

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, February 7, 2007 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  
Mitch Grusnick, Residential Plan Analyst  
Pam Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 3, 2007**

Motion by Richnak  
Supported by Kessler

MOVED, to approve the minutes of January 3, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – VARIANCE REQUEST. TONY GEE, 533 E. WATTLES,** for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 48" high non-obscuring fence and two (2) masonry columns 4'-11" in height located in the front yard parallel to and setback 4' from the sidewalk along E. Wattles Road. Chapter 83 limits the height of fences located in front yard setbacks to not more than 30" in height.

Mr. and Mrs. Gee were present. Mr. Gee stated that he is asking for this variance because he would like to put the columns up, as it would give the property the look they are trying to achieve and they would also like to add additional landscaping.

Mr. Dziurman asked if the fence would tie into anything and Mr. Gee said that it would not. Mr. Gee said that they want to add berms and different levels of shrubbery. The columns would be made of the same stone that is on the house and the fence would be a black ornamental fence.

Mr. Dziurman asked what the location of the posts was and Mr. Stimac said that they are proposed to be 4' from the sidewalk along Wattles Road.

**ITEM #2 –con't.**

Mr. Richnak stated that he did not see a landscaping plan and asked what type of landscaping Mr. Gee wished to add.

Mr. Gee said that they plan to add a row of landscaping in front of the fence and a row behind the fence. He said that they want to use burning bushes and arborvitae. Mr. Gee said that this will soften the fence line. Mr. Gee also said that he wants to add this fence to help screen lights from traffic on the street across Wattles Road. Mr. Gee said that his bedroom is on the first level and at night there is a lot of traffic on this street and the lights shine into his bedroom.

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

There are two (2) written objections on file. There is one (1) written approval on file.

Mr. Gee stated that they have been moving dead trees off the property since they owned it and have tried to work with the neighbor behind them but have not had any success.

Mr. Kessler said that this Board is only reviewing the request for the fence even though a letter objecting to the fence was presented. Mr. Kessler said that it is not up to this Board to act on the matter of the dead trees.

Mr. Kessler asked if the property line was about 1' from the sidewalk. Mr. Gee said he thought that was correct.

Mr. Kessler said that would give them about 3' to add additional landscaping. Mr. Gee said that he thought it was about 4' to 5' and he is trying to leave enough room for the pine trees to develop. Mr. Kessler said he would like to see the fence line moved back farther so the new landscaping was not damaged by the proximity to the sidewalk.

Mr. Gee said that he thought the fence could be moved back an additional 2' or 3' to give the pine trees room to grow.

Mr. Richnak asked if the pillars were part of the fence and Mr. Stimac said that they were.

Mr. Zuazo asked what the hardship was. Mr. Gee said that basically it is the amount of traffic coming off of the street across Wattles Road and the lights shining into his bedroom.

Mr. Richnak asked if he was correct that Mr. Gee wanted to add extra landscaping because of the lights of oncoming traffic, but wanted to put up a fence so that it would look better.

**ITEM #2 – con't.**

Mr. Gee said that was correct and he would be willing to shorten the length of the fence but they were really hoping to be able to add the columns as it would be aesthetically pleasing.

Mr. Zuazo said that basically they plan to put up a fence and then cover it. Mr. Gee said that it would not be covered but the landscaping would soften the look of the fence.

Mr. Richnak explained that one of the things that allows the Board to grant a variance is a hardship with the land and he did not see a hardship that would justify the fence. Mr. Richnak felt that the berm and extra landscaping could adequately screen the lights.

Mr. Dziurman said he thought this was an unusual house and asked if the fence could be moved back.

Mr. Stimac said that if the petitioner took the fence out of the front setback, he could put up a 6' high privacy fence if it was 50' from the front property line.

Mr. Kessler said that he could understand the need to screen the lights and believes that a decorative entrance does enhance the property. Mr. Kessler also said that the additional landscaping would enhance the look of the property along Wattles Road. Mr. Kessler stated that he would be opposed to any type of gate.

Mr. Gee said that he wants to increase the value of the property as well as add privacy. He has no intention of adding gates and said that he would be willing to move the fence back 4' or 5'.

Mr. Kessler said that currently they are proposing a setback of 4 ½' from the sidewalk. Mr. Gee said that he could move it back between 5' and 10' and still give the existing pine trees room to grow.

Mr. Richnak asked what type of trees these were and Mrs. Gee said that they are White Pines.

Mr. Dziurman said that in his opinion this was a very unique request even though they do not have a hardship. He said that he did not have a problem with the fence and could understand the request for the pillars.

Mr. Nelson asked if the fence could be moved farther back from the sidewalk. Mr. Gee said that he thought he could go to 8' from the sidewalk. He believes there is about 15' or 20' before he would hit the existing trees.

Motion by Nelson  
Supported by Kessler

**ITEM #2 – con't.**

MOVED, to grant Tony Gee, 533 E. Wattles, relief of Chapter 83 to install a 48" high non-obscuring fence and two (2) masonry columns 4'-11" in height located in the front yard along E. Wattles Road.

- Fence is to be a minimum of 8' from the right of way line.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED

**ITEM #3 – VARIANCE REQUEST. DON STURR OF NATIONAL SIGNS, LTD, 30 E. BIG BEAVER, for relief to erect three (3) wall signs.**

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect three (3) wall signs. Section 85.02.05, 3 allows one (1) wall sign, up to 10% of the area of the front of the structure to a maximum of 200 square feet in area and an additional wall sign 20 square feet in area. The plans submitted indicate three (3) wall signs, one 39.79 square feet, one 32.5 square feet and one 29.79 square feet in area. These signs exceed the number of wall signs that are permitted.

Mr. Don Sturr representing Kona Grill and Mr. William Siewert of MLS Signs were present. Mr. Sturr said that after reviewing the plans they would like to withdraw the request for a sign on the south side of the building. Visibility would be poor for traffic traveling north or south.

Mr. Dziurman stated that it was his understanding that the petitioner could have a sign on the front of the building, the north side, up to 200 square feet and one additional sign that would be up to 20 square feet. Mr. Stimac said that was correct and the reason this request was before the Board was because the petitioner is asking for a second sign that would be 29.79 square feet.

Mr. Sturr said that they would like a larger sign on the west side of the building as it would be very visible to people traveling along Livernois and Big Beaver.

Mr. Kessler stated that he could understand the need for more signage as this restaurant is on a corner and it is possible that the mature vegetation in the area would obscure the Logo.

Mr. Nelson asked if they planned to add signage to the awnings on the building. Mr. Sturr stated that there would not be any signage on the awnings.

**ITEM #3 – con't.**

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.

Motion by Richnak  
Supported by Nelson

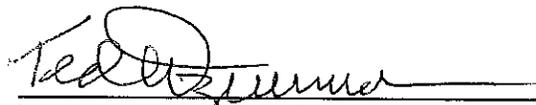
MOVED, to grant Don Sturr of National Signs, LTD, 30 E. Big Beaver relief of the Ordinance to erect a wall sign on the west side of the building that will be 29.79 square feet in area, where Section 85.02.05 allows an additional wall sign 20 square feet in area.

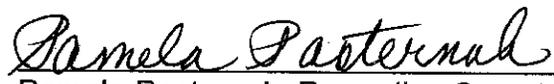
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- The total area of signage proposed is considerably less that permitted by the Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:03 A.M.

  
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Ted Dziurman, Chairman

  
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Pamela Pasternak, Recording Secretary

