The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals meeting to order at 8:32 A.M., on Wednesday, June 4, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Keith Lenderman
Tom Rosewarne
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MAY 7, 2008

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of May 7, 2008 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. CHRISTINE DALTON, PLANC SERVICES, REPRESENTING FRANCIS SHIER, 2786 RHODES, for relief of Chapter 83 to install a 48" high fence in the front yard along the east property line.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a 48" high picket style fence located in the front yard along the east property line. Chapter 83 limits the height of front yard fences to a maximum of 30" in height.

Mr. Francis Shier was present and stated that currently he has a split rail fence that is deteriorating and needs replacement. The existing fence has become an eyesore and the only part of the proposed fence that would be 48" high would be the posts. The middle section of the fence would be 3'-3" tall. Right now the shrubbery is over 4' tall and he does not believe the proposed fence would cause a problem.

Mr. Dziurman informed Mr. Shier that a number of neighbors had objected to this variance request.

There are four (4) written objections on file. There is one (1) written approval on file.

Mr. Dziurman opened the Public Hearing.

ITEM #2 – con't.

Ms. Nancy Schaible, 2802 Rhodes was present and said that her home is directly to the east of this home. Ms. Schaible's driveway is 3' from the existing fence and she has a very difficult time backing out of her driveway. The shrubbery is 4' high and blocks the view of on-coming traffic. Ms. Schaible strongly objects to this request and does not see a need for a 4' high fence.

No one else wished to be heard and the Public Hearing was closed.

Mr. Kessler explained that in order for the Board to grant a variance, the petitioner must demonstrate a hardship that is unique to the property. The reason the height of fences is limited to 30" in a front setback is because of the safety issue of other residents. Mr. Kessler said that the petitioner did not demonstrate a hardship that would justify this request.

Mr. Shier said that the existing fence is deteriorating and he wants to put up a fence that would have an acceptable appearance. The original fence needs to be replaced and he would be willing to cut down the shrubbery.

Mr. Kessler stated that he appreciates the fact that Mr. Shier wants to improve the appearance of the property; however, the neighbor does have concerns about the safety issue.

Mr. Lenderman asked if the height of shrubbery was limited in front setbacks.

Mr. Stimac explained that there are restrictions regarding shrubbery on corner lots, but there are no height restrictions regarding shrubbery for interior lots on the property that is between the sidewalk and the front of the house.

Motion by Kessler
Supported by Zuazo

MOVED, to deny the request of Christine Dalton, Planc Services, representing Francis Shier, 2786 Rhodes, for relief of chapter 83 to install a 48" high fence in the front yard along the east property line.

- Petitioner did not demonstrate a hardship.

Yeas: All – 5

MOTION TO DENY VARIANCE CARRIED

Mr. Stimac informed the petitioner that he could replace the existing fence with a new split rail fence up to 30" in height and he would not require a variance.

ITEM #3 – VARIANCE REQUESTED. JAY JOHNSON, JOHNSON SIGN COMPANY, 250 STEPHENSON, for relief of Chapter 85 to erect four (4) wall signs.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect four (4) wall signs, each 171 square feet in area on an existing office building in the R-C (Research Center) Zoning District. Chapter 85.02.05 (C) (3) allows one wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet in area. Because of the size of this building, they would be permitted the 200 square foot sign. The plans submitted indicate four (4) wall signs resulting in a combined area of 686 square feet.

Mr. Marc Gardner, President of North American Bancard, Ms. Denise Kenyon, Vice-President of North American Bancard, and Jay Johnson of Johnson Sign Company were present. Mr. Gardner stated that their company has been in Troy since 1996 and has never requested a variance for signage. The recently purchased 250 Stephenson building and the property have approximately four (4) acres on I-75. They plan to hire between 200 and 400 additional people and the signage will aid them in attracting these new hires. Mr. Gardner also said that the square footage of the sign includes the area between the letters and the top of the sign, even though there are no letters in that area. The signage on four (4) sides of the building does not help the merchant base grow, but it will help them attract new employees. Mr. Gardner feels this location is a gateway to Troy.

Mr. Johnson said that the hardship is the size of the complex, and the fact that they are not allowed to put in a ground sign by the condo association. Mr. Johnson said that he feels it is important to identify the facility. The letters are not overwhelming as this is a large building that sits back from the thoroughfare. Mr. Johnson said that he believes this request is well within the intent of the Ordinance and will not encroach on other areas. Mr. Johnson also said that he would like to compliment Mr. Evans on his quick responses and the time he took to work with Mr. Johnson on this presentation and feels that he is a definite asset to the City.

Mr. Johnson further stated that he was hoping the Board could look at the proposed signs and re-allocate the square footage that would be allowed if they put in a ground sign to the proposed wall signs. Because of the way the City calculates the proposed signage, they appear larger than they are and his alternative calculation of sign area is closer to 418 square feet.

Mr. Lenderman asked how the square footage of signs is calculated by the City.

Mr. Stimac explained that the way the Ordinance is written the outside perimeter of the sign is enclosed by horizontal and vertical lines of at least one foot in length to determine the size of the signs. However, regardless of the area of the signage, the petitioner is only allowed one (1) wall sign.

ITEM #3 – con't.

Mr. Gardner stated that he had looked at the other buildings in the complex and they have more than one (1) wall sign.

Mr. Dziurman asked why they feel they need four (4) signs.

Mr. Gardner said that there is traffic on each side.

Mr. Lenderman asked if Troy was in line with what other Cities allow.

Mr. Stimac said that Troy is somewhere in the middle of what other Cities allow, as some of them figure the individual letters and some use a rectangle around the perimeter of the entire sign.

Mr. Johnson said that Valeo has four (4) signs, and Kostal has three (3) signs and does not believe this request is overwhelming compared to the other requests.

Mr. Kessler asked how many square feet each sign on all the buildings have.

Mr. Johnson said that Valeo has four (4) signs that do not exceed 396 square feet and if they were allowed to square off these proposed signs, they would the same as Valeo.

Mr. Kessler pointed out that the signs were also on the corners of the building so that it looked like one sign rather than two signs on each corner.

Mr. Gardner said that they are separate signs.

Mr. Kessler said that he wanted the square footage of the signs for each of the buildings.

Mr. Evans stated that 350 Stephenson, Kostal, was allowed three (3) wall signs not exceeding 113 square feet each; and 150 Stephenson, Valeo, has permits for four (4) wall signs totaling 308.34 square feet.

Mr. Stimac also noted that Valeo has two different sign sizes.

Mr. Kessler said that the square footage of signs is calculated the same for all locations, and asked how many visitors would be coming to this site.

Mr. Gardner indicated that they did not have a lot of walk in people coming to the site, but that they were hoping to add between 37 and 40 employees this month alone.

Mr. Kessler said that variances have been granted for directional purposes, and sometimes this is considered a hardship. Since this site does not have a lot of visitors

ITEM #3 – con't.

this scenario would not apply. Mr. Kessler also stated that he very happy to have this building occupied and is very glad that jobs will be offered to people in the area.

Mr. Gardner said that presently there is a half million dollar café on the site and he is not sure it has ever been used. There are times that they have a huge influx of calls and during this period, they provide lunches for their staff and pay overtime. They are hoping to be able to utilize this café. 969 Chicago, which is their other location, is presently for sale and/or lease and eventually they plan to bring all their employees to 250 Stephenson.

Mr. Johnson said that if you look at the size of this building, this proposal is not over-kill and basically they are asking to be able to "brand" the building. The building is set quite a way back on the site and the signs need to be this size in order to be readable.

Mr. Lenderman asked if the signs were going to be illuminated.

Mr. Johnson said that that only the black and blue portions of the sign will be illuminated and will not be very bright.

Mr. Kessler asked why they required the sign on the north side of the building.

Mr. Johnson stated that they wanted the sign on that side of the building in order to attract traffic heading southbound on I-75.

Mr. Gardner said that traffic heading southbound would not be able to recognize the site.

Mr. Dziurman suggested putting one sign on the north and one on the south side of the building.

Mr. Gardner said that they also want this site to be visible to traffic along Stephenson.

Mr. Stimac stated that he drives to and from work in this area every day and the north side of the building is not visible from I-75 because of the trees in the right of way along I-75.

Mr. Gardner said that they had thought of that, but the trees only had leaves on them for approximately 6 months out of the year.

Mr. Johnson said that one of the reasons they wanted this sign was to balance the look of the building.

Mr. Stimac said that if you are looking at the north side of the building, you would not be able to tell that there was a sign on the south side of the building.

ITEM #3 – con't.

Mr. Rosewarne asked if they would be conducting interviews at this building.

Mr. Gardner said that it depends on what position is being offered. They do plan to start training classes in June at this location.

Mr. Rosewarne asked if they were planning to interview a large number of people.

Mr. Gardner stated that it was a three-step process.

Mr. Johnson said that they could have up to 200 visitors.

Mr. Gardner said that his Human Resource Department goes through the resumes and determines who will come to the site to interview. Mr. Gardner said that it is a life change for most people and they are hoping to give jobs to a number of people from the auto companies. These positions are totally different than a factory or cubicle experience.

Mr. Kessler asked if they plan to lease out the available space in this building.

Mr. Gardner said that this is a very successful company and they are very discriminating in looking at what type of companies they would allow to lease this space. Mr. Gardner said that it is not necessary that they lease out this space.

Mr. Johnson said that he believes that any tenants in this building would advertise that they are located in the North American Bancard building.

Mr. Kessler stated that the other requests in this complex are around 300 square feet and this request is to allow 686 square feet of signage. He does not believe the petitioner demonstrated a hardship and believes they are trying to make their presence known with the proposed signage.

Mr. Gardner said that they are "branding" the building in order to bring in more employees.

Mr. Kessler said that the hardships that are normally heard here do not apply to this request and the same method to calculate square footage is used for all signs.

Mr. Gardner said that they are trying to generate revenue for the City, County and State. They are not looking to put in a "Vegas" type sign. He understands that the Board is there to enforce the Ordinance, but there are a number of States that will aid new businesses into moving into their Cities. The State of Michigan is not provided one-dollar for the expansion of this business. Mr. Gardner said that they are in a very fortunate position in that they do not require State aid and they are trying to improve the building and help the City at the same time.

ITEM #3- con't.

Mr. Kessler stated that he did not want to argue regarding what Michigan gives compared to other States and suggested that Mr. Gardner look into changing the Ordinance in order to allow more flexibility for signage. This Board requires a hardship to grant a variance and if the variance was granted based on what people "want" the Board would have to do the same thing for everyone.

Mr. Johnson stated that he felt the Board was addressing the number of signs rather than the square footage of the request.

Mr. Dziurman said that they are requesting four (4) signs where one is allowed.

Mr. Lenderman asked for an explanation of how other variances in this complex were approved.

Mr. Stimac stated that Valeo is the southernmost building with frontage on Stephenson, Fourteen Mile and I-75 and the main entrance is on the north side of the building. Kostal has two frontages and an entrance on the south side of the building. The entrances to the sites were considered when the decisions were made.

Mr. Gardner said that Valeo put their signs on the corner of the building giving a wrap-around appearance to the signs. He stated that they would be willing to put the signs on the corners of their building.

Mr. Kessler asked what the square footage of the sign to the north was.

Mr. Stimac said that all the signs are proposed to be the same size.

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.

Mr. Kessler asked if the petitioner wished to postpone this request so that they could examine other options and perhaps modify the request.

Mr. Johnson asked if they could negotiate at this meeting.

Mr. Kessler said that they could as long as the request was smaller than the original request.

Mr. Gardner said that they would be willing to negotiate.

Mr. Dziurman said that they could either postpone this request for thirty (30) days or the Board would probably make a motion to lower the number of signs allowed.

ITEM #3 – con't.

Mr. Gardner asked what the signage was that was permitted for the other buildings.

Mr. Kessler said that is 308 square feet for Valeo and 339 square feet for Kostal.

Mr. Johnson said that he believes the issue before the Board was not the square footage, but the number of signs they are requesting.

Mr. Gardner said that they have a lot of letters in the name and feel that this request should be allowed. The other sites have smaller names and therefore fewer letters in their names.

Mr. Lenderman said that he agrees and believes that the length of the name should be given consideration for a variance request. The Ordinance does not take that into consideration.

Mr. Johnson said that he feels the length of the name is part of their hardship.

Mr. Dziurman said that this is the way the Ordinance is written and it would need to be changed.

Mr. Zuazo asked if the success of this Company was dependant on whether or not they were granted a variance for four signs.

Mr. Gardner said that it was not.

Mr. Zuazo said that he did not believe the sign on the north side would add to the identification of this site.

Mr. Johnson said that if they have to make a sacrifice, they would be willing to give up the sign on the north side.

Motion by Kessler
Supported by Rosewarne

MOVED, to grant Jay Johnson, Johnson Sign Company, 250 Stephenson, relief of Chapter 85 to erect three (3) wall signs where Chapter 85.02.05 (C) (3) allows one wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet in area.

- Three (3) wall signs not to exceed 350 square feet.
- No other wall signs allowed.

Mr. Gardner asked if the 350 square feet could be distributed to allow four (4) signs.

ITEM #3 – con't.

Mr. Kessler said that this approval would only allow three (3) signs.

Mr. Johnson asked if the could consider a different type of calculation since two of the proposed signs come up to 342 square feet. Mr. Johnson does not believe smaller signs would be visible and it would totally disrupt the entire package. Mr. Johnson also said that if they are smaller they won't be able to be read.

Motion by Lenderman
Supported by Rosewarne

MOVED, to modify the current motion to allow three (3) wall signs not to exceed 515 square feet in area.

Vote on motion to modify.

Yeas: 3 – Lenderman, Rosewarne, Zuazo
Nays: 2 – Dziurman, Kessler

Vote on main motion, which now reads:

MOVED, to grant Jay Johnson, Johnson Sign Company, 250 Stephenson, relief of Chapter 85 to erect three (3) wall signs where Chapter 85.02.05 (C) (3) allows one wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum of 200 square feet in area.

- Three (3) wall signs not to exceed a total combined are of 515 square feet.
- No other wall signs allowed.

Yeas: 3 – Rosewarne, Zuazo, Lenderman
Nays: 2 – Kessler, Dziurman

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:35 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary