The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M., on Wednesday, April 6, 2005 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
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 2, 2005

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of March 2, 2005 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. SAFET STAFA, 3455 JOHN R., for relief of Chapter 83 to install a 40" high non-obscuring fence along the front property line of John R.

Mr. Stimac explained that petitioner is requesting relief of Chapter 83 to install a 40" high and 100' long, non-obscuring fence along the front property line of John R. Chapter 83 limits the height of fences in front yards to no more than 30" in height. The petitioner originally requested a variance to maintain a 6' high privacy fence along the front property line of John R. The Building Code Board of Appeals denied this request at the meeting of December 1, 2004.

This item last appeared before this Board at the meeting of January 5, 2005 and was postponed until this meeting to allow the petitioner the opportunity to meet with Ron Hynd of the Parks and Recreation Department and bring in a landscaping plan for approval by this Board.

Mr. Stafa was present and stated that he had contacted different landscaping companies but found the cost too prohibitive to add a berm and shrubbery. Mr. Stafa cut the fence down as far as he could without destroying the entire fence and the fence is now between 32" and 33". If he were to cut the fence any lower he would have to remove the middle brace and the fence would be destroyed.

J-1K

ITEM #2 – con't.

Mr. Zuazo stated that it was his understanding that originally Mr. Stafa planned on adding landscaping. Mr. Stafa said that was correct however, he found the cost too high. Mr. Zuazo indicated that Mr. Stafa did not leave enough room between the fence and the sidewalk for landscaping. Mr. Stafa said if the existing fence was still a problem he would be willing to take it down.

Mr. Dziurman asked if Mr. Stafa had met with Ron Hynd. Mr. Stafa said that he had met with someone from the City twice, but did not remember the person's name. Mr. Dziurman asked what kind of plan Mr. Stafa developed. Mr. Stafa said that he wanted to put up 3' of dirt to create a berm however; he could not afford the cost of the dirt. Mr. Dziurman said that although he cut the fence down, he did not comply with the request of the Board to determine if an alternative plan was available.

Mr. Richnak asked if the height of the fence is measured from the ground. Mr. Stimac explained that the fence height is measured from the ground to the top of the fence. Mr. Stimac said that the petitioner is basically asking for a 2" – 3" variance to keep the fence at its present height.

Mr. Nelson clarified that the original request was to be able to leave the 6' high privacy fence up. Mr. Stimac agreed and stated that this item was postponed in order to allow the petitioner the opportunity to look at different options including landscaping.

Mr. Stafa said that the fence is in exactly the same spot as the original fence, which he said is about 3' from the sidewalk. Mr. Stimac said that from looking at the pictures it would appear that the fence is closer than 3' from the sidewalk. Mr. Zuazo concurred agreeing that at the most it was 18" from the sidewalk.

Mr. Richnak asked what the required distance from the sidewalk was. Mr. Stimac said that assuming the right of way line from John R. is 1' from the sidewalk this fence appears to be right at the right of way line. Mr. Stimac also explained that a 30" high fence would be allowed to be placed at the front property line.

Motion by Richnak
Supported by Nelson

MOVED, to grant Safet Stafa, 3455 John R., relief of Chapter 83 to maintain a non-obscuring fence along the front property line of John, that is between 32" and 33" high.

- Location of fence is contingent on the distance that it is setback from the John R. right of way line.
- Additional grading is required underneath the fence to make the grade uniform, but cannot create a drainage and/or ponding problem on the sidewalk.

Yeas: All – 5

ITEM #2 – con't.

MOTION TO GRANT APPROVAL OF REQUEST WITH STIPULATIONS CARRIED

ITEM #3 – VARIANCE REQUEST. BEAUMONT SERVICES COMPANY, L.L.C. 44201 DEQUINDRE, for relief of the 2003 Michigan Building Code to omit smoke dampers in ductwork penetrating smoke barriers throughout William Beaumont Hospital Troy campus.

Mr. Stimac explained that the petitioner is requesting relief of the 2003 Michigan Building Code to omit smoke dampers in ductwork penetrating smoke barriers throughout William Beaumont Hospital, the Troy Campus, 44201 Dequindre. Section 716.5.5. of the 2003 Michigan Building Code requires dampers in ductwork penetrating smoke barriers.

Mr. Joseph Malkoun and Mr. Chet Schroeder were present. Mr. Schroeder stated that this is a community service operating 24 hours a day 7 days a week and one of the things they are trying to do is maintain consistency regarding safety. Everything is dedicated to the same area and this helps to reduce the chance of human error.

Mr. Malkoun explained that the reason for these dampers is for safety and they have already exceeding most standards regarding fire safety. There is a fire alarm system, which is interconnected with the sprinkler system and the sprinkler heads used in the system are listed quick-response type. The heating, ventilation and air-conditioning systems are fully ducted throughout the site. The hospital is subject to a number of codes and inspections and they have exceeded the requirements of the code. The Michigan Building Code requires the use of quick response sprinklers in patient sleeping rooms area within a smoke compartment and they have installed quick response sprinklers throughout the building.

Furthermore, based on the Code they are required to have a fire drill for each shift and on each floor. They exceed this requirement because we have two (2) fire drills per shift. The hospital is constantly upgrading the training of their staff. Also, the fire alarm system has a custom-messaging system built it that will announce the exact floor, exact area and exact smoke area, which enhances the quick response. Mr. Malkoun said that their main concern is life safety and he believes that the omission of the smoke dampers will not compromise this safety of the people that use this facility.

Mr. Dziurman asked Mr. Nelson if the Fire Department had any type of problem with this request. Mr. Nelson stated that Fire Prevention has looked at this proposal and does not see any problem with it at all.

Mr. Stimac asked the petitioners if this type of request had been submitted to the International Code Council as an amendment to the Code. Mr. Malkoun said that to the best of his knowledge it had not. Mr. Malkoun further explained that the entire hospital is built from either non-combustible or limited combustible materials to increase safety.

ITEM #3 - con't.

Motion by Nelson
Supported by Kessler

MOVED, to grant Beaumont Services Company, LLC, 44201 Dequindre, relief of the 2003 Michigan Building Code to omit smoke dampers in ductwork penetrating smoke barriers throughout William Beaumont Hospital Troy campus.

- Variance is not contrary to public interest.
- Variance will not compromise the public safety.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

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

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary