

A regular meeting of the Building Code Board of Appeals was held on Wednesday, June 2, 2004 in the Council Board Room of City Hall. The Chairman, Ted Dziurman, called the meeting to order at 8:34 A.M.

PRESENT: Ted Dziurman
Rick Kessler
Tim Richnak
Richard Sinclair
Frank Zuazo

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

ITEM #1 – APPROVAL OF MINUTES MEETING OF MAY 5, 2004

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of May 5, 2004 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. PATRICK SIEBER, OF ALLIED SIGNS, 846 E. BIG BEAVER, for relief of the Sign Ordinance to install a second wall sign, 66 square feet in size.

Mr. Stimac explained that the petitioner is requesting to install a second wall sign, 66 square feet in size for the Fitness Experiences. Section 9.02.04, B of the Ordinance permits a maximum of 98 square feet of wall signage at this location. There is an existing wall sign on the north side of the building, which is 95 square feet, and with the addition of the proposed 66 square foot sign on the south side of the building facing I-75, the signage would total 161 square feet.

This item first appeared before this Board at the meeting of Wednesday, May 5, 2004 and was postponed until this meeting to allow the petitioner the opportunity to be present.

Mr. Patrick Sieber of Allied Signs was present and stated that they are asking to put up a second wall sign to allow for better identification on the back of the building, which faces I-75. Mr. Sieber explained that other retailers in this center have signs on the back of the buildings, and this sign would be in keeping with those signs.

ITEM #2 – con't.

Mr. Dziurman asked for clarification regarding the amount of wall signage approved by Chapter 78 and Mr. Stimac explained that a wall sign is allowed to be 10% of the front face of the tenant area. Mr. Dziurman then asked if other businesses had requested variances to put up additional signage. Mr. Stimac said that he was not aware of other variance requests and thought these businesses complied with the Sign Ordinance.

Mr. Kessler said that this Board requires a hardship with the property in order to approve a variance and did not feel that the petitioner had demonstrated a hardship at this point. Mr. Sieber said that he feels the hardship is the lack of identification along I-75. Mr. Kessler said that he felt the sign on the front of the building could be reduced, which would allow for a second sign to be added to the back of the building.

Mr. Dziurman asked if it was possible for the petitioner to reduce the size of the sign on the front of the building and Mr. Sieber said that he could not make that decision. Mr. Sieber also said that the front wall sign was at the limit of what the Ordinance allows. Mr. Stimac said that the present front sign is 95 square feet, and if the petitioner wished to put up a 66 square foot sign on the back of the building, the front sign would have to be reduced to 32 square feet.

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.

Motion by Richnak
Supported by Sinclair

MOVED, to postpone the request of Patrick Sieber, of Allied Signs, 846 E. Big Beaver, for relief of the Sign Ordinance to install a second wall sign, 66 square feet in size, until the meeting of July 7, 2004.

- To allow the petitioner the opportunity to determine if the sign on the front of the building could be downsized.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF JULY 7, 2004
CARRIED

ITEM #3 – VARIANCE REQUEST. JAMES JASKOWSKI, 6989 WESTPOINTE, 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. This property is a double front corner lot. It has front yard

ITEM #3 – con't.

requirements along both Westpointe and East South Boulevard. Chapter 83 limits the height of fences in front setbacks to 30". The site plan submitted indicates a 6' high vinyl fence located 9.34' from the north property line along East South Boulevard.

Mr. Jaskowski was present and stated that he wished to fence his property in to protect his children from running out onto South Boulevard and also to cut down on noise from a new business, which is located across South Boulevard in Rochester Hills. Mr. Jaskowski explained that he plans to put the fence in approximately 21' from the edge of the home.

The Chairman opened the Public Hearing.

Laith Hermiz, 6955 Westpointe, was present and stated that he is in support of Mr. Jaskowski's request. Mr. Hermiz stated that he is also very concerned about the traffic on South Boulevard and feels that the fence will provide a safer environment for the children.

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

There is one (1) written approval on file. There are no written objections on file.

Mr. Stimac clarified the location of the fence. The original application indicated the fence would be located 9.34' from the north property line. Mr. Jaskowski confirmed from the new drawing that the fence would actually be 26' from the north property line.

Motion by Kessler
Supported by Richnak

MOVED, to grant James Jaskowski, 6989 Westpointe, relief of Chapter 83 to install a 6' high privacy fence.

- Fence will be 26' from the north property line along East South Boulevard.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Fence will help to keep children from the road, as well as help to diminish the noise from the business across South Boulevard.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #4 – VARIANCE REQUEST. MR. & MRS. MICHAEL WESTERN, 1459 ALMOND, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 48" high fence. This property is a double front corner lot. It has front yard setback requirements along both Almond and Aurora. Chapter 83 limits the height of fences in front setbacks to 30 inches. The site plan submitted indicates a 48" high metal fence, setback 8' from the sidewalk along Aurora.

Mr. & Mrs. Michael Western were present. Mr. Western stated that he had installed a hot tub on his deck, which is located 8 ½' out from the side of the house, and is very concerned about children getting into the hot tub and having an accident. Mr. Western went on to say that he understood that the deed restrictions allowed for fences only when in ground pools were installed, and he thought that because his hot tub was 36" deep, it could be considered a type of pool. Mr. Western also said that he has gates at both ends of his deck, which are locked, but he does not feel they are secure enough. The hot tub has an approved locking cover as required by the City.

Mr. Richnak asked if a hot tub/Jacuzzi is ever considered by the City to be a pool. Mr. Stimac explained that there are separate definitions defining a hot tub and a pool, but that both have specific, identical safety requirements. Mr. Stimac also suggested that the hot tub could be protected by an enclosure, which would be just around the deck.

Mr. Zuazo asked about the cover for the hot tub. Mr. Western indicated that the cover for his hot tub complies with the requirements of the City.

There are ten (10) written objections on file. There are no written approvals on file.

The Chairman opened the Public Hearing.

Mr. Timothy Kroninger, 1228 Almond, was present and stated that he is the Treasurer and past President of the Crescent Ridge/Parc Homeowners Association. Mr. Kroninger stated that the deed restrictions prohibit fences and he does not believe that Mr. Western has a hardship. Mr. Kroninger stated that locking devices can be obtained to secure the hot tub and if need be, he would help Mr. Western obtain one. Mr. Kroninger submitted a written petition with sixteen (16) signatures indicating disapproval of this variance request.

Mr. Rzankowski, 1443 Almond, was present and said that he does not want a fence and thinks Mr. Western can use a locking system to protect the hot tub.

Mr. Luzynski, 1420 Almond, was present and said that one of the reasons he chose this subdivision was because of the deed restrictions and objects to this request for a fence. Mr. Luzynski said that this fence would be in violation of the deed restrictions and also feels it would set a precedent and cause a drop in property values.

ITEM #4 – con't.

Mr. Western stated that it is not his intention to degrade the property, and his only reason to come before this Board was to ask for more security around his hot tub. Mr. Western also said that another homeowner had put in a hot tub and then put up a fence, and nothing was ever done about it.

Mr. Kroninger said that the home Mr. Western referred to was not a corner lot, and that the property owner knows that if he were to sell his home, the fence would have to come down. Mr. Kroninger also said that he feels these homes are in the \$500,000.00 range and a fence would not only set a precedent, but would also lower property values.

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

Mr. Zuazo asked Mr. Western how he felt regarding the options presented to him. Mr. Western said that he felt some of the suggestions were very good ones and he thought he may be able to implement them. Mr. Western also said that if he didn't try to get a variance and something happened to one of the children, he would feel very bad.

Mr. Kroninger asked Mr. Western to meet with him as he felt that the Homeowners Association could make some kind of compromise regarding a fence.

Motion by Richnak
Supported by Kessler

MOVED, to deny the request of Mr. & Mrs. Michael Western, 1459 Almond, for relief of Chapter 83 to install a fence.

- Petitioner did not demonstrate a hardship with the land.
- Petitioner has other options available to increase safety.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #5 – VARIANCE REQUEST. MS. KATHLEEN DEBURGHGRAEVE, 1750 BRENTWOOD, for relief of the Sign Ordinance to allow the placement of 20 off-site signs.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to allow the placement of 20 off-site signs, 2 square feet in size, for a 7-day period, from Monday, August 16th through Sunday, August 22nd. The Sign Ordinance limits the number of off-site signs to 4.

This event is held on a yearly basis and has been granted a variance by this Board since 1999.

ITEM #5 – con't.

Ms. Deburghgraeve was present and stated that this request is the same as the request presented in past years. Ms. Deburghgraeve also stated that these extra signs have added to the success of this event.

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.

Motion by Richnak
Supported by Sinclair

MOVED, to grant Ms. Kathleen Deburghgraeve, 1750 Brentwood, relief of the Sign Ordinance to allow the placement of 20 off-site signs.

- Signs will be out from Monday, August 16th through Sunday, August 22nd.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. ALOKE RAY, 5929 JOHN R., for relief of the Sign Ordinance for the proposed placement of a 32 square foot ground sign, advertising a special event (grand opening), at the above location. The time frame includes three separate, 30-day periods within a year.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 for the proposed placement of a 32 square foot ground sign, advertising a special event (grand opening). The time frame includes three separate, 30-day periods within a year. Section 14.02 of the Ordinance allows a Special Event Sign for a grand opening for a maximum period of seven consecutive days. A permit was obtained for a sign that was in place from May 3rd through May 9, 2004. This proposal exceeds the amount of time permitted for a Special Event Sign.

Mr. Ray was present and stated that he has received a lot of complaints from customers indicating that they did not know his business was open. Mr. Ray went on to say that Troy is the only community that limits Special Event Signs to seven (7) days and feels that the Sign Ordinance should be changed to accommodate business owners and make them feel welcome in the City.

Mr. Zuazo asked if Mr. Ray had an identification sign on the main sign of the shopping center and Mr. Ray said he did, but did not feel that people will look up to find his

ITEM #6 – con't.

location, and also that a large sign in front of his business would make identification easier. Mr. Ray again stated that other communities allow for signs to be placed out for a longer period of time and thinks Troy should follow their lead.

Mr. Richnak asked if Mr. Ray intended to use this sign for advertising and Mr. Ray said that he would use it for both advertising and identification. Mr. Richnak explained the purpose of a sign was for identification and when he visited this site, he had no problem finding Mr. Ray's business. Mr. Richnak also stated that he feels Mr. Ray has a number of other avenues to advertise. Mr. Ray said that he is in advertising and feels the way to go is by putting a sign out in front of his business and is much better than a sign on a building. Mr. Ray also feels that Troy should welcome businesses the way other communities do. Mr. Ray feels that the ad that he placed in the newspaper does not have the same impact as his proposed sign and also does not feel that seven (7) days is a long enough time period to advertise.

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 explained that the City of Troy Sign Ordinance is not governed by the Ordinances in other communities but however asked Mr. Ray if he had copies of these other Ordinances. Mr. Ray said that he had spoken to other communities on the phone, and we could call these communities to verify what their restrictions are.

Mr. Kessler said that he does not feel Mr. Ray has a hardship with the property and also that other businesses in the City comply with the Ordinance and do not have a problem. Mr. Kessler also said that the owner of the shopping center can give up some of their signage to Mr. Ray to aid him in advertising his business. Mr. Ray said that he feels the City of Troy should change their Ordinance and welcome business owners to the City and make them feel welcome. Mr. Kessler stated that this Board does not have the power to change the Ordinance. Mr. Ray also stated that he feels this limitation on signage creates a big hardship.

Mr. Richnak explained that a hardship does not include solely an economic hardship, and he agrees that the petitioner has not demonstrated a hardship that runs with the land.

Mr. Ray asked what the City gains by limiting Special Event Signs to seven (7) days rather than thirty- (30) days. Mr. Dziurman said that the Ordinance allows a certain size of sign and limits it to seven (7) days. Mr. Dziurman also said that he feels a request for ninety- (90) days is excessive.

ITEM #6 – con't.

Motion by Richnak
Supported by Zuazo

MOVED, to deny the request of Alope Ray, 5929 John R., for relief of the Sign Ordinance for the proposed placement of a 32 square foot ground sign, advertising a special event (grand opening), at the above location. The time frame includes three separate, 30-day periods within a year.

- Petitioner did not demonstrate a hardship.
- Variance would be contrary to public interest.
- Variance would have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #7 – VARIANCE REQUEST. GARDNER SIGNS, 2600 W. BIG BEAVER, for relief of Chapter 78 to install two wall signs, each 99 square feet in size.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 for the proposed installation of two wall signs, each 99 square feet in size, at the above noted location. Section 9.02.03, A of the Ordinance permits one major wall sign, a maximum size of 200 square feet, at this location. This proposal exceeds the number of signs permitted.

Mr. Scott Gardner was present and stated that they are requesting two signs in order to increase visibility to traffic along Big Beaver Road. Mr. Gardner went on to say that because of the trees in the median, and the Somerset walkway it is difficult to identify this site.

Mr. David Sheere of Standard Federal was also present and stated that this building is unique in that it faces Golfview and Big Beaver Road.

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

There is one (1) written objection on file. There are no written approvals on file.

Mr. Richnak stated that he drove to this site and does feel that the landscaping along Big Beaver creates some obstruction to this building. Mr. Richnak said that he felt that visibility for eastbound traffic was very good. Mr. Sheere stated that he believes exposure on the west side of the building is also very important.

ITEM #7 – con't.

Mr. Kessler asked if the signs would be considered one (1) sign if they were placed corner to corner and Mr. Stimac said if the signs were placed on the corners of the building, they would be considered one (1) sign. Mr. Gardner said that they had worked very hard to keep the two (2) signs within the square footage allowed for wall signs.

Motion by Kessler
Supported by Sinclair

MOVED, to grant Gardner Signs, 2600 W. Big Beaver, for relief of Chapter 78 to install two (2) wall signs, each 99 square feet in size.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Square footage of both signs will comply with the maximum size allowed by the Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUEST. TERY ULCH, AVER SIGN CO., 700 TOWER DRIVE, for relief of Chapter 78 for the installation of two wall signs, each 226.59 square feet in size.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install two wall signs. Section 9.02.03, A of the Sign Ordinance permits one major wall sign, a maximum size of 200 square feet at this location. The application submitted indicates the installation of two signs, each 226.59 square feet in size. This proposal exceeds the number of signs, as well as the size permitted by the Ordinance.

Terry Ulch & Chuck Zarkis from Aver Sign Company and Karen Goodrich from Strategic Financial Services were present. Mr. Ulch explained that these two (2) signs would not take up 2% of the face of this building and they are needed to provide identification for this company. Mr. Ulch went on to say that Strategic Financial Services has made a large commitment to Troy and have signed a ten (10) year lease. Mr. Ulch also said that part of the hardship is the fact that the name of the business has twenty-seven (27) characters, which makes it very difficult to downsize and still keep the sign visible.

Mr. Zarkis stated that this building is currently referred to as the EDS building and Strategic Financial Services will be the one major tenant moving in here and they want customers to be able to locate them easily. Mr. Ulch stated that the proposed signs are not out of character.

ITEM #8 – con't.

Mr. Richnak asked about the limitations for wall signs on buildings and Mr. Stimac explained that the Sign Ordinance states that a wall sign may be up to 10% of the front of the building, but is limited to a maximum of 200 square feet.

Mr. Dziurman asked how much of the building was going to be leased by Strategic Financial Services. Ms. Goodrich said that this company will take up the entire 1st floor, the 7th floor and part of the 2nd floor.

Mr. Dziurman asked what would happen if other tenants wanted to put up wall signs. Mr. Stimac explained that other tenants would not be able to put up wall signs as they have to put on the 1st floor and this tenant will have the entire 1st floor. Mr. Stimac also said that other tenants would be able to put their names out on a ground sign.

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

There are no written objections or approvals on file.

Mr. Dziurman asked if this sign could be made any smaller. Mr. Zarkis indicated that they had done studies, and this size was the most visible for traffic traveling at a rate of 65 miles per hour. Mr. Kessler asked if the letters in the proposed signs were the same size as the "700" letters. Mr. Zarkis said that the proposal submitted showed the signs drawn to scale and thought they were the same size.

Mr. Zuazo asked if there were other signs on the property and Mr. Zarkis said that there are two (2) directional signs that currently identify the former tenant, EDS, which they plan to remove. Mr. Dziurman asked if EDS had any obligation to remove these signs, and Mr. Stimac stated that the Ordinance did not address this issue. Ms. Goodrich said that EDS still has employees in the 750 and 800 buildings.

Mr. Kessler said that he thinks this request is quite excessive in that both proposed signs exceed the square footage allowed by the Ordinance. Mr. Ulch said that because the name is so large, a larger sign is required. Mr. Kessler said he thinks they could put up smaller signs. Mr. Zarkis said that he felt that this size of sign would be required to identify this location because the buildings are setback so far from Long Lake and I-75. Mr. Kessler said he would be inclined to go with one sign that would be 226.59 square feet, but feels that the request for a second sign is excessive. Ms. Goodrich stated that this company has locations in other cities, but this would be their headquarters. Mr. Kessler asked if the signs would be illuminated and Mr. Ulch said they would. Mr. Ulch also said that this building sits back 675' from I-75 and 400' from Long Lake and does not feel this request is unreasonable.

Mr. Zuazo indicated that he felt some sort of compromise could be made. Mr. Richnak asked if there were any provisions in the Ordinance allowing for a larger sign due to the

ITEM #8 – con't.

distance of the building from the road. Mr. Stimac said there are no exceptions regarding wall signs, but there are provisions for ground signs based upon the distance to the property line.

Mr. Zarkis said that they could change the proportions of the Logo, and asked if the Board would consider two signs at 200 square feet each.

Motion by Sinclair
Supported by Richnak

MOVED, to grant Terry Ulch, Aver Sign Co., 700 Tower Drive, relief of Chapter 78 for the installation of two wall signs.

- Each sign will be a maximum of 200 square feet.
- The signs are attempting identification to I-75.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Dziurman, Richnak, Sinclair, Zuazo
Nays: 1 – Kessler

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 10:14 A.M.

Ted Dziurman, Chairman



Pamela Pasternak, Recording Secretary