

The meeting of the Building Code Board of Appeals was held on Wednesday, September 6, 1978 at the Troy City Offices. The meeting was called to order by Ted Dziurman, Chairman at 1:35 p.m.

PRESENT: Ted Dziurman
Chairman

James Halsey
Gerald VandenBussche
Barry Wyatt
Don Spurr

ITEM #1. Approval of August 2, 1978 minutes

Motion by Wyatt
Support by VandenBussche

MOVED, to approve the minutes of August 2, 1978 as written

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

PUBLIC HEARINGS

ITEM #2. James Griffith, 1539 Woodgate, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a 6' wood fence on a site located at the corner of Woodgate and Harmony. The site plan indicates that a portion of this fence will be located in the required setback from Harmony Drive. Chapter 83 does not permit obscuring type fences higher than 30" to encroach into the side yard on a corner lot of this nature.

Mr. Griffith was present. He stated that he will be installing an inground pool and since this site is on a corner, needs the fence for privacy. There is an existing berm and the fence will be placed on the street side of the berm. Mr. Griffith stated that his driveway faces Harmony and the proposed fence will be 5' in from the driveway.

The Chairman opened the public hearing.

Ms. McCown stated that she approved due to the aesthetic value.

One letter of objection from Thomas M. Snow of 3479 Harmony

Two letters of approval on file from Susan Dickey, 1558 Woodgate; and Carol Kozikowski, 1449 Madison Drive.

The Chairman closed the public hearing.

Motion by Wyatt
Support by Spurr

MOVED, to deny the request for relief of Chapter 83 at 1539 Woodgate on the basis that the sidewalk is not being afforded adequate protection for pedestrian traffic.

ayes: 5
nays: 0
absent: 0

MOTION TO DENY CARRIED

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ITEM #3. A Taste of Honey, 2514 Livernois, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to install a separate ground sign identifying their tenant space in a commercial building. Chapter 85 of the city code does not permit individual ground identification for each tenant in a multi-tenant commercial building. Identification can only be obtained in a group identification sign and a wall sign on the face of the tenant space referred to. The sign in question is a sign 2' wide and 1-1/2' in height on an "A" frame. The sign is put out when the store is open. The petitioner has indicated that it is difficult to find place of business without this small sign.

Ms. McCown, owner of the store, was present. She stated that all the other uses in the complex are services and have no need to advertise. Her store is the only retail sales in the building. The building sets way back from the street and is obscured from view by a solid cement wall on the north side and trees on the south side. An "A" frame sign which is up during hours of business (11:00 a.m. to 4:45 p.m.) helps identify her place of 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, to approve the sign for a period of one year for the following reasons:

1. The present signage is obscured by a wall, trees and overgrowth on other sites.
2. It will give the petitioner time to speak to the owner regarding possible signage that will comply with the sign ordinance.
3. The sign will be up during business hours only.

ayes: 4
nays: 1 - Spurr
absent: 0

Reason for no vote:

Spurr: Believes there are provisions within the ordinance for adequate signage and sees no reason for additional signs.

MOTION TO APPROVE CARRIED

ITEM #4. Sahib Talia, 1660 John R, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to erect a second ground sign identifying a commercial use (Bottle and Cork Liquor Store). Chapter 85 only permits one ground sign for a commercial building. This particular site has an existing ground sign on John R. This request is for a second ground sign 60 square feet in size, that will be located at the entrance to their site on Maple Road.

Mr. Sahib Talia, owner of the Bottle and Cork Party Store was present. He stated that there is a gas station adjacent to his store that has two large signs extending out to the road, which blocks the view of the store. Mr. Talia has purchased property behind his present site which will provide him with an exit onto Maple Road. It is at this point that he wishes to install the additional sign.

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 VandenBussche

MOVED, to grant a variance to permit a second ground sign at 1660 John R for the following reasons:

1. The parcel has a double frontage
2. Obstruction of existing signs causes difficulty in seeing building.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #5. Daniel A. Ewald, 992 Barclay, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to install a 6' wood fence on a site located at the corner of Barclay and Rochester Road. The site plan indicates that a portion of the 6' wood fence will be located in the side yard setback adjacent to Rochester Road. Chapter 83 does not permit fences higher than 30" to be located in the required setback of a street right-of-way. The application indicates that this fence will extend 22' into this required setback where a 30' setback must be maintained.

Mrs. Ewald was present. She indicated that they need privacy from the heavy traffic on Rochester Road. She felt that the fence will help protect her property. She indicated that this fence will not impair visibility of traffic on either Barclay of Rochester Road. The fence will set back 9' from the sidewalk.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Emma P. Monk, 1223 Cedarholm Lane, Bloomfield Hills (owner of parcel 20-14-351-002), and Arthur Courville, 946 Barclay.

The Chairman closed the public hearing.

Motion by Halsey
Support by Wyatt

MOVED, to approve relief of Chapter 83 at 992 Barclay

ayes: 4
nays: 1 - Spurr
absent: 0

Reason for no vote:

Spurr: No hardship shown for this type of fence.

MOTION TO APPROVE CARRIED

ITEM #6. Randall Sign Company, 1150 Livernois, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to replace an existing ground sign that will be 135 square feet in area. Chapter 85 permits ground signs providing they do not exceed 10% of the area of the front face of the building. Therefore, in this particular instance, the maximum square foot permitted would be 52. The petitioner indicates in his appeal that this new sign will be less square footage than the sign it is replacing.

Mr. Douglas Randall of Randall Sign Company was present. He stated that they will be removing the existing sign and installing a sign that will be more in conformance with existing signs on adjacent properties. The sign will be internally illuminated. They will be reducing the size of the sign from 30' to 25' and from 230 square feet down to 135 square feet.

The Chairman opened the public hearing.

No comments from the audience.

One letter of objection on file from Reubin Levin of 71 Park Street.

The Chairman closed the public hearing.

Motion by VandenBussche
Support by Spurr

MOVED, to approve replacement of the existing sign with the proposed sign of 135 square feet in area and no higher than 25' for the following reasons:

1. It will remove a sign that is less in conformance than this one.
2. It will improve the aesthetics of the area.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #7. Ardmore Fence Company, 2394 Traverse, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to install a 4' wire fence on a site located at the corner of Traverse and Pasadena. This site requires that the side yard setback along Pasadena respect the required front setback of this residential district (25'). Chapter 83 does not permit fences higher than 30" to be located in this type of setback.

Ms. Betty Thornton, owner of the property, was present. She stated that she has dogs and needs the yard fenced. She wants the side fence in order to keep children from using her yard as a play yard. The neighbor to the rear has a drive that will be 4' from where her fence will come. Her driveway will face Traverse.

The Chairman opened the public hearing.

No comments from the audience.

Six letters of objection from Kathleen Danielson, 2371 Traverse; David Tieford, 3482 Pasadena; Terry Bannerton, 3452 Pasadena; Larry and Pam Level, 3446 Pasadena; Mr. & Mrs. Randall Kurth, 3440 Pasadena; and Mr. & Mrs. David Louzon of 3427 Pasadena. All six letters of objection were in reference to the home having aluminum siding on it.

The Chairman closed the public hearing.

Motion by Halsey
Support by VandenBussche

MOVED, to approve the variance for relief of Chapter 85 at 2394 Traverse for the following reasons:

1. The immediately affected neighbors do not object.
2. The fence will not be obscuring either to pedestrians or vehicles.

ayes: 4
nays: 1 - Spurr
absent: 0

Reason for no vote:

Spurr: Numerous objections from neighbors

MOTION TO APPROVE CARRIED

ITEM #8. Bel-Air Diversified, 1950 East Square Lake, for relief of Article 4.46 of Chapter 34.

Mr. VandenBussche explained that this application was inadvertently accepted for the Building Board of Appeals. This board does not have jurisdiction over city sidewalks and the application has been referred to the Department of Public Works for their disposition.

NO ACTION TAKEN

ITEM #9. Long John Silver's Incorporated, 150 West Maple, for relief of the BOCA Code, Articles 616.5.1 and 616.5.2

Mr. VandenBussche explained that the petitioner is requesting a permit to construct a commercial building (restaurant) that will have a rope in lieu of a guard rail for protection of an open sided floor area that has a substantial grade differential adjacent to it. The BOCA Code describes the method of construction for guard rails and railings.

Mr. Ed McNeely was present. He explained that the rope is 36" in height and is strictly used for aesthetic purposes. The grade differential is one foot.

Motion by VandenBussche
Support by Halsey

MOVED, to approve relief to allow a rope 36" in height in lieu of a guard rail at 150 West Maple as long as the difference between the grade and deck does not exceed one foot.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #10. Lawrence Erickson, 218 Redwood, for relief of Chapter 79, Section 9.14.

Mr. VandenBussche explained that the petitioner is requesting a permit to install an air conditioning condensing unit approximately 3' from the side property line. Chapter 79 requires that refrigerating equipment located outside of a structure shall not be closer than 10' to a side property line. The petitioner has submitted a letter from the homeowner to the north who would be most affected by this installation. This letter indicates no objection to the proposed installation.

Mr. Erickson was present. He stated that there is a 6' fence running parallel between the two properties. There is 27' between the homes. The main reason for installing the condensing unit on the side of the house is that he has a patio running the entire length of the house in the rear. He would not be able to install the condensing unit to the rear without tearing something up. The condensing unit will be screened from the street with trees and shrubs.

Motion by Spurr
Support by VandenBussche

MOVED, to approve the location of a condensing unit within the side yard at 218 Redwood, for the following reasons:

1. The area is screened with a 6' fence and landscaping.
2. The neighbor most affected has no objection.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #11. Andries-Storen, Reynaert, 999 West Big Beaver, Suite 806, for relief of the BOCA Code, Section 610.2

The petitioner was not present.

Motion by VandenBussche
Support by Halsey

MOVED, to table this item for thirty days to allow the petitioner to be present.

ayes: 5
nays: 0
absent: 0

MOTION TO TABLE CARRIED

ADJOURNMENT

Motion by Halsey
Support by Wyatt

MOVED, to adjourn the Building Code Board of Appeals meeting at 3:00 p.m.

ayes: 5
nays: 0
absent: 0

MOTION TO ADJOURN CARRIED

GV/bd

SD