

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, August 02, 2006, in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Rick Sinclair
Tom Rosewarne
Frank Zuazo

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

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 5, 2006.

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of July 5, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 - VARIANCE REQUEST. STEVEN VANDEN BOSSCHE, TALON DEVELOPMENT GROUP, INC., 5660 NEW KING (proposed address), for relief of Chapter 83 to install a fence in the front yard along New King Street.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a fence at the proposed Child Care Center to be located at 5660 New King (proposed address). The site plan submitted indicates a 4' high PVC fence located in the front yard along New King Street, 45' from the north property line. Chapter 83 limits fences in the 50' front yard to not more than 30" in height.

This item first appeared before this Board at the meeting of July 5, 2006 and was postponed to allow the petitioner the opportunity to be present.

Mr. Steven Vanden Bossche was present and stated that the play area will be located on the east side of the building and they would like to install this fence so that it will go from the exit doors of the classrooms to this play area. This will increase the safety of the children as they will be contained and will not be able to run out to New King Street. The play area complies with the restrictions of the Ordinance.

ITEM #2 – con't.

Mr. Vanden Bossche also stated that this is a unique situation because the building is located on a corner and the actual play area will be enclosed with a 6' high fence. They would like this 4' high PVC fence to keep unwanted attention from the children.

Mr. Kessler asked if they had explored the possibility of moving the building back 5' in order for this fence to comply. Mr. Vanden Bossche stated that they had looked at it but were in fact told that moving the building back would not make a difference, because the Ordinance does not allow for fences in the front yard.

Mr. Dziurman asked if they were going to add more landscaping to the perimeter of the building. Mr. Vanden Bossche stated that the building sits about 4' or 5' below New King and is actually in a depression, which makes the slope act like a berm. Mr. Vanden Bossche also stated that they have received site plan approval as well as landscape approval from the City of Troy.

Mr. Kessler asked if they were going to add more landscaping to the berm and Mr. Vanden Bossche stated that they were planning to remove some of the existing landscaping in order to construct the building and re-grade the site, but they do plan to replace it. Their proposed landscaping exceeds the requirements of the City.

Mr. Stimac stated that the petitioner was correct in stating that the Ordinance dictates that no fence is permitted between the front setback and a building that is in a non-residential area. Moving the building back would not resolve the issue.

Motion by Kessler
Supported by Zuazo

MOVED, to grant Steven Vanden Bossche, Talon Development Group, Inc. 5660 New King (proposed address) relief of Chapter 83 to install a 4' high PVC fence in the front yard along New King Street.

- Additional ten (10) trees or shrubs to be added along the fence line.
- Additional trees or shrubs to be approved by Ron Hynd, the Landscape Analyst for the City of Troy.
- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. HEILEMAN SIGNS, 1950 W. MAPLE, for relief of Chapter 85 to install a 32.4 square foot wall sign.

Mr. Stimac stated that the petitioner is requesting relief of the Ordinance to install a 32.4 square foot wall sign. Chapter 85 limits the size of this proposed wall sign to not more than 20 square feet in area.

Mr. Tim Heileman from Heileman Signs and Mr. Tom North of North Brothers Lincoln Mercury were present. Mr. Heileman stated that this is a new owner and the lettering on the sign will be the same size, the only reason the sign is larger is because the name is longer. They wish to increase the visibility of this dealership to the public.

Mr. Kessler asked if this site had received any other variances for signage. Mr. Stimac said that there were two (2) variances granted in April 1999, but they were both for ground signs. There have not been any variances for wall signs granted at this location.

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 files.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Heileman Signs, 1950 W. Maple relief of Chapter 85 to install a 32.4 square foot wall sign.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance will not create a prohibited used in a zoning district.
- Letter size is the same size as existing sign.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. JEFF KASPARI, 3122 OTTER, for relief of Chapter 83 to construct a 6' high privacy fence 22' from the front property line where 25' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a 6' high privacy fence. This property is a double front corner lot. As such, it has 25' minimum front yard requirements along Otter Drive and Arrowhead Drive. Chapter 83 limits the height of fences in these front setbacks to not more than 30" in height. The site plan submitted indicates a 6' high privacy fence set back 22' from the front property line along Arrowhead.

ITEM #4 – con't.

Mr. & Mrs. Kaspari were present. Mr. Kaspari stated that the reason they would like to put this fence up was to add privacy to their home. If they are in their family room, or out on the patio, anyone walking by can see into their yard. If they are required to put the fence at the 25' setback it will create a huge problem getting in and out of the garage. They want to put up something that will look nice at the same time giving them the privacy they desire. Mr. Kaspari said that they plan to put up a 5' high PVC fence with a 1' lattice border at the top. They have spoken to all of their neighbors and have received approval of this request.

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 no written objections on file.

Mr. Kessler asked if they had spoken to the neighbor directly behind them. Mr. Kaspari said that they had and the neighbor approved of this request. The neighbor would not like to see a fence in back of the garage but do not have a problem with this request.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Jeff Kaspari, 3122 Otter, relief of Chapter 83 to construct a 6' high privacy fence 22' from the front property line where 25' is required.

- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- There are no objections on files.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:00 A.M.

Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary