The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, October 1, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

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

ITEM #1 – APPROVAL OF MINUTES- MEETING OF SEPTEMBER 3, 2008

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of September 3, 2008 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. PAUL DETERS, METRO DETROIT SIGNS, 5505 CORPORATE, for relief of Chapter 85 to install two (2) additional ground signs each measuring 50 square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install two additional ground signs. This site currently has a 192 square foot ground sign. Chapter 85.02.05 (C) (3) allows one ground sign for each building in accordance with table 85.02.05 and one additional ground sign for each building, not to exceed thirty-six square feet in area. The site plan submitted indicates that the new signs would each be 50 square feet in area.

This item first appeared before this Board at the meeting of September 3, 2008 and was postponed to allow the petitioner to consider the possibility of reducing his variance request.

Revised plans have been submitted deleting one of the signs. However they are still requesting a variance to allow this sign to be 50 square feet in area where the ordinance limits this sign to 36 square feet.

Mr. Paul Deters of Metro Detroit Signs was present. Mr. Deters indicated that they had decided to eliminate the sign that would have been erected along New King. The new

ITEM #2 – con't.

sign will be constructed along the entrance drive on Corporate. There is no signage on the building and the owners do not have any plans to add signage. Mr. Deters stated that this sign will have the address on it as well as six major tenants. Each of the six (6) major tenants will have an identification sign that is one square foot in area.

Mr. Dziurman asked if the configuration of the sign made this variance necessary.

Mr. Deters said that was correct and reiterated that the owner wanted the address of the building as well as the names of the major tenants in the building.

Mr. Dziurman asked about the existing sign.

Mr. Stimac said that the 192 square foot existing sign does not identify the building, it identifies the complex. If that sign was not on the site the proposed sign would be allowed.

Mr. Kessler stated that he was hoping the petitioner had found additional information in requesting this variance. This complex has two (2) isolated entrances as well as a large retention pond in the front. The building sits quite far back on the property and the signs would provide the identification needed for both the building name and the parking. Mr. Kessler also hoped that the petitioner would have presented the correct verbiage regarding the hardships involved with this site. Mr. Kessler also stated that he would like something concrete that will state that the existing sign that identifies Baluster Park will not be used to identify the building.

Mr. Deters said that he had misinterpreted what the Board was asking for.

Mr. Richnak asked the petitioner if he felt that this site would meet any of the variables brought up by Mr. Kessler.

Mr. Deters stated he could definitely state that no tenants would be listed on the existing sign that identifies Baluster Park. This is a unique site with two (2) separate driveways. Mr. Deters said that they are trying to work with the Board.

Mr. Dziurman asked how many tenants would be listed on the sign.

Mr. Deters said that due to the configuration of the sign, they would only allow identification for six (6) of the major tenants.

Mr. Dziurman asked how large these tenant signs would be.

Mr. Deters said that they are 1' x 4'.

ITEM #2 – con't.

Mr. Kessler asked how large a sign would be permitted if the 192 square foot was not there.

Mr. Stimac said that depending on the setback, a maximum size of 200 square feet would be allowed.

Mr. Kessler asked about the location of the 192 square foot existing sign.

Mr. Evans said that in August 2005, this Board granted a variance on the setback to the front property line for the location of that sign based on the location of the pond and also the slope of the land.

Motion by Kessler
Supported by Nelson

MOVED, to grant Paul Deters, Metro Detroit Signs, 5505 Corporate relief of Chapter 85 to install two (2) additional ground signs each measuring 50 square feet.

- No tenant names will be listed on the 192 square foot office park sign.
- Any changes to the 192 square foot office park sign, including face changes, will require approval by the Building Code Board of Appeals.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. RALPH GARABEDIAN, 2644-2648 LOVINGTON, for relief of the dwelling unit separation wall in the attic of a two family dwelling required by Section 317.1 of the Michigan Residential Code.

Mr. Stimac explained that the petitioner is the owner of a two-family dwelling originally constructed in 1969. Recently the home was inspected as part of a property maintenance issues at the property. It was discovered that the fire resistance rated wall separating the two dwelling units did not extend through the attic of the units. Section 317.1 of the Michigan Residential Code requires that this wall extend to the underside of the roof sheathing. Upon being cited for this deficiency, the petitioner filled application for appeal of this item.

This item appeared before this Board at the meeting of September 3, 2008 and was postponed to allow the petitioner the opportunity to look into other options that would provide the same equivalent level of fire safety.

ITEM #3 – con't.

Mr. Stimac informed the Board that he had a telephone conversation with Mr. Garabedian who indicated that he was looking at replacing the roof and stated that he would put the fire separation walls in at that time. Mr. Stimac also stated that he had not received anything in writing, and although a Building Permit is not required for re-roofing, due to the structural changes a Building Permit would be required in this case.

Mr. Dziurman asked if he had given Mr. Stimac a time frame.

Mr. Stimac said that he had indicated that it would be done before this winter.

Motion by Richnak
Supported by Zuazo

MOVED, to postpone the request of Ralph Garabedian, 2644-2648 Lovington, for relief of the dwelling unit separation wall in the attic of a two-family dwelling required by Section 317.1 of the Michigan Residential Code until the meeting of November 5, 2008.

- To allow Building Department Staff to contact Mr. Garabedian regarding his intentions on this property.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF NOVEMBER 5, 2008 CARRIED

ITEM #4 – VARIANCE REQUESTED. DALE B. SCHMIDT, 6768 MERRICK DR., for relief of Chapter 83 to install a 48" high aluminum fence.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 48" high fence. This property is a double front corner lot. It has a 40' minimum front yard setback along both Merrick and Kimberly. Chapter 83 limits the height of fences in front setbacks to a maximum height of 30". The site plan submitted indicates this 4' high fence setback 30' from the property line along Kimberly.

Mr. Dale Schmidt was present and stated that if they comply with the Ordinance the proposed fence would be constructed right in the middle of the existing brick pavers. Mr. Schmidt has a riding mower and in order to get it in the back yard he needs a double gate and felt that this type of fencing would be more convenient and more cosmetically pleasing. Mr. Schmidt brought in pictures, which we passed out to the Board members showing the pavers and his back yard.

Mr. Dziurman asked how much the fence would have to be moved in order to leave the pavers they way they are now.

ITEM #4 – con't.

Mr. Schmidt said that the pavers are 7' wide and lead to the patio. He would need a minimum of 4' out and the existing landscaping would also have to be moved.
Mr. Dziurman asked how far back the fence needed to go from the property line.

Mr. Stimac stated that in order to stay out of the setback, this fence would need to be erected 40' from the property line. The petitioner is proposing to put this fence 30' from the property line.

Mr. Kessler asked if the 14'-9" shown on the site plan was the distance from the corner of the property to the house.

Mr. Stimac said he thought that it was the distance from the corner of the house to the corner of the fence.

Mr. Richnak informed the petitioner that in the past this Board has asked for extra landscaping on these types of requests. The landscaping helps to shield the fence from the neighbors as well as traffic going down the street. Mr. Richnak asked if the petitioner had considered running the fence through the landscaping so that visibility would be decreased.

Mr. Schmidt said that he probably could do that the only problem would be that there are three shrubs that are together and at least one or two of them would have to be moved.

Mr. Kessler said that if the sole reason for this type of fence was to get the lawn mower into the back yard, a regular gate could be put on this side of the house a larger gate on the other side of the house.

Mr. Schmidt said that he could do this but the fence would still run through the middle of the pavers.

Mr. Kessler said that he had gone by this property and the landscaping is very nice. Mr. Kessler asked what the minimum setback would be for going into the paver area.

Mr. Schmidt said that he is trying to have the fence blend with the landscaping and thinks that there would be approximately 2' before the pavers.

Mr. Kessler suggested that the petitioner maintain the landscaping inside the fence area. Mr. Kessler also asked if the petitioner had thought of putting up a fence at the time he had his patio and landscaping done.

Mr. Schmidt said that they wanted a fence all along, but waited until they had the funds to purchase it. They also have recently acquired a dog and they would like to be able to

ITEM #4 – con't.

let it out without worrying about it running away. Mr. Schmidt also said that there are three children next door and he is worried about them coming onto his property.

Mr. Kessler asked if this was a colored fence.

Mr. Schmidt said that it was a dark brown color.

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

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

Mr. Schmidt asked what the people were objecting to.

Mr. Dziurman said that basically they want the petitioner to follow the guidelines set forth in the Ordinance.

Mr. Kessler said that he was concerned about the relationship of this proposed fence to the property at the back of this home and how much the fence would be encroaching into the front setback along Kimberly.

Mr. Schmidt stated that it was right along the property line. When they first moved into this home the neighbors had a picket fence that was deteriorating. The neighbors are planning to remove that fence and Mr. Schmidt does not believe his fence will have any impact on them.

Mr. Richnak asked if the petitioner had looked into the option of starting the fence at the rear of the patio and bringing it back to the required setback. The majority of the fence would be behind landscaping.

Mr. Schmidt said that he could explore that possibility but thought that they would still have to come out about 9'.

Mr. Richnak suggested following the line of the existing pavers.

Mr. Schmidt said that he had thought of that, but was not sure how good that would look.

Mr. Kessler stated that the Board is trying to provide some direction. The Board needs a hardship that runs with the land to allow a variance. This is a new home on a corner and the pavers could be modified. The yard is beautiful but there should be a hardship that is unique to this lot. Mr. Kessler stated that he feels the Board can either postpone this request so that the petitioner could look into other options, or deny the request as the petitioner has not demonstrated a hardship.

ITEM #4 – con't.

Mr. Schmidt said that if the fence is put in the location that would comply with the Ordinance, he would also have to re-do the patio.

Mr. Stimac informed the petitioner that it would be extremely helpful to the Board if the petitioner were to show the exact location of the pavers on the plans or the location of the proposed fence on the site. The petitioner could also stake out the location of the fence that would comply with the Ordinance. Documentation in this case would be very helpful.

Mr. Dziurman suggested that this request be postponed to allow the petitioner the opportunity to designate these areas and give the Board another opportunity to look at the property to see what part of the landscaping would be affected. The petitioner would also be able to re-do the site plan and show more detail, which would point out what the hardship is.

Mr. Kessler stated that pictures would be very helpful.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Dale Schmidt, 6768 Merrick Drive for relief of Chapter 83 to install a 48" high aluminum fence until the meeting of November 5, 2008.

- To allow the petitioner to re-submit a more detailed site plan.
- To allow the petitioner the opportunity to stake out the property showing both the proposed location of the fence, and the location of the fence that would comply with the Ordinance.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL NOVEMBER 5, 2008 CARRIED

ITEM #5 – VARIANCE REQUESTED. NANCY PETERS, 1981 KRISTIN DR., for relief of Chapter 83 to install a 48" high non-obscuring fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 48" high picket style fence setback 30' and parallel to the front property line along Kristin. This fence is proposed to replace an existing two-rail split rail fence in this location. Chapter 83 limits the height of fences to 30" in required front setbacks.

Mrs. Peters' daughter, Lindsay Warren was present representing her mother. Ms. Warren stated that this home was constructed in 1976 and this fence was put in at the same time. It is now in a state of disrepair and needs to either be replaced or taken down. Ms. Warren also stated that her mother likes the looks of the new fence and it

ITEM #5 – con't.

would only be used to designate the sidewalk leading to the front door. The placement of the fence will remain the same as the existing fence; the difference will be the fact that this is a picket fence rather than a split rail and will be taller.

Mr. Dziurman asked why the petitioner wanted this height of fence.

Ms. Warren stated that this fence runs in 48" sections.

Mr. Richnak asked what the purpose of this fence was.

Ms. Warren stated that it is strictly decorative and will follow the walkway to the front door. They do not plan to add any type of gate and it will not be enclosed.

Mr. Kessler asked if they plan to maintain landscaping along the fence.

Ms. Warren stated that her mother takes great pride in the way her property looks and hires a professional landscaper.

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 no written objections on file.

Mr. Richnak expressed concern about visibility along the window lines of the property.

Ms. Warren stated that they had put a sample piece of this fencing against the windows and did not believe it would create any type of problem. Ms. Warren also stated that if this variance is not approved the existing fence would still be taken down.

Mr. Kessler stated that if the installation is done correctly it will give this home a "country look" that would be very appealing. Mr. Kessler also said that he would like to see shrubbery maintained at a 12" height to make the fence appear shorter.

Mr. Richnak asked what type of shrubbery was around the existing fence.

Ms. Warren stated that she did not know, but said the landscaper cut it back every year.

Mr. Stimac said that based upon the pictures submitted the existing shrubs were hostas.

Mr. Zuazo asked if there was a way to put in a shorter fence.

A representative from Anderson Installations was present and stated that a shorter fence was not available in this style.

ITEM #5 – con't.

Motion by Richnak
Supported by Kessler

MOVED, to grant Nancy Peters, 1981 Kristin Dr., relief of Chapter 83 to install a 48" high non-obscuring fence.

- A combination of soil and shrubs, 12" in height, will be maintained along the street side of the fence line.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. CHUCK TRUZA, 2972 STRAWBERRY HILL, for relief of Section 85.01.05 B, of chapter 85 (The Sign Ordinance) of the Troy City Code.

Mr. Stimac explained that the petitioner is the President of the Strawberry Hill Park Homeowners Association and is requesting relief of the Sign Ordinance to erect a new subdivision entrance sign. Section 85.01.05 B of the Sign Ordinance states that no sign shall exceed 30" in height when located within the 25' corner clearance triangle at the intersection of two public streets. The site plan submitted for the new subdivision entrance sign at the northeast corner of Strawberry Hill and Adams shows that the sign, within the corner clearance triangle, is proposed to be 45" tall.

Mr. Stimac also informed the Board that the sidewalk along Adams was not installed in the typical location. Mr. Stimac believes this was done due to the large amount of existing vegetation along Adams. The Engineering Department had informed Mr. Stimac that the chances of Adams Road being widened were "slim to none". The west side of Adams road is Bloomfield Hills and if the road were widened a large amount of the existing mature vegetation would be lost.

Mr. Chuck Truza and Mr. William Kendall were present to represent the Strawberry Hill Park Homeowners Association. Mr. Kendall stated that they need a variance on the height of this sign due to the fact that there is a deep hollow and if the sign were to conform to the Ordinance it would appear sunken. Visibility is very important and conformance would make this visibility very difficult.

Mr. Richnak asked about the petitioners removing two existing evergreen trees.

ITEM #6 – con't.

Mr. Kendall said that they have received approval from Oakland County, who owns part of this property to remove two (2) existing pine trees and also approval to place the sign on their property. Mr. Kendall also stated that the entire area will be re-landscaped.

Mr. Richnak asked what type of landscaping they are proposing. Evergreen trees would affect visibility.

Mr. Truza stated that they have contacted a landscaping company and are planning to put in at least $1,800.00 to $2,000.00 of landscaping. The Homeowners Associations is planning to spend approximately $9,000.00 for the sign and landscaping. They have drawn up preliminary plans but do not have anything definite at this time.

Mr. Richnak looked at the preliminary plan and stated that they are showing Day Lilies and Hostas, which would not restrict visibility.

Mr. Truza said that they have also installed a sprinkler system so that they can keep this landscaping looking fresh.

The Chairman opened the Public Hearing.

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

There are two (2) written approvals on file. There are no written objections on file.

Mr. Kessler asked if either Mr. Truza or Mr. Kendall lived in the home that was involved in this request.

Mr. Truza stated that the homeowner was not present, but they have made arrangements to compensate them for the lawn sprinkling and also for the electricity for the low voltage lighting they are planning to install.

Mr. Kessler was concerned as it impacts this homeowner the most and also because they will lose some of their existing vegetation.

Mr. Kendall said that they are not really changing any of the vegetation along their driveway. The two trees that they are planning to remove are near the down slope of the hollow.

Mr. Kessler asked if the homeowner had been involved with the planning of this sign.

Mr. Kendall stated that there was a stop sign on the south side of Strawberry and people drive past the sign. If they cannot put in the higher sign visibility will be limited.

ITEM #6 – con't.

Mr. Truza said that the placement of the sign will be behind the existing stop sign and will be setback quite a bit from the corner.

Mr. Richnak stated that he thought the existing sign was located a car length and one-half from Adams Road.

Mr. Kessler suggested that the petitioners could remove the trees and level the area which would allow them to put up a sign that was 30" in height.

Mr. Stimac stated that the grade by the Sign Ordinance is established at the center line of the road and the 30" height is measured from the center line of the road. Mr. Stimac also stated that they are proposing the new sign to be 45" above the centerline of the road.

Mr. Richnak asked if the proposed sign would be placed farther back from the road.

Mr. Truza said that the site line to the left approaching Adams is not any different than the existing site line.

Mr. Richnak agreed that the site line would not be changed from the existing site line.

Mr. Kessler stated that the variance would make an improvement to what is there, but is not sure that this Board has the expertise to make this decision.

Mr. Richnak asked if Mr. Kessler thought this proposal should be presented to the Transportation Engineer.

Mr. Kessler said that he does believe that is what should be done.

Mr. Stimac stated that he had spoken to Bill Houtari in the City's Engineering Department regarding this request but has not given him the paperwork that was submitted. The corner clearance is also to provide protection for pedestrians, or joggers, or bicyclists using the sidewalk. People traveling along Adams Road have to slow down in order to navigate the sidewalk crossing Strawberry and it is highly unlikely that Adams Road will be widened.

Motion by Richnak
Supported by Nelson

MOVED, to grant Chuck Truza, 2972 Strawberry Hills, relief of Section 85.01.05 B, of Chapter 85 (The Sign Ordinance) of the Troy City Code to install a subdivision entrance sign that is 45" tall, where Section 85.01.05 B of the Sign Ordinance states that no sign shall exceed 30" in height when located within the 25' corner clearance triangle at the intersection of two public streets.

ITEM #6 – con't.

- Pending approval of location by the Transportation Engineer.
- If Adams Road is widened, the Subdivision Sign will be A) removed at the cost of the petitioner; or B) Subject to Building code Board of Appeals Review.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

The Building Code Board of Appeals meeting adjourned at 9:55 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary