked what portion of the building each of these companies occupies.

Mr. Deters said that he did not know the percentage of space being occupied but the landlord considers them major tenants. Humana occupies one building and Martinrea occupies the other.

**ITEM #6 – con't.**

Mr. Stimac asked if the landlord would allow other tenants in this building to obtain signage.

Mr. Deters said that he felt it would be up to this Board although he does not feel there is any benefit to adding signs to any other elevation.

Mr. Richnak asked how much of these two (2) buildings Humana occupies.

Mr. Deters said that he was not sure but Osprey considers them a major tenant and a flagship tenant.

Mr. Dziurman suggested that Mr. Deters inform the landlord that this Board will not be very happy to have other tenants come forward requesting variances for additional signs.

Mr. Richnak stated that if Humana is a 10% client and another tenant comes along that is a 90% tenant, the Humana sign would have to be removed before another sign could be added. Mr. Richnak indicated that he does not want any more signage on this building.

Mr. Stimac said that any request for signage on this building would have to come before this Board.

Mr. Deters stated that he would be happy to relay that message to Osprey and would suggest that they tell any future tenants that signage is not part of a lease package.

Mr. Zuazo asked if there was any way for the Building Department to indicate that there are limitations on this building regarding signage. Mr. Stimac said that without future action of the Board a 20 square foot sign for a first floor tenant would be all that would be permitted.

Mr. Richnak stated that he would like it made clear to the landlord that no other signage would be allowed.

Mr. Deters said that he would relay that message to Osprey.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Metro Detroit Signs, 2800 Livernois, relief of the Ordinance to erect a second wall sign that is 166 square feet where Chapter 85.02.05 (c) (3) of the Sign Ordinance allows one wall sign up to 200 square feet per building.

- Other than a 20 square foot tenant sign, all other signage will require a variance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #7 – VARIANCE REQUEST. METRO DETROIT SIGNS, 1755-1759 MAPLELAWN,** for relief of Chapter 85 to erect a 128 square foot ground sign with a proposed setback of 20' from the front property line.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a 128 square foot ground sign with a proposed setback of 20' from the front property line. Table 85.02.05 requires signs exceeding 100 square feet in area to be setback 30' from the front property line. Mr. Stimac also stated that the existing ground sign has a fixed panel and the petitioner is proposing to replace that fixed panel to an electronic changeable message board.

Mr. Deters of Metro Detroit Signs was present and stated that if this sign were straight off of the column it would meet the requirements of the Ordinance, but would not be an attractive sign. Mr. Deters said that they would like to keep the same of look for this sign. The reason for the change is that Suburban is doing of lot of work on that building and they are trying to spruce up the appearance to bring in more business. Another competitor will be moving in across the street from them. Basically they are asking for some latitude regarding the configuration of the sign.

Mr. Richnak stated that the "flag" portion of the sign is 3' x 8' and the petitioner is proposing to put a cabinet that is 4'-8" tall and 88" wide so the sign will be taller but the "flag" portion will be smaller.

Mr. Deters indicated that it would be 7 to 8 square feet larger.

Mr. Dziurman asked if the sign was on both sides of the column.

Mr. Deters said that is was on both sides of the post and that is the reason it exceeds the 24" depth.

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. Stimac asked if the actual sign surface was approximately 71 square feet and Mr. Deters confirmed that was correct. Mr. Stimac also stated that the unusual shape of the sign proposes a hardship in the way that the sign ordinance measures the sign.

Mr. Richnak stated that the sign is coming in narrow and even though it will be a little higher, the "flag" portion of the sign will cover up more of the pillar. Mr. Richnak said that the square footage would be about the same and he did not see a big change.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Metro Detroit signs, 1755-1759 Maplelawn, relief of chapter 85 to erect a 128 square foot ground sign with a setback of 20' from the front property line where 30' is required.

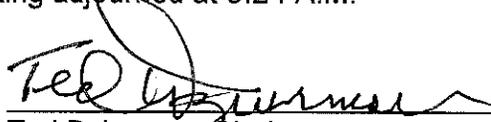
**ITEM #7 – con't.**

- Unusual shape of sign proposes a hardship.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Board Code of Appeals meeting adjourned at 9:24 A.M.

  
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Ted Dziurman, Chairman

  
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Pam Pasternak, Recording Secretary

