The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, April 5, 2006 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak
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 MARCH 1, 2006

Motion by Kessler
Supported by Nelson

MOVED, to approve the minutes of the meeting of March 1, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. TIM BONUCCELLI, OF NATIONAL RETAIL EQUIPMENT LIQUIDATORS, 3100 W. BIG BEAVER, for relief of Chapter 85 to erect a 450 square foot wall sign and six (6) directional signs, each six (6) square feet in size to advertise a liquidation sale until December 31, 2006.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 450 square foot wall sign and six (6) directional signs, each six (6) square feet in size to advertise a liquidation sale of office furniture until December 31, 2006. Section 85.02.05 3a states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure, to a maximum size of 200 square feet. The proposed sign exceeds the allowable area. Petitioner is also asking for 36 square feet of temporary directional signs where a maximum of 14 square feet is allowed by Section 85.03.02 of the Sign Ordinance.

Mr. Tim Bonuccelli and Brian Brothers of Equipment Liquidators were present. Mr. Brothers explained that after looking at their initial submittal, Kmart drew up an alternate plan that proposes putting up a window sign facing Cunningham that would be less visible. The construction of this alternate sign would be vinyl lettering, but would still be 450 square feet.

JHV

ITEM #2 – con't.

Mr. Stimac asked if the sign would be placed on the inside or outside of the windows, and Mr. Brothers said that because the windows are so heavily tinted it would need to be on the outside of the building.

Mr. Brothers said that they would like the directional signs so that people would not go to the front of the building, where driving conditions are very tight, but would in fact go to the back of the building, directly to the showroom.

Mr. Richnak asked why the petitioner was asking to leave the sign up until the end of the year. Mr. Brothers stated that Kmart is slowly moving their departments to different areas and it takes a lot of time. The IT Department controls 1,000 stores and they anticipate the process will be completed by the end of November.

Mr. Dziurman asked when they planned to start this liquidation sale and Mr. Brothers said that they thought the sale would be open to the general public within two weeks. They are selling off their office furniture and equipment.

Mr. Brothers also indicated that their alternative proposal would remove the Kmart name from the sign and display the verbiage "Liquidation Showroom".

Mr. Kessler explained to the petitioner that in order for this variance to grant a variance, there must be a hardship that runs with the land and he did not see such a hardship with this request. If people go to the front door, the petitioner should be able to put up directional signs on the door with a map showing them the correct location.

Mr. Brothers said that the front drive and parking lot are very small and can become very congested and they were hoping to be able to direct traffic directly to the back where the showroom will be located. Mr. Brothers said that a lot of the people that will be coming to this sale are not familiar with this building and in his opinion it is a very difficult place to find your way around in.

Mr. Richnak asked what type of clientele they are expecting and Mr. Bonuccelli said that they believe about 30% will be the general population and approximately 70% will be businesses.

Mr. Dziurman asked if this sale was going to be held seven days a week. Mr. Brothers said that Monday through Friday, it would be open from 10 AM to 7 PM, Saturday it would run from 10 AM to 6 PM, and Sunday the hours would be 11 AM to 5 PM.

Mr. Bonucelli said that the parking lot in front is just too small to handle the number of people coming to the sale as well as to handle the regular number of business people still working at this location.

ITEM #2 – con't.

Mr. Brothers said that they are planning on putting in signs to direct people to a specified area in the back of the building. The location they have chosen will not allow people to get anywhere else in the building without an escort.

Mr. Kessler said that if they came in the front entrance, there should be a sign showing them how to get to the back of the building. Mr. Brothers said that they thought six (6) signs was the appropriate number in order to direct people to the back of the building. Mr. Kessler suggested that they could put an "employees sign only" at the front of the building and Mr. Brothers indicated that this would be difficult as this is also the entrance used by visitors to the building. Mr. Kessler said that in his opinion the red lettering of a liquidation sign would lead people to the correct location.

Mr. Dziurman asked how many employees were still at Kmart and Mr. Brothers said that they are still using about 50% of the building.

Mr. Zuazo asked if a map couldn't be included as part of their advertising campaign and Mr. Brothers indicated that they were planning to provide a small map on the website. Mr. Bonucelli stated that the website advertising shows where to go and how to get there. In addition, they are planning on advertising in the classified section of the newspapers.

Mr. Richnak said that they may want to consider making the words "Office Liquidation" small and indicate, "enter at the rear of the building" and then put up two signs indicating the location of the showroom. Mr. Brothers said that they are trying to provide a smooth flow in taking the furniture out, as there is 800,000 square feet of furniture that is going to sold.

Mr. Kessler said that he did not see a hardship and asked what they planned to do if this request is denied. Mr. Brothers said that the building is so large and if they had to make the sign smaller it would be very difficult to read. Mr. Kessler said that this Board cannot act on this request without a hardship and perhaps it would be better to postpone this request so that the petitioner could bring back an alternate plan or could find a different way to advertise. Mr. Kessler also said that he thought the petitioners would be able to stay within what is allowed by the Ordinance.

Mr. Richnak said that he agreed that this was a large complex but there are no driveways other than at the corner of Big Beaver and Coolidge. Additional signs along the part of Big Beaver and Coolidge would be redundant. He agreed with Mr. Kessler that he did not see a hardship that would justify this variance. Mr. Richnak also suggested that a sign could be placed directing people to go west on Big Beaver to the first driveway and then around the back. Mr. Brothers said that they were trying to avoid people using the front entrance at all. Mr. Kessler said that he felt Kmart was going to have to find a way to deal with that issue rather than by putting up signs all over the place.

ITEM #2 – con't.

Mr. Brothers said that they feel there could be a hazard in the front of the property and this could be avoided if people were funneled to the back. Mr. Richnak said that he thought a lot of local people will be coming to this sale and they will know the area enough to be able to find the showroom location. Mr. Kessler said that people from this area are familiar with this building, and Kmart should consider closing off the front driveway. Mr. Kessler also said that he thought the petitioner should be able to comply with the Ordinance.

Mr. Brothers asked where this Board would suggest putting up the signs. Mr. Kessler said that they could direct people to go to the Cunningham drive and Mr. Richnak said that there are two entrances at the back of the building that would support directional signs. Mr. Brothers said that there are four entrances off of Cunningham. Mr. Kessler said that he thought the petitioner could accomplish everything with three signs – 2 directional signs and 1 sign on the door to go into the showroom. Mr. Brothers said that it is very easy for people to get lost inside this building. Mr. Kessler said that they could place a large sign over the door at the back of the building. Mr. Brothers said that he did not believe these signs would be visible from Coolidge or Cunningham.

Mr. Nelson suggested that a sign be placed at the front drive that states "No access for liquidation sale" and this would indicate to customers coming in that the sale is not at this location. Mr. Nelson also asked what signage was allowed under the Ordinance.

Mr. Stimac said that temporary signs are limited to maximum size of six (6) square feet. Provisions are available for larger signs that are not visible to traffic. A 32 square foot sign on the end tower would work against the petitioner; people will head toward the sign. Mr. Stimac suggested moving the sign to the X-tower no matter what size the sign is. The window base is generally larger than the lettering of a sign.

Mr. Brothers stated that if the sign was one-half the proposed size, it would be much less visible, although he thought that may be able to get away with a 300 square foot sign.

Mr. Richnak said that the proposed banner on the N tower was designed to be a directional sign, and in his opinion the alternative sign would be used as a directional sign also. Mr. Richnak said that the vinyl letters would be less obtrusive to the surrounding neighbors. Mr. Brothers said that the banner would be straight across several windows.

Mr. Dziurman asked if the Board wanted to address each request separately. Mr. Richnak said that he does not like the way the original request is presented. He stated that he would like to see them come back after doing some additional research. With all the advertising that the petitioner is proposing to do, he believes that 2 directional signs at the back of the building will be enough to direct the people to the right place. Even if

ITEM #2 – con't.

the sign is smaller people will be looking at the area and he would definitely be against the original proposal.

Mr. Zuazo asked if the will be security guards in place during the sale and Mr. Brothers said that already have additional guards as Kmart is still functioning. Mr. Zuazo suggested having a guard outside to direct traffic and keep people out of the front of the building. Mr. Brothers said that they hadn't considered this an option but would definitely take a look into this idea.

Mr. Richnak said that the word "liquidation" in red letters sticks out immensely and does not think the petitioner needs a 450 square foot sign on the front of the building. Mr. Richnak said that he believes they only need 2 signs, 1 on Cunningham and 1 on Coolidge. Mr. Richnak also suggested taking a vote on a vinyl sign on Tower X and allowing the petitioner to determine whether another sign is required or not. Mr. Kessler said that in his opinion the petitioner should be able to provide a compliant directional sign.

Mr. Brothers said that perhaps they could create a map indicating "you are here" with directional signs from that point.

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

There are no written approvals on file. There is one (1) written objection on file.

Motion by Richnak
Supported by Nelson

MOVED, to grant Tim Bonucelli of National Liquidators, 3100 W. Big Beaver relief of Chapter 85 to erect a 300 square foot wall sign and 2 directional signs to sell furniture until December 31, 2006. Section 85.02.05 3a states that one wall sign is permitted for each building, not to exceed 10% of the area of the front of the structure, to a maximum size of 200 square feet. The proposed sign exceeds the allowable area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All - 5

MOTION TO GRANT REQUEST FOR A 300 SQUARE FOOT WALL SIGN & TWO DIRECTIONAL SIGNS CARRIED

ITEM #3 – VARIANCE REQUEST. BASEMENT EXPERTS, 4687 ALTON, for relief of the Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted show that the existing basement has a 7' height to the bottom of the joists, a dropped I-beam with a 6'-5" clear height and dropped plumbing with 6'-6" clear height. The finished ceiling materials would lower the main ceiling areas to 6'-8" and 6'-9", and the plumbing and I-beam dropped ceilings to 6'-4". Section R-305 of the Michigan Residential Code requires a 7' minimum ceiling height in finished basement and 6'-6" clear heights under dropped areas.

Mr. Dave Dubay of Basement Experts was present. Mr. Dubay stated that they have a corner under the soffet that they plan to change from a 90° angle to a 45° angle. Mr. Richnak asked why the ceiling height varies and Mr. Dubay said that there were plumbing fixtures in the area and the reason the height of the ceiling varies from 6'-4" to 6'-7" was due to the sloping of the basement floor.

Mr. Richnak asked if the 3' x 4' area could be partitioned off and Mr. Dubay said that it could not as there was an existing door in that area that they did not plan to move as they do not plan to put their system up to the existing wall.

Mr. Kessler said that the petitioner states that the existing height of the ceiling is 7' and asked why it varies between 6'-8" and 6'-9". Mr. Dubay said that this is because the basement floor slopes. Mr. Kessler then asked how large the unfinished part of the basement was and the petitioner didn't know. Mr. Kessler asked if they could change the area of the basement that they are planning to finish off and the petitioner stated that the other area is where the furnace is located.

Mr. Kessler asked why part of the ceiling height is 6'-4" and Mr. Dubay said that height is under the width of the I-beam which is 12". Mr. Kessler stated that he had asked the petitioner to start bringing in more detailed plans two months ago, which would show this Board the product material and the area of the entire basement. He would like to see a picture of how they plan to change the corner from 90° to 45° in order to be able to make an informed decision. Mr. Kessler also said that the Board would like to be able to see where the plumbing or gas lines area and how they plan to box those in. The plans that are now being submitted are showing more of a basement plan but he would like to see more detail provided to the Board.

Mr. Dubay said that the Code calls for a 6'-6" ceiling height under the drops and Mr. Kessler asked if there was any way they could get the ceiling any higher. Mr. Dubay said that they could not tighten it up any more than what they are showing.

Mr. Richnak explained to the petitioner that the Board is asking to see exactly how this system works and that they want to see drawings of the entire basement. If possible

ITEM #3 – con't.

the Board would like to see pictures of how this system goes into the basement from the beginning to the end.

Mr. Dubay suggested that the Board come and look at a basement under construction. Mr. Stimac informed the petitioner that they could bring in pictures from other jobs that they are presently doing. Mr. Kessler said that he wants to see how they frame up to the I-Beam and the ductwork and also he would like to see how tight the assembly is.

Mr. Dziurman said that he thought one set of pictures would be sufficient for the Board to see what type of system this is.

Mr. Richnak said that the petitioner should take some pictures and show that they are getting the ceiling up as high as possible so that the Board knows that they are making the best possible decision they can.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 4687 Alton, for relief of the Michigan Residential Code to finish a basement until the next scheduled meeting of May 3, 2006.

- To allow the petitioner the opportunity to provide pictures of the system they are installing.
- To allow the petitioner the opportunity to provide more detailed drawings of the basements they are planning to finish, indicating gas and plumbing lines as well as I-beams and ductwork.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF MAY 3, 2006 CARRIED

ITEM #4 – VARIANCE REQUEST. BASEMENT EXPERTS, 1432 LEAFGREEN, for relief of the Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioners are requesting relief of the 2003 Michigan Residential Code to finish a basement. The plans submitted show that the existing basement has a 7' height to the bottom of the joists and a dropped I-beam with a 6'-6" clear height. The plans propose installing a suspended ceiling and covering the I-beam with finish materials. These changes would lower the main ceiling height to 6'-8" and the dropped I-beam to 6'-5".

ITEM #4 – con't.

The 2003 Michigan Residential Code, Section R-305 requires a 7' minimum ceiling height in finished basements and 6'-6" clear heights under dropped areas.

Motion by Kessler
Supported by Richnak

MOVED, to postpone the request of Basement Experts, 1432 Leafgreen, for relief of the Michigan Residential Code to finish a basement until the meeting of May 3, 2006.

- To allow the petitioner the opportunity to provide pictures of the system they are installing.
- To allow the petitioner the opportunity to provide more detailed drawings of the basements they are planning to finish, indicating gas and plumbing lines as well as I-beams and ductwork.

Yeas: All – 5

MOTION TO POSTPONE REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 9:40 A.M.

Ted Dziurman, Chairman

Pamela Pasternak

Pamela Pasternak, Recording Secretary