

**CITY OF BRIGHTON  
ZONING BOARD OF APPEALS  
AGENDA  
JUNE 10, 2010**

**Blue Sky Session – 7:15 p.m.**

Regular Session – 7:30 p.m.

1. Call to Order
2. Roll Call
3. Approval of the April 8, 2010 Meeting Minutes

**Old Business**

**New Business**

4. **Meijer, Inc (Valley City Sign Company)– 8650 W. Grand River** is proposing to install two additional wall signs at its current location. They are proposing a 118.03” x 41.78” (34 square foot) “fresh” wall sign and a 127.16” x 37.15” (33 square foot) “home” wall sign. **Section 66-94 (4) (b)** states each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 32 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 150 feet not to exceed a total of 132 square feet. A variance to allow an additional 118.03” x 41.78” (34 square foot) “fresh” wall sign and an additional 127.16” x 37.15” (33 square foot) “home” wall sign is being requested.
5. **Phil Kazangy, MD, 8680 W. Grand River** is proposing to occupy the existing building at the above address with a medical office use. The proposed use requires 35 on-site parking spaces per Section 98-85 of the Zoning Ordinance. The site has 15 existing on-site parking spaces. **Section 98-85 Parking Space Requirements** states that medical office uses require one space for each 100 square feet of GFA. A variance of 20 parking spaces is being requested.
6. Staff Updates
7. Call to the Public
8. Adjournment

**CITY OF BRIGHTON  
ZONING BOARD OF APPEALS  
MINUTES  
June 10, 2010**

**1. Call to Order**

The meeting was called to order at 7:30 pm. by Ms. McIntyre. Mr. Tortora was absent (not excused).

Patrick Rahilly  
Chad Cooper  
Russ Gottschalk  
Kelly McIntyre  
Dave Senak  
Gino Conedera  
Alex Tortora - Absent  
Amy Cyphert  
Lauri French

**3. Approval of the April 8, 2010 Meeting Minutes**

**Moved** by Cooper, seconded by Senak, to approve the April 8, 2010 minutes as presented. **The motion carried 6-0-1.**

**New Business**

**4. Meijer, Inc (Valley City Sign Company)– 8650 W. Grand River** is proposing to install two additional wall signs at its current location. They are proposing a 118.03” x 41.78” (34 square foot) “fresh” wall sign and a 127.16” x 37.15” (33 square foot) “home” wall sign. **Section 66-94 (4) (b)** states each occupant, tenant or user of space whose principal entrance is such that a public entrance is provided directly from the outside into the store shall be permitted one wall sign not exceeding 32 square feet in area at that primary entrance or within the plane of the wall where the public entrance is located. Businesses which have in excess of 50 lineal feet of building frontage on a public street, alleyway or parking area, to which there is a public or primary entrance, the wall sign area may be increased by one square foot for each one lineal foot of frontage between 50 and 150 feet not to exceed a total of 132 square feet. A variance to allow an additional 118.03” x 41.78” (34 square foot) “fresh” wall sign and an additional 127.16” x 37.15” (33 square foot) “home” wall sign is being requested.

Ms. Jean Hughes, representing Meijer, was present. She apologized to the Board for having to come back a second time for a sign variance as the above were missed the first time. She explained that the “fresh” and “home” signs are part of Meijer’s standard re-model. The signs are needed since Meijer is a large store with more than one entrance and they are useful in directing customers to the correct entrance, especially the handicapped and elderly.

The call to the public was made at 7:35 p.m. Hearing no response, the call to the public was closed.

Board Member Conedera stated that Meijer plans these store re-models in advance and should have known at the outset that the two signs were required. He is concerned that there will be future “piecemeal” sign variance requests. Board Member Gottschalk agreed.

Board Member Rahilly stated that it sounds like Meijer somehow forgot to include these signs in their prior request; he does not believe they are out to trick the City. The signs are more like entry signs. He noted this is a unique site and there would be little impact on the area around them if the variance was granted.

He also noted Meijer has been a good member of our community. He is comfortable with Meijer's request and believes the signs were missed through an oversight on Meijer's part.

Board Member Cooper was concerned that the proposed variance could also be applied to other "big box" stores like Home Depot (i.e., "Lumber" sign) and questioned where else we would allow five signs on a building.

Board Member Senak stated he agreed with Board Member Rahilly. He noted that "big box" stores are different than Meijer. From personal observation, Meijer customers use the motorized carts and the handicapped parking spaces are usually full. The two entry signs would help people determine which entrance to use so they can get to the proper area of the store. He does not think the signs would be obtrusive.

**Moved** by Rahilly, seconded by Senak, to grant the variance to allow two additional wall signs at 8650 W. Grand River as the requested signs meet all of the criteria under Section (d) for granting a sign variance. **Roll Call Vote: Cooper – No; Rahilly – Yes; Conedera – Yes; Senak – Yes; McIntyre – Yes; Gottschalk – Yes. Motion carried 5-1-1.**

**5. Phil Kazangy, MD, 8680 W. Grand River** is proposing to occupy the existing building at the above address with a medical office use. The proposed use requires 35 on-site parking spaces per Section 98-85 of the Zoning Ordinance. The site has 15 existing on-site parking spaces. **Section 98-85 Parking Space Requirements** states that medical office uses require one space for each 100 square feet of GFA. A variance of 20 parking spaces is being requested.

Dr. Phil Kazangy stated he has received conditional approval to purchase the building at 8609 W. Grand River, which is an old house that was converted to commercial use. He noted the basement has never been used for office space as the building's utilities are located in the basement and the entrance is in the middle of the building. Dr. Kazangy stated he has never had a need for more than 15 spaces in his 15 years at his current Davis Office Center location.

Mary Doa, who is the realtor for the property listing, advised that the basement cannot be utilized; it is in need of repairs due to "crumbling". Also, the upstairs cannot be used as public space without putting in an elevator. There is no space to put one in and it would be very expensive. The upstairs will only be used as Dr. Kazangy's private office.

Board Member Rahilly asked Dr. Kazangy why the building was attractive to him. Dr. Kazangy responded there were many reasons; the building is on Grand River so his practice will have exposure, he will own his own building after renting for years, and the sale of the building may help people to recoup monies lost in the Bravata scam.

Board Member Gottschalk asked Dr. Kazangy if he was sure that an elevator would not be required if he used the upstairs as his office. Dr. Kazangy said no public meetings would be held in his office and yes, he is sure no elevator is required.

Board Member Cooper asked whether Meijer had been contacted regarding some sort of shared parking arrangement on their lot. Mary Doa responded that Meijer had offered to sell Dr. Kazangy a strip of land for \$1.5 million for additional parking; she has a call into Meijer to discuss possible use of their parking lot.

The call to the public was made at 8:00 p.m. Hearing no response, the call to the public was closed.

Board Member Rahilly asked Ms. Cyphert is there are any variances on the property now and if the variance for 20 parking spaces goes with the property. Ms. Cyphert responded she does not believe there are any current variances for the property but that she was unable to find a copy of Dr. Cook's site plan. She also confirmed the variance goes with the property, with the possible exception of if the building is torn down and the usage changes which would be a question for the City Attorney.

Board Member Cooper stated that a medical office use on this property is probably better than retail and that the building site has worked with past medical offices (i.e., Dr. Cook). Board Member Senak agreed with Board Member Cooper and noted that if the Board limited use to the first floor only, the existing 15 spaces would work. He asked if the ZBA could restrict use to the main floor only as a stipulation; Board Member McIntyre indicated the Board could not because it could not be enforced. Board Member Senak noted that no more than 15 spaces would fit on the current site. Board Member McIntyre stated that restaurant use is the only other restrictive parking ordinance at 1 space per 100 square feet.

Ms. Cyphert indicated that under alternate scenarios (i.e., re-do site, tear down of building), plans would have to go through the site plan process with Planning Commission. Board Member Cooper stated the variance is consistent with provisions of Section 98-687 and also preserves a greenbelt in the City.

Board Member Conedera noted that this is not an issue with Dr. Kazangy but could be a potential issue in the future since the variance stays with the property.

**Moved** by Cooper, seconded by Gottschalk, to approve a variance of 20 parking spaces as requested due to the unique configuration of the property and that the property cannot be reasonably developed. **Roll Call Vote: Cooper – Yes; Senak – Yes; Gottschalk – Yes; McIntyre – Yes; Rahilly – No; Conedera – Yes. Motion carried 5-1-1.**

## **6. Staff Updates**

Ms. Cyphert stated she has no staff updates for this month's meeting.

Board Member Cooper advised that there is a City Council public hearing (second reading) on June 17 regarding the DBD Onsite Parking issue. Ms. Cyphert briefly reviewed the changes for the Board Members. Board Member McIntyre stated it might be time to look at the entire parking ordinance. Ms. Cyphert suggested Board Member Cooper could ask Council to direct staff to review the parking ordinance.

**Moved** by Rahilly, seconded by Conedera, to ask City Council to direct staff to review the Article III Parking Ordinance in its entirety with the initial focus on parking space requirements. **Motion carried unanimously.**

## **7. Call to the Public**

The Call to the Public was made at 8:35 p.m. Hearing no response, Call to the Public was closed.

## **8. Adjournment**

**Moved** by Cooper, seconded by Rahilly, to adjourn the meeting at 8:35 p.m. **The motion carried unanimously.**