

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on March 6, 2013 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair  
Gary Abitheira  
Teresa Brooks  
Michael Carolan

Members Absent:

Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector  
Allan Motzny, Assistant City Attorney  
Rick Kessler, Plans Examiner, SafeBuilt  
Eric Caloia, Fire Lieutenant  
William McNabb, Fire Lieutenant  
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: Abitheira  
Support by: Carolan

**RESOLVED**, To approve the minutes of the February 6, 2013 Regular meeting as submitted.

Yeas: All present (4)  
Absent: Kischnick

**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

Mr. Grusnick briefly reviewed the four variance requests before the Board.

Chair Dziurman announced the Board is in receipt of a written request from the petitioner to postpone the item for one month to the April Board meeting.

Chair Dziurman opened the floor for public comment.

Nancy McSwain of 1166 Fairways, Troy, property owner of a vacant parcel on Wright, was present. Ms. McSwain said she is opposed to the proposed variance requests. She addressed the negative impact the proposed sign would have on her personal property as well as the properties of her friends and neighbors in the area as relates to the size and illumination of the sign, potentially distracting traffic. Ms. McSwain voiced concern that approval would set a precedent for future billboard signs.

Vince Pangle of 5235 Wright, was present. Mr. Pangle said he is opposed to the proposed variance requests. He addressed the negative impact the signage would have on the aesthetics of the area and property values. He said approval would set a precedent for future billboards. Mr. Pangle stated he believes the applicant is attempting to wear down the resolve of residents by numerous postponements and tabling requests. He said he would continue to speak in opposition of the request.

Chair Dziurman closed the floor for public comment.

Mr. Grusnick stated the department received one written letter signed by two property owners (four signatures) voicing opposition to the proposed variance requests.

Chair Dziurman said the City is generally opposed to billboard signage, noting the City's history with two previous legal matters.

Mr. Motzny stated all written and verbal public comment from this meeting and previous meetings would be part of the public record going forward.

Mr. Grusnick briefly discussed the public hearing notification process. He confirmed that office buildings located on the west side of the subject area could be visually impacted by the variance requests but are not located within the 300 foot radius for public notification.

Moved by: Abitheira  
Support by: Carolan

**RESOLVED**, To postpone the item for one month to the April 3, 2013 meeting and that notification of the re-scheduled Public Hearing be mailed to parcels within the 300 foot radius.

Yeas: All present (4)

Absent: Kischnick

**MOTION CARRIED**

- B. **VARIANCE REQUEST, JIM REYERS FOR WOLVERINE BUILDING GROUP, 1680 JACKSON, BETHANY VILLA SENIOR COMMUNITY CENTER** – A variance of the 2009 Michigan Building Code Section 903.2.1.2 for relief of the required installation of a building automatic sprinkler system and Section 1018.1 for relief of the required one hour fire resistance corridor rating

Mr. Grusnick reviewed the voting options of the Board.

Those present representing the applicant were:

- Mike Houseman, Wolverine Group
- Jay Miedema, Post Associates
- Margaret Davey, Paragon Management
- Janeen Wiltse, Bethany Villa

Mr. Houseman provided information on the history and foundation of the HUD regulated housing community. He said Bethany Villa intends to use the community center, presently under construction, to hold meetings for its residents and to house its business office, which currently works out of two apartments. Mr. Houseman distributed an informational sheet that outlines Bethany Villa policies and procedures of the community center, a copy of which is attached and made a part hereof of the minutes.

Mr. Houseman addressed the interpretation of the A2 classification of the plans submitted. He said the intent was never to have the community center classified as A2, and it was an error on the part of the architect who designed the plans. He asked if the plans could be re-classified from A2 to A3, noting that an A3 classification is a better fit, with the exception of the stove and residential hood in the kitchen. Mr. Houseman addressed fire-related items; i.e., fire rated drywall, fire rating of walls, attic draft stops, numerous exit/egress doors, compartmentalization, audible and visible fire alarms. He said the plans did not indicate a fire line running to the building, nor were fire suppression drawings submitted. Mr. Houseman provided a status of the building construction; foundation complete, floors poured, exterior walls up, framed. He emphasized the Community Center would never be available to rent by Bethany Villa residents or the general public.

Fire Lieutenant Eric Caloia stated that the Fire Department is opposed to granting the variance request for relief of the Code required fire suppression. He stated the plans reviewed on December 20, 2012 showed the community center would be sprinkled and a fire suppression system installed. He said the plans did not show smoke detectors in the building. Lieutenant Caloia stated that both the Fire Code

and Building Code require the installation of a fire suppression system for a building classified as A2. He indicated it was just recently brought to their attention that the classification was changed by the architect from A-2 to A3. Lieutenant Caloia said the Fire Department has not received any new or revised drawings for review.

Mr. Kessler reviewed the plans for the City and approved it for permits. He said the fire alarm drawing was not part of the plans submitted to the Building Department. The A2 use classification was identified on the plans submitted by the subcontractor. Mr. Kessler addressed the distinction between A2 and A3 classifications. He indicated the issue in this case is the consumption of food and beverage. Mr. Kessler explained that combined or mixed uses having different use classifications are permitted, when smaller accessory uses are less than 10% of the area.

Mr. Kessler has been informed the Bethany Villa Community Center is an owner/operated facility that conducts controlled events. He explained how this specific community center use fits within the laundry list of both the A2 and A3 classifications. Mr. Kessler feels that most of the characteristics of the community center fit within the A3 classification, and falls into the A2 classification because of the consumption of food and beverage.

Fire Lieutenant William McNabb addressed the Fire Department's policy for inspections. He said the department generally inspects assembly places annually, especially if alcohol is served. Inspections are always conducted should a complaint be filed. Lieutenant McNabb stated the Fire Department never wants to give up life safety features. He said one concern of the Fire Department is that based on the square footage of the building, the occupancy rate could far exceed the occupancy load quoted by the applicant.

Mr. Kessler addressed occupancy loads and ventilation rates.

Ms. Davey informed members that HUD conducts monthly reviews and generally annual site visits of its properties. She stated HUD does not permit residents to use a community center building for the preparation of food; all food/meals would be catered. She indicated refrigerators are used to keep beverages cold. Ms. Davey said residents are not permitted to rent the building for any private events; that the building can only be used by its residents as a meeting place.

There was discussion on the following:

- Departmental process in determining building classifications.
- Change in building use in the future.
- Granting variance request subject to conditions.
- No mechanism in place for Building Department to change building classification.
- Kitchen critical; potential to partition out.
- Financial aspect of fire suppression; sprinkled building.

Mr. Houseman requested postponement of the item until a full board is present. He said construction would cease and the project would die should the Board not grant the variance request.

Moved by: Abitheira

Support by: Carolan

**RESOLVED**, To postpone the item to the April 3, 2013 meeting, at the request of the applicant and until such time that a full Board might be present.

Yeas: All present (4)

Absent: Kischnick

**MOTION CARRIED**

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Board of Building Appeals adjourned at 4:51 p.m.

Respectfully submitted,

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Theodore Dziurman, Chair

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Kathy L. Czarnecki, Recording Secretary



# Bethany Villa

## Bethany Villa Community Center Policies and Procedures

### OFFICE HOURS

The Community Center scheduled office hours are:

Monday through Friday      8:30am - 5:00 pm

### BUILDING USE

The Bethany Villa Community Center is available for staff organized meetings or small group activities.

This is a low income senior independent living facility strictly regulated by H.U.D. Federal Housing and Urban Development Administration.

1. Alcohol is strictly prohibited in the facility.
2. Smoking in the community center is strictly prohibited.
3. No on site food preparation is involved. Any snacks or food consumed at meetings will be prepared offsite and brought in.
4. Meeting Rooms will be used for resident meetings and activities as follows:
  - a. Resident meetings are on an as needed basis, generally four times per year.
  - b. Weekly scheduled activities (educational, social, physical, nutritional).
  - c. The residents will be able to use the facilities during normal business hours Monday – Friday for their own general use of the meeting rooms to play games, watch TV or for socialization amongst themselves.
5. The Computer Room will be available for the residents use for classes and open lab during normal business hours only.
6. Hanging or attaching decorations to the wall, ceiling, floor, door, or windows is prohibited.
7. The kitchen is for serving only. Any prepared foods will be delivered on site.
8. The Community Center is NOT available for use by the public and cannot be rented for use by residents or their family.
9. All lighting in the Community Center shall be non-dimmable lighting for the safety of the staff and residents.

### HOLIDAYS

The Community Center will be closed on New Years Eve, New Years Day, Martin Luther King Day, Memorial Day, 4<sup>th</sup> of July, Labor Day, Thanksgiving, the Friday after Thanksgiving, Christmas Eve and Christmas Day.

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