The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, February 4, 2009 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 JANUARY 7, 2009

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of January 7, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. PHILLIPS SIGN & LIGHTING, 1850 W. MAPLE, for relief of the Sign Ordinance to erect six (6) walls signs with a total combined area of 172 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect six (6) wall signs with a total combined area of 172 square feet. The proposed signs include one sign that is 56 square feet, two signs that are 18 square feet, two signs that are 28 square feet and one sign that is 24 square feet. Chapter 85.01.05 (C) (5) allows three (3) wall signs, one of which shall not exceed 100 square feet; the other two (2) shall not exceed 20 square feet.

In 1999 a variance was approved by the Troy City Council, for wall signs that included two signs that were 43 square feet, two signs that were 22 square feet, one 36 square foot sign, and one 34 square foot sign.

Mr. Scott Riddle of Somerset GMC and Mr. Ed Phillips of Phillips Sign & Lighting were present.

Mr. Phillips explained that the variance granted in 1999 was for 207 square feet and a total of six (6) signs. They have reduced the size of the signs and therefore have reduced the amount of signage by 32 square feet.

ITEM #2 – con't.

Mr. Kessler asked what it was about this facility that would require a variance.

Mr. Phillips stated that the reason for this request was due to the GM logo.

Mr. Kessler explained that in order for a variance to be granted, there has to be a hardship peculiar to this site that would justify granting a request.

Mr. Riddle stated that he feels the signage is necessary as this facility fronts on both Maple and Maplelawn and in order to remain competitive this signage is necessary. Mr. Riddle had a depiction of the site and indicated that there would also be a "Good wrench" sign over the service area.

Mr. Richnak asked if all of these buildings were separate or connected.

Mr. Riddle stated that they are all interconnected and they have combined GMC and Pontiac.

Mr. Kessler asked if the signs were already on the building.

Mr. Riddle stated that in order to meet their commitment to GM the facility, including signage, had to be completed by December 31, 2008. If the signs were not installed they would not have complied with the requirements of GM.

Mr. Evans explained that the petitioner had come to City Hall to speak with him and indicated what the problem was and asked what would happen if the signs went up before permits were obtained. Mr. Evans told the petitioner that he would have to apply for a variance to this Board and all enforcement would be stopped until their case was heard.

Mr. Kessler asked what the petitioner would do if this request was denied.

Mr. Riddle stated that they would remove the signs. Mr. Riddle also informed the Board that the signs located on the glass in the building would be coming down.

Mr. Kessler asked if the "Good wrench" sign could be made smaller.

Mr. Phillips indicated that the proposed size of this sign is the smallest available.

Mr. Kessler asked if any of the other signs could be made smaller and Mr. Phillips said that they couldn't be made any smaller.

Mr. Riddle also stated that the size of the Logo over the entryway is what GM says is scaled to the entry feature.

ITEM #2 – con't.

Mr. Richnak asked if all dealerships were to have the same size signs.

Mr. Riddle stated that the dealer has no say in the size of the signs.

Mr. Dziurman asked what the total square footage of the proposed signs would be.

Mr. Phillips stated that it is 171.86 square feet.

Mr. Stimac said depending on how the Logo sign was measured they would end up with more square footage but with less number of signs. Combining the three (3) sign elements over the front door the combined area may be less than 100 square feet.

Mr. Richnak asked about the variance granted in 1999.

Mr. Stimac stated that based upon the minutes of the meeting, City Council had granted the original variance as they felt the petitioner met the requirements of their request.

Mr. Riddle stated that the original signs were larger and were two (2) colors. They have cleaned up the front of the building and the proposed signs are much simpler and consist of white lettering.

Mr. Zuazo asked how large the Somerset signs are.

Mr. Riddle stated that they are 20 square feet and they have one facing Maple and the other facing Maplelawn.

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. Phillips said that in his opinion one of the hardships is identification of the dealer and brand. The "Good wrench" sign will aid in directing customers to the service area of the building.

Mr. Kessler asked if there were other signs on the property.

Mr. Riddle stated that there is a pylon sign on Maple.

Mr. Kessler said that is his opinion this site is identifiable and believes because it is on the corner of Maple and Maplelawn it has some of the best exposure in this area. Mr. Kessler asked if there were any plans to change the pylon sign.

Mr. Phillips said there are no plans to change the existing pylon sign.

ITEM #2 – con't.

Motion by Nelson
Supported by Richnak

MOVED, to grant Phillips Sign & Lighting, 1850 W. Maple relief of the Sign Ordinance to install six (6) wall signs with a total combined area of 172 square feet where Chapter 85.01.05 (c) (5) allows three (3) wall signs, one of which shall not exceed 100 square feet; the other two (2) shall not exceed 20 square feet.

- Configuration of building creates a hardship as it fronts on two (2) main streets.
- 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 #3 – VARIANCE REQUESTED. SENTRY SECURITY SYSTEMS, 1163 SOUTER, for relief to install an electrified security fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to electrically charge a 10' high fence at 1163 Souter to act as a security barrier. Paragraph 4 of Chapter 83, prohibits electrically charged fences on any property throughout the City.

Ms. Cindy Vaughan of Sentry Security Systems, LLC and Mr. John Westendorf of Old Dominion Freight Lines were present.

Ms. Vaughan explained that this company is based in South Carolina and provides this type of fencing to provide security for commercial businesses as well as for personnel located on site. This fence will provide a "jolt" to anyone touching it, but will not physically harm anyone. It is used mainly as a deterrent and 95% of the customers felt that after the fence was installed, the sign indicating that the fence was electrically charged with 7,000 volts of electricity scared people away. The fence sends out pulse electricity every 1.3 seconds. This site has had three (3) break-ins in the last year and quite a bit of equipment has been stolen.

Chief Nelson asked what happens in an emergency situation and explained that other businesses in Troy that have security fences, provide a lock box for the Police and Fire Department.

Ms. Vaughan stated that anytime the circuit is broken an alert will sound to the security company. Ms. Vaughan also stated that they have lock boxes available and it would not be a problem to provide one in this instance. Ms. Vaughan also stated that if there was an emergency they could just "bust" through the fence.

ITEM #3 – con't.

Chief Nelson also stated that he had spoken to the Police Chief regarding this type of fencing and the Police Chief was not familiar with it.

Mr. Kessler stated he had watched the DVD provided by the petitioner and asked if a live wire on the fence would charge the entire fence.

Ms. Vaughan explained that the electric fence is attached at the gate and runs about 6" inside the perimeter fence. Ms. Vaughan also stated that the electricity looks for the quickest way to ground.

Mr. Richnak asked if Mr. Stimac had any historic knowledge regarding the Fence Ordinance and electrically charged fences.

Mr. Stimac stated that he did not have any specific knowledge on the development of those provisions of the Ordinance; however, the Fence Ordinance was established in the 70's and since that time electrically charged fences have been prohibited.

Ms. Vaughan stated that typically electrically charged fences were used for livestock.

Mr. Zuazo asked about the difference between a taser and this fence.

Ms. Vaughan referred to page 13 of the company manual and stated that a taser gives out a jolt of electricity 19 times per second, whereas, this fence gives a jolt of electricity 1.3 times a second. Due to the shortness in duration of each jolt of electricity physical injury is practically non-existent.

Mr. Dziurman asked if there were other cases regarding electrically charged fences.

Mr. Stimac said that some time earlier this same question came up regarding a property on Park Street and although the variance was granted, the petitioner did not electrically charge the fence. Mr. Stimac asked how far from the perimeter fence this security fence would be installed.

Ms. Vaughan stated that it would be installed within 6" of the perimeter fence.

Mr. Stimac stated that right now there is about 3' of snow piled against the perimeter fence and asked how that would affect the electric fence.

Mr. Westendorf stated the alarm they have now has gone off once because of a snow plow coming too close, but other than that the snow has not affected the fence.

A discussion began regarding the possibilities of what could happen if a vehicle bumper were to come in contact with the electric wire and whether or not that vehicle would become electrically charged.

ITEM #3 – con't.

Ms. Vaughan wasn't sure but did say an audible alarm would go off and there could be a quick jolt of electricity, but she did not feel anyone would be harmed physically. Ms. Vaughan also stated that this fence is in compliance with the International Standard for Electric Security Fences and runs off a typical marine battery.

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

There is one (1) written objection on file. There are no written approvals on file.

Chief Nelson stated that the Police Chief was not aware of any crime problem in this area and said that there are a number of truck terminals in the City. If a variance is granted for this fence, it could be precedent setting and a number of other Companies could ask for the same type of variance.

Mr. Richnak asked if there were any electrically charged fences in any of the communities surrounding Troy.

Ms. Vaughan said that she has just submitted an application to Bloomfield Hills. Sentry Security retains liability and there is a service tech in the area.

Mr. Richnak stated that he would like to know if there are any other locations in southeast Michigan that has allowed this type of fencing to be installed, and whether or not they were allowed based on a variance or an Ordinance change.

Ms. Vaughan said that one of the requirements is that there is an existing perimeter fence and sometimes Cities will have them registered as a Burglar Alarm and some Cities have changed their Ordinance to allow for this type of fencing.

Mr. Kessler asked how high the fence was.

Ms. Vaughan said that it is 10' high, which is considered to be an optimal height.

Chief Nelson said that he thought this matter should be postponed to allow some time to get a list of existing fences in Michigan and to be able to contact other jurisdictions to see how they handled this type of fencing. Chief Nelson also said that he would like to discuss this more thoroughly with the Police Chief.

Mr. Richnak stated that he understands the petitioner needs an answer but also thinks that more time and information is needed to make an informed decision as to what is best for this Community.

Ms. Vaughan said that the best way is to change the Ordinance and indicated that she would be more than willing to work with the City in getting the Ordinance changed.

ITEM #3 – con't.

Mr. Dziurman said that it would have to be determined if this is something that is appropriate for Troy.

Mr. Stimac said that it would take a lot of work to change the Ordinance versus a variance. Without a specific hardship, he also believes that granting a variance could be precedent setting.

Motion by Richnak
Supported by Nelson

MOVED, to postpone the request of Sentry Security Systems, LLC, 1163 Souter, for relief to install an electrified security fence until the next regularly scheduled meeting of March 4, 2009.

- To allow the petitioner the opportunity to present a list to the Board members of other electric fences in southeast Michigan.
- To allow Board members to contact other communities that have allowed this type of fencing to see what steps they have taken.
- To allow the Fire Department and Police Department the opportunity to gather further information on this type of fencing.

Yeas: All – 5

MOTTION TO POSTPONE THIS REQUEST UNTIL MARCH 4, 2009 CARRIED

ITEM #4 – PREVIOUS ACTION. 150 – 250 – 350 STEPHENSON.

Discussion regarding conditions placed on the variances granted by the Building Code Board of Appeals at their meetings of November 7, 2007, May 7, 2008 and June 4, 2008. Copies of the minutes of the meeting as well as a photo of the existing ground sign are provided for your reference.

The Board determined that when the original variances were granted, it was with the stipulation that there would be no ground signs identifying the businesses that were at these locations. This was intended to include a restriction on the type of sign that has been installed. A letter will be sent to each petitioner giving them the option of removing these names on the ground sign, or filing a second appeal with this Board.

The Building Code Board of Appeals meeting adjourned at 9:40 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary