

The meeting of the Building Code Board of Appeals was held Wednesday, June 7, 1978 at the Troy City Offices. The meeting was called to order by Jim Halsey, Acting Chairman at 1:40 p.m.

PRESENT: Eugene Scheff (arrived 1:50)
Chairman

Jim Halsey
Barry Wyatt
Gerald VandenBussche
Richard Graham (left 2:00)
Don Spurr (arrive 2:00)

TABLED

ITEM #1. Edward M. Newman, 103 Park, for relief of Article 1202.9 of the BOCA Code

Mr. VandenBussche explained that this item was tabled at our last weeks meeting to allow the board further study in regard to 6,000 square foot addition to an existing factory. The total area with the addition exceeds 26,000 square feet. The code requires that factories must have fire suppression systems when the area exceeds the 12,000 square feet. The building was built prior to this being in the code. The Fire Chief and myself visited the subject site and noted that there were no combustibile materials whatsoever in the building and the use appears to be of a type where there is no type of hazard. They would have a problem adding to this building with the high bay and getting a separation that would exempt them from this separation.

Mr. Lyle Winslow was present. He had nothing further to add.

Motion by Halsey
Support by Wyatt

MOVED, that the variance be granted for a period of one year at which time it could be renewed providing all conditions remain the same.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE FOR ONE YEAR CARRIED

PUBLIC HEARINGS

ITEM #2. Gary Polenychko, 2443 Hinge for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to install a 4' chain link fence in the required front setback of a residential district. Chapter 83 doesnot permit fences higher than 30" in the required front setback. The plan indicates this fence will encroach 12' into a required 30' setback from Historic Drive. The house is located on a corner lot and requires front setbacks from both Historic and Hinge. The 4' fence will encroach approximately 12' into this side yard leaving 18' of yard remaining to the sidewalk that will be open.

Mr. Polenychko was present. He stated that he has a patio that extends 5' into the side yard and needs additional space for a gate. He has a child and dog to contain in the yard.

The Chairman opened the public hearing

No comments from the audience.

The Chairman closed the public hearing

Four letters of approval on file from Lawrence T. Winter, 2397 Hinge; W. Brosowski, 3640 Bellows; Donald Brus, 3615 Historic; and 3684 Bellows Drive.

Motion by Halsey
Support by VandenBussche

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MOVED, to approve the variance for relief of Chapter 83 at 2443 Hinge for the following reasons:

1. There were no objections from the neighbors.
2. The proposed fence will not cause a vision problem to oncoming traffic.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #3. Vincent Kennels, 5401 Livernois, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to maintain a new sign erected 32' from the center line of Livernois. Chapter 85 does not permit signs to be located in the proposed rights-of-way of major thoroughfares. The proposed right-of-way of Livernois would require the sign to be setback 60' from the line at the center of the road. The petitioner indicated that they are replacing an existing sign and they were unaware of the requirements of the sign ordinance regarding replacement of nonconforming signs.

Ms. Kathy Kane was present. She indicated that there are a lot of trees on the site which would prevent passerby traffic from seeing a sign setback 60' from the street. Ms. Kane stated that at such time that Livernois were to be widened, she would at her own expense move the sign.

The Chairman opened the public hearing.

The occupant of 5425 Livernois was present and stated that she feels that the new sign is much safer than the previous one.

The Chairman closed the public hearing.

One letter of objection on file from Sylvia Finnigan of 5497 Berwyck.

Motion by Spurr
Support by Halsey

MOVED, to approve the replacement of the sign at 5401 Livernois in its present location providing that the petitioner or owner bears the entire cost of relocating the sign when and if widening of Livernois becomes a reality and files an affidavit with the city stating as such for the following reasons:

1. The sign does meet all other provisions of the ordinance.
2. The sign is smaller than the sign that was existing prior to this installation.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE WITH STIPULATION CARRIED

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ITEM #4. Gerald Geeraerts, 3669 Forge, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting a permit to install a 4' high white picket fence in the required front setback of a residential district. The subject site is at the corner of Forge and Anvil and is required to maintain front setbacks from both of these streets. The site plan indicates the proposed fence located in the front setback from Anvil.

Mr. Geeraerts was present. Mr. Geeraerts stated that he eventually plans on installing an inground pool and a fence setback in compliance with the ordinance would restrict the use of his rear yard and the activities performed there. The abutting neighbors drive is 20' away from his fence.

The Chairman opened the public hearing.

No comments from the audience.

No letters on file.

The Chairman closed the public hearing.

Motion by Wyatt
Support by Halsey

MOVED, to deny relief to erect a picket fence in the required front yard at 3669 Forge for the following reason:

1. There is a visibility hazard associated with a fence of this nature.

ayes: 5
nays: 0
absent: 0

MOTION TO DENY CARRIED

ITEM #5. Jovan Bjelobrk, 5581 Mandale, for relief of Chapter 79 of the Troy City Code.

Mr. VandenBussche explained that the petitioner is requesting a permit to locate an air conditioning condensor unit closer than 10' to a side property line. Chapter 79 does not permit air conditioning units to be located in a required side yard setback and in no case closer than 10' to a side property line. The site plan indicates the condensing unit located approximately 8' from this property line.

Mr. Bjelobrk was present. He stated that it would be more economical to operate the air conditioner if it were placed on the side of the house as there are shade trees to protect the unit. At the rear of the house is all open area.

The Chairman opened the public hearing.

Mr. Arthur Romska of 5632 John R was present. He indicated that he objected to the air conditioner unit due to the noise that it would create in the area.

Three letters of approval on file from Gerald Kanter, 2042 Jeffrey; Carmetita Joqouci, 5593 Mandale; and Roger Peters, 5632 Cliffside.

One letter of objection from Arthur Romska of 5632 John R

The Chairman closed the public hearing.

Motion by Halsey
Support by VandenBussche

MOVED, to approve the variance requested at 5581 Mandale for the following reasons:

1. No objections from immediate neighbors to the north.
2. Applicant has indicated that he will install shrubbery as a screening for both sound and visibility.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

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ITEM #6. Robert V. Foster, 1136 Nicklaus, for relief of Chapter 79 of the Troy City Code.

Mr. VandenBussche explained that the petitioner is requesting a permit to locate an air conditioning condensor unit closer than 10' to a side property line. Chapter 79 does not permit air conditioning units to be located in a required side yard setback and in no case closer than 10' to a side property line. The site plan indicates the condensing unit located approximately 7' from this property line.

Mr. Robert Foster was present. He stated that he has changed the location of the condensing unit and brought it forward in front of his chimney. This new location takes the unit out of the view of the adjacent homeowner. He will provide shrubbery as a means of screening the unit from the street and the adjacent property owner.

The Chairman opened the public hearing.

No comments from the audience.

Two letters of approval on file from Charles W. Harkness of 1150 Nicklaus (dated 5-14-78), Warren Prout of 1164 Nicklaus.

One letter of objection on file from Charles W. Harkness of 1150 Nicklaus (dated 6-6-78)

The Chairman closed the public hearing.

Motion by Halsey
Support by VandenBussche

MOVED, to approve relief of Chapter 79 to allow an air conditioning condensor unit in the required side yard at 1136 Nicklaus for the following reasons:

1. It appears that the proposed location in front of the chimney is the best location for all concerned.
2. The applicant has indicated that he will provide shrubbery for visible and sound screening from both the street and the adjacent property.

ayes: 4
nays: 1 - Spurr
absent: 0

Reason for no vote:

Spurr: Because the neighbor did object and there was no hardship demonstrated.

MOTION TO APPROVE CARRIED.

ITEM #7. Sidney Krandall and Sons, 755 West Big Beaver, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting a permit to install two signs on the canopy in front of their tenant space in the Big Beaver Tower Building. The plan indicates the signs will each be 20 square feet with one located on each side of the canopy. Chapter 85 permits only one sign not to exceed 20 square feet designating a service in an office building and requires that this sign be located on the face of the tenant area they occupy. The petitioner appeared before the board previously at which time the board granted two signs for this canopy not to exceed 12 square feet each. The petitioner indicated that when he made the previous appeal he was unaware of the exact size he would need for proper exposure. He did not realize that the 12 square foot sign would not be large enough to distinguish the name of his establishment.

Mr. Hugh Krandall was present. He did not feel that these two signs appear as two signs. If they only had a sign on one side of their canopy, people entering the parking lot from the other direction would not be able to identify the location of their tenant area. A smaller sign would be visible but not readable.

Motion by Halsey
Support by Spurr

MOVED, to approve relief at 755 West Big Beaver for two 20 square foot signs to be located on their canopy for the following reasons:

1. No objections on file.
2. The size of the signs are compatible with the prestige of the building to which they are attached.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

GENERAL

ITEM #8. Sidney Krandall and Sons, 755 West Big Beaver, for relief of Article 6 of the BOCA Code.

Mr. VandenBussche explained that the petitioner is requesting to install double key locks at all entrance doors into their tenant space. Article 6 of the BOCA Code does not permit double key locks on any egress door regardless of use.

Mr. Hugh Krandall was present. He indicated that they need this type of protection for crime prevention. These locks would not be locked except for when everyone was leaving the building. If someone were to remain in the building, their alarm system is such that it would detect anyone in the building and the owner would then check to see who was there prior to securing the building for the night.

Motion by VandenBussche
Support by Spurr

MOVED, to approve the request of the petitioner based on the sophisticated alarm system they have in case anyone were trapped in the tenant space and recommendation from the insurance company. The security aspects regarding a double key lock for this type shows it would be an exception to this type rule. This relief is to remain in effect as long as the glazing in the doors remain safety glass and should not be bullet proof.

ayes: 5
nays: 0
absent: 0

MOTION TO APPROVE CARRIED

ITEM #9. Jack Friedman, (Ford Tractor Plant), 2500 West Maple Road, for relief of the BOCA Code, Article 6.

Mr. VandenBussche explained that this item was tabled at our last weeks meeting in order to allow the petitioner to be present and to present his plans. They do not have egress from the second level that conforms with the code which means that any level above must be protected. The plans show that they have exiting from the second level that just exits onto the level below where exits should go directly outside and be protected. The second level can not be considered a mezzanine removing it from these requirements as it must have complete visibility to the level below. There is too much office area that can not be seen into from the second level area. The additional above ground tanks of flammable liquid are not permitted. They may have some existing above ground tanks. However, the code only affects the new tank installations.

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Mr. Jack Friedman, architect and Mr. Jerry Kowalski of Ford Motor Company were present. Mr. Friedman indicated that they have three 12,000 gallon tanks that will contain diesel fuel. He stated that they have other tanks on the site that are above ground and if these new tanks are installed below ground they will rot out very fast.

Motion by Halsey
Support by Spurr

MOVED, to deny the request for above ground storage tanks for the following reason:

1. There was no hardship shown in meeting the requirements of the ordinance.

ayes: 4
nays: 0
absent: 0
abstain: 1 - Scheff

MOTION TO DENY CARRIED

Mr. Friedman stated that the second level contains 3,456 square feet. There is a mens' locker room located in this area containing 90 lockers that are used for the purposes of shop jackets, etc. utilized by three shifts. He indicated that the storage area is more of a corridor and felt that the storage area and the stairway could be opened up.

Motion by VandenBussche
Support by Halsey

MOVED, that the wall along the line from 2A5 to D2 be open for people to be able to know what is occurring on the level below through sight, smell, hearing, etc., then it would be accepted as a mezzanine type level.

ayes: 4
nays: 0
absent: 0
abstain: 1 - Scheff

MOTION TO ACCEPT THIS SECOND LEVEL AS A MEZZANINE CARRIED

ADJOURNMENT

Motion by Halsey
Support by Wyatt

MOVED, to adjourn the Building Code Board of Appeals meeting at 3:45 p.m.

ayes: 5
nays: 0
absent: 0

MOTION TO ADJOURN CARRIED

GV/bd

