

A meeting of the Building Code Board of Appeals was held on Wednesday, June 4, 1980 at the Troy City Offices. The meeting was called to order by Acting Chairman, James Halsey at 1:30 p.m.

PRESENT: James Halsey
Acting Chairman

Gerald VandenBussche
Don Spurr
Kulsam Rashid

ABSENT: Ted Dziurman

ITEM #1. Approval of May 7, 1980 minutes

Motion by Spurr
Support by Rashid

MOVED, to approve the minutes of May 7, 1980 as written

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO APPROVE CARRIED

RENEWALS

ITEM #2. Edward M. Newman, 103 Park, for relief of Article 1202.9 of the BOCA Code.

Mr. VandenBussche explained that the petitioner is requesting renewal of relief granted by this board for a fire suppression system in a building that exceeds 26,000 square feet in area. The BOCA Code, under Article 12, requires that factories must have a suppression system when the area exceeds 12,000 square feet. The building was originally built prior to the requirement in the code. In 1978, when a 6,000 square foot addition was added to this building, the petitioner obtained temporary relief of this requirement. This relief was based primarily on the fact that there were no combustible materials in the building and the use was a type where no hazard existed. They also would have a problem adding to this building and obtaining a fire separation that could exempt them from this requirement. The Building Code Board of Appeals originally granted relief for a period of one year in June of 1978 with a stipulation that it could be renewed on a yearly basis providing all conditions remained the same. In June of 1979 the petitioner was granted a one year renewal. He is now requesting that the board consider making this variance a permanent one due to the fact that the nature of the business has not changed nor is it contemplated that it will change.

Mr. Edward Newman was present. He indicated that the business has not changed and that they expect to be in business for many years. They have no contemplation of changing.

Motion by VandenBussche
Support by Rashid

MOVED, to approve renewal for one additional year at 103 Park for relief of Article 1202.9 of the BOCA Code and that the City Attorney be contacted regarding a restriction on the deed to limit a permanent variance to this particular business.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO RENEW FOR ONE YEAR CARRIED

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PUBLIC HEARINGS

ITEM #3. Taubman Company, Incorporated, 578 West Fourteen Mile Road, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a second ground sign advertising the movies at the Oakland Mall. The Sign Ordinance permits only one sign for this use in a shopping center complex. The site plan indicates two locations and the petitioner indicated that he would accept either location if the board would grant his request. The one location is along the I-75 frontage at the northwest corner of the Oakland Mall Complex. The second proposed location is on Fourteen Mile Road at the southwest corner of the Oakland Mall Complex.

Mr. Philip Lawson, architect, was present. He indicated that a traffic study of the area revealed that the traffic along John R is 14%; I-75 is 54% and Fourteen Mile Road generates 32% of the traffic in the area. Due to the low percentage of traffic along John R, they are not getting the message across to the public of their location. The reader board sign is an important part of the movies. They would prefer to erect a second sign at the southwest corner of the Oakland Mall. However, since they entered into an agreement with Hudson's, who owned this portion of the mall property, Hudson's has sold the property and they would have to re-negotiate with the present owners.

Mr. Doug Mossman was present. He indicated that the mall is a rather large development that is not over-signed and the mall is in agreement with the two locations for signs advertising the movies.

Mr. Bill Kress from United Artist was present. He indicated that the original request was for two locations but the I-75 location was denied. He felt that it would be possible to re-locate the existing sign to another location but it would be at a considerable expense. He further indicated that when a reader board sign is established, people learn to identify with it and if the sign were to be removed after a period of time, it would hurt that portion of clientele that has already established identity with that sign.

Ms. Terry Ross, Manager of the movies, was present. She indicated that they need the present sign on John R for the established clientele from the apartments and the senior citizen complex. She stated that a new reader board sign along Fourteen Mile Road would definitely increase their business.

Mr. Bill Spurling of United Artist was present and stated that it takes approximately one year to establish clientele. He was certain that the I-75/14 Mile Road location would be their primary location for a sign to attract business.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by VandenBussche
Support by Halsey

MOVED, that the request for a second sign be denied with the stipulation that the petitioner may move his primary sign to a location along I-75 or Fourteen Mile Road, whichever would provide him with the best visibility.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO DENY WITH STIPULATION TO MOVE PRESENT SIGN CARRIED

ITEM #4. Edward Mardigan, 450 Park Street, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain an 8' x 5' ground sign in a M-1 use district. This sign results in two accessory signs on the same industrial site. The Sign Ordinance permits only one accessory sign for each site in an industrial zoned district.

Mr. Edward Mardigan was present. He indicated that he has a very narrow frontage and is the only tenant of the building. His main intent was to put up a ground sign.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Segal, Alptert, McPherson & Associates, Inc., of 1100 Combermere and Gary Thomas of 671 East Elmwood.

The Chairman closed the public hearing.

Motion by Spurr
Support by VandenBussche

MOVED, to deny the request for relief of Chapter 85 at 450 Park Street for the following reason:

1. No hardship shown.

Motion by VandenBussche
Support by Rashid

MOVED, to table this item until the next regular meeting to allow the petitioner the benefit of a full board.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO TABLE CARRIED

ITEM #5. Nancy J. Farrell, 5860 John R, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain a 36" high split rail fence that is located in the required front yard setback of John R. The Fence Ordinance does not permit fences higher than 30" in height in this required front yard setback.

Mrs. Nancy Farrell was present. She indicated that they were not aware that a permit was needed and that only after the fence was erected were they aware that the height was a problem. The fence is strictly for ornamentation and is that high in order to get the lawnmower under it. The fence is 39' from the edge of the road..

The Chairman opened the public hearing.

No comments from the audience.

Three letters of approval on file from Erma Langley, 5846 John R; Larry and Karen Salie, 2080 Topaz; and Helvi E. Younk of 5890 John R.

The Chairman closed the public hearing.

Motion by VandenBussche
Support by Rashid

MOVED, to approve a split rail fence in the front setback but out of the right-of-way.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO APPROVE CARRIED

ITEM #6. Maria & Thino Nopora, 5538 Winchester, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a 5' wood fence along the property line adjacent to Livernois Road. This lot is a corner lot located at Winchester and Livernois and is required to respect the front setbacks of both streets. The Fence Ordinance requires that fences in required front yard setbacks be no higher than 30".

Mr. & Mrs. Nopora were present. They indicated that the fence would be in line with all the other fences along Livernois. They would like the fence to extend to the sidewalk along Winchester to eliminate the problems that they have with noise and traffic.

The Chairman opened the public hearing.

Mrs. Tichenor of 5479 Berwyck was present and approved of the variance.

Mr. Kenneth Fera of 5530 Winchester was present and approved of the variance.

Three letters of approval on file from Sylvia Finnigan, 5497 Berwyck; T.L. Nakkula of 5515 Winchester; and Thomas Wolyers of 121 Nottingham Court.

One petition of approval on file signed by Sylvia Finnigan, 5497 Berwyck; Don Finnigan, 5497 Berwyck, Anne Wolyers, 121 Nottingham Court; Ann Tackett, 5520 Livernois K.A. Fera, 5530 Winchester and Philip Goy, president of the Homeowners Association.

The Chairman closed the public hearing.

Motion by Spurr
Support by Rashid

MOVED, to permit installation of fence according to guide lines of communication from Roger Kowalski, Director of Parks and Recreation up to a point of the front setback of the house from Winchester.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO APPROVE AS STIPULATED CARRIED

ITEM #7. Mrs. Robertson, 6580 Coolidge, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain a 42" split rail wood fence in the required front setback of Coolidge Road. The Fence Ordinance requires that fences located in front yards be limited to a height of 30".

Mr. Al Johnson was present. He indicated that the fence blends in with the surrounding neighborhood and is aesthetically attractive. The fence is 8' from the edge of the pavement.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Stephen M. George of 6550 Coolidge.

The Chairman closed the public hearing.

Motion by VandenBussche
Support by Spurr

MOVED, to approve a 42" split rail fence located in the required front setback of Coolidge Road. The fence must be on petitioner's property or obtain permission from the City to leave fence in the right-of-way.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO APPROVE AS STIPULATED CARRIED.

ITEM #8. Satyendra N. Basu, 553 Colebrook, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a 4' wire fence around the entire perimeter of his residential site. The site is located at the corner of Colebrook and Ellenboro and the Fence Ordinance does not permit fences higher than 30" in the required setback from Colebrook.

Mr. Basu was present. He indicated that due to the small lot he has no rear yard and would like to fence in his front yard in order to provide an area for his small children to play and be protected.

The Chairman opened the public hearing.

26 letters of approval on file from Magdalene Ryan, 587 Trombley; Gordon Andringa (Troy School District); Mason Bradflord, 395 Colebrook; Galin McClellan, 355 Colebrook; Chris Carnes, 343 Colebrook; Brian Petint, 328 Colebrook; Thomas A. Butcher, 314 Colebrook; D. Shin, 311 Colebrook; Marie Richard, 344 Colebrook; Harold Cox, 445 Colebrook; George Martin, 356 Colebrook; Larry Dalber, 376 Colebrook; Mrs. Harry Mulligan, 400 Colebrook; Theresa Hazel, 476 Colebrook; Curtis Lilly, 581 Colebrook; Frank Riera, 576 Colebrook; Angus McLay, 554 Colebrook; Laurence Drake, 581 Colebrook; Sally Azoury, 580 Colebrook; Howard Neuman, 585 Colebrook; James Edwaard, 421 Colebrook; Margaret Dana, 600 Colebrook; B. Rinhitski, 592 Colebrook; Owen Wells, 475 Colebrook; Ann T. Laird, 461 Colebrook; and E. Patel McNally, 525 Colebrook.

No comments from the audience.

The Chairman closed the public hearing

Motion by Rashid
Support by VandenBussche

MOVED, to approve a fence around the perimeter of 553 Colebrook for the following reasons:

1. Protection of children.
2. No objections.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO APPROVE CARRIED

ITEM #9. Theodore E. Varga, 2509 Binbrook, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain a 6' wood fence in the required front setback of Beach Road. The site is located at the corner of Binbrook and Beach and is required to respect the front setbacks from both streets. The site plan indicates the fence is located within 3' of the property line of Beach Road. The Fence Ordinance does not permit fences higher than 30" in the required front setback from Beach Road.

Mr. & Mrs. Varga were present. They indicated that they need this fence for their privacy and for the protection of their grandchildren when they visit.

The Chairman opened the public hearing.

Mrs. Pat Munchinger of 3850 Beach Road was present and objected to the fence.

Mrs. Schlegel of 2510 Binbrook was present and objected to the fence.

One letter of approval on file from Warren E. Damman of 2530 Binbrook

June 4, 1980

Twelve letters of objection on file from Fern Schlegel, 2510 Binbrook; Allen Whyte, 2508 Oxford; Mrs. Dale Jones, 3771 Eastborne; Richard Remur, 2551 West Wattles; Phyllis Coon, 3936 Woodman; George Menold, 3928 Woodman; Donald McWilliam, 2550 Binbrook; Donna Farner, 3830 Beach Road; Emil and Doris Mankosa, 3943 Woodman; F.E. Heffner, 2529 Binbrook; Sam Tassio, 2544 Oxford; Karen Maziasz, 2401 Cheswick; Juliana Casey, 3920 Chestnut Hill; Odette Labb, 2963 West Wattles, Gloria Obeid, 2504 Avonhurst, and Sharlene Rammler, 3810 Beach Road.

The Chairman closed the public hearing.

Motion by VandenBussche
Support by Spurr

MOVED, to deny the request to maintain a 6' wood fence within the required front setback along Beach Road for the following reasons:

1. The fence can be placed in compliance of the ordinance at the setback of house from Beach Road.
2. Many objections to fence.
3. No real hardship as far as protection of yard

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO DENY CARRIED

GENERAL

ITEM #10. Gerald & Shirley Michelin, 2929 Quail Run, for relief of Chapter 79, Article 8.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain a single family residence without gutters and downspouts. The Troy City Code, Chapter 79, Section 857.3.1 requires that all exterior walls of structures shall be provided with gutters and downspouts to dispose of roof drainage.

Mr. Michelin was present and indicated that there was no other house within 100' of this house. The architecture of the house is such that it would negate the appearance if gutters and downspouts were placed on it. The property has a steep grade to the street, therefore, should not create a problem with drainage.

Motion by VandenBussche
Support by Spurr

MOVED, to approve the request for relief of Chapter 79, Article 8 at 2929 Quail Run based on the fact that the house has a large overhang and the grade of the lot would accomplish basically the same as the intent of the ordinance.

ayes: 4
nays: 0
absent: 1 - Dziurman

MOTION TO APPROVE CARRIED

TABLED

2867 Quartz which was tabled at the last meeting has been withdrawn by the petitioner.

ADJOURNMENT

The Building Code Board of Appeals Meeting adjourned at 4:05 p.m.