

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, May 6, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Keith Lenderman  
Tim Richnak  
Mark Stimac  
Frank Zuazo

ALSO PRESENT: Paul Evans, Inspector Supervisor  
Pam Pasternak, Recording Secretary

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF April 1, 2009**

Motion by Richnak  
Supported by Zuazo

MOVED, to approve the minutes of the meeting of April 1, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

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

Mr. Dziurman indicated that the Board had received a letter from the petitioner asking that this request be postponed until the meeting of June 3, 2009.

Motion by Richnak  
Supported by Stimac

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 meeting of June 3, 2009.

- At the request of the petitioner.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL JUNE 3, 2009 CARRIED

**ITEM #3 – VARIANCE REQUESTED. JOHNSON SIGN COMPANY, 150 – 250 & 350 STEPHENSON,** for relief to maintain a ground sign with tenant identification where such signs were prohibited by a condition of a variance.

**ITEM #3 – con't.**

Mr. Stimac explained that the petitioner is requesting relief to maintain an existing ground sign with the name of each tenant listed on this sign. On November 7, 2007, this Board granted a variance for a wall sign at 150 Stephenson with the stipulation that there would not be any ground signs identifying the business. However, the petitioner had already obtained a permit which included the tenant's name as part of a ground sign.

On June 4, 2008 this Board granted a sign variance at 250 Stephenson with the stipulations that there would not be any ground signs identifying the business.

On May 7, 2008 this Board granted a sign variance at 350 Stephenson with the stipulation that there would not be any other signs at this location.

The tenant's names for 250 and 350 Stephenson were added to the ground sign as a "face change" not requiring a sign permit.

Mr. Jay Johnson of Johnson Sign Company was present as well as representatives from the businesses at these sites. Mr. Johnson apologized to his clients and stated that on the surface it appears as though Mr. Johnson had misled them; however, Mr. Johnson said that his company did not do anything to intentionally deceive the City. All of the signs that were installed were done in accordance with the variances received.

Mr. Dziurman questioned the fact that at the meeting of November 7, 2007 it was stipulated that a wall sign could be installed as long as there was not ground sign.

Mr. Johnson stated that they had obtained a sign permit for a ground sign at the end of October 2007 for 250 Stephenson, and did not believe that ground sign applied to 150 Stephenson. These buildings are each allowed one wall sign up to 200 square feet, and two (2) ground signs. The ground sign was installed at 250 Stephenson as there is only one main entrance from Stephenson and this sign was used as the identification sign for this entrance. The monument ground sign was installed on December 28, 2007.

Mr. Johnson further explained that the question was asked at the meeting of May 7, 2008 regarding whether or not they would add a ground sign and Mr. Johnson said that they did not take this tenant sign into consideration. Each building is a separate site and Mr. Johnson said that he believes each building is allowed a ground sign. They did not plan to add a separate ground sign for each location. Mr. Johnson also stated that he did not remember any discussion that states they could not have a ground sign. The ground sign was already installed.

Mr. Stimac stated that the minutes of the meeting of November 7, 2007 indicate that Mr. Lyng stated that only addresses were to be displayed on the ground sign.

**ITEM #3 – con't.**

Mr. Johnson stated that two (2) representatives from Valeo were present and they all assumed that the Board was addressing a 36 square foot sign at the entrance of this building which was never installed. They only wanted a directional sign that would direct people to their building.

Mr. Dziurman asked what the petitioner was asking for at the meeting of November 2007.

Mr. Stimac explained that they wanted four (4) wall signs where the Ordinance only allows for one (1) wall sign.

Ron Floyd of Valeo, 150 Stephenson was present and stated that they were allowed 436 square feet of signage and they were going to put up signs that totaled less than 400 square feet.

Mr. Stimac stated that if each building is allowed 436 square feet of signage the total allowable square footage would be 1308 square feet total for all three buildings. Mr. Stimac asked how much square footage of signage was at this site.

Mr. Johnson said that he had no idea as he had never added the square footage up.

Mr. Stimac stated that his calculations, based upon the minutes, indicate that right now they have 1338 square footage of signage at this site, which is more than what is allowable by Ordinance.

Mr. Dziurman 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 asked what the size of each individual panel was on the existing ground sign.

Mr. Johnson said that each one was approximately 14.67" x 116", which is about 11.8 square feet of copy for each of the tenants on the sign.

Mr. Stimac said that overall the panels are about twelve (12) square feet.

Mr. Dziurman asked how important it was to have the tenants' names on the panels since there are existing wall signs.

Mr. Johnson stated that they were trying to avoid sign clutter by putting a sign on the building rather than separate ground signs. Mr. Johnson said that they thought they

**ITEM #3 – con't.**

had done everything they were approved to do. Instead of a bunch of pole signs and ground signs, they went from six (6) ground signs to one.

Mr. Don Voyles, 350 Stephenson, Kostal of North America was present and stated that at the time they moved into this location the ground sign was already in place. The wall signs are 115 square feet and Mr. Voyles stated that if the names of the tenants could remain it would be very helpful. The second entrance to this site is farther up Stephenson.

Mr. Dziurman stated that Johnson Sign Company took out a permit for the ground sign and misinterpreted the intentions of the Board when it was determined that no ground signs would be allowed.

Mr. Howard Morok, 250 Stephenson, North American Bancard, was present and stated that they had received the variance for their building in the summer of 2008. Mr. Morok stated that he did not believe there were discussions of any substance at all regarding the square footage of what would be allowed. The monument sign is in place and there have been plenty of opportunities to address that sign at the time the variance was requested. Originally this was a single-tenant site and now there are three (3) separate tenants. Mr. Morok does not believe this is an unreasonable request.

Mr. Lenderman stated that apparently there were permitted and installed signs in place when the petitioners came to the Board and asked for variances. In November 2007 they were told there were to be no ground signs with names on them. Mr. Lenderman also asked if everything that has been installed was approved.

Mr. Stimac said that was correct although at the meeting of November 2007, it was with the stipulation that there would not be any ground signs.

Mr. Lenderman stated that he did not feel that the petitioner had attempted to deceive the City in any way and asked how this item came before the Board.

Mr. Stimac stated that a member of the Board had brought this to his attention. At the meeting of February 4, 2009 it was determined that the existing monument sign was prohibited by the variances granted.

Mr. Dziurman stated that this particular Board member may have approved the request for a variance for a wall sign based on the fact that there were not going to be any ground signs. Obviously there is a concern that this was misunderstood and the Board wants to be fair on the previous decisions made.

Mr. Stimac stated that the existing ground sign this Board is talking about is very small. The panel size is based on the size of the tenant that goes in. If one of these tenants were to leave the Board could place a condition on the variance that any new tenant

**ITEM #3 – con't.**

name would be limited to not more than 12 square feet per panel. The sign is more directional in nature rather than advertisement. The additional four (4) square feet is not a significant detriment to the City.

Motion by Richnak  
Supported by Lenderman

MOVED, to grant Johnson Sign Company, 150, 250 & 350 Stephenson relief of Chapter 85 to maintain a ground sign with tenant identification.

- Tenant names are to be limited to 12 square feet.
- Total signage on site is not to exceed 1338 square feet.
- No additional signs may be added without a variance.
- No other ground signs will be allowed.
- Signs will not be in conflict with Chapter 2 of the City Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #4 – VARIANCE REQUESTED. JOHNSON SIGN COMPANY, 3801**

**ROCHESTER ROAD**, for relief of the Sign Ordinance to relocate an existing 20' tall sign setback 13' from the front property line where the Section 85.02.05 of the Sign Ordinance would require a 20' setback for a sign of this size.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to relocate the existing 20' tall, 100 square foot ground sign at 3801 Rochester to a location that will be setback 13' from the front property line. The sign is being relocated as part of the Rochester Road widening project. Chapter 85, Table 85.02.05 requires signs 100 square feet in area to be setback at least 20' from the front property line.

Mr. Jay Johnson of Johnson Sign Company and Jamie Brown of Uncle Ed's Oil Shop were present and stated that customers enter this location from the back of the building. They do not want the sign to interfere with higher profile vehicles and they are asking to move the existing sign back.

Mr. Zuazo asked if when this sign was moved back, the overhang would be over the easement.

Mr. Johnson stated that it would be 1' back from the 13' easement. Mr. Evans had met them on the site to help determine setbacks for this sign.

Mr. Zuazo stated that since there a number of bays on the site one could be designated for high profile vehicles.

**ITEM #4 – con't.**

Ms. Brown stated that they have a number of delivery trucks at the site also. The success of this business is based on convenience, “a 10-minute oil change” and when they have attempted to designate one bay for a certain vehicle it limits the flexibility of getting their customers in and out of the site. They cannot bring the drive back any further and it is a very tight turn. The sign will not hang over the parking lot.

Mr. Zuazo asked how far back the sign could be moved.

Ms. Brown said that what they are proposing is as far back as they can put the sign.

Mr. Richnak asked how far back the proposed sign would be from the proposed sidewalk.

Mr. Stimac stated that the sidewalk will be east of the 12' utility easement.

Mr. Richnak confirmed that there will be 12' from the leading edge of the sign to the sidewalk and 1' back from paved surface of driveway.

Mr. Stimac confirmed that this request is only for the relocation of the existing sign.

Mr. Johnson said that was correct and they are considering a changeable copy sign underneath the sign. In order to maximize the square footage they would reduce the height of the pole. They would bring it down 2' and would still have a sign that is 100 square feet in area, 13' from the setback.

Mr. Stimac asked if the same sign box was going to be used and Mr. Johnson said that it was.

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.

Motion by Richnak  
Supported by Lenderman

MOVED, to grant Johnson Sign Company, 3801 Rochester Road, relief of the Sign Ordinance to relocate an existing 20' tall sign setback 13' from the front property line where Section 85.02.05 of the Sign Ordinance requires a 20' setback for a sign this size.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies to the property described in this petition only.

**ITEM #4 – con't.**

Yeas: 4 – Dziurman, Lenderman, Richnak, Zuazo

Abstain: 1 – Stimac

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #5 – VARIANCE REQUESTED. KATHIE TOMLANOVICH, 2971 BINBROOKE,** for relief of Chapter 83 to install a 6' high privacy fence where the Fence Ordinance would limit the height to a maximum of 30".

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. The property is located at the southeast corner of Binbrooke and Adams. Because of the location of this property and the orientation of the adjacent homes, this property is a double front corner lot. Therefore, it has front yard requirements along both Binbrooke and Adams. Chapter 83 limits the height of fences in front setbacks on this property to not more than 30 inches. The permit application submitted indicates a 6' high privacy fence and a portion of 5' high metal fence setback approximately 6' from the property line along Adams Road.

Ms. Tomlanovich was present and stated that she works full time and has two year old twins. Her mother and grandmother provide child care and it is very difficult for them to keep up with these children. Ms. Tomlanovich would like to maximize the use of her yard as well as create security and privacy for her family.

Mr. Dziurman asked about the circumstances making this a double front corner lot.

Mr. Stimac explained that the house to the south fronts on Adams Road which creates the double front. Mr. Stimac stated that in one of the pictures provided by the petitioner it appears as though the privacy fence is located right next to the sidewalk, and asked if the petitioner wanted her fence this close to the sidewalk.

Ms. Tomlanovich stated that the pictured fence is on Wattles and Coolidge and she would like to bring her fence back behind the tree line in order to limit visibility along Adams Road. Ms. Tomlanovich also stated that this is a heavily wooded lot and the neighbors will not be able to see the fence because of the trees. The house located behind Ms. Tomlanovich is vacant and this fence would not have an impact on that property.

Mr. Richnak clarified the amount of fencing that the petitioner was requesting as well as the type of materials that would be used.

Ms. Tomlanovich stated that her neighbors had stated that children go into the woods and she is proposing a chain link fence in this area to keep her children out of the woods.

**ITEM #5 – con't.**

Mr. Richnak confirmed that the chain link fence at the back of the property would not need a variance.

Mr. Stimac asked about the proposed fence coming from the back corner of the house out to the fence along Adams.

Ms. Tomlanovich stated that she likes the fact that their yards go together, but is trying to build an enclosed area where the children can play and the caregivers won't have to chase them.

Mr. Richnak asked if this 60' fence line is to prevent anyone from leaving the property.

Ms. Tomlanovich said that due to the age of the caregivers she has watching her children; this area would aid them in not having to chase the children.

Mr. Richnak asked why Ms. Tomlanovich is not proposing to put any fencing along the west side of the property.

Ms. Tomlanovich stated that she has talked to her neighbor, who also has young children, and she was planning to put up a safety gate made of orange mesh in between the houses that could be opened and closed rather than have the extra expense of more fencing. The majority of the yard will be fenced in and will provide the privacy they are looking for. The neighbor can see into the main TV room and into their kitchen.

Mr. Stimac asked why the fence couldn't be installed where it complies with the Ordinance.

Ms. Tomlanovich stated that would block out a portion of the yard and she would like to maximize the use of this yard for her children. If the fence were installed in compliance with the Ordinance it would limit the use of the land.

Mr. Stimac stated the fence could be 40' back which would allow the children to be secure in the yard and cut down on the noise. Mr. Stimac also pointed out that in order for a variance to be granted, there has to be a hardship that runs with the land that would justify a variance. The action of the Board is forever and stays with the land rather than with the occupants.

Ms. Tomlanovich stated that before this meeting she had driven around the area and found several addresses that have privacy fences and are on corner lots.

Mr. Richnak stated that he could understand wanting to create a safe environment for her children and asked what the hardship is that would allow a variance. Mr. Richnak also asked if a variance would be required if this was not a corner lot.

**ITEM #5 – con't.**

Mr. Stimac said that if this was an interior lot a 6' high fence would be allowed.

Ms. Tomlanovich stated that she could make it a 5' high fence and move the fence back 5'.

Mr. Lenderman asked if any part of the fence would be visible.

Ms. Tomlanovich stated that this is a very wooded lot and they had been looking at this home for six months before they purchased it. Between the fence line and sidewalk are a number of trees and bushes and Ms. Tomlanovich does not believe the fence will be visible especially when moved back behind the tree line.

Mr. Richnak stated that the Board is looking to make decisions within the intent of the Ordinance and it is possible that because of the trees the fence may not be able to be installed in that area.

Ms. Tomlanovich said that she is more than willing to move the fence back 5' and would also be willing to make it a 5' high fence.

Mr. Zuazo stated that the petitioner wants to install a fence for the sake of keeping her children from leaving the property but does not want to install a fence on the other side of the property.

Ms. Tomlanovich said that she is concerned about the traffic on Adams Road and had spoken to her neighbor and they believe that the installation of a temporary fence will work.

Mr. Zuazo asked if the 60' portion of the fence would be temporary or permanent.

Ms. Tomlanovich said that it would be a permanent fence with a gate.

Mr. Richnak asked which portion of the fence requires a variance.

Mr. Stimac explained that the line of fencing to the west of the front line of the home would be limited to not more than 30" in height.

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

There is one (1) written approval on file. There are no written objections on file.

Mr. Zuazo asked how high the fence would be along Adams.

**ITEM #5 – con't.**

Mr. Stimac said that the petitioner is proposing a 6' high fence in that area.

Ms. Tomlanovich stated that the fence would be 5' high along the driveway.

Mr. Richnak stated that the land slopes down toward the house along Adams. The fence would probably appear to be closer to 4' or 4 ½' when viewed from the Road.

Mr. Zuazo asked how much further back the fence would be from Adams.

Ms. Tomlanovich stated that it is about 15' from the sidewalk. 5' back from the tree line.

Mr. Richnak stated that there is heavy brush farther back and it is possible that the fence would be more visible.

Mr. Zuazo asked if the petitioner planned to add more landscaping.

Ms. Tomlanovich stated that she had thought about adding arborvitae.

Mr. Richnak stated that he thought the only location that the fence would be visible would be in the southwest corner and he feels that two or three arborvitae would limit visibility of the fence.

Mr. Zuazo asked if the fence would pose any type of problem with the Fire Department and Mr. Lenderman stated that it would not.

Mr. Stimac asked if the petitioner planned to keep the larger trees and shrubs on the property.

Ms. Tomlanovich stated that she did.

Motion by Richnak  
Supported by Stimac

MOVED, to grant Kathie Tomlanovich, 2971 Binbrooke, relief of Chapter 83 to install a 6' high privacy fence where the Ordinance limits the height of fences in front setbacks to not more than 30" in height.

- Fence will be moved back 5' east of the tree line.
- Three arborvitae will be planted along the southwest corner of the property.
- Variance is not contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

**ITEM #6 – VARIANCE REQUESTED. SUNIL BAJAJ, 6074 ATKINS,** for relief of the 2006 Michigan Residential Code to finish a basement with a 6'-9 1/2" ceiling height where a 7' minimum ceiling height is required by Section R305 of the Michigan Residential Code.

Mr. Stimac explained that the petitioner is requesting relief of the 2006 Michigan Residential Code to finish a basement that will result in a 6'-9 1/2" main ceiling height and two drop ceiling areas with 5'-6" and 6'-2" heights. Section R305 of the 2006 Michigan Residential Code requires a 7' minimum ceiling height in finished basements and 6'-6" minimum heights under dropped areas.

Mr. Sunil Bajaj was present and stated that both he and his wife were doctors and have lived in Michigan four (4) years. They would like to use this space as a place to put their books and use it as a study room. Mr. Bajaj's mother lives with them and this would give them the extra space they need.

Mr. Dziurman asked if the petitioner had a contractor to do the work.

Mr. Bajaj said that they did.

It was explained to the petitioner that usually the contractor appears before the Board and the Board can explain to him what conditions would be placed on the variance.

Mr. Bajaj said that he believes the maximum height of the basement ceiling is around 7'.

Mr. Dziurman asked if the petitioner planned to use this area as living space.

Mr. Bajaj said that it would only be used as place to store their books and allow them a study. They also plan to have an egress window added.

Mr. Stimac stated that the area to the left of the stairway indicates a height of 74" and the other area indicates a ceiling height of 83 1/2". Mr. Stimac asked Mr. Bajaj if the transition between the ceiling heights starts on the left hand side of the stairway.

Mr. Bajaj said that was correct.

Mr. Stimac expressed concern regarding the ceiling height of 66" and stated that the drawing indicates that there is a duct there that runs about 1.9" from the wall. This is a very troubling dimension. Mr. Stimac understands that the duct work is there and stated that he thought bookshelves could be put in this area.

Mr. Bajaj said their intention was to put bookshelves in this area so that no one would walk into that space.

Mr. Stimac also asked if the drywall was attached directly to the bottom of the joists.

**ITEM #6 – con't.**

Mr. Bajaj said that there is nothing else attached to the joists but drywall. Mr. and Mrs. Bajaj need a place to work on their daily work from the hospital.

Mr. Dziurman said that this request is not unusual and that usually the Board recommends in areas where the ceiling height is very low that something else be constructed in the space.

Mr. Stimac stated that the plans submitted indicate that the area to the left of the stairway has a ceiling height of 74" and a width of 4'-11". Mr. Stimac asked what the height was from the floor to the bottom of the duct.

Mr. Bajaj said that he did not know as this area was covered at the time they moved into this house.

Mr. Richnak asked if part of this basement was finished.

Mr. Bajaj stated that when they purchased this home the basement was already finished.

Mr. Stimac asked if they plan to remove the ceiling.

Mr. Bajaj said that they are planning on putting in shelving.

Mr. Stimac stated that this area could also be used as a closet which would alleviate the ceiling problem.

Mr. Richnak agreed that the petitioner may be better off to put in a closet in this area.

Motion by Stimac  
Supported by Richnak

MOVED, to grant Sunil Bajaj relief of the 2006 Michigan Residential Code to finish a basement with a 6'-9 ½" ceiling height where a 7' minimum ceiling height is required by Section R305 of the Michigan Residential Code and also to have two drop ceiling areas with 5'-6" and 6'-2" heights where a 6'-6" minimum heights is required.

- A closet will be installed in the area that has a 5'-6" ceiling height.
- Ceiling should be installed to obtain the maximum height possible.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 10:10 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary