

The meeting of the Building Code Board of Appeals was held on Wednesday, March 7, 1979 at the Troy City Offices. The meeting was called to order by Ted Dziurman at 1:40 p.m.

PRESENT: Ted Dziurman  
Chairman  
  
James Halsey  
Donald Spurr  
Barry Wyatt  
Gerald VandenBussche

ITEM #1. Approval of February 7, 1979 minutes

Motion by Spurr  
Support by Halsey

MOVED, to approve the February 7, 1979 minutes as written

ayes: 5  
nays: 0  
absent: 0

MOTION TO APPROVE CARRIED

TABLED

ITEM #2. Long John Silver's, 150 West Maple Road, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a ground sign, 26' high and has 88 square foot of sign area. Chapter 85 does not permit ground signs to exceed the height of 25' and the area may not exceed 10% of the front face of the structure it refers to. In this case the square foot area of the sign is limited to 44. This item was tabled at the last regular meeting in order to allow the petitioner to be present and to obtain information about other signs in that area. Mr. VandenBussche stated that Elias Brothers at 200 West Maple had applied to the Building Code Board in December of 1973 for a ground sign of 144 square feet and was denied. They subsequently erected a ground sign that complied with the ordinance. He further stated that the Landmark Restaurant went before the Building Code Board in May of 1973 for a ground sign of 142 square feet to replace an existing 160 square foot sign which was denied. They erected a ground sign of 80 square feet in compliance with the sign ordinance.

Mr. Glen Dunden, representative for Long John Silver's was present. He indicated that their restaurant is between two restaurants and feels unless it is properly identified it would hurt their business. It is a small sign and would not affect the aesthetic value of the area. The proposed sign fits in with the way the site is laid out and would have to be redesigned if this particular sign is not allowed.

The Chairman opened the public hearing.

No comments from the audience.

One letter of objection on file from Landmark Restaurant, 110 West Maple.

The Chairman closed the public hearing.

Motion by Spurr  
Support by Wyatt

MOVED, to deny relief of the height from 25' to 26', however approve relief to erect a ground sign of 88 square feet in lieu of the allowable 44 square feet at 150 West Maple for the following reason:

1. It does conform to the other signs at restaurants adjacent to the subject site.

ayes: 5  
nays: 0  
absent: 0

MOTION AS STATED CARRIED

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ITEM #3. Long John Silver's, 150 West Maple Road, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to install a 60 square foot wall sign on a commercial establishment (restaurant). The sign ordinance does not permit wall signs to exceed 10% of the front face of the building which it pertains to. The maximum area permitted for this sign would be 44 square feet. This item was tabled at our last regular meeting to allow the petitioner to be present.

Mr. Glen Dunden, representative for Long John Silver's was present. He indicated that the sign is 2-1/2' x 24' and the building is 34' wide.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

Motion by Halsey  
Support by Dziurman

MOVED, to approve relief of a wall sign, 60 square foot in area, at 150 West Maple Road.

ayes: 2  
nays: 3 - Spurr, Wyatt, VandenBussche  
absent: 0

Reasons for no vote:

Wyatt: Ground sign gives adequate coverage.

VandenBussche: Granting a relief of the ground sign was adequate exposure. There does not appear to be a hardship for additional area on the wall sign.

MOTION TO APPROVE FAILS - Request Denied

PUBLIC HEARINGSITEM #4. Randall Sign Company, 3688 Rochester Road, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to add a 38 square foot sign to an existing ground sign that will advertise the price of gas. This additional signage will result in a total of 91 square feet in sign area. Chapter 85 does not permit the total square foot area of a ground sign to exceed 10% of the front face of the building, which in this case would be a sign not to exceed 53 square feet.

Mr. Bob Walter of Proto-Vest was present. He indicated that Rochester Road is a very busy street and they would like to make their sign easily readable for the passing motorist, in order that they may know what services are provided at this particular site.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by Halsey  
Support by Spurr

MOVED, to approve relief to erect a 91 square foot ground sign at 3688 Rochester Road for the following reasons:

1. No objections from immediate neighbors
2. There will be less signage as a total.

ayes: 5  
nays: 0  
absent: 0

MOTION TO APPROVE CARRIED

March 7, 1979

ITEM #5. Ronald M. Bookholder, (Farmer Jack's Store), 1300 Livernois, for relief of Chapter 85.

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Mr. VandenBussche explained that the petitioner is requesting a permit to maintain two separate ground signs in a shopping center complex. The sign ordinance requires that shopping centers may be identified with only one ground sign that may include the various tenants occupying the center. The petitioner has been cited for this violation and is scheduled to appear in district court on March 16, 1979. This appeal has been brought to the Board as a result of the citation and to exhaust local remedies for resolving this violation. In October of 1977 an appeal regarding this site for additional height of a ground sign was denied. At that time, the minutes reflect the fact that the existing ground sign that is in question at this hearing would be removed. For the boards convenience, an excerpt of the minutes of the October 1977 meeting were included with the packets.

Mr. Bookholder, representing Farmer Jack's Store, was present. He indicated that a permit was issued for "Farmer Jack's" sign with the Building Departments' knowledge that there would be two signs. If they had been aware that they could not have two signs they would have refaced the existing sign rather than erect a new ground sign. Mr. Bookholder felt that it is an attractive sign and does not detract from the neighborhood.

The Chairman opened the public hearing.

Mr. Earl Bennet of Troy Pharmacy, was present. He indicated that the large sign was given to his pharmacy as part of their lease. It would cause a tremendous hardship if his sign were to be removed as he sets so far back from the highway.

No letters on file.

Motion by Halsey  
Support by Dziurman

MOVED, to approve relief to maintain two separate ground signs at 1300 Livernois for the following reasons:

1. The setback of building creates a hardship in identifying the tenants.
2. Removal of existing sign would be a hardship to the owner.
3. No objections on file.

ayes: 2  
nays: 2 - Spurr, Wyatt  
abstain: 1 - VandenBussche (felt he could not vote objectively on this matter)  
absent: 0

Reason for no vote:

Spurr: There is adequate signage permitted to advertise both structures.  
They do not need signs for each building.

MOTION TO APPROVE FAILS - Request denied

ITEM #6. Galaxy Homes, Lot #47, Longview Acres Subdivision, on the north side of West Long Lake, west of Beach Road, for relief of Chapter 85.

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Mr. VandenBussche explained that the petitioner is requesting a permit to erect a third ground sign advertising the sale of homes in the Longview Acres Subdivision. The sign ordinance, Chapter 85, states that an accessory sign pertaining to the sale of real estate within a subdivision being developed may be permitted. It is the Building Departments' interpretation that the ordinance limits a builder to have only one sign of this nature in a subdivision. Any additional signs would require approval by the Building Board Code of Appeals upon show of a hardship.

Mr. Mark Trottier of Galaxy Homes was present. He indicated that they have their main sign at the corner of Adams and Long Lake. The other subdivisions in the area have several signs as each builder is permitted to have two signs. Galaxy Homes is the only builder in the Longview Subdivision. One sign is not adequate coverage for advertising.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Albert B. Firth, 2681 West Long Lake Road and Larry C. Allen, 2666 Creek Bend Drive.

The Chairman closed the public hearing.

Motion by VandenBussche  
Support by Halsey

MOVED, to allow a directional sign not to exceed 50 square feet on Lot #1 for the following reason:

1. There is a hardship to locate the entrance of this subdivision.

ayes: 5  
nays: 0  
absent: 0

MOTION TO APPROVE CARRIED

ITEM #7. Gerald Geeraerts. 3669 Forge, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 48" chain link fence that will extend to the property line along the Anvil Drive right-of-way. The site is a corner lot located at the northwest corner of Forge and Anvil. The fence ordinance does not permit fences higher than 30" in the required front setback of a lot that has a double frontage. The house behind this lot faces Anvil.

Mr. Geeraerts was present. He indicated that he does not want to lose his yard and needs some type of fencing to keep his small children in the yard. He had applied earlier for a picket fence but was denied by this board as it would obscure the view of the sidewalk. Therefore, he has revised his plans to install a cyclone fence and will be moving the shrubbery.

Five letters of approval on file from Mark J. Zuby, 3675 Anvil; Cathy and Mike Killian, 3675 Forge; Mr. & Mrs. D. Gleason, 3657 Forge; Russell Holtz, 3674 Forge; and Douglas M. Wesley, 3663 Forge.

One letter of objection on file from Richard Cholewiak, 3680 Anvil Drive.

The Chairman opened the public hearing.

No comments from the audience.

The Chairman closed the public hearing.

Motion by Halsey  
Support by Wyatt

MOVED, to approve relief to allow a 48" chain link fence along the Anvil Drive right-of-way for the following reasons:

1. It causes a hardship and loss of rear yard to build fence at the 30' setback line.
2. The majority of adjacent homeowners do not object.

ayes: 4  
nays: 1 - Spurr  
absent: 0

Reason for no vote:

Spurr: Adversely affects the front yard of house behind and they object.

MOTION TO APPROVE CARRIED

March 7, 1979

GENERALITEM #8. Gerald Floch, 33473 Dequindre, for relief of BOCA Code, Section 1202.18

Mr. VandenBussche explained that the petitioner is requesting permission to maintain a cooking grill in the kitchen without a fixed fire suppression system. The petitioners' application indicates that an addition will be constructed to the existing restaurant/bar and at that time extensive changes to the kitchen will result in a grill or range that will comply with the code. The petitioner was cited by the Fire Marshall and he is appealing a temporary relief on this requirement. Section 1202.18 requires an automatic extinguishing system for all range hoods.

Mr. Gerald Floch was present. He stated that a fire suppression system is an expensive system to install and they are planning on adding an addition within the next two months and would like a temporary relief until such time as the building addition is completed.

Motion by Spurr  
Support by VandenBussche

MOVED, to approve relief of a fire suppression system at 33473 Dequindre for a period of six months as the establishment and the kitchen equipment is undergoing modernization.

ayes: 5  
nays: 0  
absent: 0

MOTION TO APPROVE FOR SIX MONTHS CARRIED

ITEM #9. Persinger Construction, 164 Hickory, for relief of the One and Two Family Dwelling Code, Section R-211.

Mr. VandenBussche explained that the petitioner is requesting permission to maintain a window in a bedroom area that the sill height is approximately 4' above the floor and the opening of the window is 16" x 34". Section R-211 of the One and Two Family Dwelling Code requires that every sleeping room shall have at least one operable window for emergency egress or rescue with a width dimension of 20" when fully opened. This section also requires that the sill height shall not be more than 44" above the floor. The total openable area of this existing window is less than 4 square feet and the One and Two Family Dwelling Code requires that the net clear opening be 5.7 square feet.

Mr. Albert Persinger was present. He stated that he was not aware the window was in violation at the time he built the house. He was cited during the rough stages of the construction but agreed to correct the situation if the board did not approve a variance if the Building Department would allow him to continue with construction.

Motion by Spurr  
Support by Halsey

MOVED, to deny the request for relief to permit a window size of 16" x 34" as the petitioner was aware of the requirements in the rough stages and could have complied at that time.

ayes: 5  
nays: 0  
absent: 0

MOTION TO DENY CARRIED

ITEM #10. B. L. Sims, 352 West Fourteen Mile Road, for relief of the BOCA Code, Article 6.

Mr. VandenBussche explained that the petitioner is requesting a permit to expand a second floor storage area that will have exits not in compliance with Article 6 of the BOCA Code. The proposed stair way that will be used for exiting does not lead directly to the outside or an area of refuge. Section 607 of the BOCA Code requires that all exit ways shall discharge directly at a public way or open space of the required width, such as a main mall.

Mr. Clint Turley, manager of the store, was present. He indicated that the back door exits into a back court yard. The door is a steel fire door and swings outward. The area above and below the new storage area is sprinklered and is willing to enclose the stairway with two hour rated walls. The area will be used for storage and personnel is not normally in this area.

Motion by VandenBussche  
Support by Spurr

MOVED, to approve relief of expansion of a second floor storage area without an exit leading directly to the outside for the following reasons:

1. A hardship exists in dealing with an existing stairway.
2. Petitioner has agreed to enclose stairway with two hour fire rated walls.
3. Petitioner has provided as safe a means of egress as possible under the conditions that exist.

ayes: 5  
nays: 0  
absent: 0

MOTION TO APPROVE CARRIED

ITEM #11. City of Troy, 60 West Wattles, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a 4' metal fence within 15' of the street right-of-way of Lange and a 6' chain link fence that extends to within 15' of the same right-of-way along the easterly area that is being fenced. Chapter 83 does not permit fences higher than 30" in a required front setback at a street right-of-way. The required front setback for this zoned district is 40'.

Mr. Roger Kowalski was present. He stated that they are attempting to fence the Historic Green. The Historic Commission is having a great deal of vandalism and in order for the City to protect their investment, they are proposing to fence the site. The City has had a number of meetings with the homeowners in the area and it is a mutual agreement that the variance be approved with a decorative iron picket fence.

Mr. Ralph Gaulin of 50 Lange was present. He stated that the homeowners in the area are in agreement with a decorative iron picket fence.

No letters on file.

Motion by Halsey  
Support by Wyatt

MOVED, to approve a 4' decorative fence within 15' of the street right-of-way of Lange and a 6' fence along the easterly area of the same right-of-way for the following reason:

1. The neighbors and the City of Troy are in agreement with the type of fence to be provided.

ayes: 5  
nays: 0  
absent: 0

MOTION TO APPROVE CARRIED

Adjournment

Motion by Halsey  
Support by Spurr

MOVED, to adjourn the Building Code Board of Appeals meeting at 3:30 p.m.

ayes: 5  
nays: 0  
absent: 0

MOTION TO ADJOURN CARRIED

GV/bd

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