

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, November 5, 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 OCTOBER 1, 2008**

Motion by Kessler  
Supported by Richnak

MOVED, to approve the minutes of the meeting of October 1, 2008 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

### **ITEM #2 – 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. 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 last appeared before this Board at the meeting of October 1, 2008 and was postponed to allow Building Department Staff to contact Mr. Garabedian regarding his intentions on this property.

Mr. Stimac explained that Mr. Garabedian installed the required separation wall at the same time he replaced the roof. The Building Department inspected the property and it is in compliance. The petitioner has not officially withdrawn his request, and Mr. Stimac stated that because this request still appears on the Agenda, the Board has to take action on it.

Motion by Richnak  
Supported by Kessler

**ITEM #2 – con't.**

MOVED, to deny 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.

- Petitioner has installed the required separation wall therefore there is no justification for the variance.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

**ITEM #3 – VARIANCE REQUESTED. DALE B. SCHMIDT, 6768 MERRICK DR.,** for relief of Chapter 83 to install a 48” high aluminum fence.

The petitioner was not present and this Item was moved to the end of the Agenda, Item #6, to allow the petitioner the opportunity to be present.

**ITEM #4 – VARIANCE REQUESTED. STANLEY FRANKEL, REPRESENTING SOMERSET PLACE LLC, 2301 W. BIG BEAVER,** for relief of Chapter 85 to erect a 2<sup>nd</sup> wall sign, 177 square feet in area on an existing building.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a 2<sup>nd</sup> wall sign, 177 square feet in area. 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 size of 200 square feet in area in the office zoned districts. Currently there is an existing wall sign on the building measuring 134 square feet in area.

Mark Greenstone was present representing Stanley Frankel, Jim Dunn Counsel for North Private Bank, and Larry Lavanway of Levanway signs were also present.

Mr. Kessler informed the petitioner that this Board can grant a variance if the petitioner were to prove a hardship.

Mr. Dunn stated that this building does not have a monument sign and there is a great deal of mature foliage in front of the building. Recently they held a Board of Directors meeting, and one of the Board members had difficulty finding this location. Clients approaching the bank will have difficulty trying to find the location. This office has moved from Bloomfield to Troy and the plans are for this to become their corporate office. They are hoping to expand and lease another floor in this building. Mr. Dunn also stated that they do not have plans to erect a monument sign. The proposed sign will be offset and will be very similar to the existing sign. This proposed sign will balance the building and would be aesthetically pleasing. There is a need to make their presence known as there are a large number of existing banks located along Big Beaver.

**ITEM #4 – con't.**

Mr. Dziurman asked how much space was leased by North Private and how much space by UBS.

Mr. Greenstone stated that North Private has 16,000 square feet of space and UBS has 24,000 square feet. Mr. Greenstone also stated that the proposed sign will be 6/10 of 1% of the square footage of the north elevation of the building.

Mr. Zuazo stated that he believes the proposed sign looks like a camouflage color and asked if a contrasting color may work better.

Mr. Greenstone stated that the sign is on glass panels and the UBS sign is also in white and seems to show up very well against the blue glass.

Mr. Richnak asked if a monument sign could be erected.

Mr. Stimac stated that this property was originally established as part of a consent judgment, and believes ground signs were addressed in that document.

Mr. Richnak stated that the petitioner indicated that they would not request a ground sign in the future and Mr. Greenstone confirmed that was correct.

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.

A discussion began regarding the possible verbiage of the consent judgment and how it would relate to a ground sign.

Mr. Greenstone stated that the petitioner is willing to commit to not requesting a monument sign in the future.

Motion by Nelson  
Supported by Richnak

MOVED, to grant Stanley Frankel, representing Somerset Place LLC, 2301 W. Big Beaver, relief of Chapter 85 to erect a 2<sup>nd</sup> wall sign, 177 square feet in area on an existing building.

- The property owner would be restricted from applying for an additional ground sign.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- The sign area will result in a small percentage of the overall building elevation.

**ITEM #4 – con't.**

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED****ITEM #5 – VARIANCE REQUESTED. BEAUMONT SERVICES, 44201 DEQUINDRE,**  
for relief of Chapter 85 to erect nine (9) 24" x 60" banners on light poles.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect nine (9) 24" x 60" banners on light poles around the property at Beaumont Hospital. Chapter 85.02.05 (C) (2) allows a maximum of two signs for this development. Currently this site has more than two signs as based upon previous variances granted by the Building Code Board of Appeals.

Mr. John Rogers of Beaumont Services was present. Mr. Rogers explained that they are asking for these banners due to the construction that is ongoing at this property. Mr. Rogers stated that they feel that patients and visitors are over whelmed because of the construction and they are trying to show patients that patient care is the most important factor.

Mr. Dziurman asked if the petitioner would have to come back before this Board if the variance was only granted for a certain time frame.

Mr. Stimac stated that a variance very similar to this one was granted for a period of time as those banners were announcing a special event. This Board does have the option of making this a permanent variance so that the petitioner would not have to come before the Board again.

Mr. Richnak asked if the petitioner was looking for a specific time period.

Mr. Rogers said that these banners are made of a material that would need to be replaced within eighteen months and furthermore thinks that the construction will last between one and two years from now.

Mr. Richnak asked if the petitioner was planning to put up different banners in the future.

Mr. Rogers said that he did not believe so but could not say with 100% certainty. If another variance was required, Mr. Rogers said that he would be more than willing to come back before this Board.

Mr. Zuazo asked if these banners would be replaced with banners that were the same size.

Mr. Rogers said that was correct.

**ITEM #5 – con't.**

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. Stimac cautioned the Board as the Sign Ordinance does not address the copy on a sign. Officially this Board cannot approve the message that is on a sign.

Mr. Dziurman stated that he would be concerned if there was advertising on the sign.

Mr. Richnak stated that he believes these banners would be good for this campus as the construction creates a hardship and the campus is being expanded.

Mr. Zuazo asked what would happen if someone put up a banner and then incorporated advertising into it.

Mr. Stimac stated that the Sign Ordinance is silent with regards to content. A 200 square foot sign at an office building can include advertisement.

Motion by Kessler  
Supported by Richnak

MOVED, to grant Beaumont Services, 44201 Dequindre relief of Chapter 85 to erect nine (9) 24" x 60" banners on light poles.

- Banners may be in place for a period of eighteen (18) months.
- 18 month time frame is due to the temporary nature of the material of the banners.

Yeas: All – 5

MOTION TO GRANT VARIANCE FOR A PERIOD OF EIGHTEEN (18) MONTHS  
CARRIED

**ITEM #6 (ITEM #3) – 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.

**ITEM #6 – con't.**

This item last appeared before this Board at the meeting of October 1, 2008 and was postponed to allow the petitioner to re-submit a more detailed site plan; and, also 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.

Mr. Schmidt provided Board members with nineteen (19) pictures of this property, indicating where he would like to put the fence and also showing where the fence would be placed in order to comply with the Ordinance.

Mr. Kessler asked what was behind the evergreen trees.

Mr. Schmidt stated that his air conditioning unit was in this location and asked what the proper distance was from the house to the air conditioning unit.

Mr. Stimac stated that the distance is addressed in the manufacturer's installation instructions.

A discussion began between Board members and Mr. Schmidt regarding the pictures he provided. Mr. Schmidt believes he originally asked for 9' or 10' from the pavers.

Mr. Kessler suggested cutting the pavers back to make them the same size as a standard walkway, which would be both functional as well as aesthetically pleasing.

Mr. Richnak stated that some of the shrubs in the air conditioning area may need to be removed and the pavers moved back into that area. Because the shrubs are so close to the air conditioner there may not be enough air flow around the unit to allow it to operate efficiently. If the shrubs were moved, the walkway could be moved and the variance request would not be as large.

Mr. Schmidt did not think that the type of fencing he wants to put in would screen the air conditioner from people going by the area.

Mr. Richnak stated that he could put shrubs on the outside of the fence that would help to screen the air conditioner.

Mr. Schmidt asked for an explanation regarding fences and corner lots.

Mr. Stimac explained that because Mr. Schmidt's house is on a corner it shares a front yard with the neighbor behind him. Mr. Stimac also stated that Mr. Schmidt could put up a 30" high picket fence along his property line and that would comply with the Ordinance.

**ITEM #6 – con't.**

Mr. Kessler stated that this is a newer upscale neighborhood of Troy and believes that screening of the air conditioner unit would be important to neighbors. Mr. Kessler also stated that he would like to grant a minimum variance to this property. A 4' wide walkway is more than sufficient and he would like the petitioner to supply the Building Department with the exact measurement from the edge of the walkway to the house.

Mr. Dziurman reminded Board members that there are two (2) written approvals in file and there are four (4) written objections on file.

Motion by Richnak  
Supported by Nelson

MOVED, to grant Dale Schmidt, 6768 Merrick Dr. relief of Chapter 83 to install a 48" high aluminum fence.

- Modify location of fence such that it is not located farther south than the existing pavers around the air conditioning unit.
- Petitioner is encouraged to put landscaping along the outside of the fence.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

Mr. Stimac stated that he will go out to this site and determine how far the fence will be from the house.

The Building Code Board of Appeals meeting adjourned at 9:28 A.M.

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Ted Dziurman, Chairman

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Pam Pasternak, Recording Secretary