The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, June 1, 2005.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak

ABSENT: Frank Zuazo

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 4, 2005

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of May 4, 2005 as written.

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

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. LLOYD LEWIS, 3405 UPTON, for relief of Chapter 83 to install a 6' high privacy fence 26' from the south property line in the front setback along Wendover.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This lot is a double front corner lot. As such, it has a 40' front yard setback along both Upton and Wendover. The site does however have a common rear yard to rear yard relationship with the adjacent site to the west. The site plan submitted indicates a 6' high privacy fence located 26' from the south property line along Wendover. The front setback in this Zoning District is 40'. Chapter 83 limits the height of fences to non-obscuring 48" in the front setback of the side street when there is a common rear yard to rear yard relationship.

Mr. Dziurman clarified that there were two (2) variances involved with this request, one, which is a setback variance, and the other, which is the height of the fence. Mr. Stimac explained that if Mr. Lewis wished to put up a 48" high non-obscuring fence it could be placed at the property line.

Mr. Lewis was present and stated that he has lived at this location for five (5) years and presently there is a 6' high stockade fence that is deteriorating. Mr. Lewis explained that this existing fence cannot be repaired and that is the reason they wish to replace it. Mr. Lewis also said that they have a pool in their yard and this location would increase their privacy. The home at 3404 Adams also has a privacy fence and Mr. Lewis said

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ITEM #2 – con't.

that if the location of their fence were approved, it would line up with that fence.

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

There are three (3) written approvals on file. There are no written objections on file.

Mr. Richnak asked if the existing fence had been put up with a permit. Mr. Stimac said that the existing fences goes from the southwest corner of the house and meets the required setback. Mr. Stimac also said that this petitioner wishes to put the new fence 14' farther south.

Motion by Nelson
Supported by Kessler

MOVED, to grant Lloyd Lewis, 3405 Upton, relief of the Chapter 83 to install a 6' high privacy fence 26' from the south property line in the front setback along Wendover.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in this petition.

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

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. RICH CARRELL, 585 W. BIG BEAVER, for relief of Chapter 78 to install two (2) wall signs at a proposed TGI Fridays Restaurant.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install two (2) wall signs at 585 W. Big Beaver, proposed TGI Fridays Restaurant. The site plan submitted indicates two (2) wall signs, with sizes of 44.5 square feet and 26.67 square feet on the north and west elevation respectively. The primary wall sign for this development is being used for the Drury Inn. Tenants within the building are limited to a maximum of one, 20 square foot wall sign. These proposed signs exceed the number and size of signs permitted by Section 9.02.03 of the Sign Ordinance.

Mr. Tim Poole, representing Mr. Carrell, was present and stated that the main reason they are requesting this signage was to have visibility in recognizing the restaurant. Mr. Poole went on to say that the previous restaurant had received a variance regarding the amount of signage and they are actually proposing signage that will be smaller than the previous sign. Mr. Poole also stated that they would be putting up a new building and

ITEM #3 – con't.

extra signage would be crucial because of this location. To traffic heading east on Big Beaver the wall sign on the west side of the building would be a recognizable icon. Traffic coming off of I-75 to Big Beaver would also be able to identify this location more easily. Other restaurants on Big Beaver have monument signs and this would enable this restaurant to compete with their competitors.

Mr. Dziurman asked if the Drury Inn owned the property and Mr. Poole said that the Drury Inn does own the property, but they were going to build the building. Mr. Dziurman then asked if a variance had been granted to the previous restaurant. Mr. Stimac said that in June 1997, City Council granted a variance for two wall signs not to exceed 176 square feet.

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.

Chief Nelson asked if the addition to the Drury Inn would change the size of the allowable signs. Mr. Stimac said that he thought they are already at the maximum of 200 square feet. Chief Nelson then asked if there were any other signs at this location and Mr. Stimac said that there currently there is a monument sign on the site, however, there are no additional wall signs.

Motion by Nelson
Supported by Richnak

MOVED, to grant Rich Carrell, 585 W. Big Beaver relief of Chapter 78 to install two (2) wall signs, with sizes of 44.5 square feet and 26.67 square feet on the north and west elevation respectively, at a proposed TGI Fridays Restaurant.

- The site has frontage and visibility to both Big Beaver and I-75.
- Signs will increase visibility to on-coming traffic.
- Variance will not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

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

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. STEVE & SHARON TATAREK, 239 LANGE, for relief of Chapter 83 to install a 6' high privacy fence.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence in the front setback along Virgilia. This lot is a double front corner lot.

As such, it has front yard setback requirements along both Lange and Virgilia. The site does however have a common rear yard to rear yard relationship with the adjacent site to the south. The site plan submitted indicates a proposed 6' high privacy fence to be installed along the rear property line out to the west property line along Virgilia as well as sections from the house out to the west property line. This places portions of the fence in the front setback along Virgilia. Chapter 83 limits the height of fences to 48" high, non-obscuring in the front setback along Virgilia.

Ms. Sharon Tatarek was present and stated that they had received approval to put a fence up but are asking for this variance in height, to allow more privacy for their pool. On the side of the property that faces Virgilia, presently there is a hedge and the back of their house faces Wattles. The fence will line up with the hedge. Ms. Tatarek brought in two (2) written approvals as well as pictures of their pool. Ms. Tatarek also said that the house across Wattles is vacant and she believes it is in the process of being repossessed. The City has cut the weeds, however, the property once again has high weeds and is unkempt.

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 is one (1) written objection on file.

Ms. Tatarek said that there is a 6' high privacy fence along the property of the home kitty corner to their home. Mr. Richnak asked for clarification of the location of the proposed fence. Ms. Tatarek said that the fence will butt up to the hedge, and they would like the additional 40' of fencing to be 6' high instead of 4' high. Mr. Stimac said that the fence is proposed to go the entire width of the south property line. Ms. Tatarek added that it would not go past the hedge.

Chief Nelson said that it appears from the mortgage survey that this house is currently 13' – 14' from the right of way line. Mr. Stimac said assuming the survey is correct those dimensions would also be correct.

Motion by Kessler
Supported by Richnak

MOVED, to grant Steve & Sharon Tatarek, 239 Lange, relief of Chapter 83 to install a 6' high privacy fence in the front setback along Virgilia where Chapter 83 limits the height of fences to 48" high, non-obscuring in the front setback.

- Variance is not contrary to public interest.

ITEM #4 – con't.

- The existing landscape hedge already establishes a visual barrier in that yard.
- The fence will not go beyond the existing hedge.
- Variance would not have an adverse effect to surrounding property.
- Variance applies only to the property in this application.

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

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. JILL STEWART OF YAMASAKI ASSOCIATES, INC., 755 W. BIG BEAVER, for relief of Chapter 78 to install three (3) wall signs for National City Bank.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install three (3) wall signs at 755 W. Big Beaver for National City Bank. The plans submitted indicate three (3) wall signs, one on each elevation of the triangular shaped building, with a size of 662 square feet each. Section 9.02.03 of the Sign Ordinance 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 of 200 square feet. Their proposal exceeds both the number and size of the signs permitted.

Mr. David Haboian of Kojaian Management was present and introduced several people that had also come to this hearing: Jim McCarthy, Tony Antoine, Mike Davis, Robert Szantner and Jill Stewart. Mr. Haboian said that National City will be the largest tenant in this building and they have signed a lease for twenty-five (25) years. Mr. Haboian said he believes this will be an enhancement to this building and is very happy that National City has decided to put their headquarters here in Troy. Mr. Haboian also said that they would be re-naming the building to the National City Bank Building.

Jill Stewart of Yamasaki Associates stated that they felt the proposed size of the three signs would be the best solution because of the height of the building. Ms. Stewart explained that they had looked at alternative sizes and determined that they would not be visible and would not give the credibility to the building that they are looking for. The total square footage of the signs would still be less than 10% of the size of the building. Ms. Stewart also explained that they are planning to put a "cap" around the top portion of the building and will not cause any interference with the antennas that are presently in that location. The National City logo will also help to conceal some of the items on the top of the building.

Mr. Szantner said that although the signs would be readable if they were each 200 square feet, in terms of the proportion of the signs to the building, they feel that the larger signs would be more aesthetically pleasing. Mr. Szantner also said that this

ITEM #5 – con't.

structure is very unique and once the top of the building is capped it will bring the top of the building forward.

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

There are no written approvals or objections on file.

Mr. Dziurman said that he felt the proposed signs at 200 square feet each would be more than adequate.

Motion by Kessler
Supported by Richnak

MOVED, to grant Jill Stewart of Yamasaki Associates, Inc., 755 W. Big Beaver relief of Chapter 78 to install three (3) wall signs, with a size of 662 square feet each, where Section 9.02.03 of the Sign Ordinance 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 of 200 square feet.

- Total area of the signs is less than 10% of the face of the structure.
- This is the largest building in the City of Troy.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property in this application.

Yeas: 3 – Kessler, Nelson, Richnak
Nays: 1 – Dziurman
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. J & E HOME IMPROVEMENTS, 2288 PRESTIWCK, 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 in a 6'-10" overall ceiling height and a 6'-4" ceiling height under a ductwork drop area. The 2003 Michigan Residential Code, Section R-305 requires a 7' minimum finished basement ceiling height and 6'-6" minimum for dropped areas.

Mr. David Shipley of J & E Home Improvements, and Mr. Mark St. Cyr the homeowner were present. Mr. Shipley said that they are proposing to squeeze the drop ceiling up to 6'-10" and will add a plywood soffet under the ductwork.

ITEM #6 – con't.

Mr. Dziurman asked about the 36" door located on the plans and Mr. Shipley said that this door will allow access to the egress window.

Motion by Nelson
Supported by Richnak

MOVED, to grant J & E Home Improvements, 2288 Prestwick, relief of the 2003 Michigan Residential Code to finish a basement result in a 6'-10" overall ceiling height and a 6'-4" ceiling height under a ductwork drop area. Section R-305 of the Michigan Residential Code requires a 7' minimum finished basement ceiling height and 6'-6" minimum for dropped areas.

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

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

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:15 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary