The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, July 6, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JUNE 1, 2005.

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of June 1, 2005 as written.

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

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. R.E. MOORHOUSE & ASSOCIATES, 2380 MEIJER DR., for relief of Chapter 78 to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive where a ten (10)- foot setback is required.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive. Section 9.01 A of the Troy Sign Ordinance requires a minimum 10' setback from the City right of way in a M-1 (Light Industrial) zoned property.

Mr. Moorhouse was present and explained that they were granted a variance in April 2004 for the location of the existing sign. Mr. Moorhouse explained that the existing sign is located east of the entrance. Mr. Moorhouse's client, Woodbridge has purchased two (2) additional buildings and the main office would be located up front and this is the reason they wish to relocate this sign. Originally, Woodbridge, had their sign in the right of way, and Mr. Moorhouse is proposing to put the new sign 12' farther back from the existing location. The new sign would be the same height as the existing sign.

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ITEM #2 – con't.

Mr. Dziurman stated that basically this request is to relocate the existing sign. Mr. Moorhouse stated that trucks will not be coming in to the main entrance and the proposed sign will help to direct traffic.

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

There are no written objections or approvals on file.

Mr. Stimac stated that the location of the new sign is not on the site plan submitted by the petitioner and asked for clarification from the petitioner. Mr. Moorhouse said that they are proposing to put the sign 1' from the easement. Mr. Stimac said that based on that statement, a variance would not be required as the sign would be in compliance with the Ordinance. Mr. Stimac asked that this item be postponed in order for Mr. Moorhouse to submit plans indicating exact placement of the sign.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of R. E. Moorhouse & Associates, 2380 Meijer Drive for relief of Chapter 78 to install a 30 square foot ground sign until the meeting of August 3, 2005.

- To allow the petitioner the opportunity to submit a site plan indicating the exact location of the proposed sign.
- Based on location of the sign, the action to postpone will determine whether a variance is required or not.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005 CARRIED

ITEM #3 – VARIANCE REQUEST. EDMUND PROGAR, SIGN-A-RAMA, 1057-1155 E. LONG LAKE, for relief of Chapter 78 to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road where a 30' setback is required for a sign this size.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road replacing an existing ground sign that was damaged. Section 9.01 of Chapter 78 requires that a ground sign with an area of 200 square feet, be setback a minimum of 30' from the existing right of way.

ITEM #3 – con't.

Mr. Bob Chara of Sign-a-Rama, and Ms. Elaine Yaffe, owner of Long Lake Plaza were present. Mr. Chara explained that the existing sign had been damaged by an automobile accident and all they are asking for is to be able to replace the damaged sign with an identical sign. The existing sign has been in this same location since 1975. If the location is changed, they will have to remove four (4) parking spaces as well as relocate the wiring.

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

There are four (4) written approvals on file. There are two (2) written objections, however, Mr. Chara stated that he believed these objections were to relocating the sign.

Mr. Zuazo asked if the proposed sign would have any type of flashing light and Ms. Yaffe stated that it would not and the sign would comply in every other way with the requirements of the Ordinance.

Mr. Richnak asked if the vehicle that damaged the existing sign ran off of Long Lake Road. Ms. Yaffe stated that they were not present at the time of the accident and the Police Report was unclear, however, the sign was leaning over about 40%, so they believe that speed was a factor.

Motion by Richnak
Supported by Nelson

MOVED, to grant Edmund Progar, Sign-A-Rama, 1057-1155 E. Long Lake, relief of Chapter 78 to erect a 200 square foot ground sign 9' from the existing right of way of east Long Lake Road where a 30' setback is required for a sign of this size.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Relocation to a conforming location would cause significant revision to the circulation on the site.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. HAYSSAM BOUSSIE, DEARBORN SIGNS & AWNING, 36949 DEQUINDRE, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to expand the existing 40 square foot ground sign to 48 square feet. The existing ground sign is non-conforming as it has a height of 16' and a setback of less than 20'. Section 9.01 states that signs setback between 10' and 20' cannot exceed 10' in height. Section 10.02.03 of the Sign Ordinance prohibits the expansion of non-conforming signs.

Mr. Allen of Dearborn Signs was present and stated that he also wished to add an additional wall sign. His client has added a pharmacy and that is the reason they want to add the extra footage to the sign.

Mr. Stimac stated that the Building Department did not advertise the request for an additional wall sign and the Board would not be able to act on that request until it was advertised as a Public Hearing.

Mr. Dziurman confirmed that the existing sign is a legal non-conforming sign and Mr. Stimac said that was correct.

Mr. Richnak asked if a variance would be required if the sign was brought down to a height of 10'. Mr. Stimac said that if the sign were 10' in height it would be in compliance and would not require a variance.

Mr. Dziurman asked the petitioner if it would be a problem for them to lower the sign. Mr. Allen said that it would be too expensive, as they would have to get a new sign.

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. Zuazo asked if they would still add the word "pharmacy" if the sign was lowered. Mr. Stimac said that the top of the existing box is at 15' and in order to comply it would have to be less than 10' in height.

Mr. Richnak said that he does not believe they would require a brand new sign if they were to lower the height, as they would be able to use the existing posts and electrical. Mr. Richnak suggested that the petitioner speak with his client and propose this option. Mr. Richnak went on to say that there are a lot trees in this area and he believes that if they lower the sign it will be more visible.

Mr. Kessler expressed concern that if the sign is brought down too low it could obstruct vision. Mr. Richnak said that if you brought it down and started the actual signage above 4', you would still have 5' underneath. Mr. Allen stated that presently there is 13' underneath.

ITEM #4 – con't.

Mr. Zuazo asked why the petitioner objected to just conforming to the Ordinance. Mr. Allen said that he thinks his client just wants to be higher rather than lower and he is just following what his client wants.

Mr. Zuazo stated that he believes the petitioner's client needs to rethink the position of sign and does believe that this sign could be in conformance with Chapter 78.

Motion by Richnak
Supported by Nelson

MOVED, to postpone the request of Hayssam Boussie, Dearborn Signs & Awning, 36949 Dequindre, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet until the meeting of August 3, 2005.

- To allow the petitioner the opportunity to meet with his client to determine if conformance is possible.
- To allow the Building Department to publish this petitioner's request for an additional wall sign.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005 CARRIED

ITEM #5 – VARIANCE REQUEST. KATHLEEN DEBURGHGRAEVE, 1750 BRENTWOOD, for relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size for a 7-day period.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size, for a 7-day period, from Monday, August 22nd through Sunday, August 28th. The Sign Ordinance limits the number of off-site signs to 4.

This event is held on a yearly basis and has been granted a variance by this Board since 1999.

Ms. Deburghgraeve was present.

Mr. Dziurman asked if there were any problems in the past and Mr. Stimac stated that there have not been any problems.

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

ITEM #5 – con't.

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

Mr. Richnak asked when the signs were going to be picked up, as he had seen some signs from a recent past special event that were not picked up when they were supposed to be. Ms. Deburghgraeve stated that the signs are picked up on the last night of the Art Fair, after closing.

Motion by Richnak
Supported by Kessler

MOVED, to grant Kathleen Deburghgraeve, 1750 Brentwood, relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size for a 7-day period to advertise a the Northfield Hills Art in the Park special event.

- Signs will be displayed from August 22nd – August 28, 2005.
- 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 #6 – VARIANCE REQUEST. PAUL DIETER, METRO DETROIT SIGNS, 1755 MAPLELAWN, for relief of Chapter 78 to erect a 66 square foot wall sign at the above location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to erect a 66 square foot wall sign at the above location. The wall sign exceeds the permitted 20 square feet area as stated in section 9.02.05 D (2) of the Sign Ordinance.

Mr. Dieter was present and stated that this property is unusual in that it also sells Bentley and Rolls Royce brand vehicles. Other brands of vehicles are located in other areas of this building. This proposed sign would be considered a primary wall sign and Mr. Dieter stated that he believes the size of the sign is within the scale of the building and is consistent with other primary signs along Maplelawn.

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 what would be on the sign and Mr. Dieters stated it would say "Hummer". Mr. Dziurman asked if there was a ground sign at this location and Mr. Dieters said that there was.

ITEM #6 – con't.

Mr. Stimac explained that there are other signs in this location as this building is intended to house four (4) dealerships when it is completed and occupied. Presently there is an 85 square foot ground sign that says "Hummer" and a 4 2/3' wall sign that identifies the Service Department. The Bentley dealership has a 60 square foot ground sign that says "Bentley", an 8.8 square foot wall sign with their logo and a 9.8 square foot wall sign that says "Bentley Troy". The Rolls Royce dealership has a 6 square foot ground sign that says "Rolls Royce", a 19 square foot wall sign that says "Rolls-Royce Motor Cars Michigan" and a 12 square foot wall sign that says "Rolls-Royce" with the logo. At the present time the fourth space is vacant, however, it would be permitted one ground sign as well as two (2) walls signs that would be 20 square feet each.

Mr. Dziurman asked why they are asking for this additional wall sign and Mr. Dieters stated that it will help customers identify that this is the Hummer location. This is the only sign that faces Maplelawn.

Mr. Richnak asked if the size of the proposed sign was the reason for this variance request. Mr. Stimac said that they are allowed two (2) wall signs that would be 20 square feet each and this proposed sign is 66 square feet. Mr. Zuazo confirmed that they are asking for a 26 square foot variance. Mr. Richnak said that one of the conditions of the variance could be that they would give up the second wall sign.

Mr. Nelson asked what would happen when the fourth tenant came in. Mr. Stimac explained that the fourth tenant would be allowed one ground sign and two additional wall signs that would not exceed 20 square feet in area. The current tenants other than the Hummer Dealership front the parking lot to the west.

Mr. Nelson asked if this space was larger than the other dealerships and Mr. Dieters said that have quite a bit more frontage.

Motion by Nelson
Supported by Richnak

MOVED, to grant Paul Dieter, Metro Detroit Signs, 1755 Maplelawn, relief of Chapter 78 to erect a 66 square foot wall sign at the Hummer dealership.

- This sign will take the place of the second 20 square foot wall sign allowed by the Ordinance.
- No other wall signs will be put up.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. THOMAS WIGGINS, 2286 COLUMBIA, for relief of Chapter 83 to install a 6' high privacy fence in a front yard location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence at 2286 Columbia. This property is a double front corner lot. It has front yard requirements along both Columbia and Rhode Island Drive. Chapter 83 limits the height of fences in front setbacks to 30". The site plan submitted indicates a 6' high privacy fence adjacent to the west property line along Rhode Island.

Mr. Wiggins was present and stated that when he purchased this property Rhode Island Drive was not developed and the property was not considered a double front corner lot. Mr. Wiggins stated that a lot of the neighbor children play in his yard and he wants to be able to provide a safe environment for them. There is also considerable landscaping in this area and he plans to put this fence behind the line of evergreens.

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. Kessler asked if Mr. Wiggins had spoken to the neighbor on Rhode Island that would be the most affected by this fence. Mr. Wiggins said that he had talked to him although there was a language barrier. Mr. Wiggins said he did not think his neighbor objected to this fence. Mr. Kessler then asked if Mr. Wiggins had looked into the possibility of putting up a 4' high fence rather that a 6' high fence. Mr. Wiggins said he did not have any objection to that suggestion but did not know this was an option for him and the only information given to him was that he had to appear before this Board. Mr. Kessler stated that if he received a variance for a 6' high fence it would run the entire length of the neighbor's front yard and he felt the 4' high fence would not be as intrusive. Mr. Wiggins said that he did not see a problem with that.

Mr. Richnak explained to Mr. Wiggins that it is not the City's responsibility to give all of the options that are available. It is up to the petitioner to make a request to the City, and if not in compliance they are directed to appear before whichever Board is applicable. Mr. Stimac explained that anything other than a 30" high fence in the front yard along Rhode Island would require the petitioner to appear before this Board.

Mr. Nelson asked if Mr. Wiggins was proposing to put the fence on the outside of the evergreens and Mr. Wiggins stated that they would be put on the inside of the evergreens. Mr. Richnak asked how tall these shrubs were and Mr. Wiggins said that they were about 6 to 8' high.

Mr. Zuazo asked if the petitioner was planning on bringing the fence from the shrub line to the house and if he would also be willing to add more landscaping in this area. Mr. Wiggins said that he would.

ITEM #7 – con't.

Motion by Kessler
Supported by Richnak

MOVED, to grant Thomas Wiggins, 2286 Columbia, relief of Chapter 83 to install a 4' high privacy fence in the front yard along Rhode Island.

- Fence would be 4' high and placed inside the row of hedges.
- Additional landscaping is to be added where the fence is installed between the shrub line and the house.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUEST. SCOTT GARDNER OF GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 78 to install an additional 80 square foot wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install an additional 80 square foot wall sign on an existing building. Section 9.02.03 of the Sign Ordinance limits each building one major wall sign. An 80 square foot wall sign has already been approved for this building. This proposal exceeds the number of signs permitted.

Mr. Richnak stated that basically the petitioner wished to replace two (2) existing wall signs with two (2) wall signs that will be smaller than the existing signs. Mr. Stimac said that on June 9, 2004 this Board granted a variance for two (2) wall signs that were 99 square feet in size. The new signs will be 80 square feet in size.

Mr. Scott Gardner of Gardner Signs and Mr. Thomas Darling of 2600 W. Big Beaver were present.

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

There is one (1) written objection on file. There are no written approvals on file.

Motion by Richnak
Supported by Nelson

ITEM #8 – con't.

MOVED, to grant Scott Gardner of Gardner Signs, 2600 W. Big Beaver, relief of Chapter 78 to install an additional 80 square foot wall sign.

- New signs will be smaller than existing signs.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #9 – VARIANCE REQUEST. JEFFREY EISCHEN, JR. 3140 KILMER, for relief of Chapter 83 to install a 6' high privacy fence in a front yard location.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This property is a double front corner lot. It has front yard requirements along both Kilmer and Hartland. Chapter 83 limits the height of fences in front yard setbacks to 30 inches. The site plan submitted indicates a 6' high wood privacy fence adjacent to the north property line along Hartland.

Mr. Eischen was present and stated basically that he wants to make his yard look nicer and the fence will help to block traffic and noise.

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

There are five (5) approvals on file. There are no written objections on file.

Mr. Richnak asked Mr. Stimac if the approvals received were from neighbors that were adjacent to this property. Mr. Stimac said there was one approval from the next block, one from the property two lots south, one from the property two lots east, one from the property directly across the street and one from the property immediately to the south.

Mr. Zuazo asked the petitioner why he needed a fence and Mr. Eischen said that he wants more privacy. Mr. Zuazo asked if he was planning to add landscaping and Mr. Eischen said that eventually he would. Mr. Zuazo then asked if he would settle for a 4' high fence rather than a 6' high fence and the petitioner indicated that he would rather have a 6' high fence.

Mr. Stimac explained that the previous owner had put up a fence without a permit and had been cited so he took the fence down.

Mr. Kessler said that driving down Hartland there are no privacy fences and the area is pretty much open. He would hate to set a precedent for privacy fences on corner lots.

ITEM #9 – con't.

Mr. Eischen said that there is a 6' high privacy fence behind him and he thinks a 4' high fence would not look right next to the 6' high fence.

Mr. Dziurman asked if the petitioner could install a 6' high fence at the back of the property and Mr. Stimac said that the only place he cannot put up a 6' high fence is north of the house.

Motion by Kessler
Supported by Richnak

MOVED, to grant Jeffrey Eischen, Jr., 3140 Kilmer, relief of Chapter 83 to install a 6' high privacy fence in the front property line along Hartland.

- Fence must be placed 10' back from the property line.
- Chain link fence must be removed.
- Additional landscaping must be added between the fence and Hartland.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The petitioner indicated that moving the fence back would make the yard smaller.

ITEM #10 – VARIANCE REQUEST. JEFF CLEMENTS, 5505 CORPORATE, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 19' from the Corporate Drive and New King City right of way. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way line.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Jeff Clements, 5505 Corporate, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

ITEM #10 – con't.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005
CARRIED

ITEM #11 – VARIANCE REQUEST. JEFF CLEMENTS, 700 TOWER, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way line along Tower Drive and 16' from the right of way line along Long Lake Road. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way lines.

The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Jeff Clements, 700 Tower, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF AUGUST 3, 2005
CARRIED

The Building Code Board of Appeals meeting adjourned at 9:50 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary