The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, April 7, 2010 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Michael Carolan
Michael Pylar

ABSENT: John Szerlag

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

Mr. Dziurman stated that Mr. Szerlag was out of the City.

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 3, 2010

Motion by Pylar
Supported by Carolan

MOVED, to approve the minutes of the meeting of February 3, 2010 as written.

Yeas: 3 – Dziurman, Carolan, Pylar
Absent: 1 – Szerlag

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JEFF JOHNSON, HARMON SIGN COMPANY, 3775 ROCHESTER, for relief of Chapter 85 to erect a 170 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect a 170 square foot ground sign. The property in question is in the B-3 (General Business) Zoning District. Table 85.02.05 of the Sign Code requires that signs exceeding 100 square feet in area be setback at least 30' from the front property line. The petitioner is proposing to place this sign at 17.5' from the front property line along Rochester Road and 16' setback from the front property line along Troywood. Each face of this sign is 85 square foot in area but since the petitioner is proposing to install the sign in a "V" shape with a 90 degree angle the sign measurement is a total of all sides.

Mr. Jeff Johnson of Harmon Signs was present and stated that the main reason for this variance request was due to the widening of Rochester Road. If they tried to meet the required setback the sign would in the parking lot. There are a number of large trees along Rochester Road and although visibility is good driving south on Rochester, the sign is difficult to see for traffic traveling north on Rochester.

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.

ITEM #2 – con't.

Mr. Evans asked if the bottom 4' of the sign would be blank. Mr. Johnson said that was correct, they simply wanted it off the ground and planned to add landscaping around it.

Mr. Evans asked the petitioner if they had any plans for additional signage and Mr. Johnson stated that they did not.

Mr. Pylar expressed concern about the sign limiting visibility along the sidewalk and asked if it could be moved back approximately 2 ½ 'to the west.

Mr. Johnson said that they hadn't considered that, but he was sure it would not be a problem.

Mr. Carolan said that he had gone out to the site and he believes the proposed location of the sign would help visibility to traffic along Troywood.

Mr. Johnson stated that he would look at this site and if possible would move the sign back.

Motion by Carolan
Supported by Pylar

MOVED, to grant Jeff Johnson, Harmon Sign Company, 3775 Rochester, relief of Chapter 85 to erect a 170 square foot ground sign 17.5' from the front property line along Rochester Road and setback 16' from the front property line along Troywood.

- Rochester Road widening project has created a hardship for the petitioner.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 3 – Carolan, Pylar, Dziurman
Absent: 1 – Szerlag

MOTION TO APPROVE REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. GARDNER SIGNS, 755 W. BIG BEAVER, for relief of Chapter 85 to erect three (3) wall signs each measuring 320 square feet.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect three (3) wall signs on an existing building, each measuring 320 square feet in area. This property is zoned OSC (Office-Service-Commercial). Section 85.02.05 of the Sign Code allows one wall sign for each building not to exceed 200 square feet in area. Previous action by the Building Code Board of Appeals in 2005 allowed 3 signs that were 662 square feet in area each. Those signs are being removed and the petitioner is proposing to replace them with the new signs. Since the previous signs are being modified by more than 50%, Section 85.01.08 (2) b states that the previous action on the variance is terminated.

Mr. Jeff Prymas of Gardner Signs and Mr. Bart Quinby of PNC Ban were present. Mr. Prymas explained that National City Bank is now PNC Bank and they are asking to erect three (3) wall signs with a total square footage of 960 square feet. Mr. Prymas explained that the National City sign will be taken down and the PNC logo will replace it.

ITEM #3 – con't.

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 Carolan

MOVED, to grant Gardner Signs, 755 W. Big Beaver, relief of Chapter 85 to erect three (3) wall signs totaling 880 square feet.

- New signs are 50% smaller than existing signs.
- Size of signs is small in relationship to the size of the building.
- Location of the signs at the top of a 25 story building would make a conforming size sign unreadable.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 3 – Dziurman, Carolan, Pylar
Absent: 1 – Szerlag

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. ADAM CONRAD, 2705 LOCKSLEY, for relief of Chapter 83 to install a 6' high fence 15' from the property line along Wolverine.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence. The property in question is at the northwest corner of the intersection Locksley and Wolverine. Based upon the location of this property and the orientation of the adjacent houses, this property is a double front corner lot. As such, it has a front yard along both Locksley and Wolverine. Chapter 83 limits the height of fences in front yards to not more than 30 inches in height. The site plan submitted indicates a 6' high wood fence, setback 15' from the front property line along Wolverine.

Mr. Conrad was present and stated that he would like to put up this fence as he has children and a large dog and would like to provide safety for both. Mr. Conrad went on to say that they plan to install the fence behind the tree line and he does not believe that it will affect his neighbors as the view of it will be blocked from the street.

Mr. Dziurman asked if a variance would be required if the fence was placed along the east side of the house.

Mr. Stimac explained that if the fence were installed along the line of the house a 6' high fence would be allowed without a variance.

The Chairman opened the Public Hearing.

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

ITEM #4 – con't.

There are four (4) written approvals on file, two of which have conditions. There are three (3) objections on file.

Mr. Carolan stated that this was a fairly new subdivision and asked if there was a Homeowners Association.

Mr. Conrad stated that he had spoken to both the previous owner of the home as well as the president of the Homeowners Association and they both informed him that there are no restrictions regarding a privacy fence.

Mr. Carolan asked how close to the rear property line the fence would be and Mr. Conrad stated that he has a drainage easement at the back of the property and was not planning to extend the fence that far back.

Mr. Carolan asked what type of dog Mr. Conrad has and Mr. Conrad stated it was a Tree Hound and was a hunting dog.

Mr. Pylar asked if this dog could scale a fence that was 48" high. Mr. Conrad said that it probably could, but he was more concerned about keeping people and dogs out of his yard, rather than his dog getting out. Mr. Conrad also stated that the entire back of his house is exposed.

Mr. Dziurman asked what type of fence Mr. Conrad was planning to install.

Mr. Conrad state that they were planning to put up a dog-eared cedar privacy fence. This fence would also be painted or stained in a color in keeping with the color of their home.

Mr. Dziurman stated that the fence will be behind the tree line and is quite a way from the sidewalk.

Mr. Carolan asked if there were a number of similar requests that have been granted in the past.

Mr. Stimac stated that each case is studied individually, and in the past similar variances have been granted which have required landscaping between the fence and the sidewalk. This request is farther back from the property line than typically requested and the fence is also obscured by existing landscaping that is larger than typically has been required by the Board in similar circumstances.

Mr. Carolan expressed concern over the fact that there were three (3) solid objections and asked if this Board could dictate the color of the fence.

Mr. Dziurman stated that he does not think the color of the fence should be an issue for the Board to decide.

Mr. Conrad stated that they are new to this neighborhood and do not want to anger any of their neighbors. They are planning to put up a fence that will blend in with the area.

ITEM #4 – con't.

Motion by Carolan

MOVED, to grant Adam Conrad, 2705 Locksley relief of the Chapter 83 to install a 6' high fence 15' from the property line along Wolverine.

- Fence constructed within earth tones matching the color of the house.
- Fence to be constructed of PVC material.

Mr. Pylar stated that he does not like a PVC fence and would rather see a natural wood fence.

Mr. Carolan stated that he would amend his motion to have a wooden fence constructed rather than a PVC fence.

Mr. Pylar stated that he was concerned about the north side of the property and indicated that he would like additional landscaping in that area.

Mr. Conrad brought forth a picture of that area and stated that the fence would be located behind the existing landscaping, which would cover about 95% of the proposed fence. Mr. Conrad also stated that there are about six (6) arborvitaes along with fir and pine trees in that area.

Motion failed for lack of a second.

Motion by Carolan
Supported by Pylar

MOVED, to grant Adam Conrad, 2705 Locksley, relief of Chapter 83 to install a 6' high fence 15' from the property line along Wolverine.

- Fence will be constructed of wood.
- Fence will have an earth-tone color that will blend with the surroundings.
- Fence will be placed behind the existing tree line.

Yeas: 3 - Pylar, Dziurman, Carolan
Absent: 1 – Szerlag

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:14 A.M.

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Ted Dziurman, Chairman

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Pam Pasternak, Recording Secretary