

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, February 2, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Tim Richnak
Rick Sinclair
Frank Zuazo

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

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 5, 2005

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of January 5, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. MR. & MRS. F. CARMONA, 5268 ORCHARD CREST, for relief of the 2003 Michigan Building Code to finish their basement.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Building Code to finish the basement in their home. Section R305.1 of the 2003 Michigan Building Code, requires a 7' minimum ceiling height (6'-6" minimum for beams) in finished basements. The plan submitted indicates a 6'-9" general ceiling height and 6'-2" ceiling height at the beam and ductwork.

Mrs. Carmona was present and stated that her daughter has a lot of allergies and she also has two members of her family that are afflicted with cystic fibrosis. She would like to be able to finish this area of the basement with Owens Corning material, as it does not encourage the growth of mold. The reason a variance is required is because the ceiling tiles are installed as a drop ceiling and it is recommended that this suspended ceiling be installed with a 3" drop. Mrs. Carmona also brought in a letter from the heating company, which states that they will work with the contractor to reduce the size of the ductwork at the bottom of the stairs that will add to the proposed ceiling height.

Mr. David Shipley of J & E Home Improvements was also present and said that the suspended ceiling has inhibitors in the material that will also prohibit mold.

ITEM #2 – con't.

Mr. Dziurman asked if the 7' height requirement was new for basements. Mr. Stimac stated that it has been in effect for several years. One of the reasons for this height requirement is for head clearance and the other was a fire requirement, which would prohibit the movement of smoke in the area. Mr. Stimac also said that when most basements are constructed they are not considered to be habitable space. Mr. Stimac explained that habitable space is considered to be space used for sleeping, playing and living and does not include sanitation spaces. Mr. Dziurman asked what Mrs. Carmona planned to use this space for. Mrs. Carmona said that they plan to make it a TV room and playroom for the children.

Mr. Richnak asked for clarification regarding the 7' height. Mr. Stimac explained that the distance from the floor to the joists is 7' and with installation of ½" drywall it would give a ceiling height of 6'-11 ½". Mr. Stimac also said that an acoustical tile system could probably be done with less than a 3" drop depending on other potential obstructions.

Mr. Shipley said that the installation instructions call for a 3" clearance, but he was sure that they could put it in at 2" clearance. Mr. Richnak asked if these were 2' x 4' tiles, and Mr. Shipley said that they are 2' x 2'. Mr. Shipley went on to say that he had drawn a second plan which would increase the ceiling height to 6'-10" and by running plywood along the ductwork, could increase the height of the ceiling to 6'-4 ½" or 6'-5" rather than 6'-2". Mr. Shipley explained that there are two large heat runs that run across the basement.

Mr. Richnak asked about the letter from Wiegand Heating. Mrs. Carmona explained that they could make one of the larger heat runs smaller. Mr. Shipley said that Owen Corning is based in Toledo, Ohio and that Ohio has changed their ceiling height requirement for existing basements. Mr. Shipley said that he understands it has not been done in Michigan at this time, but thought it was something that was in the works.

Mr. Dziurman said that he did not think the Carmonas had an alternative that would meet the 7' height requirement. Mr. Dziurman asked what the height underneath the existing beam was. Mr. Shipley said that he believes currently it is 6'-6", which they would decrease to 6'-5" by using the ½" plywood along the ductwork.

Mr. Kessler asked if the space in the basement would be separated. Mrs. Carmona said that they already have an area of the basement that they use for storage and would like to finish this area as one large room. Mr. Kessler did not think the basement would look the same with the different ceiling heights and also that he thinks there are a lot of taller people today that would require a higher ceiling height.

ITEM #2 – con't.

Mr. Dziurman clarified that they are proposing a 6'-10" ceiling height in the main area and a ceiling height of 6'-5" to the beams. Mr. Shipley said that he thought they could meet these requirements.

Motion by Kessler
Supported by Richnak

MOVED, to grant Mr. & Mrs. F. Carmona, 5268 Orchard Crest, relief of the 2003 Michigan Building Code to finish their basement with the following stipulations:

- General ceiling height to be 6'-10".
- Ceiling height at the beams and ductwork to be 6'-5".

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

ITEM #3 – VARIANCE REQUESTED. MARY STORK OF GIGGLE GANG DAYCARE & PRESCHOOL, 3193 ROCHESTER ROAD, for relief of Chapter 83 to install 4' high fencing for an outdoor play area for the day care center at 3193 Rochester Road.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install fencing for an outdoor play area for their day care center. This property is a double front corner lot. As such it has front yards on both Rochester and Hartland. The proposed fencing is located in the front yard along Hartland. Section 3 of Chapter 83 of the Troy City Code prohibits fencing in the yard between the building and any frontage street. Mr. Stimac also explained that this property is in the B-3 Zoning District, which does not allow for any type of fencing in front of the front building line.

Mr. Jeffrey Tucker, the Architectural Manager for this project was present and said that the reason they want the play area in this location is to meet the requirements of the City which is 150 square feet of play area provided for each child. Presently this day care facility will have 60 students and 9,000 square feet of play area is required. The other reason they wish to put the play area here is that eventually they plan to approach the City and vacate Hartland Street.

Mr. Dziurman asked if this was a Zoning issue and Mr. Stimac explained that they had already gotten approval from the Planning Commission for this Day Care center.

Mr. Tucker said that originally they planned to put in a chain link fence, but the City wanted more decorative fencing along Rochester Road because it is a main thoroughfare. Mr. Dziurman asked if the fence would be 4' high or 6' high. Mr. Tucker indicated that it would be a 4' high wrought iron type of fence.

ITEM #3 – con't.

Mr. Richnak asked if the Day Care center was occupied now. Ms. Stork indicated that they plan to move into this center by February 14th. Mr. Tucker stated that they are relocating the Day Care from Clawson to Troy.

Mr. Richnak then asked what would be involved to vacate Hartland. Mr. Stimac said that this request would have to go before City Council, which has not been done at this time. Mr. Stimac also said that if Hartland were vacated this variance would not be required.

Mr. Zuazo asked if this Day Care Center had been approved by the State. Ms. Stork explained that they are at the last step. Ms. Stork also said that they are transferring the Day Care Center from Clawson to Troy and one of the requirements is to put up a fence around the play area. Mr. Zuazo asked if there were any complications based on the number of students attending this facility. Ms. Stork said that they plan to maintain the existing number of students for the time being, and if they increase this number in the future they would come back to the Board for an additional variance.

Mr. Kessler asked if the same type of fencing would be used all along the property. Mr. Tucker said that they plan to put in more decorative type of fencing along Rochester Road. Mr. Kessler asked if this would be a non-obscuring fence and Ms. Stork stated that it would and that they definitely agree with the requirements of the City.

Mr. Richnak asked what type of play equipment would be put in this area. Ms. Stork said that she is looking into different types now, but thought it would probably be the colored plastic type of play structures.

Mr. Richnak then asked if there were other Day Care facilities located in Troy that have similar situations. Mr. Stimac said that most of the Day Care Centers have play areas in the rear yard; however there is one on Rochester Road and another on Long Lake, which have fences that come very close to the main roads. Mr. Zuazo asked if the Fire Department had any requirements regarding these fences and Mr. Sinclair stated that they did not.

The Chairman opened the Public Hearing. No one 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.

Mr. Richnak asked if it was possible that the other property the Church owns could be split and residential homes put in. Mr. Stimac said that the property in the back is Zoned R-1E and the front is B-3 (General Business). Mr. Stimac also said that there is no provision in B-3 zoning for residential uses.

ITEM #3 – con't.

Mr. Shipley said that the property is landlocked because of the location of the Church. Mr. Kessler suggested moving the play area in back of the gym and Mr. Shipley stated that this is their main drop off area. Mr. Kessler also said that this fence would change the entire character of the area and he would like to see a plan to add additional landscaping. Mr. Tucker said that the Planning Commission had also recommended additional landscaping and they do plan to put in additional shrubs. Mr. Kessler asked if they looked into any other locations for this play area and Mr. Tucker said it was not feasible to put it in another area. Mr. Kessler then asked if they were planning to put a barricade in front of the fence. Mr. Tucker said that he felt this was a very reasonable request.

Mr. Richnak asked what would happen if they wished to expand this facility. Mr. Tucker indicated that the 9000 square feet would also have to be expanded, and it was possible that this would happen further down the road.

Mr. Zuazo expressed concern about the distance of the fence from the property line along Hartland and said he would like it moved farther back. Mr. Richnak agreed and said he would like to see it pushed back at least four more feet and would also like more shrubbery, which would obscure the fence from the surrounding property. Mr. Kessler also indicated that he would like to see landscaping plans.

Mr. Kessler asked about the play equipment. Ms. Stork said that they did not plan to have any permanent play equipment, but would provide plastic structures that could be moved within the play area.

Mr. Zuazo asked if the number of children, 60, was an approved number. Ms. Stork indicated that the State had approved them for sixty-(60) children. Mr. Zuazo asked if the square foot requirement would be met if the fence was pushed back. Mr. Tucker said that he thought it would, but would go back to make sure there is no catch basin in this area. Mr. Tucker also indicated that he did not think this requirement would present a problem.

Motion by Richnak
Supported by Kessler

MOVED, to grant Mary Stork of Giggle Gang Daycare & Preschool, 3193 Rochester Road, relief of Chapter 83 to install 4' high fencing for an outdoor play area in the front yard along Hartland.

- Fence will be placed 16' from property line along Hartland.
- Landscape plans will be provided and approved by Ron Hynd, City of Troy Landscape Analyst.
- Additional landscaping will become a full hedge within a two-year growing period.

ITEM #3 – con't.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The Building Code Board of Appeals meeting adjourned at 9:22 A.M.

Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary