

The meeting of the Building Code Board of Appeals was held Thursday, January 9, 1975 at the Troy City Offices. The meeting was called to order by Eugene Scheff, Chairman, at 1:30 P.M.

PRESENT: Eugene Scheff
Chairman

Gerald VandenBussche
James Halsey
Donald Spurr

ABSENT: Mike Kohut

ITEM #1. Approval of minutes, November 21, 1974

Motion by Halsey
Support by Spurr

MOVED, that the minutes of November 21, 1974 be approved as written.

yeas: All - 4
nays: none
absent: 1

ITEM #2. Variance Requested, St. Anastasia Parish/Rev. Wm. B. Davidson, 2440 E. Big Beaver Rd., for relief of the 1971 National Electrical Code, Article 700-7.

Mr. VandenBussche explained that the petitioner is requesting to provide emergency lighting for a place of assembly (church) by tapping ahead of the main electrical service. Article 700-7 requires that the power for emergency lighting be from an independent source, normally a battery or generator. This requirement for emergency illumination for means of egress is also indicated in the BOCA Code, Section 626.4.

Mr. Giachino, representing St. Anastasia Parish, was present and stated that because of the anticipated infrequent use of the facility during the evening hours, the cost of providing an independent source of power for emergency lighting would be prohibitive. He also stated at the time the building was designed the engineer did not feel that this provision of the code would apply to a church, and it would be a hardship at this time, since the building has progressed to the point where the electrical system has already been installed, to provide this independent source of power.

Motion by Spurr
Support by Halsey

MOVED, that the variance requested at 2440 E. Big Beaver Rd., for relief of the 1971 National Electrical Code, Article 700-7, be denied for the following reasons:

1. This requirement was noted on the plans by the Building Department at the time the building permit was issued.
2. There are systems available that are reasonable that will not cause a major redesigning of the electrical system.

yeas: 3
nays: 0
absent: 1
abstained: Scheff

PUBLIC HEARINGS

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ITEM #3. Variance Requested, Cummings & Co./Bob Borst Lincoln-Mercury, 1950 West Maple Road, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is proposing to erect two wall signs 3' x 7' on each side of their dealership building. Chapter 85 permits only one sign indicating the name of the dealership not to exceed 200 square feet. The existing signs on this site exceed the limitation of the ordinance and are considered legal nonconforming. Any additional signs would be an expansion of the nonconformity; and, therefore, this board would have to rule on the request.

Ms. Sandra Schmitt and Mr. Jim Harrison were present and stated that not all Lincoln-Mercury Dealerships sell the Capri line and identification is essential. They also stated that the two signs on both sides of the building will give exposure to traffic traveling both ways on Maple Road, and that the signs are a standard size designed by the Ford Motor Co. and they will not provide signs specifically designed for a dealership.

The Chairman opened the public hearing. No one was present.

No letters on file.

Motion by Spurr

Support by VandenBussche

MOVED, that the variance requested at 1950 West Maple Road, for relief of Chapter 85, be denied for the following reasons:

1. This site already had legal nonconforming signs in regards to number and square footage.
2. Adequate exposure for this product can be obtained within the limits of the sign ordinance.

yeas: 3
nays: 1 (Halsey)
absent: 1

ITEM #4. Variance Requested, William H. Gregory, 88 Arthur, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting to construct a 4' wire fence in the required front yard of a residential district. The application indicates an existing fence encroaching this yard on the east side of the property, and the proposed fence would extend from that point westerly to line up with the west edge of the house and then return to the front of the house from that point. Chapter 83 does not permit fences higher than 30" in this setback.

Mr. Gregory was present and stated that the fence is needed to restrain his dog to his yard area. He also stated that there are fences similar to this in the area, and that the fence would not impair traffic visibility.

The Chairman opened the public hearing. No one was present.

Letters of approval on file from William Decker, 28 Arthur; and Julian Decker, 79 Arthur.

Motion by Halsey

Support by VandenBussche

MOVED, that the variance requested at 88 Arthur, for relief of Chapter 83, be approved for the following reasons:

1. It will not be detrimental to the surrounding area.
2. There were no objections from the adjacent property owners most affected.
3. The fence will not impair traffic visibility.

yeas: All - 4
nays: none
absent: 1

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ITEM #5. Variance Requested, Clark Oil & Refining Corporation/Thomas Henning, 1602 Livernois, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting to relocate a ground sign at the northeast corner of Livernois and Maple. The original location and sign had a legal nonconforming status. Chapter 85 requires that signs that are relocated must conform with the ordinance. The relocation of this sign would encroach in the corner clearance triangle from both right-of-ways of Maple and Livernois. The sign has an intermittent illumination in that the lights at the perimeter of the sign flash in such a manner as to give an illusion of a circular motion. The existing site has ground signs on the entire fence at the east and south sides of the property. Chapter 85 permits only one ground sign in this district and flashing or intermittent illumination is not permitted. It is the petitioner's contention that the relocation of this sign is caused by the widening of this intersection by the city.

Mr. Henning, Mr. Reed, and Mr. Hughes representing Clark Oil, were present and stated that the relocation of the sign was brought about by the city widening Maple Road, and that they would have no objections to eliminating the intermittent illumination of the sign.

The Chairman opened the public hearing. No one was present.

One letter of approval on file from Michigan National Bank, 1613 Livernois.

Motion by Halsey
Support by Spurr

MOVED, that the variance requested at 1602 Livernois, for relief of Chapter 85, be approved for the following reasons with the stipulation that the intermittent illumination on the sign be eliminated.

1. The hardship was caused by forfeiting the right-of-way to the city for the Maple Road widening.
2. The nonconforming status would not be increased.
3. There were no objections from adjacent property owners.

yeas: All - 4
nays: none
absent: 1

ITEM #6. Variance Requested, Rossen/Neumann Associates, Architects, & Planners, 3001 W. Big Beaver, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting to install a total of four wall signs on an office building at 3001 W. Big Beaver. Chapter 85 permits only one sign for each office structure. The petitioner appeared before the board at the last regular meeting requesting an interpretation regarding whether an address as indicated on their plan should be considered a sign. The board at that time tabled this item and referred it to the City Attorney for an opinion. Subsequently, the petitioner has conceded that the address at the size indicated is a sign. He is now requesting to place an additional address on this building which is considered a second sign, and signs indicating a bank on the first floor and the principal building name on the penthouse of the structure. This would make a total of four signs. Chapter 85 permits only one sign on an office building in this district.

Mr. Neumann, representing Rossen/Neumann Associates, and three other representatives were present and stated that a permit for one address sign has already been granted approval, and they are requesting an additional address sign, a sign for First Citizens Bank, and a possible sign for a major tenant. They feel that these signs are necessary because of the size of the building and the fact that it is located at two major thoroughfares.

The Chairman opened the public hearing. No one was present. No letters on file.

Motion by Halsey
Support by VandenBussche

MOVED, that the variance requested at 3001 W. Big Beaver, for relief of Chapter 85, be approved as indicated on the plan for the following reasons, with the stipulation that the major tenant sign located on the penthouse be limited to 200 square feet.

1. The signs will provide identification for emergency vehicles.
2. The square footage of the proposed signs is far below what the ordinance actually permits.
3. There is a hardship of identification for a building of this size located by two major thoroughfares.

yeas: All - 4
nays: none
absent: 1