Ms. Brooks called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on November 7, 2012 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:
Gary Abitheira
Teresa Brooks
Michael Carolan
Mike Culpepper

Members Absent:
Theodore Dziurman, Chair

Support Staff Present:
Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:
Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

Mr. Grusnick advised applicants a majority of three (3) votes is required for approval and an applicant could request postponement to be heard in front of a full Board.

2. APPROVAL OF MINUTES

Moved by: Culpepper
Seconded by: Carolan

RESOLVED, To approve the minutes of the October 3, 2012 Regular meeting as submitted.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, RANDY ORAM FOR INTERNATIONAL OUTDOOR INC., 500 WEST LONG LAKE** – A variance for relief of Chapter 85, Section 85.02.05 (c) (5) (e) to place a 70 foot tall, 1608 square foot ground sign.

Ms. Brooks announced a written request has been received from the applicant to table the request to the next monthly meeting.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

Moved by: Carolan
Seconded by: Abitheira

RESOLVED, To table the request to the December 5, 2012 Regular meeting.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

B. **VARIANCE REQUEST, MAURICE BANKS AND MIKE FRAZIER, 1929 HAZEL NUT LANE** – A variance for relief of Chapter 83 to place a 4 foot high non-obscuring fence in the front setback along Sutherland Drive where the fence height is limited to 30 inches.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

The applicant and property owner, Mike Frazier, was present. Mr. Frazier said in addition to the request to place a four (4) foot high fence along Sutherland Drive, he is also asking to extend a six (6) foot high privacy fence along the rear property line. He said their house backs up to a wooded area owned by a party store on John R. Mr. Frazier said the fencing would provide protection for their five children and two dogs, and the placement of the fencing would utilize as much yard as possible for a play area. Mr. Frazier said the four (4) foot high fence would be a decorative aluminum black fence and the privacy fence would be wood with shadow boxing.

Mr. Grusnick confirmed the request for a privacy fence is shown on the site plan submitted. Mr. Grusnick said the property behind the home would be developed in the future and the four (4) foot high fence might meet Zoning Ordinance requirements depending on the layout of the future development to the north, but the six (6) foot high privacy fence would require a variance in either situation.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

There was discussion on:

- Distance of proposed fence from sidewalk/property line.
- Developer/builder agreement to install fence along rear property line.
- Developer/builder regulations; future homeowners' association bylaws.
- Utility easements within fence line area.
- Future development to the north; lot and sidewalk layout.

Moved by: Culpepper
Seconded by: Abitheira

RESOLVED, That the variance request for Maurice Banks and Mike Frazier, 1929 Hazel Nut Lane, for relief of Chapter 83 to place a 4 foot high non-obscuring fence in the front setback along Sutherland Drive where the fence height is limited to 30 inches, be granted with the condition that the fence is two (2) feet off the sidewalk, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83; and
2. The variance does not adversely affect properties in the immediate vicinity for the proposed fence; and
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

FURTHER RESOLVED, that a six (6) foot high obscuring privacy fence, as requested, to terminate two (2) feet off the sidewalk along Sutherland Drive, be granted.

Yeas: Abitheira, Carolan, Culpepper
Nay: Brooks
Absent: Dziurman

MOTION CARRIED

C. **VARIANCE REQUEST, ROBERT J. BONGIORNO FOR B-B SIGN & LIGHTING, INC., 1401 E. FOURTEEN MILE** – A variance to place a 127 square foot, 13 foot 4 inch tall ground sign, set back 7 feet 6 inches from the front property line. The sign code limits ground signs set back less than 20 feet to a 10 foot maximum height and a maximum size of 50 square feet.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice and there are no concerns from a traffic visibility standpoint.

The applicant, Robert Bongiorno of B-B Sign & Lighting, was present. Also present were Al David and Jerry Sitarski of Emergency Restoration.

Mr. Bongiorno addressed the concern that a sign placed in accordance with the Zoning Ordinance would be blocked by the neighboring business located to the west (Ray Electric) and not be visible by traffic traveling eastbound on 14 Mile. Mr. Bongiorno displayed photographs visually identifying the visibility concern. Mr. Bongiorno said the owners would like to install an LED message board that would enhance their building and attract the public and customer eye. He addressed the design configuration and LED message of the proposed sign. He confirmed the proposed sign would not obscure any existing signage in the area.

Mr. David addressed the intent of its LED messages, stating they would relate to company specials, services, greetings, community and public announcements. He confirmed they are aware of the minimum sixty (60) second message cycle change.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

Moved by: Carolan
Seconded by: Culpepper

RESOLVED, To approve the variance request.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

D. **VARIANCE REQUEST, JOHN GAVIN FOR CUSTOM SIGN CENTER, INC., 1905 E. MAPLE ROAD** – A variance for relief of the Sign Code to place a second ground sign (Menu Board) on the property measuring 41 square feet in size. Section 85.02.05 (C) (4) (b) limits the size of a second ground sign to 36 square feet.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

Patrick Bell, representative of the property owner Tim Horton's, was present. Mr. Bell addressed the size configuration of the restaurant menu board. He stated the menu board sign exceeds the Zoning Ordinance requirements by approximately five (5) square feet, of which four and one quarter (4.25) square feet is within the base of the sign that contains the menu and speaker system; the remainder square feet is outside of the frame.

Ms. Brooks addressed the outstanding concern of the County Health Department with respect to the dumpster location.

Mr. Bell said he was not aware of any concern identified by the County Health Department. Mr. Bell said the sign variance request is for the size of the sign, not the location, and promised that any and all outstanding concerns of the Health Department would immediately be addressed.

Ms. Brooks opened the floor for public comment.

There was no one present who wished to speak.

Ms. Brooks closed the floor for public comment.

Moved by: Carolan
Seconded by: Abitheira

RESOLVED, To approve the variance request.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

E. **VARIANCE REQUEST, AFRAH ALBANNA FOR AUTOMOTIVE CASTLE, 1251 ROCHESTER** – A variance for relief of the Sign Code to place a third ground sign measuring 40 square feet in size on the property. Section 85.02.05 (C) limits the maximum number of ground signs on this parcel to two signs.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice.

Chris Tweny of Rainbow Hi-Tech was present to represent the property owner. Mr. Tweny said the property owner, Afrah (Fred) Albanna of Automotive Castle, would like to install an LED message board sign. He addressed visibility concerns with existing signage and noted the applicant would remove his name from existing signage shared by multi-building tenants.

Ms. Brooks opened the floor for public comment.

Kim Snell of 1227 Rochester Road was present. Ms. Snell spoke on behalf of the mini storage facility, one of the multi-building tenants who share the existing signage with the applicant. She said the applicant's name is on the two existing signs at no charge, and the signs are visible from the north and south. Ms. Snell expressed opposition to the applicant's request for a third sign. She indicated the mini storage facility does not have frontage exposure and would lose business without a sign.

Ms. Snell said the applicant is difficult to work with as a neighbor, and his business is a disgrace to the City.

Mr. Tweny said the applicant would be willing to share the usage of the proposed LED sign.

Matthew Horn of The Horn Corporation, 1263 Rochester, was present. Mr. Horn is one of the multi-building tenants sharing the existing signage with the applicant. He said after coming to an agreement with the applicant, he applied and paid for the existing signage. Mr. Horn indicated he is not necessarily opposed to the applicant's request for a third sign because that would free up and give him personal use of the existing signage. Mr. Horn said the applicant's property is a constant mess with yellow leg signs, auto parts, tire bins, flags, lawn lights, etc. Mr. Horn said he would welcome professional signage if it meant the applicant would stop constantly cluttering the property.

Mr. Carolan said he would not support the request because it appears a hardship would be created for the other building tenants.

Mr. Grusnick reported violation notices have been issued to the applicant. Mr. Grusnick said the applicant indicated a third sign would address signage concerns on site.

Mr. Tweny asked that the building tenants put their objections in writing and indicated that conceivably there could be a resolution to the signage concerns.

Ms. Brooks closed the floor for public comment.

Discussion continued:
- Role/responsibility of the Board.
- Multi-building tenant signage.
- Sunoco gas pipeline on site.

Moved by: Carolan
Seconded by:

RESOLVED, To deny the variance request because it would adversely affect the existing neighbors and the applicant has not shown a hardship.

MOTION FAILED for lack of support.

Mr. Tweny requested to postpone the request until there is a full Board present.

Moved by: Abitheira
Seconded by: Culpepper

RESOLVED, To postpone the request so it can be heard at a meeting in which a full board is present.

Discussion on the motion on the floor.

Mr. Carolan said he would support the motion to postpone because it would allow the applicant time to resolve concerns addressed by the neighbors.

Vote on the motion on the floor.

Yeas: All present (4)
Absent: Dziurman

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

The newly sworn City Manager will attend the December Regular meeting.

Mr. Culpepper was thanked for his participation and wished a fond farewell.

7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 3:59 p.m.

Respectfully submitted,

Teresa Brooks, Acting Chair

Kathy L. Czarnecki, Recording Secretary

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BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

November 7, 2012

NAME (PLEASE PRINT)	*ADDRESS*
Patrick Bell	565 E. Grand River Ave., Brighton, MI 48116
Vincent Pangle	5235 Wright Troy, MI 48095
MIKE FRAZIER	1929 HAZEL NUT LN TROY 48083
Al David	1401 E. 14 Mile Rd Troy 48083
MATTHEW HOUN	1263 ROCHESTOR
BOB BONGIORNO-	54770 ARROWHEAD.
JERRY SITARSKI	140 E 14. MILE RD TROY MI
Kim Snell	1227 Rock Rd Troy