Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on July 10, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:
Theodore Dziurman, Chair
Gary Abitheira
Teresa Brooks
Michael Carolan
Brian Kischnick

Support Staff Present:
Mitch Grusnick, Building Official/Code Inspector
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: Brooks
Support by: Carolan

RESOLVED, To approve the minutes of the June 5, 2013 Regular meeting as submitted.

Yeas: All present (5)

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, THOMAS DESMOND FOR D&G CAPITAL LLC, 1436 WACON** – A variance to replace a dilapidated 6' high wood privacy fence in the required front setback along Lyons. Fences are limited to 30" inches in the front setback at this location. The proposed fence has been installed without a permit and is set back 4'6" from the sidewalk along Lyons.

Mr. Grusnick gave a summary of the variance request. He indicated a total of ten property owners voiced approval of the variance request. Mr. Grusnick said City records show no permits were issued for the fence previously constructed on the property but a permit was issued for the hot tub.

Chair Dziurman opened the floor for public comment.

Connie Kleinstiver of 2805 Lahser, Bloomfield Hills, was present to represent the property owner at 1402 Wacon. She asked about the visibility of traffic in relation to the fence construction.

Mr. Grusnick stated there is no vision obstruction.

Seeing no one else was present to speak, Chair Dziurman closed the floor for public comment.

The applicant, Thomas Desmond, was present. He said he was informed by the fence contractor that a permit was not required for repair work only. Mr. Desmond said the previous fence had been there since the 1970's and was structured around the existing patio and hot tub. Mr. Desmond said the same footprint was used for the new fence, and is of the same dimensions and height as the previous fence.

Mr. Grusnick confirmed that the same footprint was used.

There was discussion on:

- Double front setback.
- Regulations on hot tubs.
- Approval of neighbors re property improvements.
- Potential for future variance requests.

Moved by: Kischnick
Support by: Abitheira

RESOLVED, To approve the variance request based on the unique circumstances, and that the property owner did not enlarge the footprint or height of the pre-existing, non/conforming fence, and that the safety would be enhanced with this approval.

Yeas: All present (5)

MOTION CARRIED

B. **VARIANCE REQUEST, BOB REED FOR CUSTOM SIGN CENTER, INC., 1852 E BIG BEAVER** – A variance to allow two ground signs (menu boards) each measuring 41.22 square feet. The signs will not be visible from the public right of way. Sign permits are not required for signs that do not exceed 36 square feet provided they are not visible from the public right of way.

Mr. Grusnick gave a summary of the variance request.

Patrick Bell, representative of Tim Horton's Restaurant, was present. Mr. Bell briefly addressed the size of the menu boards. He noted the same variance request was granted by this Board last year for the Tim Horton's restaurant on Maple Road. Mr. Bell said the drive-through at the two-tenant building would be used solely for Tim Horton's.

Mr. Grusnick said the menu boards are located behind the building and not visible from any public right-of-way. He confirmed a similar variance was granted last year for the Maple Road restaurant. Mr. Grusnick said no public comment was received.

Chair Dziurman opened the floor for public comment; seeing no one was present to speak, the floor was closed.

Moved by: Carolan
Support by: Abitheira

RESOLVED, To approve the variance as requested.

Yeas: All present (5)

MOTION CARRIED

C. **VARIANCE REQUEST, TOBY BUECHNER FOR TROY GYMNASTICS, 1921 NORTHWOOD** – A variance to allow gymnastic use occupancy in an existing 41,744 square foot building that is type 2B construction. The 2009 Michigan Building Code, Chapter 503, limits the A-3 use group occupancy in this existing type 2B building to 38,726 square feet.

Mr. Grusnick gave a summary of the variance request. Mr. Grusnick said there was no public comment received.

Toby Buechner, owner of Troy Gymnastics, and Paul Taylor, project architect, were present. Mr. Taylor addressed the use with respect to fire code and safety.

Mr. Buechner gave an overview of the remodeling of the existing office space and gymnasium area. He indicated the building will be open and completely visible. Mr. Buechner said seven exits are proposed, noting that safety is of utmost importance for the children.

Mr. Grusnick reported that plans for the building remodel have been submitted for permits. The plans show the removal of the wall to open up the gymnasium area and confirmed the entire building would continue to be sprinkled.

Mr. Grusnick summarized the following code equivalencies relating to safety factors for consideration by the Board in their determination.

- 7 exits provided; 3 required.
- Maximum of 100 feet travel distance provided to exit(s); 250 feet is allowed.
- Ceiling height is 24 feet; Code permits 8 feet.
- Space layout is open, designed without corridors and partitions.
- Open space to the south not used in area increase because of setback to the property line; however, space will provide emergency vehicle access.

Mr. Carolan asked to recuse himself from voting on the item because his daughter is an active member of gymnastics facility.

Moved by: Kischnick
Support by: Brooks

RESOLVED, To approve the variance as requested based on the additional safety factors.

Yeas: Abitheira, Brooks, Kischnick, Dziurman
Abstain: Carolan

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:32 p.m.

Respectfully submitted,

Theodore Dziurman, Chair

Kathy L. Czarnecki, Recording Secretary

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