

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, November 4, 2009 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Bill Nelson
Michael Pylar
Tim Richnak
Mark Stimac

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

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 7, 2009

Motion by Richnak
Supported by Nelson

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

Yeas: 4 – Nelson, Richnak, Stimac, Dziurman
Abstain: 1 – Pylar

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. JEFF JOHNSON, HARMON SIGNS, 3946-3978 ROCHESTER, ROCHESTER SQUARE, for relief of Chapter 85 to erect a 200 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 200 square foot ground sign with a proposed 5' setback from the planned street right of way. Table 85.02.05 of the Sign Ordinance requires ground signs over 100 square feet in size to be setback more than 30' from the planned street right of way.

Mr. Jeff Johnson, of Harmon Signs was present and stated that they are requesting a variance due to the fact that the existing sign would have to be relocated due to the road widening project. They are also planning to upgrade the existing twenty year old sign. Mr. Johnson said that they cannot meet the required setback as there is a row of trees and the visibility of the sign would be lost.

Mr. Stimac asked the petitioner if the top of the sign was a changeable message sign. Mr. Johnson said that it was and Mr. Stimac asked who would control the messages on that part of the sign.

Mr. Johnson stated that the landlord would have control of the changeable messages.

ITEM #2 – con't.

Mr. Stimac asked if the tenants would have the opportunity to bid on that part of the sign and also asked where the controller would be kept.

Mr. Johnson said that all of the tenants would have this part of the sign available to them by bids and the controller would be kept in the landlord's office.

Mr. Nelson expressed concern that the location of the new sign will create an obstruction for traffic leaving the center and asked if the sign could be moved further back from the road.

Mr. Johnson said that they could move it back but they can't move it too far as it would be hidden by the existing trees.

Mr. Stimac asked if the sign could be moved farther south to reduce the traffic interference and Mr. Johnson stated that there are also a number of existing trees in that location.

Mr. Nelson said that he was still very concerned that the proposed sign will cause an obstruction and Mr. Dziurman agreed that the view of traffic leaving the center will be obscured.

Mr. Richnak stated that the drawing of the proposed sign doesn't show the location of the sidewalk. Everyone that comes out of this drive will only be allowed to make a right hand turn and Mr. Richnak agrees with the concerns regarding visibility. Mr. Richnak believes that the sign should be moved at least 1' farther east or moved farther to the south. Drivers will be focused on traffic heading northbound and the proposed location could create a hazard.

Mr. Nelson concurred, agreeing that the sign should be moved east at least one foot.

Mr. Johnson said that they are maintaining the 4' easement and the placement of the sign is about the same distance east as the existing sign. Mr. Johnson said that he was not sure that moving the sign farther south would make a difference. If the Board wanted them to move the sign 1' east, they would be willing to do that.

Mr. Stimac stated that the distance of the sign to the curb will be much shorter than the existing sign. Mr. Johnson stated that it would definitely be much closer.

Mr. Nelson said that the proposed sign is 12' wide and believes will create an obstruction. Mr. Nelson asked how far the sign could be moved to the east.

Mr. Johnson said that he believes it makes more sense to move the sign farther south rather than east.

ITEM #2 – con't.

Mr. Richnak asked how far south they could move the sign. Mr. Johnson said that because of the existing trees, they could only move the sign 3' or 4'.

Mr. Stimac stated that due to the concerns of the Board members it may be better to postpone this item until the next scheduled meeting so that the petitioner could stake out both possibilities and the Board members could go back to the site to determine what impact this sign would have.

Mr. Johnson stated that would be acceptable as long as the existing sign was allowed to remain.

Mr. Richnak said that he does not believe that road demolition is starting until February or March so that would not be an issue.

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 Stimac

MOVED, to postpone the request of Jeff Johnson, Harmon Signs 3946-3978 Rochester, Rochester Square, for relief of Chapter 85 to erect a 200 square foot ground sign until the meeting of December 2, 2009.

- To allow the petitioner the opportunity to stake out the current proposed location.
- To allow the petitioner the opportunity to also stake out any alternate locations that could be considered.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF DECEMBER 2, 2009 CARRIED.

ITEM #3 – VARIANCE REQUESTED. DIVYA GUNDARAM, 1206 HARTLAND, for relief of Chapter 83 to install a 6' high privacy fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence located 5' from the west property line along Daley. This property is a double front corner lot. It has front yard requirements along both Hartland and Daley. Chapter 83 limits the height of fences in front yards to not more than 30".

ITEM #3 – con't.

Mrs. Divya Gundaram was present and stated that they wished to put up this fence not only for privacy but also to provide safety for her children and dog. A lot of trash blows across the street and Mrs. Gundaram is hoping that the fence will prevent it from coming into the yard. In addition there are a number of teen agers that cut across their property. Mrs. Gundaram brought in seven (7) letters indicating approval of this request.

There are two (2) written approvals and one (1) written objection on file.

Mr. Stimac said that although right now the sidewalk stops before a wall, in the future the sidewalk will be expanded and putting a fence south and east to the sidewalk will create an obstruction. Mr. Stimac said that at the time this subdivision was platted an easement was designated for the continuation of the sidewalk. If the fence is located along Daley with a jog it would create a problem.

Mrs. Gundaram said that she would not have a problem if the fence was located straight along Daley.

Mr. Stimac asked how far the proposed fence was from the sidewalk and Mrs. Gundaram said that it was one foot. Mr. Stimac asked if she would have a problem moving the fence farther east.

Mrs. Gundaram said that there are a lot of trees in this area which could create a problem.

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

Mr. Nelson asked where the separation wall lines up with the right of way.

Mr. Stimac said that the sidewalk ends at the southwest corner of this lot and right now it is heading toward a wall.

Mr. Nelson said that if the fence was located straight back it would not have an impact on the sidewalk.

Mr. Richnak said that there would not be an issue putting a sidewalk in to the south and would be able to be installed in that location.

Mr. Stimac asked the petitioner what type of privacy fence she is proposing to install.

Mrs. Gundaram said that originally they had wanted to install a vinyl privacy fence, but the cost is too high, and now they are planning to put up a wooden fence.

ITEM #3 – con't.

Mr. Stimac said that it appears that there is a line of trees that have been planted in the middle of the yard on the east side of the house. These trees will be growing much larger and Mr. Stimac questioned the usability of the yard in this area. It looks as though there is about a 10' to 12' area between the trees and the sidewalk and asked the petitioner if she would be willing to move the fence farther back.

Mrs. Gundaram said that this is one of the areas that people walk through and they would like to prevent this from happening.

Mr. Richnak said that there is line of trees running north and south between sidewalk and the end of the garage, and because of this that area of the yard will probably not be used. Mr. Richnak asked if the petitioner had looked at requesting a fence on the east side of the trees.

Mrs. Gundaram said that they are planning to remove some of the trees.

Mr. Richnak said that he would like to see what the petitioner is planning to do as he would be opposed to putting up a fence and removing a natural barrier.

Mrs. Gundaram asked how far the Board would like her to move the fence.

Mr. Richnak said that he would like to have the fence on the east side of the trees. These trees will provide great screening for this property. From the pictures presented Mr. Richnak said that these trees will grow together. Mr. Richnak also stated that it is very difficult for him to authorize a variance when there is nothing to protect the neighborhood from the appearance of a privacy fence.

Mrs. Gundaram said that there are a number of sprinkler heads in this area and they would have to move them if the fence was required to be moved farther back.

Mr. Nelson said that if the fence was brought in 6' or 8' there would be a requirement that some type of landscaping be added between the sidewalk and the fence to aid in screening the fence.

Mr. Dziurman asked if the petitioner would be willing to move fence back 6' to 8'. The fence would have to be inside of the tree line to soften the impact of the fence.

Mr. Richnak said that the fence would be moved 6' east of the sidewalk and this Board could require an evergreen type of landscaping to soften the look of the fence.

Mrs. Gundaram asked if the Board wanted them to remove some of the trees and Mr. Dziurman said that they did not wish the petitioner to do this, but to move the fence back 6' to 8' from the sidewalk.

ITEM #3 – con't.

Mr. Richnak said that he could not approve the location of the fence along the sidewalk. He believes this is a safety issue and does not like the starkness of a fence. Mr. Richnak would like it moved back at least 6' and landscaping added to soften the look of the fence.

Mrs. Gundaram asked the Board if they would be willing to allow them to erect the fence 4' from the sidewalk.

Mr. Dziurman informed the petitioner that the Board would like the fence moved back 6' and additional landscaping added.

Mr. Nelson asked the petitioner if she wanted this request postponed until the December meeting to allow her to determine what impact moving the fence back would have on her property.

Mrs. Gundaram said that they would be willing to move the fence back 6'.

Motion by Nelson
Supported by Richnak

MOVED, to grant Divya Gundaram, 1206 Hartland, relief of Chapter 83 to install a 6' high privacy fence.

- Fence is to be moved back 6' from the sidewalk or suggested line of sidewalk.
- Evergreen type screening will be provided by the petitioner, 4' on center spaced, and a minimum of 3' – 4' tall at the time of planting.
- Select plants that will mature to a 4' width.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. MARK ZOLTOWSKI, ART ONE SIGNS, 5903-5953 JOHN R, EMERALD LAKES PLAZA, for relief of Chapter 85 to erect a 10' tall 32 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a 10' tall 32 square foot ground sign. This property is zoned B-2. Chapter 85.02.05 (C) (4) of the Sign Code allows two ground signs. Currently there are two ground signs on the property; the first measures 420 square feet in area; the second measures 23 square feet in area. This request exceeds the number of ground signs allowed.

Mr. Carl Dallo, Art One Sign, Mr. Frank Mediati owner of Emerald Lakes Plaza, and the owner of Carl's Liquor Store were present. Mr. Dallo stated that because of the location

ITEM #4 – con't.

of this store, it appears to be a separate building and the only sign they have right now is the large Plaza identification sign. The petitioner would like to put up this additional sign closer to the store to allow greater visibility for people driving by on John R. and Square Lake.

Mr. Dziurman asked if the existing sign would be taken down and Mr. Dallo stated that it would not be removed.

Mr. Stimac stated that this is basically a convenience store for the neighborhood and asked what percentage of customers were repeat customers.

The owner of the store stated that he believed the percentage was quite low.

Mr. Stimac said that the proposed sign appears to have six lines of advertising and asked what that space would be used for.

Mr. Dallo said that it is made up of changeable letters and the use would be determined by the landlord.

Mr. Stimac asked if Mr. Dallo knew what type of advertising would be put in this space.

Mr. Dallo said that it could be used to advertise vacant space.

Mr. Stimac then asked if this area was individual letters or if each space was a changeable panel. Mr. Dallo said that they are made up of changeable panels.

Mr. Stimac stated that if the hardship is visibility in his opinion, this part of the sign could be eliminated as advertising would not be needed.

The Chairman opened the Public Hearing.

Mr. Jim Atwall, 2050 Oakwood, was present and stated that he owns property across the street and is also president of the homeowners association in the nearby subdivision. Mr. Atwall stated that they are concerned about this shopping center. Both ends of this strip mall have illuminated signs that change color every minute. Mr. Atwall said that in his opinion this area looks like Las Vegas.

Mr. Richnak asked if these signs were on the inside of the glass.

Mr. Atwall said that they are very large signs on the facades of the building. The large sign on the corner of Square Lake and John R. was to let people know what stores were in the shopping center. There is a sign for a dentist's office on the south side of this area that is illuminated until 1:00 A.M. Mr. Atwall said that there is already more than enough signage and he believes that the sign on the front of this location has letters that

ITEM #4 – con't.

are 2 ½' high and about 15' long and change color every minute. This is a residential area and should be kept as such. Mr. Atwall also gave examples of other shopping centers in Troy that do not have signage that is this extensive.

Mr. Mediati, owner of Emerald Lakes Plaza said that there is only one ground sign on the site and the other real estate sign is permitted annually. A secondary sign on the southern portion of the site would be a welcome addition as the problem is visibility for this store. All signs have been done to Code and Mr. Mediati objects to this site being compared to Las Vegas.

Mr. Stimac asked how many vacant spaces were available on this site and Mr. Mediati said that there were two. Mr. Stimac asked if they would have access to the main sign and Mr. Mediati said that they would.

No one else wished to speak and the Public Hearing was closed.

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

Mr. Dziurman asked if the advertising at the bottom of the sign was necessary.

Mr. Dallo said that they would put whatever this Board wanted at the bottom of the sign.

Mr. Stimac explained that the petitioner is asking for a third ground sign, which is not permitted by the Ordinance, and stated that if the justification for the third ground sign is identification, then advertising is not needed.

Mr. Dallo said that if the landlord would allow them to remove these panels, they would remove them.

Mr. Nelson asked what the size of the advertising element of the sign is. Mr. Dallo said that he believes it is about 4'. Mr. Nelson said that if the advertising portion of the sign was removed, the remaining sign would be approximately 4' x 4'. The petitioner does not need the advertising if their hardship is identification.

Mr. Dziurman asked if the "for lease" sign would remain.

Mr. Stimac stated that he was not opposed to a property owner or a landlord having a "for lease" sign, but does have difficulty with this Board granting a variance to advertise lease space. The existing "for lease" sign is permitted.

Mr. Nelson asked how long the "for lease" sign has been on the property and Mr. Mediati said that it has been there for a few years.

ITEM #4 – con't.

Mr. Atwall said that the dentist office to the south of this parcel has a sign that is 6' x 10' very close to the property line.

Mr. Dziurman explained that that property is not part of this shopping center or this request.

Mr. Dallo said that they would be willing to remove the bottom part of the sign. The main purpose of this third sign is identification.

Mr. Stimac asked if there was wall signage on this building. The owner of the store said that there is a sign on the east side of the building but people going by can't find them.

Mr. Richnak asked what the size of the sign was on the face of the building. Mr. Atwall said that he believes that the letters are 2 ½' high by 15' long. The sign changes colors every minute. The owner of the store said that the colors used are very soft.

Mr. Nelson said that he would like to see this request postponed to allow him the opportunity to go back out to this location to see exactly what kind of signage is in place. Mr. Nelson said that he has a tough time believing that people can't find this store.

Mr. Stimac asked if there was anything between the store and John R. that would block the view from John R. Mr. Stimac said that he agrees with Chief Nelson that a third ground sign would not significantly increase the visibility of this space.

Mr. Dallo said that there is landscaping in the middle of an island on the site. Mr. Stimac said that he did not believe that would affect this location. Mr. Dallo then said that there are a number of trees along John R.

Mr. Richnak said that he does not believe that people have any problem locating this building. If someone is looking for something in this shopping center the sign on the corner is obvious and the location is on the corner of two major streets. Mr. Richnak said that he also believes that 99% of the people driving in this area are the same people that drive through here every day. Mr. Richnak said that in his opinion the main sign is very cluttered, but that there is enough space on that sign to identify everybody in this center.

Mr. Stimac asked if there was any thought given to putting the "for lease" information on the existing 424 square foot sign and eliminating the second ground sign. Mr. Mediati said that was a possibility. Mr. Stimac explained that if the "for lease" ground sign was eliminated, the ground sign the petitioner is requesting would be allowed without a variance.

Motion by Stimac
Supported by Richnak

ITEM #4 – con't.

MOVED, to postpone the request of Mark Zoltowski, Art One Signs, 5903-5953 John R, Emerald Lakes Plaza, for relief of Chapter 85 to erect a 10' tall 32 square foot ground sign until the meeting of December 2, 2009.

- To allow the petitioner and the owner of the property to determine if there are other considerations available to them that could eliminate the need for a variance.
- To allow the Board members the opportunity to review the other signage on the site.

Yeas: All – 5

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF DECEMBER 2, 2009 CARRIED

Mr. Mediati asked if he would need to come back to this Board if he wished to put up another “for lease” ground sign.

Mr. Evans explained that the Ordinance permits two 6 square foot “for lease” temporary ground signs.

The Building Code Board of Appeals meeting adjourned at 9:55 A.M.

Ted Dziurman, Chairman

Pam Pasternak, Recording Secretary