

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, April 1, 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: Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 4, 2009

Motion by Richnak
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 4, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. WARREN EMERSON, SMART, 2021 BARRETT,
for relief of Chapter 83 to install new fencing at the SMART facility on Barrett.

Mr. Dziurman explained that Mr. Emerson had submitted a letter requesting that this item be postponed until the meeting of May 6, 2009.

Motion by Nelson
Supported by Richnak

MOVED, to postpone the request of Warren Emerson, SMART, 2021 Barrett, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett until the meeting of May 6, 2009.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL MAY 6, 2009 CARRIED

ITEM #3 – VARIANCE REQUESTED. SENTRY SECURITY SYSTEMS, 1163 SOUTER,
for relief of Chapter 83 to install an electrified security fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter to electrically charge a 10' high fence at 1163 Souter. Chapter 83, paragraph 4 prohibits electrically charged fences on any property throughout the City.

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ITEM #3 – con't.

This item last appeared before this Board at the meeting of March 4, 2009 and was postponed to allow the petitioner the opportunity to contact surrounding property owners to determine whether they would be in favor of this electrified security fence.

Mr. Stimac further stated that the petitioner had provided six (6) letters of approval from owners, as well as tenants of the adjacent property.

Cindy Vaughn of Sentry Security Systems was present and distributed three (3) additional approvals. Mr. John Westendorf of Old Dominion Freight Lines was also present.

Mr. Richnak asked how the notices were sent out.

Ms. Vaughn said that they had mailed each letter and included a self-addressed stamped envelope for return. The only property that she did not receive a response from was the DHL building which is vacant.

Mr. Dziurman asked about the signage on the fence.

Ms. Vaughn said that the standard is a yellow warning sign and they are placed at 50' intervals along the fence. Ms. Vaughn also stated that if the Board wished they could place the signs at 25' intervals. The signs are written in both English and Spanish.

Mr. Dziurman asked if the issues with the gate have been taken care of.

Mr. Nelson said that he had met with the petitioner and the concerns that he had with the gate have been taken care of.

There is one (1) written objection on file. There are nine (9) written approvals on file.

Motion by Nelson
Supported by Richnak

MOVED, to grant the request of Sentry Security Systems, 1163 Souter, for relief of Chapter 83 to install an electrified security fence.

- All requirements of the Fire Department as sent to petitioner on February 24, 2009 will be met.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Dziurman, Nelson, Richnak, Zuazo
Abstain: 1 – Stimac

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac explained that according to the provisions of Chapter 79, he is a member of the Building Code Board of Appeals. However, the petitioners are before the Board to appeal a decision made by him. In the past an employee of the Building Department has been appointed to serve as a designee of the Building Official. This procedure has been in place for the past thirty (30) years. Mr. Stimac would like to approach Council to change Chapter 79 so that there is no appearance of conflict of interest and appoint a person with the necessary qualifications to this position. Until this happens, Mr. Stimac indicated that he would abstain from voting on certain issues.

Mr. Richnak stated that he does not feel there has ever been any type of conflict and each member expresses concerns when necessary.

Mr. Stimac stated that he has never had issues with any of the Board members and it has not come up in the past.

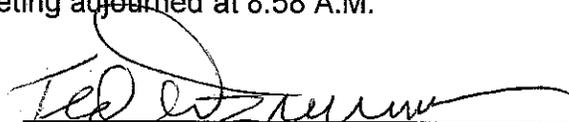
Mr. Dziurman stated that he feels that this is a logical way to go.

Mr. Richnak pointed out that the City has the expertise to know what is required in the field that a lay person may not address. Mr. Richnak feels that this Board is a well-rounded group of people.

Mr. Nelson also said that he thought it would be a good idea to explore the possibility of having someone else address the Fire Codes. Mr. Nelson pointed out that very often he is voting on a decision made by someone in his Department also.

Mr. Stimac further stated that he was going to discuss his concerns with the City Attorney's office to determine if these changes could be made and would keep the Board apprised of the situation.

The Building Code Board of Appeals meeting adjourned at 8:58 A.M.



Ted Dziurman, Chairman



Pam Pasternak, Recording Secretary

