

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

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of February 4, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. WARREN EMERSON, FACILITIES PROJECT MANAGER, SMART, 2021 BARRETT, for relief of Chapter 83 to install new fencing at the Smart facility on Barrett.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a 10' high fence in the yards between the building and both Barrett and Maplelawn. This property is in the M-1 (Light Industrial) Zoning District. Section 3 of Chapter 83 of the Troy City Code prohibits fences from being installed in the yards between the building and any frontage street on non-residentially zoned property.

Mr. Warren Emerson, Project Manager for SMART and Mr. Darrell Taylor, Risk Management Manager for SMART were present.

Mr. Emerson passed out a drawing of this site and explained that they are proposing to move the fence back around the storage tanks and explained that the new fence will meet up with the existing fence on either side of the property.

Mr. Kessler asked why the fence was located in the middle of the greenbelt area on the east side of the property.

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Mr. Taylor stated that they are trying to protect the underground storage tanks in this area.

Mr. Kessler asked if this was where the vent port was located.

Mr. Taylor said that this is the location of the underground tank, the fill port and the vent pipe.

Mr. Kessler stated that the Board was hoping that the petitioner would reduce the areas of fencing as small as possible and to buffer with landscaping. Mr. Kessler said that he didn't want to see fencing all the way out.

Mr. Taylor said that the fence line is 33' from the curb.

Mr. Dziurman asked if they were planning on putting in additional landscaping.

Mr. Emerson said that they were going to put in arborvitae.

Mr. Kessler said that he was expecting the petitioners to come back and show a different plan to the Board and asked if they had looked into moving the fence back to the building line.

Mr. Taylor said that they are trying to protect three (3) different areas.

Mr. Kessler asked if the fence was 33' from the property line.

Mr. Emerson stated that the fence is 12' from the property line.

Mr. Kessler stated that the fence could be pulled back and he would rather see other alternatives rather than this fence. There are no guards or guard dogs walking the area and he does not believe that a fence is the greatest deterrent.

Mr. Taylor said that as a Government Agency funding comes from the County and there is no funding available for additional personnel. The fence will be subsidized through Federal funding.

Mr. Kessler asked if the petitioner could see where the fence could be moved back.

Mr. Taylor agreed that it could be done, but did not think it would be as aesthetically pleasing.

Mr. Richnak stated that he was disappointed that the petitioner did not bring in any additional information. Mr. Richnak said that he could not make an educated judgment without more information from the petitioner which should include specific

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measurements. Mr. Richnak stated that the Board cannot approve a variance without the exact measurements.

Mr. Taylor said that they had addressed moving the location of the fence rather than the measurements.

Mr. Stimac explained that if the petitioner were to keep the fence within the line of the building on the northwest side of the site a variance would not be required.

Mr. Dziurman informed the petitioner that the only area that would require a variance would be on the east side of the site.

A discussion began regarding the gates on the site and which areas need to be protected.

Mr. Nelson asked how the gates were activated.

Mr. Emerson explained that it is a coded system.

Mr. Nelson asked how emergency vehicles would gain access to this site.

Mr. Taylor said that there is a 24-hour dispatcher on site and Mr. Nelson indicated that a manual override would be required.

Mr. Emerson stated in the event of a fire a panel would automatically open the gates.

Mr. Nelson stated that a manual override would still be required on the outside of the building to allow emergency vehicles full access.

Mr. Richnak stated that he would like to have the petitioner stake out the area and then contact the Board members so that they can come out and take a look at exactly where they are proposing to put this fence.

Mr. Stimac informed the Board that this Board is subject to the Open Meetings Act and if more than two (2) Board members went to the site at the same time, that meeting would have to be published.

Mr. Taylor said that they would work on getting the information the Board requires and would contact them when the property was properly staked so that the members could look at the site at their leisure.

Motion by Richnak
Supported by Nelson

ITEM #2 – con't.

MOVED, to postpone the request of Warren Emerson, SMART, 2021 Barrett, for relief of Chapter 83 to install new fencing at the SMART facility on Barrett until the next meeting scheduled for April 1, 2009.

- To allow the petitioner to present to Board members detailed plans to include: staging of buses, bus routes, location of equipment and location of gates.
- To allow the petitioner to show exact measurements and distances of the fence.
- To allow the petitioner the opportunity to demonstrate a hardship that would justify a variance.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 1, 2009 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.

Mr. Stimac further explained that the petitioners had provided a list of other Communities in Michigan that use this system and he forwarded that list to Chief Nelson. Mr. Stimac also had the opportunity to research the standards for electric fence energizers. There is no US standard, but there is an International Standard. A representative from the US is one of the members of this Committee. The fence will comply with all mandatory requirements as well as the non-mandatory requirements. The installation will comply with the International standard, which includes a perimeter fence on the outside.

In addition the petitioner has met with the Fire Marshall to look at different features. If this Board were to grant approval, Mr. Stimac suggested that the requirements from the Fire Marshall's office be included as part of the approval. These requirements include an access box on the outside of the fence, documents are to be provided showing the sequence of operation and signage should be included both inside and outside the fence indicating that the fence is electrically charged.

Mr. Kessler stated that this is something new for this Board to look at. Mr. Kessler went out and looked at the site and there are a number of signs that say "Authorized Personnel Only". If he owned or was going to rent any of the surrounding property, he felt that these signs could be a deterrent to staying in this area. Mr. Kessler feels that signs indicating that fence is electrically charged could impact sales, prices or the rental of other properties in the area. The City allows barbed wire and a higher fence to

ITEM #3 – con't.

protect property, but he feels that anyone that really wants to gain access to a site will do so anyway.

Mr. John Westendorf of Old Dominion Freight Lines and Mr. Randy Mullis of Sentry Security Systems were present.

Mr. Mullis stated that a lot of their customers want this fence to act as a deterrent for people that want to enter the site and also to help protect their personnel.

Mr. Dziurman informed the petitioner that a Public Hearing was held and Building Department Staff received one objection.

Mr. Mullis said that it was possible that the person that had objected to this request may have thought that people would really be hurt by the fence. Mr. Mullis offered to visit adjacent properties explaining their proposal in order to find out if they could obtain approvals. Mr. Mullis indicated that he had met with the Police Chief and he was in favor of this request.

Mr. Westendorf stated that he felt this fence was needed as they have had a number of break-ins.

Mr. Dziurman stated that if the petitioner were to come back with signatures from adjacent property owners approving this request the Board would definitely consider these approvals.

Mr. Mullis explained that Sentry Security Systems retains ownership of the system, and is also responsible for servicing this system. They have constructed this fence at several Old Dominion sites and they only go into areas that are experiencing problems.

Mr. Kessler asked what the history of break-ins in this area was.

Mr. Westendorf said that they had three in the last year, although he has been at this location for twenty years and before that they hadn't experienced any.

Mr. Mullis said that in his opinion this fence would act as a deterrent to keep people out versus taking a picture as criminals are leaving a scene after committing a crime.

Mr. Kessler said that he would like to see other options such as motion detectors, cameras, alarms and better lighting. Mr. Kessler asked if the voltage of the fence could be reduced and Mr. Mullis said that it could not as it would cause a number of problems. Mr. Mullis also stated that they don't want to rent Old Dominion a system that would cause a number of problems.

ITEM #3 – con't.

Mr. Dziurman stated that he felt the petitioner complied with the requests of the Board from the last meeting. A Public Hearing was held and other than the one written objection received no one came to the meeting to voice their objection.

Mr. Kessler said that he would be in favor of the petitioner approaching adjacent property owners seeking approval of this request. Mr. Kessler also stated that the other property owners would need to be educated in what this product is.

Mr. Zuazo said that he would like the results submitted to the Board in writing.

Mr. Kessler said that he would also like to see the documentation given to the property owners that allowed them to make a decision.

Motion by Kessler
Supported by Zuazo

MOVED, to postpone the request of Sentry Security systems, 1163 Souter for relief of Chapter 83 to install an electrified security fence until the meeting of April 1, 2009.

- To allow the petitioner to contact adjacent property owners for approval of this request.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL APRIL 1, 2009 CARRIED

The Building Code Board of Appeals meeting adjourned at 9:30 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary