

The meeting of the Building Code Board of Appeals was held Thursday, August 22, 1974 at the Troy City Offices. The meeting was called to order by Eugene Scheff, Chairman, at 1:40 p.m.

PRESENT: Eugene Scheff
Chairman

Gerald VandenBussche
Lauren Ford

ABSENT: Richard Graham
Mike Kohut

ITEM #1. Approval of minutes, July 18, 1974

Motion by Ford

Support by VandenBussche

MOVED, that the minutes of July 18, 1974 be approved as written.

yeas: All - 3
nays: none
absent: 2

PUBLIC HEARINGS (Fences)

ITEM #2. Variance Requested, Ronald Bordas, 4164 Ramblewood, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is proposing to erect a 4' shadow-louvre wood fence on a corner lot that is considered to have a double frontage requirement. The fence will extend 40' into the required front setback of Middlebury. The ordinance does not permit fences higher than 30" in the front setbacks of a residential district. This item appeared before the board in June at which time it was approved for a split-rail type nonobscuring fence. Subsequently, the petitioner constructed a fence that could not be considered nonobscuring. He was then advised by the Building Department to halt construction until such time that the type of fencing he was constructing was approved or he reverted to the original type fence that was approved.

Mr. Bordas was present and stated that they had changed their minds on erecting the split-rail type fence as they are planning to install a swimming pool in the near future and that type of fence would not be satisfactory protection for the pool.

The Chairman opened the public hearing.

Mr. & Mrs. Charles May, 4090 Middlebury; and Mrs. Bubniak, 4077 Middlebury, were present and stated that they objected to the obscuring fence at that location as they felt it created a traffic hazard.

Letters of approval on file from Gail Perks, 4135 Greensboro; J. Burnett, 4066 Middlebury; Mr. & Mrs. Robert Tuomey, 4186 Ramblewood; Ann Coulter, 4099 Greensboro; Mrs. John Sleyter, 4198 Ramblewood; Mark Bean, 4142 Ramblewood; Lee Weiss, 4197 Ramblewood; Mr. Martelaere, 4176 Ramblewood; Mrs. R. Thompson, 2382 Newbedford; and Wayne Goeman, 4142 Greensboro.

Letters of objection on file from Mr. & Mrs. Olmstead, 4082 Middlebury, and George Levosinski, 4076 Middlebury.

Motion by VandenBussche
Support by Ford

MOVED, that the variance requested at 4164 Ramblewood, for relief of Chapter 83, be approved to allow a 4' shadow-louvre fence in what is considered the front setback area from Middlebury with the limitation of this encroachment to be at least 20' from the sidewalk line on Middlebury. This variance is granted for the following reasons:

1. The 20' limitation will provide for adequate protection for his rear yard area, and will not create a vision problem for motorists and pedestrians.
2. The encroachment will not be detrimental to the area.

yeas: All - 3
nays: none
absent: 2

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ITEM #3. Variance Requested, Robert L. Shick, Jr., 5893 Marble, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is proposing to construct a 4' wood picket fence in what is considered the required front setback of Pearl Drive. This is a corner lot and is considered to have a double frontage. The ordinance does not permit fences higher than 30" in this required setback.

Mr. & Mrs. Shick were present and stated that they have a large dog and would like the fence in order to keep the dog confined to their rear yard area. They also stated that this will allow them to use their rear yard more efficiently, and would prevent people from using their property for a short cut which has been destroying their lawn and shrubbery.

The Chairman opened the public hearing.

No one was present.

Letters of objection on file from Mr. Bogaerts, 2703 Pearl Drive; L. J. Krywko, 5929 Marble; Mr. Raymond, 2715 Pearl Drive; and Mr. Wuolukka, 2727 Pearl Drive.

One letter of approval on file from Mr. & Mrs. A. Fernandez, 5844 Limestone.

Motion by VandenBussche

Support by Ford

MOVED, that the variance requested at 5893 Marble, for relief of Chapter 83, be approved to allow a 4' wood picket fence in what is considered the front setback area from Pearl Drive with the limitation that it will not encroach more than 6' into the front setback area from Pearl Drive at the garage service door and from that point run parallel with the north lot line. This variance is granted for the following reasons:

1. The variance granted will provide for adequate protection for the petitioner's rear yard area.
2. The fence is needed for the petitioner's large dog.
3. It will allow the petitioner greater use of his rear yard area.

yeas: All - 3

nays: none

absent: 2

PUBLIC HEARINGS (Signs)ITEM #4. Variance Requested, Donald McColley/Nolan Brother, 1320 E. Big Beaver, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is proposing to erect a ground sign that will be 255 square feet in area and 25 feet in height. The subject site is in a M-1 use district and the ordinance does not permit signs to exceed 75 square feet and 12 feet in height. The site plan indicates the sign will be located adjacent to I-75 and relates to the availability of warehousing facilities on the site.

Mr. Nolan and Mr. McColley were present and stated that because of the unusual use of the facility in an industrial district, they are requesting a sign of this size so it will attract traffic from I-75.

The Chairman opened the public hearing.

No one was present.

Letters of objection on file from Mr. Schiller, 1295 E. Big Beaver; and Delta Model Co., 1360 E. Big Beaver.

Motion by VandenBussche

Support by Ford

MOVED, that the variance requested at 1320 E. Big Beaver, for relief of Chapter 85, be tabled until the next meeting to allow the board to study the use and design of the buildings and to allow the petitioner the benefit of a full board.

yeas: All - 3

nays: none

absent: 2

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ITEM #5. Variance Requested, Borman's Incorporated, 100 East Maple, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting relief to maintain banners and penants for a promotional campaign that will terminate October 31, 1974. The sign ordinance specifies permitted signs for shopping center complexes, and the banner or penant type sign would not be permitted in the subject complex as they already have the limitation of signs permitted.

Mr. Carpenter, representing Borman's Incorporated, was present and stated that the signs will be only temporary and will be removed by October 31, 1974 if not sooner. He also stated that the banners will be policed and maintained in good repair.

The Chairman opened the public hearing.

No one was present.

No letters on file.

Motion by Ford
Support by VandenBussche

MOVED, that the variance requested at 100 E. Maple, for relief of Chapter 85, be approved for the following reasons:

1. The signs are temporary and will be removed by October 31, 1974.
2. They will not be detrimental to the area.
3. There were no objections from adjacent property owners.

yeas: All - 3
nays: none
absent: 2

ITEM #6. Variance Requested, Borman's Incorporated, 2967 E. Big Beaver, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting relief to maintain banners and penants for a promotional campaign that will terminate October 31, 1974. The sign ordinance specifies permitted signs for shopping center complexes, and the banner or penant type sign would not be permitted in the subject complex as they already have the limitation of signs permitted.

Mr. Carpenter, representing Borman's Incorporated, was present and stated that the signs will be only temporary and will be removed by October 31, 1974. He also stated that the banners will be policed and maintained in good repair.

The Chairman opened the public hearing.

No one was present.

One letter of approval on file from Mr. John D. Dinan, owner of Golden Gate Shopping Center.

Motion by Ford
Support by VandenBussche

MOVED, that the variance requested at 2967 E. Big Beaver, for relief of Chapter 85, be approved for the following reasons:

1. The signs are temporary and will be removed by October 31, 1974.
2. They will not be detrimental to the area.
3. There were no objections from adjacent property owners.

yeas: All - 3
nays: none
absent: 2

ITEM #7. Variance Requested, Borman's Incorporated, 2880 W. Maple, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is requesting relief to maintain banners and penants for a promotional campaign that will terminate October 31, 1974. The sign ordinance specifies permitted signs for shopping center complexes, and the banner or penant type sign would not be permitted in the subject complex as they already have the limitation of signs permitted.

Mr. Carpenter, representing Borman's Incorporated, was present and stated that the signs will be only temporary and will be removed by October 31, 1974. He also stated that the banners will be policed and maintained in good repair.

The Chairman opened the public hearing.

No one was present.

No letters on file.

Motion by Ford

Support by VandenBussche

MOVED, that the variance requested at 2880 W. Maple, for relief of Chapter 85, be approved for the following reasons:

1. The signs are temporary and will be removed by October 31, 1974.
2. They will not be detrimental to the area.
3. There were no objections from adjacent property owners.

yeas: All - 3

nays: none

absent: 2

ITEM #8. Variance Requested, Media Six Incorporated, 1441 East Maple, for relief of Chapter 85.

Mr. VandenBussche explained that the petitioner is proposing to erect two signs at the First Citizens Bank located on Maple Road just west of Stephenson Highway. The proposed signs, one wall and one ground, would be in addition to an existing ground sign on the site. The proposal is to erect a ground sign 10' x 8' identical to the existing sign that will be located at the entrance on Maple Road. They also indicate a 5' x 6' x 4' wall sign to be placed on the south wall of the penthouse. The sign ordinance permits only one sign in an office district, and since a valid permit has been issued for the existing signs, the petitioner is appealing the denial of the two applications of the signs previously described.

Mr. Noonan and Mr. Kennedy were present and stated that the ground sign will be identical to the sign existing at the entrance off of Maple Road, and is needed to divide some of the traffic to their Stephenson entrance to eliminate congestion on Maple Road during peak hours. The proposed wall sign is a symbol or logo type sign that would identify the building at long range. It will also enhance the building as it will be consistent with the architecture.

The Chairman opened the public hearing.

No one was present.

Letter of approval on file from AMT Corporation, 1225 East Maple.

Letter of disapproval on file from N. Blachford, 1855 Stephenson Highway.

Motion by VandenBussche

Support by Ford

MOVED, that the variance requested at 1441 East Maple, for relief of Chapter 85, to erect a ground sign at the entrance off of Stephenson Highway be denied for the following reasons:

1. No hardship was shown.
2. Adequate identification for this entrance can be obtained and remain within the ordinance.

yeas: All - 3

nays: none

absent: 2

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MOVED, that the variance requested at 1441 East Maple, for relief of Chapter 85, to erect a wall sign be approved for the following reasons:

1. It would not be detrimental to the area as it will blend in with the architecture.
2. The symbol type sign is for decorative purposes rather than identification of the building.

yeas: 2
nays: 1 (Scheff)
absent: 2

MOTION FAILED REQUEST DENIED

ITEM #9. Variance Requested, Palmer Paint, 1291 Rochester, for relief of Article 12 of the BOCA Code, Section 1202.1.3, as amended in Chapter 79 of the Troy City Code.

Mr. VandenBussche explained that the petitioner is proposing to construct an industrial building that will contain areas that exceed 10,000 square feet and does not provide the required suppression system as indicated in Section 1202.

Mr. Beddow, representing Palmer Paint, was present and stated that much work had to be put into the building in order to bring it up to present code requirements. He also indicated that they are anxious to be protected and will have it installed within one or two years.

Motion by VandenBussche
Support by Ford

MOVED, that the variance requested at 1291 Rochester, for relief of Article 12 of the BOCA Code, Section 1202.1.3, as amended in Chapter 79 of the Troy City Code, be approved for one year with the option that this can be renewed again for one more year. This variance is granted for the following reasons:

1. The type of paint they handle does not have an oil base.
2. The petitioner has been faced with the hardship of bringing the building up to present code and utility requirements.
3. The petitioner has indicated that the suppression system will be added in the near future.

Further, this is granted with the stipulation that hose cabinets, detectors, and fire extinguishing equipment be placed according to the fire department's determination.

yeas: All - 3
nays: none
absent: 2

ITEM #10. Variance Requested, A. E. Associates, 190 W. Big Beaver, for relief of the BOCA Code, Section 415.13 and Table 16.

Mr. VandenBussche explained that the petitioner is proposing to construct a two story office building that will provide parking below the overhang of the second story. Since the garage use and office use would be combined in the structure, the BOCA Code requires these uses be separated with a fire resistant wall and ceiling of two hours. The plan shows the wall adjacent to the parking area would have windows in it, and, therefore, not comply with the fire resistant rating indicated in the code. They have provided sprinklers in the overhang at the sidewalk area adjacent to this wall.

Mr. Kluska, representing A. E. Associates, was present and stated that the wall will be a 2 hour rated wall, but by adding the windows it has reduced the rating. He also stated that they will provide sprinklers in the overhang above the sidewalk area which they hope will accomplish a sufficient substitution.

Motion by Ford
Support by VandenBussche

MOVED, that the variance requested at 190 W. Big Beaver, for relief of the BOCA Code, Section 415.13 and Table 16, be approved for the following reasons:

1. The suppression system provided would provide adequate protection of the office use.
2. There is a hardship in the design and use of the building if strict compliance of the code is adhered to.

yeas: All - 3
nays: none
absent: 2

ADJOURNED: 4:15 P.M.

