

A meeting of the Building Code Board of Appeals was held Thursday, May 3, 1973 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
Lauren Ford
Gary Hutchens
Mike Kohut

ITEM #1. Approval of minutes, April 12, 1973

Motion by Kohut
Support by Ford

MOVED, that the minutes of the Building Code Board of Appeals meeting of April 12, 1973 be approved as written.

yeas: All - 5
nays: none
absent: 0

PUBLIC HEARINGS

ITEM #2. Variance Requested, Fran Ginter, 2106 Burdic, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is requesting to install a 4' chain link fence in the required front setback of Burdic. Chapter 83 does not permit a fence higher than 30" in this setback area. If this variance were granted, the fence would be a continuation of an existing fence on the property to the east, and the encroachment would be on the east half of the front setback as designated in her diagram.

Mrs. Ginter was present and stated that she has a problem with people driving up and down her driveway and destroying her property and would like to have the fence for protection while she is at work.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Mr. & Mrs. Walter Geno, 2058 Burdic.

Motion by Hutchens
Support by Ford

MOVED, that the variance requested at 2106 Burdic, for relief of Chapter 83, be approved for the following reasons:

1. It will not be detrimental to the surrounding area.
2. The fence is needed for protection of property.
3. There were no objections from adjacent neighbors.

yeas: All - 5
nays: none
absent: 0

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ITEM #3. Variance Requested, Allstate Sign Erectors, 110 West Maple, for relief of Chapter 85.9.

Mr. VandenBussche explained that the petitioner is requesting to install a ground sign with an area of 142 square feet. Chapter 85 limits the area of ground signs to 10 percent of the front face of the building the sign refers to. The front face of the subject building is 820 square feet, thereby, limiting the size of the sign to 82.8 square feet. The proposed sign designates the Landmark Restaurant and replaces an existing sign that was nonconforming in that the square footage was 160.

Representatives of the Landmark Restaurant were present and stated that the proposed sign will be somewhat smaller and much more attractive than the existing sign which they feel will be both a benefit to the City and their establishment.

The Chairman opened the public hearing.

No comments from the audience.

One letter of approval on file from Mrs. Smith, 32 Forthton.

Motion by Kohut
Support by Scheff

MOVED, that the variance requested at 110 West Maple, for relief of Chapter 85.9, be denied for the following reasons:

1. There was no effort shown to meet the requirements of the ordinance.
2. No hardship was shown to indicate that adequate exposure could not be obtained by meeting the requirements of the ordinance.

yeas: 3
nays: 2 (Ford, Hutchens)
absent: 0

ITEM #4. Variance Requested, John Sleyter, 4198 Ramblewood, for relief of Chapter 83.

Mr. VandenBussche explained that the petitioner is proposing to erect a 4' wood fence in the required front setback of Newbedford. The zoning ordinance does not permit a fence higher than 30" in this required setback. The fence construction will be board rails consisting of four rails. The intent, as designated by the petitioner, is to be decorative and not obscuring and should not cause a hazard by hampering vision.

Mr. Sleyter was present and stated that the fence is needed to keep his small children confined to an area in his rear yard so that they do not wander into the street.

The Chairman opened the public hearing.

No comments from the audience.

Letters of disapproval on file from Mr. & Mrs. Day, 4174 Gatesford Circle and Mr. Schefman, representing the Subdivision of Mt. Vernon Restrictions Committee.

Motion by Kohut
Support by Scheff

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MOVED, that the variance requested at 4198 Ramblewood, for relief of Chapter 83, be denied for the following reasons:

1. Adequate protection for his children could be obtained from a fence that does not have to be in the front setback area.
2. The board rail-type fence proposed would have the same effect as a solid obscuring fence.

yeas: 2

nays: 3 (VandenBussche, Hutchens, Ford)

MOTION FAILED

Motion by Hutchens

Support by Ford

MOVED, that the variance requested at 4198 Ramblewood, for relief of Chapter 83, be approved for the following reasons:

1. There were no objections from immediate adjacent neighbors.
2. It will not be detrimental to the neighborhood.

yeas: 3

nays: 2 (Scheff, Kohut)

Motion by Kohut

Support by Hutchens

MOVED, that the Building Inspector be instructed to obtain legal advice from the City Attorney regarding what constitutes a legal basis for discontinuing the use of a nonconforming sign, and if needed, could it be spelled out in the sign ordinance.

yeas: 4

nays: 0

absent: 0

abstained: VandenBussche

Handwritten signature/initials

ADJOURNED: 2:45 P.M.