

The Vice-Chairman, William Nelson, called the meeting of the Building Code Board of Appeals to order at 8:37 A.M. on Wednesday, November 2, 2005.

PRESENT: William Nelson
Tim Richnak
Frank Zuazo
Rick Kessler

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ABSENT: Ted Dziurman

MOVED, to excuse Mr. Dziurman from this meeting for personal reasons.

Yeas: All – 4

MOTION TO EXCUSE MR. DZIURMAN CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 5, 2005

Motion by Richnak
Supported by Kessler

MOVED, to approve the minutes of the meeting of October 5, 2005 as written.

Yeas: All – 4

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. JACOB SNABES, AVER SIGN COMPANY, 1475 W. BIG BEAVER, for relief of the Sign Ordinance to erect a 26 square foot tenant wall sign on the face of a building, on an area not occupied by the tenant.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to erect a 26 square foot tenant wall sign on the face of 1475 W. Big Beaver on an area not occupied by the tenant. Section 9.02.03 D of Chapter 78 states that each tenant may have one wall sign on the ground floor not to exceed 20 square feet in area and must be located on the face of the area occupied by the tenant.

This item first appeared before this Board at the meeting of October 5, 2005 and was postponed to allow the other tenants in the building to be notified of this request; and to allow the owner of the building to be present regarding this request.

ITEM #2 – con't.

Mr. Stimac went on to say that Building Department staff had received several phone calls from Aver Sign Company indicating that they wished to withdraw this request. Staff asked that Aver Sign Company send a letter asking for withdrawal but as of this date no written communication has been received. The petitioner was not present.

Motion by Richnak
Supported by Kessler

MOVED, to deny the request of Jacob Snabes, Aver Sign Company, 1475 W. Big Beaver, for relief of the Sign Ordinance to erect a 26 square foot tenant wall sign on the face of a building, on an area not occupied by the tenant.

- Petitioner was not present.
- Petitioner failed to provide information requested by the Board.

Yeas: All – 4

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. BOB HART, 832 BARCLAY, for relief of Chapter 83 to maintain a 5' high wrought iron style fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to maintain a 5' high wrought iron style fence installed 26' from the property line along Barclay Drive. This property is a double front corner lot. It has 30' front yard setback requirements along both Barclay Ct. and Barclay Drive. However, since the home has a common rear yard to rear yard relationship to the home behind it, Chapter 83 limits the height of fences to 48" in the front setback along Barclay Drive. The applicant received a permit to install a 5' high fence 30' from the front property line, however, he installed the fence 26' feet from the property line.

Mr. Hart was present and said originally the fence was to be installed by a company that worked for his pool installer. Mr. Hart had difficulty dealing with the fence company and found that he would be able to save a considerable amount of money on labor, which would enable him to install a nicer fence than what was originally planned. A permit was applied for but the fence was not installed until Mr. Hart received the denial letter from the City.

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

There are five (5) written approvals on file. There are no written objections on file.

ITEM #3 – con't.

Mr. Hart said that he purchased this home in 1988 and has constantly upgraded the property. He believes that he has an obligation to make his property as attractive as possible because he is on the corner. Mr. Hart has received awards from the City of Troy due to the appearance of his property.

Mr. Kessler asked if he planned to keep the landscaped berm and Mr. Hart said that he would like to keep it and also add additional plantings.

Mr. Richnak asked how much space there was between the fence and the pool and Mr. Hart said he thought it was about 8'. If the fence has to be brought in closer, there will be very little room between the pool and the fence line. Mr. Hart then asked what the difference was between the setbacks for a 4' or 5' fence.

Mr. Stimac said that the issue before the Board is that the petitioner could put up a 4' high fence and it could remain at the 26' setback line, or he could leave the 5' high fence and move it back to 30'.

Mr. Hart said that because his home sits on the corner there is a great deal of visibility and he would rather have the 5' high fence to increase safety. Mr. Hart said that he thought that teenagers could probably jump a 4' high fence, but feels that the 5' height would make it more difficult.

Motion by Richnak
Supported by Kessler

MOVED, to grant Bob Hart, 832 Barclay, relief of Chapter 83 to maintain a 5' high wrought iron fence 26' from the property line along Barclay Drive.

- Petitioner has provided landscaping to screen the fence.
- Neighbors have expressed approval of this fence.
- 5' height will provide greater security.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. MONDRIAN PROPERTIES, WESTON DOWNS CONDOMINIUM, SOUTHEAST CORNER OF WATTLES AND FINCH, for relief of Chapter 85 to erect a second 99 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to erect a second 99 square foot ground sign. Section 85.02.05, C, 2 of Chapter 85 limits signs in Multiple Family Housing or Cluster Housing Developments to one sign that will

ITEM #4 – con't.

not exceed 100 square feet in area and one additional sign not to exceed 36 square feet in area. A permit has already been issued for a 99 square foot ground sign. The proposed sign exceeds the 36 square foot limit on the second ground sign per Chapter 85.

The petitioner was not present. Mr. Stimac indicated that the Parcel ID number provided on the petitioner's application was incorrect and therefore the wrong people were notified of this hearing. This error was discovered this morning when a neighbor called indicating that he lived adjacent to this property and was not notified. Mr. Stimac asked that the Board postpone action on this item until the meeting of December 7, 2005 to allow the Building Department to properly notify the property owners in the surrounding area.

Motion by Richnak
Supported by Kessler

MOVED, to postpone the request of Mondrian Properties, Weston Downs Condominium, southeast corner of Wattles and Finch, for relief of Chapter 85 to erect a second 99 square foot ground sign until the meeting of December 7, 2005.

- To allow the Building Department the opportunity to re-publish the Public Hearing notices.

Yeas: All – 4

MOTION TO POSTPONE THIS REQUEST UNTIL DECEMBER 7, 2005 CARRIED

ITEM #5 – VARIANCE REQUESTED. ROBERT CHAPA, SIGN-A-RAMA, 888 W. BIG BEAVER, for relief of the Sign Ordinance to install a second 36 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 of the Sign Ordinance to erect a second 36 square foot ground sign at 888 W. Big Beaver. Section 85.02.05, 3 (b & c) of the Sign Ordinance allows one ground sign for each building in accordance with Table 85.02.05 and one additional ground sign for each building, not to exceed 36 square feet in area. Currently there is one 86 square foot ground sign and one additional 36 square foot ground sign on this site. This proposed sign exceeds the number of signs allowed.

Mr. James Jonas, owner of this property, Bob Chapa from Sign-A-Rama, and Mr. Aaron Van De Mark, business owner were present. Mr. Jonas stated that it is very difficult to have a retail space inside an office building without the proper exposure. They wish to put this sign along Big Beaver to allow greater visibility for traffic heading west. This ground sign would be placed approximately 30" off of the ground and they would put in

ITEM #5 – con't.

the shrubbery as planned. This sign would provide a space for both "The Melting Pot" and "Morton's Steakhouse".

Mr. Kessler stated that he has driven through this area both in daylight and in the evening and he agrees that this site requires more signage. Mr. Kessler also stated that this area has a lot of amenities and believes that the extra signage would be an asset.

Mr. Nelson asked if this sign would have any impact on additional signage for this building and Mr. Stimac said that it would not unless the Board chose to make that a condition.

Mr. Richnak asked if the illumination from this sign would project further out than the sign box. Mr. Chapa said that this is a typical internally illuminated box sign.

Mr. Nelson 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.

Motion by Kessler
Supported by Richnak

MOVED, to grant Robert Chapa, Sign-A-Rama, 888 W. Big Beaver, relief of the Sign Ordinance to install a second 36 square foot ground sign where Section 85.02.05 3(b & c) of the Sign Ordinance allows one ground sign for each building, and one additional ground sign for each building, not to exceed 36 square feet in area.

- Variance is not contrary to public interest.
- Variance will aid in identification of this site.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. STEVEN VANDETTE, CITY ENGINEER, REPRESENTING MR. & MRS. SCHOENROCK, 3018 WATERFALL, for relief of Chapter 83 to install a 6' high privacy fence in a front yard along the south property line.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high privacy fence along the south property line at 3018 Waterfall. This property is at the northeast corner of the intersection of Waterfall and Big Beaver and is considered to

ITEM #6 – con't.

be a double front corner lot. Chapter 83 of the City Code limits fences located in front yards to a height of no more than 30". The Building Code Board of Appeals granted a variance in 1974, which allowed a 4' high fence along the south property line.

Mr. Vandette was present and stated that this fence would be installed as part of the Big Beaver widening project. An additional lane is being added adjacent to this residence and has caused the curb of Big Beaver to be moved closer. Space will be provided between the sidewalk and the fence and the City is planning to add additional plants and landscaping to help screen this fence. The neighbor to the east of this property submitted a letter of approval for a 8' high privacy fence for this location. The petitioner would like the 8' high privacy fence, but would be happy if the Board were to allow for a 6' high fence.

Mrs. Schoenrock was present and stated that they have lived in this home since 1974 and when Big Beaver was widened in 1988, they were promised by the City that trees and a berm were going to be installed along their property line. This never happened. Mrs. Schoenrock went on to say that they are unable to use their back yard in the summer due to the noise and exhaust from traffic along Big Beaver. People throw garbage and litter in their yard and as people are walking along the sidewalk they peer into the kitchen window. Realtors have told the Schoenrocks that they have lost between \$10,000.00 and \$12,000.00 value in their property due to their proximity to Big Beaver. Mrs. Schoenrock asked that the Board grant this variance to help them.

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

There are two (2) written approvals on file. There are no objections on file.

Motion by Kessler
Supported by Zuazo

MOVED, to grant Steven Vandette, City Engineer, representing Mr. & Mrs. Schoenrock, 3018 Waterfall, relief of Chapter 83 to install a 6' high privacy fence along the south property line.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Absent a variance, literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

Handwritten signature of William Nelson in cursive script.

William Nelson, Vice-Chairman

Handwritten signature of Pamela Pasternak in cursive script.

Pamela Pasternak, Recording Secretary

