The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, April 4, 2007 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Richard Kessler
William 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 MARCH 7, 2007

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 7, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 - VARIANCE REQUEST. TROY GYMNASTICS, 1600 W. MAPLE, for relief of Section 803.2 of the International Fire Code.

The petitioner was not present.

Motion by Richnak
Supported by Nelson

MOVED, to place this request at the end of the agenda, Item #8.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO MOVE ITEM #2 TO ITEM #8 CARRIED

ITEM #3 – VARIANCE REQUEST. MONDRIAN PROPERTIES/CHOICE GROUP, 1233 W. WATTLES, for relief of Chapter 85 to maintain a temporary sign installed at 1233 W. Wattles.

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ITEM #3 – con't.

Mr. Stimac explained that the Building Department had received a letter from the petitioner asking that this item be postponed.

Motion by Nelson
Supported by Richnak

MOVED, to postpone the request of Mondrian Properties/Choice Group, 1233 W. Wattles, for relief of Chapter 85 to maintain a temporary sign installed at 1233 W. Wattles until the meeting of May 2, 2007.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL MAY 2, 2007 CARRIED

ITEM #4 – VARIANCE REQUEST. MLS SIGNS, 4555 INVESTMENT, for relief of Chapter 85 to install a new ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a new ground sign. The site plan submitted indicates installing a ground sign on a site that currently has two (2) existing ground signs. Section 85.02.05 (3) limits buildings located in O-1 Zoning Districts to two (2) ground signs. The installation of a third ground sign on this site is in violation of the Ordinance.

Mr. Steve Brewer, representing the Michigan Schools and Government Credit Union was present and stated they want to add this new sign along Investment Drive in order to help customer find this location. Currently there is a building sign along Crooks Road, which helps customers to find their way when coming from this location. The are asking to install the same exact sign on Investment Drive to allow people to turn right into the driveway. The sign on Crooks is very close to the entrance of this building.

Mr. Dziurman asked if the sign on Crooks Road was thirty-six (36) square feet in area. Mr. Stimac said that the existing sign is 50 square feet in area.

Mr. Richnak asked how many tenants were in this building.

Mr. Brewer explained that the Credit Union has the first floor and the Chamber of Commerce is on part of the second floor. There is no other signage on this building.

Mr. Nelson said that there is a small directional sign on Investment now and the petitioner indicated that they would like that sign to remain.

ITEM #4 – con't.

Mr. Richnak asked if there was also a directional sign off of Crooks. Mr. Brewer stated that there is a small directional sign in the area also.

Mr. Kessler asked why the petitioner wanted this additional sign.

Mr. Brewer stated that the original owner of the building was the S.O.C. Credit Union and they merged with them just about one-year ago. They are having a problem with name recognition. According to the previous owner of the building, it is a problem not having any kind of sign on that side of the lot.

Mr. Kessler asked if they had looked into removing the sign on the corner that gives the address and the temperature.

Mr. Brewer said that they would be more than willing to remove the sign if that is what the Board required.

Mr. Kessler said that he had driven the site and agrees that it is difficult to identify the building, but thinks that the petitioner could add the address to the front of the building, which would help customers with identification. Mr. Kessler also said that he did not think the temperature sign was necessary.

Mr. Dziurman asked if they would require a variance to put an address on this building. Mr. Stimac explained that the Sign Ordinance does not regulate address signs and they could put an address on this building.

Mr. Dziurman suggested that the temperature sign be placed on the building and then the ground sign could be eliminated.

Mr. Stimac said that they could put a sign on the building and if they remove the temperature sign the petitioner would be permitted another 36 square foot sing that could be placed just about anywhere on the site.

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

There are two (2) written approvals on file. There are no written objections on file.

Mr. Richnak clarified that they have a 50 square foot sign on Crooks Road, and if they removed the corner temperature sign, they could place a 36 square foot sign on Investment Drive without a variance. Mr. Stimac said that was correct.

Mr. Zuazo asked if the Chamber of Commerce was still in the Building. Mr. Brewer said that they are and have been for a number of years.

ITEM #4 – con't.

Mr. Kessler said that after giving the matter some thought, the temperature sign on Crooks did have some value to this site as it shows the address on Investment Drive and not on Crooks. The sign actually blends in with the area and he does not believe it detracts from the site.

Mr. Nelson asked if it was possible to make the proposed sign 36 square feet.

Mr. Bill Siewert from MLS Signs said that he feels the readability of the sign would be affected if it had to be downsized.

Mr. Richnak asked about the speed limit on Investment Drive and Mr. Stimac said he believes it was 35 miles per hour.

Mr. Richnak said that in his opinion people coming from the west heading east would not have trouble reading the sign on Crooks. He believes the smaller sign would be sufficient for people traveling on Investment Drive. Mr. Richnak also thinks that the same size sign, as the one on Crooks Road would be very large for the location.

Mr. Stimac explained that if the proposed sign was reduced to 36 square feet a variance would still be required as this would be the third (3rd) ground sign.

Mr. Zuazo asked if the petitioner was aware of accidents caused by people driving past the driveway.

Mr. Brewer said that they have seen people drive by passing the driveway and then proceed to back up on Investment in order to turn into the drive. The additional sign would enable them identify the drive and hopefully eliminate this problem.

Motion by Nelson
Supported by Richnak

MOVED, to grant MLS Signs, 4555 Investment Drive, relief of Chapter 85 to install a third ground sign where Section 85.02.05 (3) limits buildings located in O-1 Zoning Districts to two (2) ground signs.

- Size of sign to be limited to 36 square feet.
- 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 #5 – VARIANCE REQUEST. MAPLE STEPHENSON DEVELOPMENT LLC, 1414 E. MAPLE, for relief of Chapter 85 to install two (2) ground signs.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install two (2) ground signs. The site plan submitted indicates replacing a "For Lease" sign that is currently attached to the monument sign fronting East Maple with a new "For Lease" sign, and incorporating another "For Lease" sign to the existing ground sign fronting Stephenson Highway.

Incorporating the proposed signs with the existing ground signs would result in two (2) ground signs, each 77 square feet in size. With the 20' setback as proposed, Section 85.02.05 allows one ground sign up to 100 square feet and one additional 36 square foot maximum ground sign.

Mr. Tony Antoine of Kojaian Properties was present. Mr. Antoine explained that they own a large number of buildings in Troy, but this building is quite unique in that it "straddles" the corner. The building does not come right up to the corner because of an existing gas station. They are trying to capture the interest of people traveling on both Maple and Stephenson and would like to make it readable to traffic at the posted speed limit.

The Troy market is split into three (3) groups. North Troy has a vacancy rate of 15%, the Big Beaver market has a 16% vacancy rate; and South Troy has a 35% vacancy rate. This building is located in what they refer to as the South Troy market. They are trying to compete with other locations to gain tenants.

Mr. Dziurman asked if this was a temporary sign.

Mr. Antoine said that he certainly hoped so. They have 175,000 square feet to lease. Right now this building has only one (1) tenant and they are hoping to increase the occupancy rate.

Mr. Dziurman said that he would object if this was to be a permanent sign.

Mr. Antoine said that as the building gets more and more occupied the signage would come down.

Mr. Dziurman asked what the requirements were for temporary signs. Mr. Stimac explained that 36 square feet is to allow someone to put up a "for lease" signs. They would either limit their signs to six square feet or in some way incorporate the verbiage "for lease".

Mr. Antoine said that that permanent signs are really a necessity for tenants of any real size, which is 10,000 square feet of lease space or above. Monument signs were to be used as a carrot asking people to come to their buildings. Some people think that if a

ITEM #5 – con't.

sign is on the building it a fully leased building. In this case the only tenant is Entertainment Publications.

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. Nelson asked if this Board could grant a variance with a time limit on it. Mr. Nelson is concerned about the upkeep of the signs over a period of time.

Mr. Antoine said that Kojaian takes great pride in the properties that they own and the signs are meticulously kept up. Mr. Antoine does not believe the conditions of the signs would be a concern to this Board. Kojaian has a very upscale image and they would intend to keep it that way. Even though he has heard that forecasters are saying the economy should take an upturn in two (2) years, Michigan's forecast for economic improvement is not predicted to begin until 2010.

Mr. Richnak said it would be possible to lease all but 10,000 square feet of space and this Board would not like to see the extra signage remain.

Motion by Nelson
Supported by Richnak

MOVED, to grant Maple Stephenson Development, LLC, 1414 E. Maple, relief of Chapter 85 to install two (2) ground signs , each 77 square feet in size, with a 20' setback, where Section 85.02.05 allows one ground sign up to 100 square feet and one additional 36 square foot maximum ground sign.

- Variance granted for a period not to exceed two (2) years.
- Signs would be removed sooner, if space is leased.
- Variance is not contrary to public interest.

Yeas: All - 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. BASEMENT EXPERTS OF AMERICA, 3062 KINGSLEY, for relief of the 2003 Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Residential Code to finish a basement that will result with a 6'-10" ceiling height where the Michigan Residential Code requires 7'.

ITEM #6 – con't.

Steve Attar, representing Basement Experts was present. Mr. Attar stated that this was one of the simpler basements they have done in the Troy area. There are no sharp corners and the only place they may have a problem is an area that has a gas pipe that is 6" from the wall. They will do their best to make the ceiling as tight as possible.

Mr. Dziurman asked if the Building Department had any concerns regarding this request. Mr. Stimac said that he did not see any issues regarding corners on this item.

Motion by Richnak
Supported by Nelson

MOVED, to grant Basement Experts of America, 3062 Kingsley, relief of Section R305 of the 2003 Michigan Building Code to finish a basement that will result with a 6'-10" ceiling height where 7' is required.

- 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 #7 – VARIANCE REQUEST. THE BHARATIYA TEMPLE, 6850 N. ADAMS, for relief of the Troy City Ordinance to alter a portion of the temple to start a Montessori Academy.

Mr. Stimac explained that Section 903.2.2, of the 2003 Michigan Building Code requires an automatic sprinkler system throughout all Use Group E (Educational) fire areas greater than 20,000 square feet. The fire area exceeds 20,000 square feet and the Church does not have an automatic sprinkler system.

Ms. Nutan Oale, the Chair Person for the Bharatiya Temple, Alan Hall of Metco Architects, and Shama Kenkye a member of the Board of Trustees for the Temple were present.

Mr. Dziurman asked if the entire Church had to be sprinklered. Mr. Stimac explained that they can create fire resistant area by putting up fire rated walls. The fire area of a building is the sum of four areas surrounded by outside walls.

Mr. Richnak asked if cement walls are considered fire resistant. Mr. Stimac stated that you can create fire resistant areas with dry wall with the use of fire resistant walls.

Mr. Hall stated that want to put in a classroom area only on the lower level of the building. The maximum number of students would be limited to 60. There are some fire

ITEM #7 – con't.

doors in place and this floor is actually rated one-hour. Doors are rated at 20 minutes and the hallway is rated one-hour. The lower level is 16,377 square feet. They are planning a major addition and this will contain fire sprinklers.

Mr. Zuazo asked if they were planning to put the classroom in the basement next to the kitchen. Ms. Oale said that the classrooms are across from the kitchen. Ms. Oale also said that they have received approval on a number of trade inspections and need this variance to move ahead.

Mr. Kessler asked if there would be any other activities during operation of the school. Ms. Oale said that very few people use the facilities during the day. There will be approximately 60 children and 5 to 6 staff members, Monday through Friday.

Mr. Zuazo asked what the width of the stairways was. Mr. Hall stated that they range from 3'-6" up.

Mr. Zuazo expressed concern about putting 60 children in the lower level with no sprinkler system and a hallway having a width of only 3'-6".

Mr. Hall said that there are actually two outside exits, one to the play area and another on the other side.

Mr. Richnak asked if the classrooms would be located on the outside walls, or if the rooms with the folding partitions would be used for classrooms.

Ms. Oale said that they are planning on using the rooms with the folding partitions for special activities.

Mr. Kessler said that the building could be up to 20,000 square feet without a sprinkler system. Mr. Kessler went on to say that there would be evidence of fire in the large open areas.

Mr. Dziurman clarified that the building did not require a sprinkler system. Mr. Kessler said that it could be larger and as long as it was divided in a two-hour area it would not be required to be sprinklered.

Mr. Hall said that once the new addition is completed they plan to sprinkler the entire building.

Chief Nelson asked if they had received approval for these classrooms from the Bureau of Fire Safety.

Ms. Oale said that they had received approval from them.

ITEM #7 – con't.

Chief Nelson asked what type of fire alarm system they have. Mr. Hall said that they do have strobes and indicating devices. Chief Nelson confirmed that the new addition would be sprinklered. Mr. Hall said that was correct.

Chief Nelson asked if a variance could be granted that had a specific time limit on it. Mr. Stimac said that it would be difficult to make it temporary because you are establishing a use in the building that is intended to be a permanent variance.

Motion by Nelson
Supported by Richnak

MOVED, to grant the Bharatiya Temple, 6850 N. Adams, relief of the Troy City Ordinance to alter a portion of the temple to start a Montessori Academy without an automatic sprinkler system, which is required by Section 903.2.2 of the 2003 Michigan Building Code for a period of four (4) years.

- Four-year time limit will allow the addition to be constructed and fire sprinklers added.
- Building will be brought up to Code.
- Board will re-visit this item to determine that all conditions have been met.

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

MOTION TO GRANT REQUEST FOR FOUR-YEARS CARRIED

ITEM #8 – (ITEM #2) - VARIANCE REQUEST. TROY GYMNASTICS, 1600 W. MAPLE, for relief of Section 803.2 of the International Fire Code.

The petitioner operates a gymnastics facility in an existing building in the City of Troy. The petitioner has constructed a pit within the floor of the building that is to be used for a landing area from some of the gymnastics equipment. The pit is approximately 28' long, 16' wide and 6' deep. The top approximately 4' of this pit is filled with foam plastic cubes used to cushion the fall of the users of the apparatus. The bottom 2' feet of the pit has a trampoline- like suspension device to further cushion the impact. There are approximately 7000 of these 6" square foam cubes in the pits or approximately 1800 cubic feet of the foam.

Section 803.2 of the International Fire Code requires that exposed foam plastic material used in assembly buildings have a maximum rate of heat release of 100 kilowatts (kW) when tested in accordance with Underwriters Laboratory test standard #1975-96. Our inquiries with the manufacturer of the foam failed to show that the material complies with or has been tested in accordance with this standard.

ITEM #8 – con't.

This item first appeared before this Board at the meeting of March 7, 2007. A motion for approval with conditions was made and the vote on that motion was postponed to this meeting.

Mr. Buechner was not present.

Mr. Stimac informed the Board that he did receive an e-mail from the petitioner indicating a training plan for staff, but was not sure if he added the fire extinguisher training also.

Chief Nelson said that they have done extensive research on this matter and it has been determined that the sprinkler classification can be changed from extra hazard to Ordinary Group 2. The extra sprinklers required would not be extensive as was first thought.

Chief Nelson made a motion to amend the motion on the table from the meeting of March 7, 2007.

Motion by Nelson
Supported by Richnak

MOVED, to approve the request of Troy Gymnastics for relief of Section 803.2.1 of the International Fire Code with the following conditions:

- The relief is granted for a period not to exceed two years.
- A 24" deep draft curtain, constructed of non-combustible material, will be installed at the ceiling line to enclose the area of the foam pit.
- The sprinkler system will be modified to meet the requirements of Ordinary Group 2.
- Smoke detectors be installed in accordance with NFPA 72 and connected to the fire alarm system in the area of the foam pit.
- A training program is developed and a log of training activities be maintained for employees of the facility that will instruct the employees about the hazards of the foam and the special precautions that should be taken in the event of a fire.
- That a training program for employees on the use of fire extinguishers is implemented and a log of training activities be maintained.

Yeas: All – 5

MOTION TO GRANT REQUEST WITH STIPULATIONS CARRIED

The Building Code Board of Appeals meeting adjourned at 9:45 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary