

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, May 1, 2002.

PRESENT: Ted Dziurman  
William Nelson  
Rick Kessler  
William Need  
Frank Zuazo

ALSO PRESENT: Mark Stimac  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES MEETING OF APRIL 3, 2002**

Motion by Nelson  
Supported by Need

MOVED, to approve the minutes of the meeting of April 3, 2002 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – HARRINGTON PARK DEVELOPMENT, LLC, HARRINGTON PARK CONDOMINIUMS**, for relief of Chapter 83 to construct a 6’ high masonry/aluminum subdivision entrance wall in the front setbacks along West Long Lake Road and Harrington Park Drive.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to construct a subdivision entrance wall/fence at the proposed Harrington Park Condominiums. The site plan submitted indicates the construction of a 6’ high masonry/aluminum subdivision entrance wall in the front setbacks along West Long Lake Road and Harrington Park Drive. Chapter 83 limits the height of fences and entrance walls in front setbacks to 30” in height in the R-1T Zoning District.

This item first appeared before this Board at the meeting of April 3, 2002 and was postponed to allow the petitioner to bring in a detailed plan indicating the proposed wall and a realistic landscape plan.

Mr. Joe Maniaci was present and stated that they had moved the wall further back from the proposed units.

Motion by Need  
Supported by Nelson

**ITEM #2 – con't.**

MOVED, to grant Harrington Park Development, LLC, Harrington Park Condominiums, relief of Chapter 83 to construct a 6' high masonry/aluminum subdivision entrance wall in the front setbacks along West Long Lake Road and Harrington Park Drive.

- Revised plan submitted shows a more reasonable landscape plan.
- Variance would not be contrary to public interest.
- Variance would not have an adverse effect on surrounding property.
- The wall does not interfere with the vision clearance at the intersection.

Yeas: All – 5

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #3 – NANCY BRUMM, 2825 BOLINGBROKE**, for relief of Chapter 83 to replace an existing 6' high privacy fence in the front setback along Upton.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to replace an existing 6' high privacy fence in the front setback along Upton. This lot by definition is a double front corner lot in that it has front yards along both Bolingbroke and Upton. Chapter 83 limits the height of fences in front setbacks to 30". The site plan submitted indicates a 6' high privacy fence in the front setback along Upton. We could find no fence permit for the existing fence and it is likely that the fence was installed at a time before fence permits were required.

Ms. Nancy Brumm was present and stated that the existing fence is in a state of disrepair and provides privacy for both herself and her neighbor.

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

There are eight (8) written approvals on file. There are no written objections on file.

Motion by Need

Supported by Nelson

MOVED, to grant Nancy Brumm, 2825 Bolingbroke, relief of Chapter 83 to replace an existing 6' high privacy fence in the front setback along Upton.

- Variance is not contrary to public interest.
- Neighbors support this request.
- New fence will replace existing fence that is the same size, type, and location.
- The existing vegetation already obstructs view in the front yard.

Yeas: All – 5

**ITEM #3 – con't.**

MOTION TO GRANT REQUEST CARRIED

**ITEM #4 – KEMP BUILDING & DEVELOPMENT, 1400 ROCHESTER ROAD**, for relief of Section 507.3 of the 2000 Michigan Building Code.

Mr. Stimac explained that the petitioners are proposing to alter and construct an addition on an existing industrial building on the east side of Rochester, south of Maple Road. This building was the former home of the Waggoner Corporation. This is a very large building and in order to comply with the Building Code limitations for height and area, it would need to be classified as an unlimited area building. In order to comply with the requirements of Section 507.3 of the Michigan Building Code the building must be located at least 60 feet from the property line. In most areas the existing building complies with this requirement except for the northeast portion of the building that is located from 20 to 39 feet from the east property line and a small portion of the north building wall that is located as close as 57 feet to the north property line. The petitioners are proposing some separation and sprinkler alternatives in lieu of the required separation distance.

Mr. Robert Williams, Architect for this project, Mr. Tom Kemp, of Kemp Building Company, Mr. Randall Hall, attorney for the owner of this building and Mr. Mark Artinian, owner of Bosco's, Inc. were present. Mr. Artinian is proposed to be the building tenant.

Mr. Williams explained that they are proposing to add the following: 1) a new three (3) hour fire barrier partition provided between the proposed office addition and the existing building; 2) a new three (3) hour fire barrier partition provided between the proposed Tenant #1 area and the other occupants of the structure; 3) the east wall of the north shop would be provided with a fire sprinkler water curtain which would consist of interior and exterior fire sprinkler heads; and 4) the north shop would be provided with a smoke evacuation system for both fire department and personnel use. In addition, Mr. Williams stated that they would bring the whole building up to the requirement of the unlimited building classification by putting in a complete fire protection system throughout. The remaining area would be sprinklered as spaces are occupied.

Mr. Nelson stated that the Fire Department has met with Mr. Williams and believe that the proposed changes are adequate.

Mr. Stimac asked if the existing protection of the building structure would remain. Mr. Williams stated that it was their intent to leave the protection in place.

Motion by Nelson

Supported by Kessler

**ITEM #4 – con't.**

MOVED, to grant Kemp Building & Development, 1400 Rochester Road, relief of Section 507.3 of the 2000 Michigan Building Code.

- Proposed changes will provide adequate fire protection.
- Variance would apply to this property only.
- Variance will not have an adverse effect on surrounding property.

Yeas:            All – 5

MOTION TO GRANT VARIANCE REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 8:45 A.M.

MS/pp