

A regular meeting of the Building Code Board of Appeals was called to order by the Chairman, Ted Dziurman, at 8:34 A.M. on Wednesday, June 7, 2000.

PRESENT: Ted Dziurman
Rick Kessler
Thomas Smith
Richard Sinclair
William Need

Also Present: Mark Stimac
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES, MAY 3, 2000 MEETING.

Motion by Kessler
Supported by Smith

MOVED, to approve the minutes of the Building Code Board of Appeals meeting of May 3, 2000 as written.

Yeas: All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – ROBERT HORSLEY, ON BEHALF OF TACO BELL RESTAURANT,
3268 ROCHESTER ROAD FOR RELIEF OF CHAPTER 78.**

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to replace an existing 48' ground sign with a new 100 square foot sign, 20' in height, and setback 12' from the right of way. Chapter 78, Section 9.01 of the Sign Ordinance requires that a sign this size is placed 20' from the right of way.

Mr. Robert Horsley and Mr. Bob Bongiorno, of B & B Signs were present representing Taco Bell. Mr. Horsley explained that when the existing building was erected in 1996, the City approved the location of the sign. The sign location turned out to be in a utility easement. Pat Pettito, of the right-of-way Department requested that the existing sign be relocated further from Rochester Road to remove it from the easement. The new location makes this sign less visible from traffic heading southbound and, because this Taco Bell is located where Rochester Road curves it also makes it more difficult for people to see when heading northbound. Mr. Horsley believes that the present location of the sign creates a traffic hazard due to the limited visibility. Mr. Horsley stated that the National Coney Island sign and the Buscemi sign also hide their present sign. Mr. Horsley was concerned due to the fact that sales are considerably down at this location, and believes that this is due not only to the poor visibility of the sign, but also because of the road construction.

Mr. Dziurman asked if the construction of Rochester Road would result in the boulevard being near this location. Mr. Stimac stated that he thought the boulevard would extend

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from I-75 to Torpey Street, which would bring the end of the boulevard very close to this Taco Bell.

Mr. Horsley stated that they do not wish to move the sign closer to the right of way, they only wish to make the sign larger and higher.

Mr. Need asked what the maximum size sign allowed for this area is and Mr. Stimac stated that the size of signs is on a graduated scale based upon the distance to the property line, however, he thought the maximum size would be 200 square feet if it were 30' from the road.

Mr. Sinclair asked if both Buscemi's and National Coney Island signs were in compliance with the Ordinance. Mr. Stimac said that the signs were installed at a time when a different ordinance was in place. They were installed correctly at the time, but the road expansion may have brought them closer to the property line than would now be permitted.

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

There are three written objections on file.
There is one written approval on file.

Mr. Need stated that he felt that the request for this variance was slightly premature, as he feels that the loss of business is probably due more to the road construction, rather than the size of the sign. Mr. Stimac stated that the road construction is scheduled to be completed in October or November of this year.

Motion by Need
Supported by Kessler

MOVED, to table the request of Robert Horsley, representing Taco Bell Restaurant, 3268 Rochester Road for relief of Chapter 78, until the meeting of January 3, 2001.

- Time to allow construction of the road to be complete.
- Tabling will allow time to see if business picks up, as construction is closer to completion.

Yeas: All – 5

MOTION TO TABLE REQUEST UNTIL MEETING OF JANUARY 3, 2001 CARRIED

ITEM #3 - U.K. ROUT, 3675 BRISTOL FOR RELIEF OF CHAPTER 83.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 4' high chain link fence in the front setback along Root Drive. Chapter 83 limits the height of fences to 30" in that portion of the property in front of the building setback line. Mr. Stimac explained further that the location of this property makes it a double front lot, due to the fact that it is located at the corner of Bristol and Root.

Mr. Rout was present and stated that he has a child who has been diagnosed as being autistic. He stated that his son cannot be in an enclosed place as he will begin to scream and cry. Mr. Rout also stated that he is concerned that without a fence, his son will run into the road and be hit by a car.

Mr. Need asked what the easement in the front yard contained and Mr. Stimac stated that he presumed that they were either storm or sanitary sewers.

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 Mr. Rout if it would create a hardship for the fence to be set back 10' from the property line. Mr. Route stated that it could be done, however, he preferred that the fence stays at the proposed location. Mr. Need stated that placement of the fence in the easement would create an obstructed view and therefore endanger other children using this sidewalk. Mr. Stimac also stated that by moving the fence back 10', it would be screened by already existing shrubs.

Motion by Need
Supported by Smith

MOVED, to grant the request of U.K. Rout, 3675 Bristol, relief of Chapter 83.

- Fence is to be moved back 10' from the property line.
- Fence is permitted to be 4' high.

Yeas: All

MOTION TO APPROVE REQUEST WITH THE ABOVE STIPULATIONS CARRIED

**ITEM #4 - Robert A. L. Williams, R.A., ON BEHALF OF TIRE WHOLESALERS,
1783 E. FOURTEEN MILE FOR RELIEF OF CHAPTER 5 OF THE 1996
BOCA BUILDING CODE (City Ordinance, Chapter 79).**

Mr. Stimac explained that the petitioner is requesting relief of Chapter 5 of the BOCA Building Code to allow the construction of a building addition. This addition will eliminate access to a portion of the existing building for fire fighting purposes. This reduction of accessible perimeter causes the allowable area of the existing building, permitted by Section 503 of the BOCA Code, to be reduced below the current building size. Mr. Stimac further explained that due to the number of tires stored in the building the building is rated High Hazard Occupancy (H-3). He stated that the following factors determine the allowable size of a building: 1) – Use, 2) – Type of construction, 3) – whether the building is sprinkled or not and 4) – the open perimeter for purpose of fire control. Mr. Stimac further stated that originally the building was built as a factory and was converted to a tire wholesaler in 1992. Mr. Stimac further stated that the new construction would make the existing building non-conforming. He also said that from a Code standpoint, this proposed construction would be considered two separate buildings.

Mr. Robert Williams and Mr. Ross Kogel of Tire Wholesaler were present. Mr. Williams stated that the new wall between the addition and the existing building would have a 3-hour firewall as well as a 3-hour door. He stated that the doors rolled down at the detection of smoke or heat. Mr. Williams also stated that presently the code allowed them to make a building of this size four stories high, however, they wanted to maintain a one-story building.

Mr. Sinclair asked if they planned to put in automatic smoke venting. He further explained that the purpose of the smoke venting is to help prevent a fire from becoming too hot, as it will quickly overcome the sprinkler heads. Mr. Williams stated that although smoke venting was not on the drawings of the proposed construction, they would be happy to make these changes. Mr. Sinclair also asked if the present building had smoke venting, and was told it did not. Mr. Williams stated that it would be difficult to install smoke venting through the roof of the existing building, but would be willing to place them in the side walls very close to the ceiling of the present building, and would add them to the proposed addition.

Motion by Sinclair
Supported by Need

MOVED, to grant the request of Mr. Robert Williams, representing Tire Wholesaler, 1783 E. Fourteen Mile, relief of Section 503 of the 1996 Boca Building Code to construct a building addition, which will reduce the open perimeter of this building.

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- Smoke Venting to be installed in the roof of the proposed addition.
- Smoke Venting to be installed in the existing portion of the building, in a manner acceptable to the Fire Department and Building Department.

Yeas: All

MOTION TO APPROVE REQUEST CARRIED

After some discussion it was determined, that the next regularly meeting of the Building Code Board of Appeals will be held on the regularly scheduled date of Wednesday, July 5, 2000.

The meeting was adjourned at 9:15 A.M.

MS/pp