

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on December 5, 2012 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

- Theodore Dziurman, Chair
- Gary Abitheira
- Teresa Brooks
- Michael Carolan
- Brian Kischnick

Support Staff Present:

- Mitch Grusnick, Building Official/Code Inspector
- Allan Motzny, Assistant City Attorney
- 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.

2. APPROVAL OF MINUTES

- Moved by: Brooks
- Support by: Carolan

RESOLVED, To approve the minutes of the November 7, 2012 Regular meeting as submitted.

Yeas: All present (5)

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, RANDY ORAM FOR INTERNATIONAL OUTDOOR INC., 500 WEST LONG LAKE**

Chair Dziurman announced the applicant requested to postpone the item. The applicant was not present.

Mr. Motzny advised the Board as follows:

- If the determination of the Board is to postpone the item:
 - Written comments received to date and public comments if heard at today’s meeting would remain on record and could be considered in the Board’s deliberation at a future date.

- Stipulate a time limitation on the postponement; i.e., upon re-request of petitioner or six month maximum.
- Hold applicant responsible for costs associated with public hearing notification.
- If the determination of the Board is to deny the item:
 - Public comments, either written or heard to date, would not remain on record and could not be considered in a future application.

The Board discussed the following:

- Action options.
- Written public comments, to date.
- Public present to speak at today's meeting.
- Intent of applicant for variance request and requests to postpone.
- Past variance requests, subsequent court cases and Judgments.

Chair Dziurman opened the floor for public comment.

John Major of 5215 Daniels spoke in opposition of the requested variance because of the proposed sign size, height and location adjacent to a residential area. He indicated the signage would be a distraction to drivers. Mr. Major suggested that the City place regulations on billboard signage going forward.

Charles Hoekstra of 5227 Daniels spoke in opposition of the requested variance for the same reasons as stated by Mr. Major. Mr. Hoekstra said the company generates noise and is an eyesore to the neighborhood.

Vince Pangle of 5235 Wright spoke in opposition of the requested variance. Mr. Pangle said the City would set a poor precedent if the sign variance is granted. He addressed the size and location of the signage and traffic concerns.

Chair Dziurman closed the floor for public comment.

Moved by: Abitheira

Support by: Brooks

RESOLVED, To postpone the variance request for a maximum of six (6) months with the following stipulations:

1. The applicant shall pay incurred costs associated with re-notification of the item if re-heard.
2. After six (6) months, the Board will reconsider and act upon item.
3. All public comment will remain on record and in the file.

Yeas: All present (5)

MOTION CARRIED

[Mr. Motzny exited the meeting.]

- B. **VARIANCE REQUEST, JAMES BAXTER FOR ARI-EL ENTERPRISES INC, 800-830 KIRTS BLVD** – A variance for relief of Chapter 85, Table 85.02.05, to relocate an existing 88 square foot ground sign set back 4 feet from the front right of way line. The Sign Code requires the sign to be set back 20 feet from the front right of way line.

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

The applicant, James Baxter of Ari-El Enterprises, and the property owner, Arie Liebowitz, were present.

Mr. Baxter said they are requesting to place the sign closer to the building entrance because the current location misrepresents the building entrance and causes confusion for both the occupants and visitors. Mr. Baxter said there would be no changes to the sign itself or the set back as it currently exists except to move it closer to the drive approach.

Mr. Liebowitz also addressed the Board. He said as new owners of the property, they want to make strategic improvements to the site; one being to direct traffic in the shortest possible route to the building entrance.

The following was discussed:

- Existing two ground signs for which permits are granted.
- Relocation of sign does not cause any traffic sight obstruction.

Chair Dziurman opened the floor for public comment.

There was no one present who wished to speak.

Chair Dziurman closed the floor for public comment.

Moved by: Carolan
Support by: Abitheira

RESOLVED, To approve the variance request.

Yeas: All present (5)

MOTION CARRIED

C. **VARIANCE REQUEST, SCOTT FREEMAN FOR D. F. CHASE CONSTRUCTION, 1310 E BIG BEAVER** – A variance for relief of Chapter 83 to allow the installation of an electrically charged fence on the property. The Fence Ordinance prohibits the use of an electrically charged fence in any area of the City.

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

The applicant, Scott Freeman of D. F. Chase, was present. Also present were John Westendorf of Old Dominion Freight Line and Michael Pate of Electric Guard Dog.

Mr. Freeman stated that the electric fence would be installed for the truck yard only and not the employee parking lot.

Mr. Pate briefly explained the technology of an electric fence addressing voltage, timing of alarm, placement and grounding (protection of wildlife).

There was discussion on the following:

- Previous requests to install electric fencing for truck yard security.
- Electric fence structure at former location (1163 Souter); power disengaged, potential for new ownership to “electrify” existing fence.
- Variances run with the land; Board has power to grant restrictions on appeal.

Chair Dziurman opened the floor for public comment.

There was no one present who wished to speak.

Chair Dziurman closed the floor for public comment.

Moved by: Kischnick

Support by: Abitheira

RESOLVED, To approve the variance request for the following reasons:

1. There is an undue hardship relating to the use of the industrial property.
2. The variance would not be contrary to the public interest.

Vote on the motion on the floor.

Yeas: All present (5)

MOTION CARRIED

- D. **VARIANCE REQUEST, STEVE LENDERMAN FOR SURE HOLDINGS LLC, 1414 E MAPLE ROAD** – A variance to allow the second and third floor interior exit stairway doors of the 5 story building to be locked on the stairway side preventing unauthorized access to the tenant space. The 2009 Michigan Building Code, Section 1008.1.9.10, requires interior stairway means of egress doors remain operable from both sides without the use of a key or special knowledge.

Mr. Grusnick gave a brief description of the request. He indicated the department received no comments in response to the public notice. Mr. Grusnick stated the City's Fire Department has no objection to the appeal request.

The applicant, Steve Lenderman of MBL+A Architects, was present. Mr. Lenderman addressed Building Code Section 403.5.3.1 and specifically Exception #3 to Building Code Section 1008.1.9.10, which states doors can be locked except in buildings with more than five stories. He explained that although the subject building has five stories, it does not meet the 55 foot height definition of a high rise building. Mr. Lenderman used visual boards to display the second and third floor building occupancy, shared the tenant's need for security in handling personal and confidential information and addressed the technology of the automatic door hardware, specifically the locks disengagement with a fire alarm activation or the loss of electrical power.

Chair Dziurman opened the floor for public comment.

There was no one present who wished to speak.

Chair Dziurman closed the floor for public comment.

Moved by: Abitheira

Support by: Carolan

RESOLVED, To approve the variance request.

Yeas: Abitheira, Carolan, Dziurman, Kischnick

Nays: Brooks

MOTION CARRIED

4. **COMMUNICATIONS**

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

A. CHAPTER 85, FENCES

Mr. Grusnick addressed proposed revisions to Chapter 83.

- Section 4, Construction Material, strike last sentence “Fences which enclose school grounds, playground, tennis courts, public swimming pools, or other public areas may be erected to a height in excess of six (6’0”) feet with the approval of the Building Board of Appeals”.
- Add Section 6, Appeals.

Moved by: Dziurman
Support by: Abitheira

RESOLVED, That the Board has reviewed the suggested revisions, deletions and additions to Chapter 85, Fences, as presented, and is in agreement, and that the proposed revisions are made a part of the record hereof.

Yeas: All present (5)

MOTION CARRIED

B. 2013 MEETING SCHEDULE

After a brief discussion, the Board agreed to reschedule the July meeting date due to a holiday conflict.

Moved by: Dziurman
Seconded by: Brooks

RESOLVED, To approve the 2013 meeting schedule, as presented, with the exception to reschedule the July 3, 2013 meeting date to July 10, 2013.

Yeas: All present (5)

MOTION CARRIED

7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 4:03 p.m.

Respectfully submitted,



Theodore Dziurman, Chair



Kathy L. Czarnecki, Recording Secretary

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