The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:33 A.M., on Wednesday, February 3, 2010, in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
John Szerlag, City Manager
Michael Pylar – Oakland County Health Department

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Inspector Supervisor
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 6, 2010

Motion by Szerlag
Supported by Pylar

MOVED, to approve the minutes of the meeting of January 6, 2010 as written.

Yeas: All – 3

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. PHILLIPS SIGN & LIGHTING, 1850 W. MAPLE, for relief of Chapter 85 to remove two existing 17.5 square foot wall signs and to erect a new wall sign measuring 18.5 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to remove two existing 17.5 square foot “Pontiac” wall signs and replace them with a new “Buick” wall sign of 18.5 square feet. Chapter 85.01.05 (c) (5) allows three (3) wall signs for each auto dealership in the M-1 (Light Industrial) Zoning District, one of which not to exceed 100 square feet; the other two (2) not exceeding 20 square feet each. A variance was granted in September 2009 to allow the current eight (8) wall signs with a combined area of 255.4 square feet. That variance included a stipulation that no other signs were to be erected to replace the Pontiac logo signs once they were removed.

John Fowler and Jim Bechtel of Somerset GMC Buick and Ed Phillips of Phillips Sign & Lighting were present. Mr. Phillips said that basically their hardship is identification. They are a new Buick dealer and have been unable to advertise because of the sign limitations. This proposed sign will bring the number of signs down from eight to seven and will also reduce the square footage by 16.5 square feet.

Mr. Dziurman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

ITEM #2 – con't.

Motion by Szerlag
Supported by Pylar

MOVED, to grant Phillips Sign & Lighting, 1850 W. Maple relief of Chapter 85 to remove two existing 17.5 square foot wall signs and to erect a new wall sign measuring 18.5 square feet resulting in a total of seven signs with an area of 239 square feet.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 3

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. JAY JOHNSON, JOHNSON SIGN COMPANY, 305 W. BIG BEAVER, for relief of Chapter 85 to erect three (3) wall signs each measuring 212 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect three (3) wall signs. This property is zoned O-S-C Office Service Commercial. Chapter 85.02.05 (C) (3) of the Sign Ordinance allows one wall sign up to 10% of the front face of the building that will not exceed 200 square feet in area. The petitioner is proposing three (3) wall signs each measuring 212 square feet for a total 636 square feet of signage.

Mark Crawford, Peter Treboldi, Peter Prychodko and Bruce Knapp of Doeren Mayhew were present. Jay Johnson of Johnson Sign Company was also present. Mr. Johnson stated that the hardship is the fact that this building is located 550' from I-75 and from Big Beaver and 1100' from the Big Beaver exit ramp. The wall letters will not overwhelm the building and Mr. Johnson does not believe it will cause "sign clutter". Mr. Johnson went on to say that numerous studies indicate that identification of a location is fundamental to the success of that business. Mr. Johnson also stated that it has been proven that buildings with good visibility succeed by a rate well over 60%. This variance would not be contrary to public interest and will not have an adverse effect to surrounding property.

Mr. Johnson distributed a letter that he had received from Mr. James Crew, the Vice-President of Columbia Center III, LLC indicating that they approved of this request and stated that improved signage would allow for a much stronger presence for this client.

Mr. Peter Treboldi of Doeren Mayhew stated that he has been a resident of Troy for forty years and is very active in this community. This firm has been located in the Top of Troy building since 1977 and plan to stay in Troy. Mr. Treboldi said that one of the reasons they want to move their office to this building is for the opportunity for increased signage. If this request is not approved, Doeren Mayhew will probably not move into this location and will look for a location that would allow more signage. They plan to occupy about 50,000 square feet of this building and are committed to taking good care of this building.

ITEM #3 – con't.

Mr. Dziurman asked why the petitioner wanted signs on the east, south and north elevations.

Mr. Bruce Knapp stated that the west elevation is somewhat visibly impaired by the Drury Inn and there are a number of trees that reduce visibility on the south elevation. Mr. Knapp went on to say that they are trying to get as much visibility as possible to drivers on I-75.

Mr. Dziurman asked if there were other tenants in the building that would request additional signage. Mr. Knapp stated that there were two other tenants that have signage on the ground sign.

Mr. Treboldi stated that the other tenants would not be putting up any other wall signs.

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 Pylar
Supported by Szerlag

MOVED, to grant Jay Johnson, Johnson Sign Company, 305 W. Big Beaver, relief of Chapter 85 to erect three (3) wall signs each measuring 212 square feet.

- Size of signs is not overwhelming.
- Signs will increase visibility and identification to motorists.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 3

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. GARDNER SIGNS, 686-880 E. BIG BEAVER, for relief of Chapter 85 to relocate an existing 25' tall, 198.25 square foot ground sign on the property.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to relocate an existing 25' tall, 198.25 square foot ground sign. The property in question is in the B-2 (Community Business) Zoning District. Table 85.02.05 of the Sign Ordinance requires signs over 20' in height and over 100 square feet in area to be setback at least 30' from the front property line. The petitioner is proposing to relocate the existing sign so that it is at the front property line along Big Beaver Road (zero foot setback).

ITEM #4 – con't.

Mr. Laith Hermiz of RVL Ramco, the owners of the property was present. Mr. Hermiz distributed aerials of the property indicating the location of the out lot building, the location of the present sign and the proposed location of the new sign. The out lot was purchased in 2008 and at that time they wanted to put up a 5,000 square foot retail building. They went before the Planning Commission and based on the Big Beaver Corridor Study, moved the building back about 35' from the property line. This new building partially blocks the view of the existing sign.

Mr. Hermiz also brought in drawings depicting the line of vision when traveling east in the right lane of Big Beaver and also when traveling east in the left lane of Big Beaver. Mr. Hermiz said that they complied with the Big Beaver corridor study and the sign existed before they developed the out lot. Mr. Hermiz also expressed concern about the safety issue regarding this sign due to the obstructed visibility. Often people entering the site have to make a very sharp right turn. Moving the sign closer to Big Beaver will increase visibility and will help traffic safety with increased visibility.

Mr. Dziurman stated that he did not have a problem locating this site when driving on Big Beaver because he can see the wall signs. Mr. Hermiz stated that there is a small corridor where you can see the businesses on the site, but he does not believe it is until you get past the out lot and then people have to make a very quick turn.

Mr. Dziurman stated he would like to see that if this sign is allowed to be placed on the property line, and if in the future the City purchases some of that property for any reason, the sign would have to be relocated at the owner's expense. Mr. Hermiz said that he would agree to that.

The Chairman opened the Public Hearing.

Mike Constantine, attorney representing Pet Smart, which is a tenant on this site, stated that he does not have any objection to this request as long as it did not affect the size of the sign.

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

There are no written approvals or objections on file.

Mr. Pylar asked what the distance was between the proposed location of the sign and the existing stop sign. Mr. Brian Blizzard of RVL Ramco stated that it was about 3'. Mr. Pylar asked if they had thought of moving the sign farther east.

Mr. Hermiz stated that he had absolutely no objection to moving this sign, but was concerned that revisions to the detention pond may need site plan approval. Mr. Hermiz also stated that the proposed location of the sign would be to the right of the stop sign and would not impair visibility.

Mr. Pylar stated that he was concerned that the stop sign would be too close to the proposed sign.

ITEM #4 – con't.

Mr. Szerlag asked if other signs of this size had received variances to be located at a 0' setback.

Mr. Stimac stated that signs are allowed to be placed at a 0' setback, but they are not this large.

A discussion began regarding the location of the building on the out lot. Mr. Stimac stated that neither the Zoning Ordinance or the Sign Ordinance have been changed to address the Big Beaver Corridor Study.

Mr. Dziurman asked if the petitioner would come back and ask for an increase in the square footage of the sign.

Mr. Hermiz stated that at this time they have no intention of increasing the square footage on the sign. Mr. Hermiz also stated that because the foundation of this sign was brick, they would have to take the existing base down and re-construct it in the new location.

Mr. Szerlag asked if there were any utilities located in the proposed location. Mr. Evans stated that the Sign Ordinance prohibits putting a sign in a utility easement.

Motion by Szerlag
Supported by Pylar

MOVED, to grant Gardner Signs, 686-880 E. Big Beaver, relief of Chapter 85 to relocate an existing 25' tall, 198.25 square foot ground sign.

- Sign will be located at the front property line along Big Beaver (zero foot setback).
- If the City were to purchase any of this property, the cost of re-location of this sign will be borne by the property owner.
- Sign should be moved as far east as possible without disturbing the retention pond.

Mr. Stimac said that it would be difficult to enforce this variance without using a specific number of feet from the stop sign.

Mr. Pylar said that he was also concerned about the sidewalk in this area and was worried that the sign would be too close to the sidewalk.

Mr. Stimac stated that the sidewalk is probably located about one foot from the property line and therefore would be one foot from the sign.

Motion by Szerlag
Supported by Pylar

MOVED, to amend original motion to grant Gardner Signs, 686-880 E. Big Beaver, relief of Chapter 85 to relocate an existing 25' tall, 198.25 square foot ground sign at the front property line along Big Beaver.

ITEM #4 – con't.

- Sign will be located at the front property line along Big Beaver (zero foot setback).
- If the City were to purchase any of this property, the cost of re-location of this sign will be borne by the property owner.
- Sign should be moved as far east as possible without disturbing the retention pond.
- Location of sign with relation to the stop sign is to be approved by the City Traffic Engineer.

Yeas: All – 3

MOTION TO AMEND CARRIED

Vote on motion to approve as amended.

Yeas: All – 3

MOTION TO GRANT VARIANCE WITH STIPULATIONS CARRIED

Mr. Stimac informed the Board members that at the City Council meeting of February 1, 2010 Mr. Michael Carolan was nominated to serve as a member of this Board. The vote to approve this nomination will take place at the City Council meeting of February 15th.

Mr. Stimac further stated that Mr. Carolan is a licensed builder and also works as a Real Estate agent and has been a Troy resident for 30 + years.

The Board discussed the restrictions of temporary signage for businesses along Rochester Road once the road widening project begins.

The Building Code Board of Appeals meeting adjourned at 9:16 A.M.

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Ted Dziurman, Chairman

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Pam Pasternak, Recording Secretary