

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, September 2, 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, Housing & Zoning Inspector Supervisor
 Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 5, 2009

Motion by Richnak
Supported by Zuazo

MOVED, to approve the minutes of the meeting of August 5, 2009 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. PRLANTA JEWELERS, 888 W. BIG BEAVER, for relief of Chapter 85 to install a 43.5 square foot electronic changeable message tenant wall sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a 43.5 square foot tenant wall sign. Section 85.02.05 (c) (3) of the Sign Ordinance limits the size of tenant wall signs in the Office Zoning districts to not more than 20 square feet in area. In January 2008, this Board approved a variance to allow the petitioner to erect a 40 square foot tenant wall sign. Without implementation, that variance has since expired.

Mr. Norman Gumusmas of Prlanta Jewelers was present and stated that they had received a variance for a 40 square foot sign and ordered the sign. The sign is slightly larger than what they had ordered because of the frame around it. They had met with both Mr. Evans and Mr. Stimac and were told that the sign needed to have a UL approval rating. Prlanta Jewelers worked with another sign company, Bright Star Sign, and were able to get this sign UL listed. The petitioner would like a variance for a slightly larger, changeable message sign, which would be 43.5 square feet rather than the 40 square foot sign originally requested.

ITEM #2 – con't.

Mr. Dziurman said that basically the petitioner thought the sign would be 40 square feet and when it came they found out that it was slightly larger and that it was not UL approved.

Mr. Gumusmas said that was correct and it took them quite some time to obtain the UL listing.

Mr. Dziurman asked if the original sign granted a variance in 2008 was a changeable message sign and Mr. Evans said that it was not.

Mr. Stimac stated that in the original request Mr. Kessler has suggested that the petitioner could change the wording on the sign in order to make it smaller. That condition was not included in the successful motion.

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

There is one written objection on file. There are no written approvals on file.

Mr. Stimac stated that the petitioner could install a 20 square foot changeable sign without a variance. The original application was not for a changeable message sign.

A discussion began regarding the application turned in by Metro Detroit Signs in January 2008. Mr. Gumusmas stated that the application was for a changeable message sign and Building Department Staff stated that the application indicated that it was for a LED illuminated channel letter fixed sign.

Mr. Gumusmas stated that after the 40 square foot sign was approved they had spoken to Paul Evans and he stated that there were no restrictions as to what was on the sign.

Mr. Stimac asked if the petitioner was aware of the limitations on a changeable message sign.

Mr. Gumusmas said that he was not aware of these limitations.

Mr. Stimac explained that the Ordinance states that each message must be on the sign for one minute before changing. Mr. Stimac asked if the petitioner felt that a changeable message sign would have more impact to people traveling in this area.

Mr. Gumusmas said that people are very visual and the visual aspect is very crucial to this type of business.

Mr. Stimac stated that if a watch is displayed there is no room on the sign for the name of the business.

ITEM #2 – con't.

Mr. Gumusmas stated that they would advertise a sale or item and include the Prlanta logo.

Mr. Stimac asked if the petitioner believes the changeable message sign would have a greater impact, why it needs to be double the allowable square footage of the sign.

Mr. Gumusmas stated that the original request was approved for a 40 square foot sign and the fact that they are limited to a 20 square feet sign because they are not in a retail location, should not count against them. The Melting Pot and Morton's Steak House have much larger signs than the one they are asking for.

Mr. Richnak stated that based on the information the Board received regarding the original request, the discussions indicated that it was not a changeable message sign. Other considerations would have been taken at that time. The information presented to the Board was not accurate. Mr. Richnak indicated that he would not have voted in favor of a changeable message sign and has issues with this type of a sign. The Board has to take into account how a variance would affect the community.

Mr. Lenderman stated that he was at that meeting and remembered there was quite a discussion about reducing the size of the sign. One of the main concerns brought forward at the time was the fact that they need to have their name presented there. The logo is less than 20 square feet and the reason the variance was granted was to be able to get their name on the space. Mr. Lenderman also stated that they could put up a 20 square foot sign without a variance.

Mr. Dziurman stated that he does not know who made a mistake at the time the original request was filed, but does not believe the sign was approved as a changeable message sign.

Mr. Stimac stated that the talk during the meeting was on whether or not to restrict the language on the sign. The final motion included a statement that there was no restriction on the message on the sign.

Mr. Gumusmas stated that sign has been made and is UL listed, and the only reason they did not install the sign within the one-year time frame was because it took them some time to get the sign properly listed. During that time they had met with Building Department staff who informed them that they wanted the power sources changed. The petitioner stated that he feels everyone knew what type of sign they were requesting.

Mr. Stimac asked the petitioner about the invoice submitted indicating that this will be a full color sign with a digital display.

Mr. Gumusmas stated that it is a full screen sign with a full spectrum of color and is also video capable.

ITEM #2 – con't.

Mr. Stimac stated that video capable is not allowed by Ordinance. Mr. Stimac also asked the petitioner if he was aware of any other changeable message signs located in Troy.

Mr. Gumusmas stated that the CVS Pharmacy and Taco Bell on 14 Mile Road both had changeable message signs. Mr. Stimac informed the petitioner that those signs are not in Troy.

Mr. Gumusmas stated that the sign has been bought and paid for.

Mr. Dziurman asked if restrictions could be placed that would limit the use of the sign. Mr. Stimac stated that the Board could not place restrictions that were less than what the Ordinance allows.

Mr. Dziurman asked if they could put up a 20 square foot changeable sign.

Mr. Stimac said that they could, but each message would have to be displayed for at least one minute.

Mr. Lenderman stated that a variance requires a hardship and the original hardship was that they needed people to be able to see the name of their company.

Mr. Dziurman said that they were granted a variance for a 40 square foot sign and there is a misunderstanding on what type of sign it would be. Mr. Dziurman also pointed out that the sign was ordered in October with delivery expected sometime in December.

Mr. Gumusmas stated that the delay was due to the fact that it was not UL approved and also there were health concerns among family members.

Mr. Zuazo asked how many different messages would be on this sign.

Mr. Gumusmas stated that it could be unlimited.

Mr. Zuazo asked if this Board could limit it to one display per day.

Mr. Richnak stated that because of a lack of knowledge on his part regarding changeable message signs, he is not comfortable with voting on this item. Mr. Richnak would like to go back out to the site and take a look at this location. Mr. Richnak also stated that at the time of the original request this was a fixed letter sign.

Motion by Richnak
Supported to Stimac

ITEM #2 – con't.

MOVED, to postpone the request of Prlanta Jewelers, 888 W. Big Beaver, for relief of Chapter 85 to install a 43.5 square foot electronic changeable message tenant wall sign until the meeting of October 7, 2009.

- In the next thirty (30) days petitioner is to give Building Department staff a copy of the manufacturer's instructions regarding the brightness of the sign.
- Petitioner to provide this Board with three or four typical screen shots of what they intend to put on the sign.
- The petitioner should demonstrate the implications between a 40 square foot sign and a 20 square foot sign.

Mr. Masis Kayayan, the owner of Prlanta Jewelers was present and stated that they would like to put information on the sign such as the logo, fine jewelry, special orders, repairs, etc.

Mr. Richnak stated that changeable message signs have a certain impact on an area.

Mr. Dziurman stated that the petitioner is located in the downtown area of Troy and this Board does not want to detract from the area.

Mr. Gumusmas stated that they are very happy to be in this area and are very involved in community events and he believes the sign will be accommodating to this area. The petitioner also stated that he had spoken to the owner of this building as well as to the surrounding businesses and they all approve of this request.

Vote on the motion to postpone.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF OCTOBER 7, 2009 CARRIED

ITEM #3 – VARIANCE REQUESTED. PHILLIPS SIGN & LIGHTING, INC., 1850 W. MAPLE, for relief of Chapter 85 to erect two (2) additional wall signs with a total combined area of 87 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect two (2) additional wall signs with a total combined area of 87 square feet. Chapter 85.01.05 (c) (5) allows three (3) wall signs for each dealership, one of which to not exceed 100 square feet; the other two (2) not exceeding 20 square feet each for an auto dealership in M-1 (Light Industrial Zoning. A variance was granted by this Board in February 2009 to allow the current six (6) wall signs with a combined area of 172 square feet.

ITEM #3 – con't

Mr. Ed Phillips of Phillips Sign & Lighting, Inc. was present. Mr. Phillips stated that the hardship is the lack of signage and the configuration of the building. One of the signs is already on the building and they are asking for an additional 40 square feet to allow a Used Car sign. The building they are using for the used car sales is on Maplawn and it is not obvious. People come to the area where new cars are sold and have to be redirected to the other location along the side of the building.

Mr. Dziurman asked if they have ever had a Used Car Sign.

Mr. Jack Fowler, one of the owners of Somerset Pontiac was present. Mr. Fowler stated that they are taking the existing Somerset GMC Truck sign and are moving it to the front. They removed GMC from the used car building and would like to put up a sign to match the Somerset sign.

Mr. Phillips stated that Pontiac will be going away.

Mr. Richnak asked if they wanted this variance because they are removing the other signs.

Mr. Lenderman asked if they would end up with more or less signage.

Mr. Fowler stated that it would be less than the original building.

Mr. Evans stated that the six (6) signs previously approved by this Board are based on the fact that those signs would be the only wall signs. Any additional wall signs were supposed to be removed. The two (2) signs for the Used Car location will result in an additional 87 square feet. The Pontiac signs are each 17.5 x 2 or 35 square feet and should have been removed.

Mr. Jack Bechtel of Somerset was present and stated that the Pontiac signs should come down by the beginning of next year. They should run out of Pontiacs by the end of November and those logos will come down. They have modernized the dealership and removed the GMC and GMC truck showroom signs. Somerset is operating a used car lot and will be certified through General Motors. When driving down Maplawn people will be able to identify the site by the sign.

Mr. Stimac stated that he can see the need to identify the used car sales room. Mr. Stimac also asked about the existing Somerset sign and whether or not it would remain.

Mr. Bechtel stated that most people think this is two dealerships. They are trying to get with what is going on in the neighborhood. The two Pontiac logos will come down. Right now they are trying to do all they can to stay as a business in Troy.

Mr. Richnak asked about the ground sign at the corner of W. Maple and Maplawn.

ITEM #3 – con't.

Mr. Fowler explained that it just says "Motor Mall" and was paid for by all the dealers in this area.

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. Stimac asked if other signs would be allowed if this was a free standing building.

Mr. Evans stated that they could have one wall sign for each building not to exceed 10% of the face of the building, not to exceed 100 square feet.

Mr. Bechtel stated that there is a sales area in the front and a service department connecting the two buildings.

Mr. Stimac stated that it is quite common for dealerships to divide new car sales and used car sales in a separate building. If these were free standing building the 87 square foot sign would not be greater than 10% of the size of the building.

Mr. Lenderman asked about the free standing sign on Maplelawn.

Mr. Bechtel said that they are planning to change the face of the sign to say "Certified Used Cars".

Mr. Zuazo asked what would make this dealer a Certified Used Car dealer. Mr. Bechtel stated that they have to apply to General Motors, and once certified each used car would come with a warranty.

Mr. Zuazo asked if the square footage would be the same and Mr. Fowler stated that it would.

Motion by Stimac
Supported by Richnak

MOVED, to grant Phillips Sign & Lighting, Inc., 1850 W. Maple, for relief of Chapter 85 to erect two (2) additional wall signs with a total combined area of 87 square feet.

- No other signs can replace the Pontiac logo signs after they are removed.
- Any additional signage needs to be approved by this Board.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. JERRY KLINE, IMAGINE STUDIOS, LLC, 100 W. BIG BEAVER, for relief of Chapter 85 to erect two (2) wall signs that will result in a total combined area of 367 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install a 200 square foot sign and a 167 square foot sign on an existing building. Chapter 85.02.05 (c) (3) allows one wall sign not to exceed 200 square feet in area for each building.

Mr. Jerry Kline of Imagine Studios, LLC was present. Mr. Kline explained that Molina has changed their name to Molina Health Care. A new tenant, Micro Focus, is coming into this location and also would like their name added to the signage on the building. The signs would be 200' away from each other. Micro Focus will employ 150 people and will be a valuable asset to the City. There are no sign boxes around either proposed sign.

Mr. Dziurman asked if the square footage would remain the same once the existing sign was changed.

Mr. Kline said that was correct. Mr. Stimac pointed out that the existing sign is 117 square feet and the replacement sign will be 200 square feet.

Mr. Kline said that the difference will be the name change.

Mr. Tom Duke, one of the owners of this building was present. Mr. Duke stated that approximately two months ago he was approached by a broker stating that he had a client that was looking to lease 30,000 square feet. Micro Focus would take over the fifth floor of this building; however, one of the stipulations was that they be able to put up signage. Numerous variances have been granted to other locations in the City. Mr. Duke met with the City Manager and the City Manager supported this request. Micro Focus has signed a lease and is ready to move. At the time Molina signed their lease, they were granted exclusive rights to signage on this building.

Mr. Steve Butz of Micro Focus was present and stated that this is a completely new market for them. They want to grow here and are hoping to be able to lease additional space. The hardship is the fact that they do not have the signage needed.

Mr. Dziurman asked what type of business Micro Focus was and Mr. Butz stated that it is a software company.

Mr. Duke stated that they started in England and has fifty locations worldwide.

Mr. Dziurman stated that he could understand the reason the need to put up a sign, but feels that any other requests for additional signage could be a problem.

Mr. Stimac asked if Micro Focus was a tenant in the building at 100 W. Big Beaver. Mr. Duke stated that Micro Focus will actually be a tenant in 50 W. Big Beaver.

ITEM #4 – con't.

Mr. Stimac asked if it would be confusing to have a tenant sign on one building and the tenant in the other building.

Mr. Duke stated that the buildings are connected and clients can go inside and look up the business on a touch screen, which will give them the suite number. Mr. Duke also stated that Micro Focus is not concerned about the discrepancy at all.

Mr. Lenderman asked if there were other signs at 50 W. Big Beaver and Mr. Stimac stated that there was.

Mr. Richnak stated that the original Molina sign is 117 square feet and the proposed sign will be 200 square feet. Mr. Richnak asked if the letters would be the same size on the proposed sign.

Mr. Kline explained that the letters will be smaller but the people on the sign will be larger. Molina has a very stringent marketing policy and the message on the sign is dictated by Corporate. The overall size will keep it under the permitted 200 square feet. Mr. Kline also stated that the figures are in a blue-green color and would not be ostentatious.

Mr. Duke stated that they are getting a fair amount of traffic from larger clients and it is not uncommon for larger tenants to ask for signage. This is a great way to fill up the buildings along Big Beaver.

Mr. Kline said that there could be an expansion of employees in the City of Troy.

Mr. Dziurman clarified that Micro Focus would not be located in the building that would have their signage and asked what would happen if they were to ask to have the sign moved.

Mr. Duke said that it will be a mirror image of what they are doing right now. There is only one other sign at 50 W. Big Beaver, "Rexair" would have to allow another sign on that site.

Mr. Stimac asked why the sign couldn't be erected at 50 W. Big Beaver.

Mr. Duke stated that he had made a request to Rexair to allow another sign on the building, and Rexair was not cooperative.

Mr. Stimac asked if their lease stated they were the only tenant to have signage.

Mr. Duke said that at the time Rexair signed their lease they were given the exclusive right to signage. Molina was more reasonable when Mr. Duke approached them. The request from Rexair was much more expensive to comply with.

ITEM #4 – con't.

Mr. Stimac said that basically it is a financial decision to place the signage on this building and he was concerned about setting a precedent in allowing signage to be located on a building where the tenant was not located.

Mr. Duke stated that the two buildings are joined at the hip.

Mr. Stimac stated that based on the Ordinance these are two different buildings.

Mr. Duke said that although they are two separate buildings there is no confusion regarding the location of the tenants.

Mr. Richnak said that 50 W. Big Beaver has a major tenant and asked when the exclusive right for signage expires.

Mr. Duke stated that their lease expires in four years

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. Duke stated that variances have been granted in the past citing 2800 Livernois as an example.

Mr. Stimac said that at the time those variances were granted the tenant was not at another location.

Mr. Duke said that they wanted the sign on the building they were occupying, but when talking to Rexair he was thrown a curve ball.

Mr. Kline stated that Micro Focus is eager to get their presence on the building.

Mr. Lenderman said that they may be coming back in the future in order to move this sign.

Mr. Richnak stated that he is concerned about billboard issues and in order to vote for approval there would have to a caveat that when the Rexair lease expires exclusive sign rights would be removed from the lease and Micro Focus would have to move their sign to the correct location. Mr. Richnak also expressed concern about setting a precedent.

Mr. Kline said that they would also like the sign on the correct building.

ITEM #4 – con't.

Motion by Richnak

Supported by Lenderman

MOVED, to grant Jerry Kline, Imagine Studios, LLC, 100 W. Big Beaver, relief of Chapter 85 to erect two (2) wall signs that will result in a total combined area of 367 square feet where Chapter 85.02.05 (c) (3) allows one wall sign not to exceed 200 square feet in area for each building.

- When the Rexair lease expires exclusive sign rights would be removed from the lease and Micro Focus would have to move their sign to the correct location.

Mr. Butz stated that they would seek a variance if necessary, but would not add any additional signage. If the Rexair sign was removed, they would move their sign to the correct location.

Yeas: Dziurman, Lenderman, Richnak, Zuazo

Nays: Stimac

MOTION TO APPROVE REQUEST CARRIED.

The Building Code Board of Appeals meeting adjourned at 9:50 A.M.

Ted Dziurman, Chairman


Pam Pasternak, Recording Secretary