The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, October 4, 2006 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
Marlene Struckman, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 6, 2004

Motion by Sinclair
Supported by Kessler

MOVED, to approve the minutes of the meeting of September 6, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. NORM MORTON, 1785 CRESTLINE, for relief of Chapter 83 to install a 48" high chain link fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 48" high chain link fence. This property is a double front corner lot. As such, it has front yard setback requirements along both Crestline and Crimson. Chapter 83 limits the height of fences in front setbacks at this location to not more than 30". The site plan submitted indicates a 48" high chain link fence in the front yard setback along Crimson.

Mr. and Mrs. Norm Morton were present. Mr. Morton said that he became concerned when his nephew was playing football and went after a ball that went into the street. Mr. Morton said he is very concerned about the safety of his children. Furthermore, the Morton's have a dog and this fence would keep the dog contained in their yard. This home is located along one of the main entrances to the subdivision and there is a lot of traffic. Mr. Morton also said that he had spoken to his surrounding neighbors and they did not object to this fence.

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.

J-lm

ITEM #2 – con't.

Mr. Kessler asked if they had spoken to the neighbor directly behind their home. Mr. Morton indicated that he had and this neighbor had no objection as long as the existing pine trees were to remain.

Mr. Kessler said that he had noticed other homes in this subdivision that had fences that go to the sidewalk, and feels they are very noticeable as you go into the subdivision. Mr. Kessler explained that this Board tries to have fences located away from the sidewalk and screened by extra landscaping so that they do not have an impact on surrounding neighbors. Mr. Kessler also suggested that the petitioner place this fence inside the tree line, which would provide screening.

Mr. Morton said that if he put the fence in this location it would make it difficult to maintain the trees and the existing grass.

Mr. Richnak stated that he can appreciate the maintenance issue, but the Board has to look for a hardship that runs with the land in order to grant a variance, and maintenance in his opinion would not be such an issue. When a variance is granted, the Board wants it to have the minimum impact to the surrounding residents. Mr. Richnak suggested that Mr. Morton spray something around this area so that the grass would not grow.

Mr. Kessler suggested that additional ground cover be added in the area. Mr. Kessler said that he believes there is enough space available that the fence can be put behind the tree line rather than in front of the trees.

Mr. Richnak suggested two different types of ground cover that could be put in that would be inexpensive, low maintenance, and would fill the area in.

Mr. Dziurman asked how Mr. Morton felt about these suggestions and Mr. Morton said that he would be willing to do whatever the Board suggested. Mr. Morton presented a map showing other fences in the area.

Mr. Stimac explained that four (4) of the homes shown on this map were not double front corner lots and the Ordinance did not have the same restrictions on them that were on this property.

Motion by Richnak
Supported by Kessler

MOVED, to grant Norm Morton, 17895 Crestline, relief of Chapter 83 to install a 48" high chain link fence.

- Fence will be erected on the north side of the three (3) closest pine trees to Crimson.
- No additional landscaping will be required.

ITEM #2 – con't.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. JOE NOVITSKY, JSN ARCHITECTS, REPRESENTING SAIF JAMEEL, 2987 CROOKS ROAD, for relief of the 2003 Michigan Building Code.

Mr. Stimac explained that the petitioner is the architect representing the owner of the gasoline station located at the southwest corner of the intersection of Crooks Road and Big Beaver Road. The owner is in the process of adding a brick veneer on the exterior of the existing building. Unfortunately, the work was begun without first obtaining a building permit. This is in part, due to a misunderstanding of the scope of work of the project between the owner and Building Department staff. The existing building is a pre-manufactured modular building, which is placed upon a cast in place concrete trench footing. A concrete sidewalk surrounds the building. Rather than installing the brick veneer directly upon the foundation as required by the Building Code, the brick is being installed on top of the sidewalk. The petitioner is asking for approval to install the brick veneer on top of the sidewalk in lieu of directly upon the foundation based upon the specific conditions of the site as outlined in the appeal application.

Mr. Joe Novitsky of JSN Architects, and Mr. Saif Jameel, the owner of the property were present. Mr. Novitsky stated that when putting in these veneers they want to protect the area from heave and settlement and he believes that will not happen on this site. If they cut around the building it will break up the continuity. The footings are all formed up and are free floating. When they saw cut an area they found that there was between 4' and 6' of sand on the entire site, which allows the ground water to migrate through and that would minimize inevitable heaving. Mr. Novitsky does not believe there is any reason to stop the construction at this point. This would be a radical improvement for this site and would not cause safety or health issues even though it does not meet the Code. Mr. Novitsky also stated that he believes adding a foundation would create more problems.

Mr. Zuazo asked what type of sand was under the structure and how far it extended from the structure. Mr. Novitsky said he had no idea what kind of sand it was, although he believes it is standard mason sand, very coarse and deep brown in color. Very reputable contractors have told him that this is a very stable site.

Mr. Zuazo asked how far the sand was from the perimeter of the building and Mr. Novitsky stated he thought it was roughly 2' to 3', but was unable to be 100% sure unless they cut into the cement.

Mr. Richnak asked about the "dog-bone" foundations underneath the canopy. Mr. Stimac explained that the drawings show a canopy-footing about one foot below the paving.

ITEM #3 – con't.

Mr. Dziurman asked if all of the columns had been bricked at this time and Mr. Novitsky stated that about 75% of the work is complete. Mr. Dziurman asked if they also wanted to put up the brick around the islands and Mr. Novitsky stated that they did.

Mr. Kessler stated that they could get footings around the foundation. Mr. Novitsky said that there is about 6" of compacted sand around the "dog-bone".

Mr. Kessler asked what they are proposing around the island and Mr. Novitsky said that they don't want to cut it. Mr. Novitsky said that cutting it could cause a negative effect on the foundation. They would like to keep it sealed and let them indemnify the City and allow him to take responsibility for this action.

Mr. Kessler said that if they went 12" around the columns, they could cut away and put in 6" of concrete. Mr. Kessler also asked what the life expectancy of the pumps was. Mr. Novitsky said that the foundations were installed in1995 and were recently removed and replaced. In ten (10) years they could be looking at new style pumps. At that time the islands would have to be re-worked. Mr. Kessler said this would be the ideal time to isolate the columns. Mr. Novitsky said he did not think that would be a problem.

Mr. Richnak said that they could cut 12" out around each columns. Mr. Novitsky said that he thinks this is a very stable site and would yield to whatever decisions the Board makes. If they took it all down and put in a footing, Mr. Novitsky believes it would weaken the site and make it less stable.

Mr. Kessler asked if they had gone around the entire perimeter of the building to look for settlement and heaving. Mr. Novitsky said that he had looked everywhere and did not see any denigration in the site anywhere. This is an amazingly stable site.

Mr. Richnak stated that he had looked over this site and found cracking at either side of the door to the car wash.

Mr. Dziurman asked about using shelf angles to support the brick? Mr. Novitsky said that they would look terrible and since this is a light gage metal frame building they would have worry about the fasteners failing, which would cause collapsing.

Mr. Kessler asked about brick flashing. Mr. Novitsky said that there is a flashing, but the only problem is that it's tucked behind the siding.

Mr. Kessler asked if there was a sufficient gap to allow for movement on the area between the metal and the aluminum windows. Mr. Novitsky said that there is very little space and it would have to be caulked. Mr. Kessler asked if the windows would be able to withstand heaving. Mr. Novitsky said that the brick would heave independently.

ITEM #3 – con't.

Mr. Kessler asked what the conditions of the site were. Mr. Novitsky stated that the entire site is paved. Mr. Kessler said that the front area is under a large canopy that protects it from the weather. Mr. Kessler asked if you could see that the structure around the perimeter sits on the footing. Mr. Novitsky said that he had exposed an area and you can actually feel the edge of the sidewalk resting on the footing.

Mr. Kessler stated that Rob Winkelman, Building Inspector, said that the front door did not open properly and asked if this was from heaving. Mr. Novitsky said that there is no evidence of heaving, but believes it is caused by the denigration of the threshold.

Mr. Stimac stated if the island curbs are replaced again, the brick would have to come down and be replaced.

Mr. Sinclair asked if the columns were all bricked. Mr. Novitsky said that two are and four are not.

Mr. Kessler stated that he did not feel the petitioner should have to correct the two columns that are already bricked, but that the other four columns should have the brick put on them correctly and that would include a footing.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Joe Novitsky, JSN Architects, representing Saif Jameel, 2987 Crooks Road, relief of the 2003 Michigan Building Code to add brick veneer to an existing building with the following stipulations:

- The two (2) columns that are already bricked will be saw-cut to isolate them from the islands.
- The four (4) remaining columns that do not have brick will have footings down to pier foundations.
- Under all aluminum window frames, space will be left to allow for movement and heaving.
- A "Hold Harmless" letter will be provided from the petitioner indicating, that the City, this Board, and any members of the City Staff will not be held responsible for any lawsuits or damages resulting from approval of this variance.

Yeas: 4 – Kessler, Richnak, Sinclair, Zuazo
Nays: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac informed the Board that he is awaiting documentation from a petitioner asking that this Board hold a special meeting. Basically the petitioner is asking to have

a special event sign up for a period that would exceed the seven (7) day limit allowed by the Ordinance. Because this request is for a sign, there is a fourteen (14) day requirement to allow the Building Department to notify property owners within 300' of the subject property. Mr. Stimac asked if there would be a quorum of Board members to hold this meeting on Wednesday, October 18, 2006, assuming proper paperwork is received from the petitioner.

Mr. Dziurman said that he might not be available on that date.

The Building Code Board of Appeals meeting adjourned at 9:28 A.M.

Ted Dziurman, Chairman
R. Sinclair Vice Chairman

Pamela Pasternak, Recording Secretary