

A meeting of the Building Code Board of Appeals was called to order at 8:35 a.m. on Wednesday, May 3, 1989, by acting Chairman, James Halsey.

PRESENT: James Halsey  
Kulsum Rashid  
Don Spurr  
Mark Stimac

ABSENT: Ted Dziurman

ITEM #1. Approval of Minutes - April 5, 1989

Motion by Spurr  
Supported by Rashid

MOVED, to approve the April 5, 1989 minutes.

Yeas: 4  
Nays: 0  
Absent: 1- Dziurman

MOTION TO APPROVE CARRIED

ITEM #2. Saul Schwartz, 2365 Tall Oaks, for relief of Chapter 19, Section 2.89.2 of the Troy City Code.

Mr. Stimac explained that the petitioner is requesting permission to construct a new single family residence without gutters and down spouts. The Troy city Code under Chapter 19, requires that all roof drainage be directed to the ground through gutters and down spouts.

Saul Schwartz was present and stated that the landscaping has been planned for the water run-off at the front and rear, also indicating that there is enough slope on the lot that water would run away from the house. Diverters have been placed over the entry and garage door. Perforated pipe has been laid across the front to run water to a swale away from the house. Gutters and down spouts would not fit the house aesthetically because of the elevation and design of the home.

Motion by Stimac  
Supported by Rashid

MOVED, to grant Saul Schwartz, 2365 Tall Oaks, a variance, as requested for relief of Chapter 19, Section 2.89.2 of the Troy City Code to eliminate the gutters and down spouts on a new home, based on the following:

1. That the petitioner provide exterior drainage system to carry water away from the basement wall.
2. Landscaping is being provided to carry away surface water.
3. That diverters be installed over the center of the building.

Yeas: 4  
Nays: 0  
Absent: 1- Dziurman

MOTION TO APPROVE REQUEST CARRIED.

ITEM #3. Dale G. Hauer, 4241 Allegheny, for relief of Chapter 29, Section M-810.1.3 of the Troy City Code.

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## ITEM #3.

Mr. Stimac explained that the petitioner is requesting permission to locate an air conditioning condenser unit in a required side yard, approximately 5 feet from the side lot line. The City Code under Chapter 79 does not permit air conditioning condenser units in a required side yard or closer than 10 feet to a side lot line.

Dale G. Hauer was present and stated that because of a porch on the rear of the home and the structure to house pool equipment, it is impossible to locate the unit at the rear. It is the most logical place because of the furnace, which is located immediately adjacent to the proposed location. Mr. Hauer indicated that he proposes to screen the unit with a fence that would match the existing fence on his lot. Also, the most affected neighbor, on the side where the unit is to be located, has no windows on that side of his home. The petitioner also has a letter from this neighbor approving of the installation.

The chairman opened the public hearing.

There were no comments from the audience.

The chairman closed the public hearing.

There were 4 letters of approval on file: Gail Dziurman, 4228 Allegheny - Katherine A. McMicking, 4275 Washington Crescent - Joan C. Jobe, 4216 Allegheny - Mr. & Mrs. W. Eckstein, 4264 Allegheny.

There were 2 letters of objection on file: John Gazette, 4197 Allegheny - Mr. & Mrs. Gardner Steakley, 4175 Washington Crescent.

Motion by Rashid  
Supported by Stimac

MOVED, to grant Dale G. Hauer, 4241 Allegheny, a variance, as requested, for relief of the Chapter 79, Section M-810.1.3 of the Troy City Code, to place an air conditioning condenser unit in the side yard, approximately 5 feet from the lot line, based on the following:

1. The petitioner has indicated that he will screen the unit.
2. The adjacent, most affected neighbor, has no objection.
3. The petitioner has a practical difficulty in placing the unit at the rear.

Yeas: 4  
Nays: 0  
Absent: 1- Dziurman

MOTION TO APPROVE REQUEST CARRIED.

ITEM #4. Antoine's Ice Cream Parlor, 306 W. Fourteen Mile Road,  
for relief of the B.O.C.A. Code, Section 601.5.

Mr. Stimac explained that the petitioner is requesting a permit to re-construct their ice cream parlor use in the Oakland Mall that was demolished so a new portion of mall could be constructed. These plans call for the ice cream parlor to be rebuilt in such a manner that it will encroach upon the 20 foot clear width required by the B.O.C.A. Code. Plans indicate that the clear distance will range from 18'8" to 19'3" where a minimum 20 foot clear area is required.

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ITEM #4.

Tony Ferris and Doug Mossman were present and explained the mall renovations and explained that to meet the handicapped requirements between the front counter and rear counter results in the encroachment into the required mall width. They further explained that this width would be only 21 feet in length and the remainder of the mall meets the code. Mr. Ferris also explained the importance of remaining at his present location in the mall. The petitioners also indicated that there would be nothing in the north corridor.

Motion by Spurr  
Supported by Stimac

MOVED, to grant Antoine's Ice Cream Parlor, 306 W. Fourteen Mile Road (Oakland Mall) a variance, as requested, for relief of the B.O.C.A. Code, Section 601.5 to maintain a corridor width ranging from 18'8" to 19'3" where 20 feet is required.

1. The reduction in width occurs only across 50% of the face of the tenant area.
2. The owner has stated that the mall area in front of the store would be clear of any obstructions.
3. The area in question is a side aisle of the mall, not the main mall area.

Yeas: 4  
Nays: 0  
Absent: 1- Dziurman

MOTION TO APPROVE REQUEST CARRIED.

The Building Code Board of Appeals adjourned at 9:05 a.m.

MS/ddb

*[Handwritten signature]* *[Handwritten mark]*

