The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, August 3, 2005 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Rick Sinclair
Frank Zuazo

ABSENT: Tim Richnak

ITEM #1 – APPROVAL OF MINUTES - MEETING OF JULY 6, 2005

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of July 6, 2005 as written.

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

MOTION TO APPROVE THE MINUTES AS WRITTEN CARRIED

Mr. Stimac explained that Mr. Richnak was required to attend another meeting this morning.

ITEM #2 – VARIANCE REQUEST. R.E. MOORHOUSE & ASSOCIATES, 2380 MEIJER DR., for relief of Chapter 78 to install a 30 square foot ground sign with a one (1)-foot setback from the right of way of Meijer Drive where a ten (10)-foot setback is required.

Mr. Stimac explained that the Building Department had received a letter from R.E. Moorhouse & Associates indicating their intent to withdraw this request, as they have submitted a site plan that indicates the location of the proposed sign, which is in compliance with the requirements of the Sign Ordinance.

Withdrawal request noted and filed. No further action required by this Board.

ITEM #3 – VARIANCE REQUEST. HAYSSAM BOUSSI, 36949 DEQUINDRE, for relief of Chapter 78 to expand the existing 40 square foot ground sign to 48 square feet and to have 150 square feet of wall sign where 128 are permitted.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to expand the existing 40 square foot ground sign to 48 square feet. The existing ground sign is non-conforming as it has a height of 16’ and a setback of less than 20’. Section 9.01 states that signs setback between 10’ and 20’ cannot exceed 10’ in height.

ITEM #3 – con't.

Section 10.02.03 of the Sign Ordinance prohibits the expansion of non-conforming signs.

This item last appeared before this Board at the meeting of July 6, 2005 and was postponed to allow the petitioner the opportunity to meet with his client to determine if conformance is possible and to allow the Building Department the time necessary to publish the petitioner's request for an additional wall sign.

The plans submitted also indicate an additional wall sign with a size of 28 square feet. Section 9.02.04 of the Sign Ordinance states the total combined area of all wall signs cannot exceed 10% of the front of the structure or tenant area. The total square footage of the front of the structure is 1,280 square feet, which would allow for 128 square foot of signage. Currently there is 122.2 square feet of signage, leaving only 5.8 square feet available. The proposed sign would result in 150 square feet of wall signs.

Mr. Boussi was present and stated that his client wished to withdraw his request to enlarge the ground sign, but would still like a variance to allow the new wall sign. Mr. Boussi explained that the Sav-Mor Pharmacy was a new business inside this market and this would be their only means of advertising.

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

There are no written objections or approvals on file.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Hayssam Boussi, 36949 Dequindre relief of Chapter 78 to install a second wall sign, which will result in 150 square feet of wall signs where Section 9.02.04 of the Sign Ordinance limits the amount of wall signage to 128 square feet.

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

Yeas: 4 – Kessler, Sinclair, Zuazo, Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. JEFF CLEMENTS, 5505 CORPORATE, for relief of Chapter 78 to install a 192 square foot ground sign 19' from the City right of way.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 19' from the Corporate Drive and New King City right of way.

ITEM #4 – con't.

Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way line. This item first appeared before this Board at the meeting of July 6, 2005 and was postponed to allow the petitioner the opportunity to be present.

Mr. Jeff Clements was present and stated that it would be difficult to move the proposed sign because of the existing retention pond. Mr. Clements also said that presently EDS leases this space and they have informed the owner of the building that they will be vacating these premises in the middle of next year. The new sign will aid in the leasing of this space out.

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

There are no written objections or approvals on file.

Mr. Zuazo asked if there were any ground signs at this location presently. Mr. Clements explained that this sign will replace the existing sign, which is smaller, but in the same location.

Motion by Kessler
Supported by Zuazo

MOVED, to grant Jeff Clements, 5505 Corporate, relief of Chapter 78 to install a 192 square foot ground sign located 19' from the City right of way.

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

Yeas: 4 – Kessler, Sinclair, Zuazo, Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. JEFF CLEMENTS, 700 TOWER, for relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way lines.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way line along Tower Drive and 16' from the right of way line along Long Lake Road. Paragraph B of Section 9.02.03 of Chapter 78 requires that a ground sign of this size be placed a minimum of 30' from the City right of way lines. This item first appeared before this Board at the meeting of July 6, 2005 and was postponed to allow the petitioner the opportunity to be present.

ITEM #5 – con't.

Mr. Clements was present and stated that the existing sign is the same size and in the same location as the proposed sign. They wish to update the existing sign. Mr. Clements also said that the existing sign was granted a variance approximately fifteen (15) years ago.

Ms. Struckman confirmed that the existing sign was granted a variance by this Board approximately fifteen (15) years ago.

Mr. Clements also said that they plan to use the same concrete for the new sign.

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.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Jeff Clements, 700 Tower, relief of Chapter 78 to install a 192 square foot ground sign 16' from the City right of way line along Tower Drive and 16' from the right of way line along Long Lake Road.

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

Yeas: 4 – Sinclair, Zuazo, Dziurman, Kessler

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. LIBERTY PROPERTY TRUST, 2710 BELLINGHAM, for relief of Chapter 78 to install a second ground sign at 2710 Bellingham.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a second ground sign at 2710 Bellingham. The site plan submitted indicates a new 48 square foot ground sign. This site already has an existing 70 square foot ground sign. Chapter 78, Section 9.02.05 limits the number of ground signs to one.

Mary McLean from Liberty Property Trust was present and stated that the Ordinance allows for both a wall sign and a ground sign at this location, but they wished to forego the wall sign and put up an additional ground sign. Ms. McLean explained that they have a new tenant moving into this location and this ground sign would be used to identify them. All of the buildings in this area are occupied and this is the last space to

ITEM #6 – con't.

be leased. They have created a new entrance and this ground sign will make their location more visible.

Mr. Dziurman asked if this sign would be in compliance if it were the only ground sign put up and Mr. Stimac said that the specifications do comply with the requirements of the Ordinance. The only reason they need a variance is because there is already an existing ground sign at the location. Mr. Dziurman stated that he would be concerned if someone came back to request a wall sign. Mr. Stimac said that unless stipulations were added to the variance, the Building Department would grant a Sign Permit for a wall sign if one was requested.

Mr. Zuazo asked if there were any other spaces for lease and Ms. McLean stated that the rest of the buildings were already leased.

Mr. Kessler asked how the present tenant spaces were identified and Mr. McLean said that there are numerals above each door, e.g. 100, 400, etc.

Mr. Sinclair asked if they would be allowed to put the names of the tenants on the glass doors. Mr. Stimac said that signs that are on the inside of the glass are not regulated by the Sign Ordinance and therefore would be allowed.

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

There are no written objections or approvals on file.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Liberty Property Trust, 2710 Bellingham, relief of chapter 78 to install a second ground sign where Section 9.02.05 of the Ordinance limits the number of ground signs to one.

- In lieu of a wall sign, this 48 square foot ground sign will be allowed.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Zuazo, Dziurman, Kessler, Sinclair

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. TAMELA CORBIN, 503 RANDALL, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. This property is a double front corner lot. It has front yard setback requirements along both Randall and Tallman. Chapter 83 limits the height of front yard fences on this property to not more than 30". The site plan submitted indicates a 6' high privacy fence setback 2' from the east property line along Tallman.

Ms. Corbin was present and stated that she is a single mom with a five year old daughter and basically wants the fence to provide a safe environment for her. Ms. Corbin also stated that she has a dog and this fence would allow her the freedom of enjoying the back yard. The previous owner had a fence and removed it when it started to deteriorate. Ms. Corbin wants to put the new fence in the same area as the previous fence. Ms. Corbin explained that there is a row of shrubs that are being ruined by dogs and this fence would also protect those shrubs. She understands that her property has a large utility easement and would also provide a gate to allow access in case anyone had to work on this easement.

Mr. Dziurman clarified that Ms. Corbin wanted a 6' high privacy fence. Ms. Corbin stated that the she is planning to put up a vinyl, lattice type fence and stated that it did not have to be 6' high she would just like to provide boundaries around her property. Presently there is a chain link fence at the back of her property that is between 4' and 6' high and she would like to connect her fence with the section that is 6' high.

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

There are four (4) written approvals on file. There are two (2) written objections on file.

Ms. Corbin asked why the neighbors objected and Mr. Dziurman explained that one person complained because of the height, their view being obstructed and the possibility that predators could use part of this area to hide out. Ms. Corbin stated that she is also concerned about predators, especially regarding her daughter.

Mr. Kessler asked if placing the fence 3' from the sidewalk would put it behind the existing shrubs. Ms. Corbin explained that she was hoping to put the fence on the outside of the shrub line in order to protect these shrubs from further damage by dogs.

Mr. Dziurman asked about the fence at the back of the property and Ms. Corbin explained that the height of this cyclone fence goes from 4' high to 6' high. Mr. Dziurman asked if the fence would stop in the corner and Ms. Corbin said that she would like it to meet the 6' high fence.

ITEM #7 – con't.

Mr. Kessler asked if Ms. Corbin wanted a 6' high fence. Ms. Corbin stated that she believes this fence is available in either a 4' or 6' height. Ms. Corbin also indicated that she would be happy with a shorter fence as it would still provide security for her daughter and her dog.

Mr. Zuazo clarified that basically all she is looking for is a boundary, and that it does not have to be 6' high. Ms. Corbin stated that was correct.

Mr. Kessler asked if there were any restrictions regarding a fence in a utility easement. Mr. Stimac stated that as long as it was a standardized fence and not a permanent wall, it would be allowed in the easement. Ms. Corbin said that she understood that her property had this utility easement as well as a gas line easement and did not see a problem with them accessing her property if need be.

Mr. Stimac stated that Ms. Corbin could have a fence that would run from the northeast corner of the garage straight back to the property line. The reason a variance is needed is because she wants to run the fence toward Tallman. Ms. Corbin said that she thought if she placed the fence in this location, she would lose a lot of the use in her yard and just wishes to place the fence in the same location as the previous owner. Mr. Stimac explained that this lot is wider than other lots in the area because it is on the corner and therefore she would not lose that much of her yard.

Mr. Dziurman asked if there was fence on the west side of the house and Ms. Corbin stated that there is a 4' chain link fence.

Mr. Kessler stated that normally a variance is granted for this type of fence with the stipulation that it is placed farther from the property line in order to be able to provide a buffer of landscaping to make the fence line less visible.

Mr. Dziurman asked if Ms. Corbin would be willing to put the fence farther back from the property line in order to provide additional landscaping. Ms. Corbin asked if she could put the fence on the other side of the shrub line.

Mr. Zuazo asked if this was the vegetation that had been damaged. Ms. Corbin said that when she first moved in there was a large number of shrubs along this property line, but as they have died she has removed them. Mr. Dziurman asked if she would be willing to add extra shrubs. Ms. Corbin said that she would, but feels it would be an unnecessary expense because she believes the same thing would happen to any new shrubbery that is added.

Mr. Zuazo said that if everything is moved back, it would not be as readily accessible and would also open up the view for the neighbor that is objecting to the height of the fence. Ms. Corbin indicated that she wants it look nice also and would like to put in a lot of landscaping.

ITEM #7 – con't.

Mr. Stimac suggested postponing this request so that research could be done regarding the location of the original fence, and also to allow the petitioner the opportunity to provide the Board with the exact height and type of fence she would like to install.

Mr. Dziurman asked if Ms. Corbin would like to postpone this request until the next meeting. Ms. Corbin said that she would like to be able to act on this as soon as possible and asked if the height of the fence was a problem for the Board. Mr. Dziurman said that it would be beneficial for Ms. Corbin to get a picture of what she would like to install. Mr. Dziurman also asked if she would be willing to move the fence back.

Mr. Kessler said that he would like to see it moved back about 10' to allow for additional landscaping. Mr. Zuazo also pointed out that one of the objections received stated that a 6' high fence would block their view.

Ms. Corbin stated that she had spoken to the neighbors and explained that the fence would be a lattice type fence and the reason she would like to put it up would be to set boundaries on her property. Ms. Corbin then asked if the Board would be willing to grant the variance if she moved it back 10' and stated that she was more than willing to work with the Board.

Ms. Corbin also indicated that if possible, she would like to be able to put up a 5' high fence if she could find that. Ms. Corbin said that she believed this fence was only sold in 4' or 6' high sections. Mr. Dziurman stated that if Ms. Corbin did not wish to postpone her request the Board would vote on whether or not she could up a 6' high privacy fence. Ms. Corbin said that she would be willing to work with the Board and stay within whatever guidelines they stipulate.

Motion by Zuazo
Supported by Kessler

MOVED, to postpone the request of Tamela Corbin, 503 Randall, for relief of Chapter 83 to install a 6' high privacy fence in the front yard setback along Tallman until the next scheduled meeting of September 7, 2005.

- To allow the petitioner the opportunity to provide a picture of the type of fence she wishes to install.
- To allow the petitioner the opportunity to research the height of the fence she wishes to install.
- To allow a landscaping plan to be presented to this Board.
- To allow the Building Department the opportunity to research the history of the original fence to determine whether or not a variance was granted.

Yeas: 4 – Zuazo, Dziurman, Kessler, Sinclair

ITEM #7 – con't.

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF SEPTEMBER 7, 2005
CARRIED

The Building Code Board of Appeals meeting adjourned at 9:20 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary