Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on October 2, 2013 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:
Theodore Dziurman, Chair
Gary Abitheira
Teresa Brooks
Michael Carolan
Brian Kischnick (arrived 3:18 p.m.)

Support Staff Present:
Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:
Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Abitheira
Support by: Carolan

RESOLVED, To approve the minutes of the September 4, 2013 Regular meeting as submitted.

Yeas: All present (4)
Absent: Kischnick (arrived 3:18 p.m.)

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, PETE PERTILE, 5574 IVANHOE** – A variance for relief of Chapter 83 to install a 5 foot high PVC picket fence in the required front setback along Highbury where the Fence Code limits the height of fences to 30 inches.

Mr. Grusnick reviewed the variance request. He indicated the applicant is requesting to replace an existing 30 inch high fence for which the City issued a permit 17 years ago with a 5 foot high PVC picket fence on the same portion of yard. Mr. Grusnick addressed concern for the potential vision obstruction of pedestrian traffic along Highbury. He reported the department received no responses to the public hearing notices.

The applicant Pete Pertile said a higher fence would provide safety for his child. He said the new fence would be an upgrade and aesthetically pleasing to the neighborhood. Mr. Pertile asked to change his request from a 5 foot high fence to a 4 foot high fence to accommodate a concern of one of his neighbors. He circulated a brochure of the proposed fence.

There was discussion on:

- Angling fence to allow vision of pedestrian traffic.
- 4 foot high fence as relates to fence type, posts, arches.

Mr. Pertile said he has no objection to angling the fence, as suggested by the Board.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

Moved by: Abitheira
Support by: Brooks

RESOLVED, To grant the request to install a 4 foot high PVC picket fence located 18 inches off the sidewalk, and to allow supporting fence posts up to 5 feet in height, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

FURTHER RESOLVED, That the variance is subject to providing a corner clearance triangular area without fencing starting at the northeast property corner and extending for a distance of 10 feet west and 10 feet south for the purpose of eliminating the public sidewalk vision obstruction for the driveway located at 2272 Highbury.

Yeas: All present (4)
Absent: Kischnick (arrived 3:18 p.m.)

MOTION CARRIED

B. **VARIANCE REQUEST, MARY CURL, 3955 ANVIL** – A variance for relief of Chapter 83 to install a 4 foot high chain link fence in the required front setback along Wattles where the Fence Code limits the height of fences to 30 inches.

Mr. Grusnick reviewed the variance request. He reported the department received no responses to the public hearing notices.

The applicant Mary Curl said the 4 foot high fence would provide the height needed to contain her one year old, 93 pound Labrador retriever as well as give him room to run. Ms. Curl said she spoke with the neighbors and there are no objections to the fence. Ms. Curl said a 4 foot high fence is all she needs with the existing natural vegetation that would screen the fence and understands that the fence would be installed on her side of the property.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

[Mr. Kischnick arrived at 3:18 p.m.]

Moved by: Abitheira
Support by: Brooks

RESOLVED, To grant the request as submitted for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yeas: All present (5)

MOTION CARRIED

C. **VARIANCE REQUEST, PATRICK STIEBER FOR ALLIED SIGNS, INC., 36895 DEQUINDRE** – In order to place two ground signs (menu boards), each measuring 46 square feet in size, a variance from the Sign Code that limits the size of these signs to 36 square feet each.

Mr. Grusnick reviewed the variance request and said the proposed menu boards would be out of public view. He reported the department received one response to the public hearing notices in support of the variance request. Mr. Grusnick stated there have been no complaints registered with the size of the menu boards at other McDonald restaurants in Troy that have been granted relief on the menu board size.

The applicant Patrick Stieber said the existing McDonald's restaurant is doing a major remodel to upgrade to a double drive-through with two menu boards and two order points. They are asking relief to enlarge the existing menu board and install the second menu board. Mr. Stieber said the standard corporate menu boards are no different from other McDonald restaurants in Troy that have been granted relief of the sign code.

Mr. Grusnick agreed with the comments of the applicant.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

Moved by: Brooks
Support by: Carolan

RESOLVED, To grant the request as submitted for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85, as the proposed signage is not within public view.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign because there is a brick wall on the west property line.
3. The petitioner has indicated a hardship because it is a corporate sign at a minimum square footage size above what is permitted by code.

Yeas: All present (5)

MOTION CARRIED

D. **VARIANCE REQUEST, SEAN TWOMEY FOR DRURY DEVELOPMENT CORPORATION, 575-591 W. BIG BEAVER** – A variance from the requirement that permits a maximum of two ground signs on the property, in order to maintain a previously erected third ground sign measuring 36 square feet.

Mr. Grusnick reviewed the variance request. He identified on the visual screen the two existing ground signs (one for the hotel and one for the restaurant) and the third sign at the entrance, for which the variance is being requested. Mr. Grusnick said since the ordinance allows only 2 ground signs there are no provisions to regulate the size of a third sign but, if granted, it would follow the guidance of a second sign and be restricted to 10 feet maximum in height. He reported the department received no responses to the public hearing notices.

The applicant Sean Twomey circulated photographs of the site. Mr. Twomey said after an addition and remodel of the existing property, the hotel manager received complaints the hotel entrance was very difficult to find and guests were driving by the entrance. Mr. Twomey said the hotel applied for a sign permit to install a third sign to better identify the hotel entrance, with the belief they were within their rights to erect a second sign for the hotel. He said the permit was granted, a sign was erected, and subsequently the hotel was notified they were in violation.

There was discussion on:

- Combining/stacking signage for both hotel and restaurant.
- Sign at hotel entrance obscured by restaurant sign.
- Relationship of restaurant to hotel; ground lease, property owned by hotel.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

Moved by: Abitheira
Support by: Brooks

RESOLVED, To grant the request as submitted for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.
2. The petitioner has a hardship or practical difficulty because the sign is already installed with a permit.

Yeas: All present (5)

MOTION CARRIED

E. **VARIANCE REQUEST, KEVIN DETERS OF METRO DETROIT SIGNS, 750 TOWER** – In order to place a second and third wall sign measuring 116.24 and 24.5 square feet respectively, a variance from the requirement allowing a maximum of one wall sign, not exceeding 200 square feet.

Mr. Grusnick reviewed the variance request. He stated that presently there is no existing signage on the property. He reported the department received no responses to the public hearing notices.

Paul Deters was present to represent the applicant. Also present was Scott Worden, Manager of Corporate Communications and Public Relations with Magna.

Mr. Deters addressed the proposed signage as relates to the west and east building elevations and frontage on two major thoroughfares. He said the proposed signs would not be visible at the same time and there would be no proliferation of signage. Magna is requesting relief of the sign code to allow visibility from I-75, Tower and Crooks. Mr. Deters said Magna currently occupies 75% of the building and expects full occupancy within the next six months, noting it is Magna's intent to be the only identification on the building. He noted the proposed sign on the north elevation is only for identification of the building entrance.

Discussion on:

- Signage on adjacent buildings.
- Signage on east elevation; previous (removed) lease sign.
- Signage on subject building prior to current tenant.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

Moved by: Kischnick
Support by: Carolan

RESOLVED, To grant the request for two signs, one sign at the north entrance and a second sign on the building elevation facing Tower, for the following reasons.

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property because it has two frontages.

Yeas: All present (5)

MOTION CARRIED

F. **VARIANCE REQUEST, ROBERT MOORHOUSE OF R. E. MOORHOUSE AND ASSOCIATES, INC., FOR 5440 CORPORATE** – In order to place 4 wall signs each measuring 100 square feet, a variance from the requirement allowing a maximum of one wall sign, not exceeding 200 square feet.

Mr. Grusnick reviewed the variance request. He addressed the similarity of the request to the previous request reviewed by the Board, as it relates to the existing office building having two frontages. Mr. Grusnick said there are three variance requests before the Board proposed by two separate tenants. He reported the department received no responses to the public hearing notices.

The applicant Robert Moorhouse said the tenants are two separate entities with individual company brands. Mr. Moorhouse said he spoke with Paul Evans, the City's Zoning and Compliance Specialist, who suggested bringing the signage of both brands within close proximity, with the intent that the Board might give consideration to it being one sign. Mr. Moorhouse said the signage would have no adverse affect on neighboring buildings, nor would the signs be visible at the same time. He said the intent of the signage is to give visibility and exposure to the individual growing companies.

Also present were Meaghan Lewis representing Residential Home Health and Diane Cattanach representing Residential Hospice.

There was discussion on:

- Individual business entities; technically two separate signs.
- Approximate distance between signs; 6 feet.
- Building elevation that comprises predominant parking.
- Ground sign permits in process; additional tenants would be identified.

- Percentage of leased building; just under 50% for both tenants, 7 year lease with expected growth.

Chair Dziurman opened the floor for public comment; there was no one present who wished to speak.

Moved by: Abitheira
Support by: Carolan

RESOLVED, To grant the variance as submitted for three (3) additional wall signs at 100 square feet each for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.
2. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.
3. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Discussion on the motion on the floor.

Mr. Kischnick shared concern with the request as it relates to the number of variances requested to identify individual business entities. He said he would vote yes on the request but would have liked to see a better solution. Mr. Kischnick said that in the end, the signs most likely will look okay.

Mr. Grusnick asked the applicant if the signs had been manufactured already and if they could be incorporated into one sign cabinet.

Mr. Moorhouse said no because the companies are two separate companies.

Vote on the motion on the floor.

Yeas: Abitheira, Carolan, Dziurman, Kischnick
Nay: Brooks

MOTION CARRIED

Ms. Brooks said a better solution could have been proposed.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

The 2014 meeting schedule will be placed on the next agenda for approval.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:00 p.m.

Respectfully submitted,

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Theodore Dziurman, Chair

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Kathy L. Czarnecki, Recording Secretary

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BUILDING CODE BOARD OF APPEALS SIGN-IN SHEET

October 2, 2013

NAME (PLEASE PRINT)	*ADDRESS*
SEAN TWOMEY	721 EMERSON RD, STE. 200 ST. LOUIS, MO 63141
Bob Moorhouse	33 N. Squirrel Rd, Auburn Hills, MI 48326
Pete Pedile	5574 Ivanhoe Troy MI 48085
Mary Curl	3955 Anvil Dr. Troy MI 48083
Paul DeTers	23544 Hoover, Warren 48089
Scott Worden	750 Tower Drive, Troy, MI 48098
Pat Stieber	33650 Gifford Clinton Twp.
Meaghan Lewis	30755 Barrington, Madison Heights 48071
Diane Cattanach	30755 Barrington, Madison Hts MI 48071
NAME (PLEASE PRINT)	*ADDRESS*

BUILDING CODE BOARD OF APPEALS MEETING SIGN-IN SHEET

October 2, 2013