The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, September 06, 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

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 2, 2006.

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of August 2, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 - VARIANCE REQUEST. MR. & MRS. SANTA, 2245 ALEXANDER, for relief of Chapter 83 to install a picket fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 36" to 42" picket fence in the front setback adjacent to the property line along Paris. This property is a double front corner lot. As such, it has front yard setback requirements along both Alexander and Paris streets. Chapter 83 limits the height of fences in the front setbacks at this location to 30" in height.

Mr. Stimac explained that this property previously obtained a variance for a 42" fence along the rear yard in the front yard setback along Paris.

Mr. Santa was present and stated that he wanted the fence for the safety of his child and that it would go with the fence at the rear of the property. He said there is a chain link fence owned by the City of Troy that is over 4' high.

Mr. Stimac explained if he installed the fence along the northwest corner it could be higher but he would have to go along the house.

The petitioner stated he would not go past the front of the home and it is non-obscuring.

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ITEM #2 – con't.

Mr. Richnak stated that a fence 30" in height would be permitted, but the petitioner is requesting a 6" to 12" variance.

Mr. Nelson asked what the chain link fence was for.

Mr. Richnak responded that it was for the Henry Graham Drain. It is owned by Oakland County but is maintained by the City of Troy.

Mr. Dziurman asked about the fence that was at the rear of this property. Mr. Stimac stated that it also required a variance to erect a 42" high fence for that portion in the front yard setback along Paris.

Mr. Zuazo asked if the petitioner would consider reducing the length of the fence approximately 10'-15'. The petitioner stated he wanted it to look good.

Mr. Richnak asked why they left a gap in the fence that would allow children to get out of the yard. The petitioner stated he was planning to park a car there in the future and that he can view his child in the yard from his kitchen window.

Mr. Kessler asked if the petitioner accessed his rear yard through the garage because the intent of the ordinance is to have an open space in the front. He stated a fence right along the property line tends to be a wall. He said if you would move the fence back to the side garage door it would leave an open space to Alexander and Paris. He also recommended to move the fence 5' off the sidewalk to allow for the grass to be maintained.

The petitioner stated that his wife is the one who wants the fence and that she was planning on being at the meeting. He said she would be here in 5-10 minutes.

Mr. Dziurman asked if anyone objected to postponing this item until the end of the meeting to allow Ms. Santa to appear. There were no objections. Mr. Dziurman postponed the item until the end of the meeting.

ITEM #3 – VARIANCE REQUEST. BARRY CASTILLOUX, 90 CHOPIN, for relief of the 2003 Michigan Residential Code to finish a basement.

Mr. Stimac stated that the petitioner is requesting relief of the 2003 Michigan Residential Code to alter the basement of the existing home to create two bedrooms with a 6'-6" finished ceiling height. The plans also show an existing unfinished area of the basement that will be used as an access corridor to the bedrooms. This unfinished area has a 6'-7" ceiling height and includes a dropped I-beam and ductwork with a 6'-1" ceiling height. The 2003 Michigan Residential Code, section R 305 requires a 7' minimum ceiling height in habitable area including corridors and 6'-6" clear height under dropped beams and ducts.

ITEM #3 – con't.

Mr. Castilloux was present. Mr. Dziurman asked about an emergency window for this location. The petitioner stated there would be two, one in each bedroom. He also stated that he needed the bedrooms because his wife operates a Daycare out of the home. He said that currently his two children (10 year old son and 8 year old daughter) share a bedroom because the other bedroom is being used as a play area for the children his wife takes care of.

Mr. Dziurman asked if he was going to finish the ceiling. The petitioner stated he was going to put in acoustical tiles. He currently has 6'-7" of floor to ceiling. Installing the material he is using will lower the height to 6'-6". He stated the home was built between the years of 1936 to 1939. He said he would be using glow in the dark tape adhesive on the beams and duct so no one would hit their head. Also, he stated he would use caution tape in areas where the glow in the dark material would not work unless it was dark.

Mr. Dziurman asked about putting in emergency lighting for when power fails. The petitioner agreed to do anything that would make the area safe for his children.

Mr. Kessler asked what the quality of the area was if the space was to be used as bedrooms. Is the area dry and free of any leaks or dampness? He also he asked if the area leading to the bedrooms would remain clear of any storage?

The petitioner stated the area would remain clean because he uses his garage as a storage area. He presented photos showing the bedroom that is currently used as a play area. The second photo was the one bedroom used by his son and daughter. He needs to have the living area and two bedrooms for the daycare business. He currently has 6 children but the State has licensed his home for 12 children. The petitioner stated he would need all of the first floor living space to accommodate 12 children.

Mr. Dziurman stated that if it were a requirement to have 35 square feet per child then for 6 children you would only need 210 square feet of living space. The petitioner stated he still wanted to finish the basement.

Mr. Kessler asked what material was he going to use. The petitioner stated he is using 2 X 4 with ½" drywall.

Mr. Nelson asked if he was going to use hard wire smoke detectors that were interconnected. The petitioner stated he had already spoken to the Electrical Inspector, Joe VanSumer about the possibility of hard wiring the smoke detectors.

Motion by Kessler
Supported by Richnak

ITEM #3 – con't.

MOVED, to grant Barry Castilloux, 90 Chopin relief of the 2003 Michigan Residential Code to alter the existing home to create two bedrooms in the basement with 6'-6" finished ceiling height and the unfinished area that includes a dropped I-beam and ductwork with 6'-1" ceiling height.

- Smoke detectors must be installed with the current building code and to be hardwired and interconnected.
- Emergency lighting must be installed so that it doesn't project out where someone would get injured.

Mr. Richnak stated he wanted to amend the motion to include the area coming off duct work would be at a 45 degree angle instead of a 90 degree angle.

Mr. Stimac stated that this basement finish is not quite like ones that were previously heard by the board in that they are not proposing to enclose the existing ductwork and beam. He wanted to be sure that the Board was not mandating that they be enclosed possibly further reducing the clear height.

The petitioner did agree to add an angled the portion adjacent to the beam to a 45-degree angle.

Motion by Kessler
Supported by Richnak

(As Amended) MOVED, to grant Barry Castilloux, 90 Chopin relief of the 2003 Michigan Residential Code to alter the existing home to create two bedrooms in the basement with 6'-6" finished ceiling height and the unfinished area that includes a dropped I-beam and ductwork with 6'-1" ceiling height.

- Smoke detectors must be installed with the current building code and to be hardwired and interconnected.
- Emergency lighting must be installed so that it doesn't project out where someone would get injured.
- Provide angle portion below the beam to be 45 degrees.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #2 (continued) –

Mrs. Santa arrived at the meeting and Mr. Dziurman explained to her that before her arrival, her husband stated why they were requesting the variance for the fence. Mrs. Santa stated they need the fence higher than 30" for their son's safety.

ITEM #2 (continued) –

Mr. Santa stated that an additional 6" in height should not be a problem.

Mr. Kessler wanted to know if the petitioner would consider moving the fence back up to the side garage door so there would not be an open space in the fence, which would then allow installing the fence all the way to the house.

The petitioners stated they wanted to leave the opening in the fence for parking a vehicle.

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

There were 3 written responses in the file. Two approved of the installation of the fence and one stated that the drivers on Alexander approaching Paris would have limited visibility for seeing small children or small vehicles including bicycles.

Motion by Kessler
Supported by Richnak

MOVED, to grant Mr. & Mrs. Santa, 2245 Alexander relief of Chapter 83 to install a picket fence 36" to 42" high in the front setback adjacent to the property line along Paris.

- Erect fence along Alexander to 1' east of the garage service door.
- Erect fence 4' off of the sidewalk on the private property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

Ted Dziurman, Chairman

Marlene Struckman, Acting -Recording Secretary