

A regular meeting of the Building Code Board of Appeals was called to order at 8:30 a.m. on Wednesday, May 4, 1994 by the Chairman, Ted Dziurman.

PRESENT: Michael Culpepper
Ted Dziurman
Kulsum Rashid
Rick Sinclair
Mark Stimac

APPROVAL OF MINUTES - March 2, 1994

Motion by Culpepper
Supported by Rashid

MOVED, to approve the March 2, 1994 minutes.

Yeas: 5
Nays: 0
Absent: 0

MOTION CARRIED.

ITEM #1 Anthony Bertoni for Campbell Aviation, Inc., 2672 Industrial Row, for relief of Section F-2803.1 of the B.O.C.A. Fire Protection Code.

Mr. Stimac explained that the petitioner represents the managers of the Troy, Oakland Airport facility. The petitioner is proposing to replace the existing underground flammable liquid storage tanks with a pair of 12,000 gallon above ground storage tanks. Section F-2803.1 of the 1984 B.O.C.A. Fire Prevention Code prohibits the installation of above ground flammable liquid storage tanks.

Anthony Bertoni and Carl Randall of the Oakland/Pontiac Airport were present. Mr. Bertoni explained their proposal is to replace the underground storage tanks, presently on the site, with the above ground tanks. Mr. Bertoni explained that because the tanks have been there for a number of years and there is a high water table, removal of these tanks and replacement by the proposed above ground tanks removes the potential threat of contamination from the tanks. The proposed above ground tanks provide for easier access, visual monitoring, as well as making maintenance and problem prevention more accessible. Also, because fuel deliveries are 9,000 gallons, you are charged for 9,000 gallons even if you get only 6,000 gallons. Also, they feel that the 6,000 gallon limitation is meant for service stations rather than their situation. The State of Michigan Fire Marshal does allow for larger than 6,000 gallons if there is a dike surrounding the tank.

Rick Sinclair and Mark Stimac expressed their concerns about 2-hour fire separation and containment.

Motion by Stimac
Supported by Culpepper

MOVED, to grant Campbell Aviation, Inc, 2672 Industrial Row, a variance as requested to install two 12,000 gallon fuel storage tanks, with the following provision:

1: The tanks be enclosed with a 2-hour fire protection assembly.

Yeas: 4
Nays: 1- Dziurman
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #2 James & Janet Giszczak, 3960 Mark, for relief of Chapter 83 (Fence Ordinance).

Mr. Stimac explained that the petitioner's property is at the southeast corner of Mark and Ogden. The lot, by definition, is a double front corner lot. The petitioner's application proposes to place a 6 foot high wood fence in the yard adjacent to Ogden. Chapter 83 limits the height of fences in front yards to a maximum height of 30 inches.

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ITEM #2

James and Janet Giszczak were present. Mr. Giszczak presented the Board with a letter, signed by 5 of their neighbors, indicating no objection to the proposed fence. Mr. Giszczak stated that their proposal was to install a 48 inch high, 3 rail, split rail fence around their rear yard with a green vinyl fencing on the inside of the fence. They bought the corner lot so they would have a larger rear yard. To fence the yard with a 30 inch fence would not contain their dog. To place the fence at the setback line would cut their rear yard in half. They feel as well as keeping the dog contained, the fence will stop people from cutting across his lot. Their other alternative is to install an electronic fence, which would keep the dog in, but would not keep people from cutting through their yard, which is a safety concern because of having a dog. The fence will not cause any obstruction to traffic.

The Chairman opened the public hearing.

There were no comments from the audience.

The Chairman closed the public hearing.

There were 3 approvals on file: Roger A. Dziadosz, 3961 Mark - Linda and Rich Stange, 1357 Ogden - Carmen D. Huston, 1341 Ogden.

There were 3 objections on file: Gilbert & Guadalupe Segovia, 1365 Ogden - Mark & Denise Leach, 3874 Mark - Charles A. Peterson, 3871 Mark.

Motion by Rashid
Supported by Sinclair

MOVED, to grant James & Janet Giszczak, 3960 Mark, a variance to install a 48 high split rail fence around their rear yard:

1. The fence is needed to contain their dog.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

ITEM #3 John N. Hansson, 2172 Cameo, for an interpretation of the B.O.C.A. Code, Section 623.9.1.

Mr. Stimac explained that the petitioner is requesting an interpretation of Section 623.9.3, allowing him to use a protective cover on a portable spa in lieu of a 4 foot high fence as required by Section 623.9.1. Mr. Stimac further stated that the City of Troy, Building Department has received a letter, from Mr. Hansson, stating that the tub cover is an approved/listed manual safety cover. The cover meets all ASTM safety compliance standards and is labeled by the manufacturer.

Motion by Culpepper
Supported by Stimac

MOVED, to grant John N. Hansson, 2172 Cameo, approval to provide an approved/listed and labeled safety cover on a portable spa in lieu of the required 4 foot high enclosure.

Yeas: 5
Nays: 0
Absent: 0

MOTION TO APPROVE CARRIED.

The Building Code Board of Appeals meeting adjourned at 9:10 a.m.

MS/ddb